



# Planning and Compulsory Purchase Act 2004

## 2004 CHAPTER 5

### PART 6

#### WALES

#### *Plans*

#### **62 Local development plan**

- (1) The local planning authority must prepare a plan for their area to be known as a local development plan.
- (2) The plan must set out—
  - (a) the authority's objectives in relation to the development and use of land in their area;
  - (b) their general policies for the implementation of those objectives.
- (3) The plan may also set out specific policies in relation to any part of the area of the authority.

[<sup>F1</sup>(3A) The plan must be in general conformity with—

- (a) the National Development Framework for Wales, and
- (b) the strategic development plan for any strategic planning area that includes all or part of the area of the authority.]

[<sup>F2</sup>(3B) The plan must specify the period for which it is to have effect.]

- (4) Regulations under this section may [<sup>F3</sup>—
  - (a) make provision about the period that may be specified under subsection (3B);
  - (b)] prescribe the form and content of the plan.
- (5) In preparing a local development plan the authority must have regard to—

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- (a) current national policies;
  - (b) [<sup>F4</sup>the National Development Framework for Wales;
  - (ba) the strategic development plan for any strategic planning area that—
    - (i) includes all or part of the area of the authority, or
    - (ii) adjoins that area;]
  - (c) the RSS for any region which adjoins the area of the authority;
  - [<sup>F5</sup>(d) any relevant community strategy;
  - ( e )]
  - (f) the resources likely to be available for implementing the plan;
  - (g) such other matters as the Assembly prescribes.
- (6) The authority must also—
- (a) carry out an appraisal of the sustainability of the plan;
  - (b) prepare a report of the findings of the appraisal.
- [<sup>F6</sup>(6A) The appraisal must include an assessment of the likely effects of the plan on the use of the Welsh language in the area of the authority.]
- [<sup>F7</sup>(7) A community strategy is relevant if—
- (a) in the case of an authority which is a county council or county borough council, it has been published by the authority under section 39 of the Local Government (Wales) Measure 2009 or, if the strategy has been amended, it is the strategy most recently published under section 41 of that Measure;
  - (b) in the case of an authority which is a National Park authority—
    - (i) its production involved the authority as a community planning partner within the meaning of section 38 of that Measure; and
    - (ii) it has been published under section 39 of that Measure or, if the strategy has been amended, it is the strategy most recently published under section 41 of that Measure.
  - (ba) the strategic development plan for any strategic planning area that—
    - (i) includes all or part of the area of the authority, or
    - (ii) adjoins that area;]
  - [<sup>F8</sup>(c) in the case of an authority which is a joint planning board, the public services board for an area that includes any part of that authority's united district.]
- (8) A plan is a local development plan only in so far as it—
- (a) is adopted by resolution of the local planning authority as a local development plan;
  - (b) is approved by the Assembly under section 65 or 71.
- [<sup>F9</sup>(9) A plan ceases to be a local development plan on the expiry of the period specified under subsection (3B).]

#### Textual Amendments

- F1** S. 62(3A) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\), ss. 7\(1\), 58\(2\)\(b\)\(4\)\(b\)](#)
- F2** S. 62(3B) inserted (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\), ss. 12\(2\), 58\(2\)\(b\)\(4\)\(b\)](#); S.I. 2015/1987, art. 3(b)
- F3** Words in s. 62(4) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\), ss. 12\(3\), 58\(2\)\(b\)\(4\)\(b\)](#)

