



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART III

#### CONTROL OVER DEVELOPMENT

#### *[<sup>F1</sup>Local development orders*

#### **[<sup>F1</sup>61B Intervention by Secretary of State or National Assembly**

- (1) At any time before a local development order is adopted by a local planning authority the appropriate authority may direct that the order (or any part of it) is submitted to it for its approval.
- (2) If the appropriate authority gives a direction under subsection (1)—
  - (a) the authority must not take any step in connection with the adoption of the order until the appropriate authority gives its decision;
  - (b) the order has no effect unless it (or, if the direction relates to only part of an order, the part) has been approved by the appropriate authority.
- (3) In considering an order or part of an order submitted under subsection (1) the appropriate authority may take account of any matter which it thinks is relevant.
- (4) It is immaterial whether any such matter was taken account of by the local planning authority.
- (5) The appropriate authority—
  - (a) may approve or reject an order or part of an order submitted to it under subsection (1);
  - (b) must give reasons for its decision under paragraph (a).
- (6) If the appropriate authority thinks that a local development order is unsatisfactory—
  - (a) it may at any time before the order is adopted by the local planning authority direct them to modify it in accordance with the direction;
  - (b) if it gives such a direction it must state its reasons for doing so.

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*Status: Point in time view as at 01/10/2012. This version of this provision has been superseded.*

*Changes to legislation: Town and Country Planning Act 1990, Section 61B is up to date with all changes known to be in force on or before 06 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (7) The local planning authority—
- (a) must comply with the direction;
  - (b) must not adopt the order unless the appropriate authority gives notice that it is satisfied that they have complied with the direction.
- (8) The appropriate authority—
- (a) may at any time by order revoke a local development order if it thinks it is expedient to do so;
  - (b) must, if it revokes a local development order, state its reasons for doing so.
- (9) Subsections (3) to (6) of section 100 apply to an order under subsection (8) above as they apply to an order under subsection (1) of that section and for that purpose references to the Secretary of State must be construed as references to the appropriate authority.
- (10) The appropriate authority is—
- (a) the Secretary of State in relation to England;
  - (b) the National Assembly for Wales in relation to Wales.]

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#### **Textual Amendments**

- F1** Ss. 61A-61C and preceding cross-heading inserted (6.8.2004 for certain purposes, 10.5.2006 for E. and otherwise prosp.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **ss. 40(1), 121** (with s. 111); [S.I. 2004/2097](#), **art. 2**; S.I. 2006/ 1061, {art. 2}

**Status:**

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