



Planning and Compulsory Purchase Act 2004

2004 CHAPTER 5

PART 2

LOCAL DEVELOPMENT

General

36 Regulations [^{F1}and standards]

- (1) The Secretary of State may by regulations make provision in connection with the exercise by any person of functions under this Part.
- (2) The regulations may in particular make provision as to—
 - (a) the procedure to be followed by the local planning authority in carrying out the appraisal under section 19;
 - (b) the procedure to be followed in the preparation of local development documents;
 - (c) requirements about the giving of notice and publicity;
 - (d) requirements about inspection by the public of a local development document or any other document;
 - (e) the nature and extent of consultation with and participation by the public in anything done under this Part;
 - (f) the making of representations about any matter to be included in a local development document;
 - (g) consideration of any such representations;
 - (h) the remuneration and allowances payable to a person appointed to carry out an independent examination under section 20;
 - (i) the determination of the time at which anything must be done for the purposes of this Part;

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- (j) the manner of publication of any draft, report or other document published under this Part;
- (k) monitoring the exercise by local planning authorities of their functions under this Part;
- (l) the making of reasonable charges for the provision of copies of documents required by or under this Part.

[^{F2}(3) The Secretary of State may from time to time publish data standards for—

- (a) local development schemes,
- (b) local development documents, or
- (c) local development documents of a particular kind.

(4) For this purpose a “data standard” is a written standard which contains technical specifications for a scheme or document or the data contained in a scheme or document.

(5) A local planning authority must comply with the data standards published under subsection (3) in preparing, publishing, maintaining or revising a scheme or document to which the standards apply.]

Textual Amendments

- F1** Words in s. 36 heading inserted (19.7.2017) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), **ss. 11(2)**, 46(1); [S.I. 2017/767](#), [reg. 2\(c\)](#)
- F2** S. 36(3)-(5) inserted (19.7.2017) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), **ss. 11(3)**, 46(1); [S.I. 2017/767](#), [reg. 2\(c\)](#)

Commencement Information

- I1** S. 36 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), **art. 2**
- I2** S. 36 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), **art. 2(b)**

37 Interpretation

(1) Local development scheme must be construed in accordance with section 15.

(2) Local development document must be construed in accordance with [^{F3}sections 17 and 18(3)].

[^{F4}(3) A development plan document is a local development document which is specified as a development plan document in the local development scheme.]

(4) Local planning authorities are—

- (a) district councils;
- (b) London borough councils;
- (c) metropolitan district councils;
- (d) county councils in relation to any area in England for which there is no district council;
- (e) the Broads Authority.

(5) A National Park authority is the local planning authority for the whole of its area and subsection (4) must be construed subject to that.

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[^{F5}(5ZA) Subsection (4) must also be construed subject to any order under section 198(2) of the Localism Act 2011 so far as providing that a Mayoral development corporation is, as regards an area, to be the local planning authority for some or all of the purposes of this Part in relation to some or all kinds of development.

(5ZB) Where such an order makes such provision, that MDC is, in relation to the kinds of development concerned, the local planning authority for the area and purposes concerned in place of any authority who, in relation to those kinds of development, would otherwise be the local planning authority for that area and those purposes.]

[^{F6}(5A) Subsection (4) must [^{F7}additionally be construed, and subsection (5ZB) must be construed,] subject to any designation order under section 13 of the Housing and Regeneration Act 2008 (power to make designation orders) providing that the Homes and Communities Agency is to be the local planning authority—

- (a) for an area specified in the order, and
- (b) for all purposes of this Part or any such purposes so specified.

(5B) Where such an order makes such provision, the Homes and Communities Agency is the local planning authority for the area and the purposes concerned in place of any authority who would otherwise be the local planning authority for that area and those purposes.]

[^{F8}(5C) Joint local development document must be construed in accordance with section 28(10).

(5D) Joint development plan document must be construed in accordance with section 28A(7).]

[^{F9}(6) Regional strategy” means a regional strategy under Part 5 of the Local Democracy, Economic Development and Construction Act 2009.

(6A) “Responsible regional authorities ” is to be construed in accordance with Part 5 of the Local Democracy, Economic Development and Construction Act 2009.]

(7) This section applies for the purposes of this Part.

Textual Amendments

- F3** Words in s. 37(2) substituted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), **ss. 180(6)(a)**, 241(8) (with s. 226); S.I. 2009/400, art. 3(e)
- F4** S. 37(3) substituted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), **ss. 180(6)(b)**, 241(8) (with s. 226); S.I. 2009/400, art. 3(e)
- F5** S. 37(5ZA)(5ZB) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), **Sch. 22 para. 56(2)**
- F6** S. 37(5A)(5B) inserted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), **Sch. 8 para. 81**; S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)
- F7** Words in s. 37(5A) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), **Sch. 22 para. 56(3)**
- F8** S. 37(5C)(5D) inserted (27.4.2017 for specified purposes, 16.1.2018 in so far as not already in force) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), **ss. 9(8)**, 46(3); S.I. 2018/38, reg. 2(b)
- F9** S. 37(6)(6A) substituted for s. 37(6) (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(5), **Sch. 5 para. 17**; S.I. 2009/3318, art. 4(gg)

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Modifications etc. (not altering text)

- C1** S. 37 applied in part (with modifications) (23.12.2016) by [The Greater Manchester Combined Authority \(Functions and Amendment\) Order 2016 \(S.I. 2016/1267\)](#), arts. 1(2), 4(5), **Sch. 1 Pt. 2**
- C2** S. 37(2) modified by [SI 2008/2867 reg. 19\(2\) \(as inserted \(E.\) \(11.3.2009\) by Local Government \(Structural Changes\) \(Further Transitional and Supplementary Provision and Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/276\)](#), regs. 1(1), **14** (with reg. 1(2))
- C3** S. 37(4) applied (temp. until 1.4.2006) (24.3.2005) by [New Forest National Park Authority \(Establishment\) Order 2005 \(S.I. 2005/421\)](#), art. 1, **Sch. 4 para. 12**
- C4** S. 37(4) continued (temp.) (24.3.2010) by [The South Downs National Park Authority \(Establishment\) Order 2010 \(S.I. 2010/497\)](#), art. 1, **Sch. 4 para. 11**
- C5** S. 37(5) excluded (temp. until 1.4.2006) (24.3.2005) by [New Forest National Park Authority \(Establishment\) Order 2005 \(S.I. 2005/421\)](#), art. 1, **Sch. 4 para. 12**
- C6** S. 37(5) excluded (24.3.2010) by [The South Downs National Park Authority \(Establishment\) Order 2010 \(S.I. 2010/497\)](#), art. 1, **Sch. 4 para. 11**

Commencement Information

- I3** S. 37 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), **art. 2(b)**

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