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- F4** S. 62(5)(b)(ba) substituted for s. 62(5)(b) (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 2 para. 25**
- F5** S. 62(5)(d) substituted for s. 62(5)(d)(e) (1.1.2010) by [Local Government \(Wales\) Measure 2009 \(nawm 2\)](#), s. 53(2), **Sch. 2 para. 5** (with [Sch. 3 paras. 3-9](#)); S.I. 2009/3272, art. 2, Sch. 1
- F6** S. 62(6A) inserted (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 11(3)**, 58(2)(b)(4)(b); S.I. 2015/1987, art. 3(a) (with art. 6)
- F7** S. 62(7) substituted (1.1.2010) by [Local Government \(Wales\) Measure 2009 \(nawm 2\)](#), s. 53(2), **Sch. 2 para. 6** (with [Sch. 3 paras. 3-9](#)); S.I. 2009/3272, art. 2, Sch. 1
- F8** S. 62(7)(c) inserted (6.9.2015 for specified purposes, 1.4.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 15(3)**, 58(2)(b)(4)(b); S.I. 2015/1987, art. 5(b)
- F9** S. 62(9) inserted (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 12(4)**, 58(2)(b)(4)(b); S.I. 2015/1987, art. 3(b)

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

- C1** S. 62(2)(b) modified (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), regs. 1(2), **39(1)(b)** (with reg. 125)

#### Commencement Information

- I1** S. 62(1)-(3)(5)(a)-(f)(6)-(8) in force at 30.4.2005 by [S.I. 2005/1229](#), **art. 2(a)** (with [art. 4](#), [Sch.](#)) (which transitional provisions in art. 4 are revoked (15.10.2005) by [S.I. 2005/2722](#), art. 4)
- I2** S. 62(4)(5)(g) in force at 1.8.2004 by [S.I. 2004/1813](#), **art. 2(a)**

## 63 Preparation requirements

- (1) A local development plan must be prepared in accordance with—
  - (a) the local planning authority’s community involvement scheme;
  - (b) the timetable for the preparation and adoption of the authority’s local development plan.
- (2) The authority’s community involvement scheme is a statement of the authority’s policy as to the involvement in the exercise of the authority’s functions under this Part of the persons to which subsection (3) applies.
- (3) The persons mentioned in subsection (2)—
  - (a) must include such persons as the Assembly prescribes;
  - (b) may include such other persons as appear to the authority to have an interest in matters relating to development in the area of the authority.
- (4) The authority and the Assembly must attempt to agree the terms of the documents mentioned in paragraphs (a) and (b) of subsection (1).
- (5) But to the extent that the Assembly and the authority cannot agree the terms the Assembly may direct that the documents must be in the terms specified in the direction.
- (6) The authority must comply with the direction.
- (7) The Assembly may prescribe—
  - (a) the procedure in respect of the preparation of the documents mentioned in paragraphs (a) and (b) of subsection (1);
  - (b) the form and content of the documents;
  - (c) the time at which any step in the preparation of the documents must be taken;
  - (d) publicity about the documents;

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- (e) making the documents available for inspection by the public;
- (f) circumstances in which the requirements of the documents need not be complied with.

#### Commencement Information

- I3** S. 63(1)(2)(3)(b)(4)-(6) in force at 30.4.2005 by [S.I. 2005/1229](#), **art. 2(b)** (with [art. 4](#), [Sch.](#)) (which transitional provisions in art. 4 are revoked (15.10.2005) by [S.I. 2005/2722](#), art. 4)
- I4** S. 63(3)(a)(7) in force at 1.8.2004 by [S.I. 2004/1813](#), **art. 2(b)**

## 64 Independent examination

- (1) The local planning authority must submit their local development plan to the Assembly for independent examination.
- (2) But the authority must not submit a plan unless—
  - (a) they have complied with any relevant requirements contained in regulations under this Part, and
  - (b) they think the plan is ready for independent examination.
- (3) The authority must also send to the Assembly (in addition to the local development plan) such other documents (or copies of documents) and such information as is prescribed.
- (4) The examination must be carried out by a person appointed by the Assembly.
- (5) The purpose of the independent examination is to determine in respect of a local development plan—
  - (a) whether it satisfies the requirements of sections 62 and 63 and of regulations under section 77;
  - (b) whether it is sound.
- (6) Any person who makes representations seeking to change a local development plan must (if he so requests) be given the opportunity to appear before and be heard by the person carrying out the examination.
- (7) The person appointed to carry out the examination must—
  - (a) make recommendations;
  - (b) give reasons for the recommendations.
- (8) The local planning authority must publish the recommendations and the reasons.

