



Planning and Compulsory Purchase Act 2004

2004 CHAPTER 5

PART 2

LOCAL DEVELOPMENT

Development schemes

15 Local development scheme

- (1) The local planning authority must prepare and maintain a scheme to be known as their local development scheme.
- (2) The scheme must specify—
 - ^{F1}(a)
 - ^{F2}(aa) the local development documents which are to be development plan documents;
 - (b) the subject matter and geographical area to which each [^{F3} development plan document] is to relate;
 - ^{F4}(c)
 - (d) which [^{F5} development plan documents] (if any) are to be prepared jointly with one or more other local planning authorities;
 - (e) any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee under section 29;
 - (f) the timetable for the preparation and revision of the [^{F6} development plan documents];
 - (g) such other matters as are prescribed.
- (3) The local planning authority must —
 - (a) prepare the scheme in accordance with such other requirements as are prescribed;

Status: Point in time view as at 15/11/2011.

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- (b) submit the scheme to the Secretary of State at such time as is prescribed or as the Secretary of State (in a particular case) directs;
 - (c) at that time send a copy of the scheme to the RPB [^{F7}(unless the authority are a London borough);]
 - [^{F8}(d) if the authority are a London borough, submit the scheme to the Mayor of London at such time as is prescribed or as the Mayor of London (in a particular case) directs.]
- (4) The Secretary of State [^{F9}or the Mayor of London]may direct the local planning authority to make such amendments to the scheme as he thinks appropriate.
- [^{F10}(4A) The Mayor of London—
- (a) may give a direction under subsection (4) only if the local planning authority are a London borough, and
 - (b) in considering whether to give such a direction, and which amendments to include in the direction, must have regard to any guidance issued by the Secretary of State.]
- (5) [^{F11}A direction under subsection (4)] must contain the Secretary of State's [^{F12}, or (as the case may be) the Mayor of London's,] reasons for giving it.
- (6) The local planning authority must comply with a direction given under subsection (4). [^{F13}In the case of a direction given by the Mayor of London, this subsection is subject to subsections (6A) to (6E).]
- [^{F14}(6A) If at any time the Mayor of London gives a direction under subsection (4)—
- (a) he must at that time send a copy of the direction to the Secretary of State, and
 - (b) the scheme is not to be brought into effect until such time as may be prescribed.
- (6B) The Secretary of State may, within such time as may be prescribed, direct the local planning authority—
- (a) to disregard a direction given under subsection (4) by the Mayor of London, or
 - (b) to give effect to the direction with such modifications as may be specified in the Secretary of State's direction.
- (6C) Such a direction must contain the Secretary of State's reasons for giving it.
- (6D) If at any time the Secretary of State gives a direction under subsection (6B), the Secretary of State must at that time send a copy of the direction to the Mayor of London.
- (6E) The local planning authority must comply with any direction given by the Secretary of State under subsection (6B).]
- (7) The Secretary of State may make regulations as to the following matters—
- (a) publicity about the scheme;
 - (b) making the scheme available for inspection by the public;
 - (c) requirements to be met for the purpose of bringing the scheme into effect.
- (8) The local planning authority must revise their local development scheme—
- (a) at such time as they consider appropriate;
 - (b) when directed to do so by the Secretary of State [^{F15}or the Mayor of London]. [^{F16}In the case of a direction given by the Mayor of London, paragraph (b) is subject to subsections (8B) to (8F).]

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[^{F17}(8A) The Mayor of London—

- (a) may give a direction under subsection (8) only if the local planning authority are a London borough, and
- (b) in considering whether to give such a direction, must have regard to any guidance issued by the Secretary of State.

(8B) If at any time the Mayor of London gives a direction under subsection (8)(b)—

- (a) he must at that time send a copy of the direction to the Secretary of State, and
- (b) the scheme is not to be revised until such time as may be prescribed.

(8C) The Secretary of State may, within such time as may be prescribed, direct the local planning authority to disregard a direction given under subsection (8)(b) by the Mayor of London.

(8D) Such a direction must contain the Secretary of State's reasons for giving it.

(8E) If at any time the Secretary of State gives a direction under subsection (8C), the Secretary of State must at that time send a copy of the direction to the Mayor of London.

(8F) The local planning authority must comply with any direction given by the Secretary of State under subsection (8C).]

(9) Subsections (2) to (7) apply to the revision of a scheme as they apply to the preparation of the scheme.

[^{F18}(10) Section 38(1) of the Greater London Authority Act 1999 (delegation of functions by the Mayor) does not apply to the Mayor of London's functions under this section of giving a direction.]

