



# Planning and Compulsory Purchase Act 2004

## 2004 CHAPTER 5

### PART 2

#### LOCAL DEVELOPMENT

##### *Miscellaneous*

### 32 Exclusion of certain representations

- (1) This section applies to any representation or objection in respect of anything which is done or is proposed to be done in pursuance of—
- (a) an order or scheme under section 10, 14, 16, 18, 106(1) or (3) or 108(1) of the Highways Act 1980 (c. 66);
  - (b) an order or scheme under section 7, 9, 11, 13 or 20 of the Highways Act 1959 (c. 25), section 3 of the Highways (Miscellaneous Provisions) Act 1961 (c. 63) or section 1 or 10 of the Highways Act 1971 (c. 41) (which provisions were replaced by the provisions mentioned in paragraph (a));
  - (c) an order under section 1 of the New Towns Act 1981 (c. 64).
- (2) If the Secretary of State or a local planning authority thinks that a representation made in relation to a local development document is in substance a representation or objection to which this section applies he or they (as the case may be) may disregard it.

#### Commencement Information

- II** S. 32 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(b\)](#)

### 33 Urban development corporations

The Secretary of State may direct [<sup>F1</sup>that the provisions of—

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- (a) this Part, or
- (b) any particular regulations made under section 14A, do not apply] to the area of an urban development corporation.

#### Textual Amendments

**F1** Words in s. 33 substituted (12.5.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 151(2)**, 216(1)(d)

#### Modifications etc. (not altering text)

**C1** S. 33 applied (with modifications) (E.) (30.3.2006) by [London Olympic Games and Paralympic Games Act 2006 \(c. 12\)](#), **s. 5(1)(b)(2)(3)(c)40(1)(b)**

#### Commencement Information

**I2** S. 33 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), **art. 2(b)**

### [<sup>F2</sup>33A Duty to co-operate in relation to planning of sustainable development

- (1) Each person who is—
  - (a) a local planning authority,
  - (b) a county council in England that is not a local planning authority, or
  - (c) a body, or other person, that is prescribed or of a prescribed description,
 must co-operate with every other person who is within paragraph (a), (b) or (c) or subsection (9) in maximising the effectiveness with which activities within subsection (3) are undertaken.
- (2) In particular, the duty imposed on a person by subsection (1) requires the person—
  - (a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and
  - (b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).
- (3) The activities within this subsection are—
  - (a) the preparation of development plan documents,
  - (b) the preparation of other local development documents,
  - (c) the preparation of marine plans under the Marine and Coastal Access Act 2009 for the English inshore region, the English offshore region or any part of either of those regions,
  - (d) activities that can reasonably be considered to prepare the way for activities within any of paragraphs (a) to (c) that are, or could be, contemplated, and
  - (e) activities that support activities within any of paragraphs (a) to (c),
 so far as relating to a strategic matter.
- (4) For the purposes of subsection (3), each of the following is a “strategic matter”—
  - (a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and

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- (b) sustainable development or use of land in a two-tier area if the development or use—
  - (i) is a county matter, or
  - (ii) has or would have a significant impact on a county matter.
- (5) In subsection (4)—
  - “ county matter ” has the meaning given by paragraph 1 of Schedule 1 to the principal Act (ignoring sub-paragraph 1(1)(i)),
  - “ planning area ” means—
    - (a) the area of—
      - (i) a district council (including a metropolitan district council),
      - (ii) a London borough council, or
      - (iii) a county council in England for an area for which there is no district council,
  - but only so far as that area is neither in a National Park nor in the Broads,
  - (b) a National Park,
  - (c) the Broads,
  - (d) the English inshore region, or
  - (e) the English offshore region, and
  - “ two-tier area ” means an area—
    - (a) for which there is a county council and a district council, but
    - (b) which is not in a National Park.
- (6) The engagement required of a person by subsection (2)(a) includes, in particular—
  - (a) considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches to the undertaking of activities within subsection (3), and
  - (b) if the person is a local planning authority, considering whether to agree under section 28 to prepare joint local development documents.
- (7) A person subject to the duty under subsection (1) must have regard to any guidance given by the Secretary of State about how the duty is to be complied with.
- (8) A person, or description of persons, may be prescribed for the purposes of subsection (1)(c) only if the person, or persons of that description, exercise functions for the purposes of an enactment.
- (9) A person is within this subsection if the person is a body, or other person, that is prescribed or of a prescribed description.
- (10) In this section—
  - “ the English inshore region ” and “ the English offshore region ” have the same meaning as in the Marine and Coastal Access Act 2009, and
  - “ land ” includes the waters within those regions and the bed and subsoil of those waters. ]

#### Textual Amendments

**F2** S. 33A inserted (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), **ss. 110(1), 240(5)(i)** (with s. 144)

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## 34 Guidance

In the exercise of any function conferred under or by virtue of this Part the local planning authority must have regard to any guidance issued by the Secretary of State.

### Commencement Information

**I3** S. 34 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(b\)](#)

## 35 [F<sup>3</sup>Authorities] monitoring [F<sup>3</sup> reports ]

<sup>F4</sup>(1) .....

(2) [F<sup>5</sup> Every local planning authority must prepare reports containing ] such information as is prescribed as to—

- (a) the implementation of the local development scheme;
- (b) the extent to which the policies set out in the local development documents are being achieved.

(3) [F<sup>6</sup>A report under subsection (2) must—

- (a) be in respect of a period—
  - (i) which the authority considers appropriate in the interests of transparency,
  - (ii) which begins with the end of the period covered by the authority's most recent report under subsection (2), and
  - (iii) which is not longer than 12 months or such shorter period as is prescribed;]
- (c) be in such form as is prescribed;
- (d) contain such other matter as is prescribed.

[F<sup>7</sup>(3A) Subsection (3B) applies if a London borough council or a Mayoral development corporation have determined in accordance with section 19(1D) that—

- (a) policies to address the strategic priorities for the development and use of land in their area are set out in the spatial development strategy, and
- (b) accordingly, such policies will not to that extent be set out in their development plan documents.

(3B) Each report by the council or corporation under subsection (2) must—

- (a) indicate that such policies are set out in the spatial development strategy, and
- (b) specify where in the strategy those policies are set out.

(3C) If a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 has the function of preparing the spatial development strategy for the authority's area, subsections (3A) and (3B) also apply in relation to—

- (a) a local planning authority whose area is within, or the same as, the area of the combined authority, and
- (b) the spatial development strategy published by the combined authority.]

[F<sup>8</sup>(4) The authority must make the authority's reports under this section available to the public.]

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### Textual Amendments

- F3** Words in s. 35 heading substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 113(6)**, 240(1)(h) (with s. 144)
- F4** S. 35(1) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 113(2)**, 240(1)(h), **Sch. 25 Pt. 17** (with s. 144)
- F5** Words in s. 35(2) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 113(3)**, 240(1)(h) (with s. 144)
- F6** Words in s. 35(3) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 113(4)**, 240(1)(h) (with s. 144)
- F7** S. 35(3A)-(3C) inserted (16.1.2018) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), **ss. 8(3)**, 46(1); S.I. 2018/38, **reg. 2(a)**
- F8** S. 35(4) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 113(5)**, 240(1)(h) (with s. 144)

### Commencement Information

- I4** S. 35 in force at 6.8.2004 for specified purposes by S.I. 2004/2097, **art. 2**
- I5** S. 35 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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