#### Commencement Information

- I5** S. 64 in force at 5.10.2005 for specified purposes and 15.10.2005 in so far as not already in force by [S.I. 2005/2722](#), **art. 2(b)**

## 65 Intervention by Assembly

- (1) If the Assembly thinks that a local development plan is unsatisfactory—
  - (a) it may at any time before the plan is adopted by the local planning authority direct them to modify the plan in accordance with the direction;

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- (b) if it gives such a direction it must state its reasons for doing so.
- (2) The authority—
  - (a) must comply with the direction;
  - (b) must not adopt the plan unless the Assembly gives notice that it is satisfied that they have complied with the direction.
- (3) But subsection (2) does not apply if the Assembly withdraws the direction.
- (4) At any time before a local development plan is adopted by a local planning authority the Assembly may direct that the plan is submitted to it for its approval.
- (5) The following paragraphs apply if the Assembly gives a direction under subsection (4)
  - (a) the authority must not take any step in connection with the adoption of the plan until the Assembly gives its decision;
  - (b) if the direction is given before the authority have submitted the plan under section 64(1) the Assembly must hold an independent examination and section 64(4) to (7) applies accordingly;
  - (c) if the direction is given after the authority have submitted the plan the person appointed to carry out the examination must make his recommendations to the Assembly;
  - (d) the plan has no effect unless it has been approved by the Assembly.
- (6) The Assembly must publish the recommendations made to it by virtue of subsection (5)(b) or (c) and the reasons of the person making the recommendations.
- (7) In considering a plan submitted under subsection (4) the Assembly may take account of any matter which it thinks is relevant.
- (8) It is immaterial whether any such matter was taken account of by the authority.
- (9) The Assembly—
  - (a) may approve, approve subject to specified modifications or reject a plan submitted to it under subsection (4);
  - (b) must give reasons for its decision under paragraph (a).
- (10) In the exercise of any function under this section the Assembly must have regard to the documents mentioned in paragraphs (a) and (b) of section 63(1).

#### **Commencement Information**

**16** S. 65 in force at 5.10.2005 for specified purposes and 15.10.2005 in so far as not already in force by [S.I. 2005/2722, art. 2\(c\)](#)

## **66 Withdrawal of local development plan**

- [<sup>F10</sup>(1) The Welsh Ministers may, at any time before a local development plan is adopted under section 67, direct the local planning authority to withdraw the plan.
- (2) If the Welsh Ministers give a direction under subsection (1), they must state their reasons for doing so.
- (3) The authority must withdraw the plan in accordance with the direction.]

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#### Textual Amendments

**F10** Ss. 66, 66A substituted for s. 66 (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 13, 58\(2\)\(b\)\(4\)\(b\)](#); [S.I. 2015/1987](#), [art. 3\(c\)](#)

#### Commencement Information

**I7** S. 66 in force at 5.10.2005 for specified purposes and 15.10.2005 in so far as not already in force by [S.I. 2005/2722](#), [art. 2\(d\)](#)