Textual Amendments

- F1** S. 15(2)(a) repealed (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), ss. 180(2)(a), 241(8), [Sch. 13](#) (with s. 226); [S.I. 2009/400](#), art. 3(e)(o), [Sch. Pt. 1](#)
- F2** S. 15(2)(aa) inserted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), [ss. 180\(2\)\(b\)](#), 241(8) (with s. 226); [S.I. 2009/400](#), art. 3(e)
- F3** Words in s. 15(2)(b) substituted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), [ss. 180\(2\)\(c\)](#), 241(8) (with s. 226); [S.I. 2009/400](#), art. 3(e)
- F4** S. 15(2)(c) repealed (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), ss. 180(2)(d), 241(8), [Sch. 13](#) (with s. 226); [S.I. 2009/400](#), art. 3(e)(o), [Sch. Pt. 1](#)
- F5** Words in s. 15(2)(d) substituted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), [ss. 180\(2\)\(e\)](#), 241(8) (with s. 226); [S.I. 2009/400](#), art. 3(e)
- F6** Words in s. 15(2)(f) substituted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), [ss. 180\(2\)\(e\)](#), 241(8) (with s. 226); [S.I. 2009/400](#), art. 3(e)
- F7** Words in s. 15(3)(c) substituted (23.10.2007 for specified purposes, 27.6.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), [ss. 30\(2\)](#), 59(4)(b); [S.I. 2008/1372](#), art. 2 (with art. 3)
- F8** S. 15(3)(d) inserted (23.10.2007 for specified purposes, 27.6.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), [ss. 30\(3\)](#), 59(4)(b); [S.I. 2008/1372](#), art. 2 (with art. 3)
- F9** Words in s. 15(4) inserted (23.10.2007 for specified purposes, 27.6.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), [ss. 30\(4\)](#), 59(4)(b); [S.I. 2008/1372](#), art. 2 (with art. 3)
- F10** S. 15(4A) inserted (23.10.2007 for specified purposes, 27.6.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), [ss. 30\(5\)](#), 59(4)(b); [S.I. 2008/1372](#), art. 2 (with art. 3)

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- F11** Words in s. 15(5) substituted (23.10.2007 for specified purposes, 27.6.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 30(6)(a)**, 59(4)(b); S.I. 2008/1372, art. 2 (with art. 3)
- F12** Words in s. 15(5) inserted (23.10.2007 for specified purposes, 27.6.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 30(6)(b)**, 59(4)(b); S.I. 2008/1372, art. 2 (with art. 3)
- F13** Words in s. 15(6) inserted (23.10.2007 for specified purposes, 27.6.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 30(7)**, 59(4)(b); S.I. 2008/1372, art. 2 (with art. 3)
- F14** S. 15(6A)-(6E) inserted (23.10.2007 for specified purposes, 27.6.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 30(8)**, 59(4)(b); S.I. 2008/1372, art. 2 (with art. 3)
- F15** Words in s. 15(8)(b) inserted (23.10.2007 for specified purposes, 27.6.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 30(9)(a)**, 59(4)(b); S.I. 2008/1372, art. 2 (with art. 3)
- F16** Words in s. 15(8) inserted (23.10.2007 for specified purposes, 27.6.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 30(9)(b)**, 59(4)(b); S.I. 2008/1372, art. 2 (with art. 3)
- F17** S. 15(8A)-(8F) inserted (23.10.2007 for specified purposes, 27.6.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 30(10)**, 59(4)(b); S.I. 2008/1372, art. 2 (with art. 3)
- F18** S. 15(10) inserted (23.10.2007 for specified purposes, 27.6.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 30(11)**, 59(4)(b); S.I. 2008/1372, art. 2 (with art. 3)

Modifications etc. (not altering text)

- C1** Pt. 2 modified (temp.) (28.11.2008) by [Local Government \(Structural Changes\) \(Transitional Arrangements\) \(No.2\) Regulations 2008 \(S.I. 2008/2867\)](#), regs. 1(1), **21(1)**, 23(2) (with reg. 1(2))
- C2** S. 15 applied (with modifications) (7.7.2005) by [North Northamptonshire Joint Committee Order 2005 \(S.I. 2005/1552\)](#), arts. 1(2), **4(2)**
- C3** S. 15 applied (with modifications) (25.7.2008) by [West Northamptonshire Joint Committee Order 2008 \(S.I. 2008/1572\)](#), arts. 1, **4(2)**
- C4** S. 15 modified (28.11.2008) by [Local Government \(Structural Changes\) \(Transitional Arrangements\) \(No.2\) Regulations 2008 \(S.I. 2008/2867\)](#), regs. 1(1), **22** (with regs. 1(2), 22(2))
- C5** S. 15 applied (with modifications) (1.7.2009) by [Cambridge City Fringes Joint Committee Order 2009 \(S.I. 2009/1254\)](#), arts. 1, **4(2)**
- C6** S. 15 applied (with modifications) (24.3.2010) by [The South Downs National Park Authority \(Establishment\) Order 2010 \(S.I. 2010/497\)](#), art. 1, **Sch. 3 para. 12**
- C7** S. 15 applied (with modifications) (5.7.2011) by [The South East Lincolnshire Joint Strategic Planning Committee Order 2011 \(S.I. 2011/1455\)](#), arts. 1, **4(2)**

Commencement Information

- I1** S. 15 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), **art. 2**
- I2** S. 15 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), **art. 2(b)**

16 Minerals and waste development scheme

- (1) A county council in respect of any part of their area for which there is a district council must prepare and maintain a scheme to be known as their minerals and waste development scheme.
- (2) Section 15 (ignoring subsections (1) and (2)(e)) applies in relation to a minerals and waste development scheme as it applies in relation to a local development scheme.
- (3) This Part applies to a minerals and waste development scheme as it applies to a local development scheme and for that purpose—

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- (a) references to a local development scheme include references to a minerals and waste development scheme;
 - (b) references to a local planning authority include references to a county council.
- (4) But subsection (3) does not apply to—
- (a) section 17(3);
 - (b) section 24(1)(b), (4) and (7);
 - (c) the references in section 24(5) to subsection (4) and the Mayor;
 - (d) sections 29 to 31.

[^{F19}(5) Also, subsection (3)(b) does not apply to section 33A(1)(a) and (b).]

Textual Amendments

F19 S. 16(5) inserted (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), **ss. 110(2)**, 240(5)(i) (with s. 144)

Commencement Information

I3 S. 16 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), **art. 2**

I4 S. 16 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), **art. 2(b)**

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