### [<sup>F10</sup>66A Withdrawal of local development plan in absence of direction

- (1) This section applies where a local planning authority are not required to withdraw their local development plan under section 66.
- (2) Subject to the provisions of this section, the authority may withdraw the plan at any time before adopting it under section 67.
- (3) A local planning authority may not withdraw their local development plan when the Welsh Ministers have—
  - (a) directed the authority to submit the plan for approval under section 65(4), or
  - (b) taken any step under section 71 in connection with the plan.
- (4) A local planning authority may withdraw a local development plan that has been submitted for independent examination under section 64 only if—
  - (a) the person carrying out the independent examination recommends that the plan is withdrawn, and
  - (b) the recommendation is not overruled by a direction given by the Welsh Ministers.
- (5) A local planning authority may withdraw a local development plan to which subsection (6) applies only if—
  - (a) the authority have given notice to the Welsh Ministers of their intention to withdraw the plan, and
  - (b) the notice period has expired.
- (6) This subsection applies to a local development plan if the local planning authority—
  - (a) have not yet submitted the plan for independent examination under section 64, but
  - (b) have taken steps in connection with the preparation of the plan that are specified in regulations made by the Welsh Ministers.
- (7) Where a local planning authority have given notice under subsection (5)(a), the Welsh Ministers may, by direction to the authority, do either or both of the following—
  - (a) require the authority to provide further information;
  - (b) extend the notice period.
- (8) The Welsh Ministers may by regulations make provision about the giving of notices and directions under this section (including provision about their form and content and how they are to be given).

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- (9) Subject to any direction given under subsection (7)(b) in a particular case, the “notice period” means whatever period, beginning with the giving of notice under subsection (5)(a), is specified in regulations made by the Welsh Ministers].

#### Textual Amendments

- F10** Ss. 66, 66A substituted for s. 66 (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 13, 58(2)(b)(4)(b)**; [S.I. 2015/1987](#), art. 3(c)

### 67 Adoption of local development plan

- (1) The local planning authority may adopt a local development plan as originally prepared if the person appointed to carry out the independent examination of the plan recommends that the plan as originally prepared is adopted.
- (2) The authority may adopt a local development plan with modifications if the person appointed to carry out the independent examination of the plan recommends the modifications.
- (3) A plan is adopted for the purposes of this section if it is adopted by resolution of the authority.
- (4) But the authority must not adopt a local development plan if the Assembly directs them not to do so.

#### Commencement Information

- I8** S. 67 in force at 5.10.2005 for specified purposes and 15.10.2005 in so far as not already in force by [S.I. 2005/2722](#), **art. 2(e)**

### 68 Revocation of local development plan

The Assembly may at any time revoke a local development plan at the request of the local planning authority.

#### Commencement Information

- I9** S. 68 in force at 5.10.2005 for specified purposes and 15.10.2005 in so far as not already in force by [S.I. 2005/2722](#), **art. 2(f)**

### [<sup>F11</sup> 68A Duty to consider whether to review local development plan

- (1) Following the publication of the National Development Framework for Wales or a revised Framework, a local planning authority must consider whether to carry out a review of their local development plan.
- (2) Following the adoption or approval of a strategic development plan or revised strategic development plan for a strategic planning area, a local planning authority for an area all or part of which is included in the strategic planning area must consider whether to carry out a review of their local development plan.]

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#### Textual Amendments

**F11** S. 68A inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 8(1)**, **58(2)(b)(4)(b)**

### 69 Review of local development plan

- (1) A local planning authority must carry out a review of their local development plan [<sup>F12</sup>at such times as the Assembly prescribes][<sup>F12</sup>—].
  - (a) if, after consideration under section 68A, they think that the plan should be reviewed, and
  - (b) at such other times as the Welsh Ministers prescribe]
- (2) The authority must report to the Assembly on the findings of their review.
- (3) A review must—
  - (a) be in such form as is prescribed;
  - (b) be published in accordance with such requirements as are prescribed.

#### Textual Amendments

**F12** S. 69(1)(a)(b) substituted for words in s. 69(1) (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 8(2)**, **58(2)(b)(4)(b)**

#### Commencement Information

**I10** S. 69 in force at 5.10.2005 for specified purposes and 15.10.2005 in so far as not already in force by [S.I. 2005/2722](#), **art. 2(g)**

### 70 Revision of local development plan

- (1) The local planning authority may at any time prepare a revision of a local development plan.
- (2) The authority must prepare a revision of a local development plan—
  - (a) if the Assembly directs them to do so;
  - (b) if, following a review under section 69, they think that the plan should be revised.
- (3) This Part applies to the revision of a local development plan as it applies to the preparation of the plan.

#### Commencement Information

**I11** S. 70 in force at 5.10.2005 for specified purposes and 15.10.2005 in so far as not already in force by [S.I. 2005/2722](#), **art. 2(h)**

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## 71 Assembly's default power

- (1) This section applies if the Assembly thinks that a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a local development plan.
- (2) The Assembly must hold an independent examination and section 64(4) to (7) applies accordingly.
- (3) The Assembly must publish the recommendations and reasons of the person appointed to hold the examination.
- (4) The Assembly may—
  - (a) prepare or revise (as the case may be) the plan, and
  - (b) approve the plan as a local development plan.
- (5) The Assembly must give reasons for anything it does in pursuance of subsection (4).
- (6) The authority must reimburse the Assembly for any expenditure it incurs in connection with anything—
  - (a) which is done by it under subsection (4), and
  - (b) which the authority failed or omitted to do as mentioned in subsection (1).

### Commencement Information

- I12** S. 71 in force at 5.10.2005 for specified purposes and 15.10.2005 in so far as not already in force by [S.I. 2005/2722, art. 2\(i\)](#)

## 72 Joint local development plans

- [<sup>F13</sup>(A1) The Welsh Ministers may direct two or more local planning authorities to prepare a joint local development plan.
- (A2) But a direction under subsection (A1) may not be given to a National Park authority.]
- (1) Two or more local planning authorities may [<sup>F14</sup>, in the absence of a direction to any of them under subsection (A1),] agree to prepare a joint local development plan.
- [<sup>F15</sup>(1A) If the Welsh Ministers give a direction under subsection (A1), they must state their reasons for doing so.
- (1B) The authorities to which a direction is given must, subject to any withdrawal or variation of the direction, act jointly in exercising their functions under this Part relating to local development plans.]
- (2) This Part applies for the purposes of the preparation, revision, adoption, withdrawal and revocation of a joint local development plan as it applies for the purposes of the preparation, revision, adoption, withdrawal and revocation of a local development plan.
  - (3) For the purposes of subsection (2) anything which must be done by or in relation to a local planning authority in connection with a local development plan must be done by or in relation to each of the authorities mentioned in subsection [<sup>F16</sup>(A1) or] (1) in connection with a joint local development plan.

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- (4) Subsections (5) to (7) apply if <sup>F17</sup>—
- (a) the Welsh Ministers withdraw a direction under subsection (A1) or vary such a direction so that it ceases to apply to a local planning authority, or
  - (b) a local planning authority withdraw from an agreement mentioned in subsection (1).
- (5) Any step taken in relation to the plan must be treated as a step taken by—
- (a) an authority <sup>F18</sup>to which the direction was given or] which was a party to the agreement for the purposes of any corresponding plan prepared by them;
  - (b) two or more other authorities <sup>F19</sup>who] <sup>F19</sup>to which the direction was given or which] were parties to the agreement for the purposes of any corresponding joint local development plan.
- (6) Any independent examination of a local development plan to which the <sup>F20</sup>direction or] agreement relates must be suspended.
- (7) If before the end of the period prescribed for the purposes of this subsection an authority <sup>F21</sup>to which the direction was given or] which was a party to the agreement requests the Assembly to do so it may direct that—
- (a) the examination is resumed in relation to the corresponding plan;
  - (b) any step taken for the purposes of the suspended examination has effect for the purposes of the resumed examination.
- <sup>F22</sup>(7A) The Welsh Ministers may by regulations—
- (a) specify circumstances in which subsections (5) and (7) are not to apply in relation to an authority;
  - (b) make provision as to what is a corresponding plan or corresponding joint local development plan.]
- (8) A joint local development plan is a local development plan prepared jointly by two or more local planning authorities.

#### Textual Amendments

- F13** S. 72(A1)(A2) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 14\(2\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)
- F14** Words in s. 72(1) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 14\(3\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)
- F15** S. 72(1A)(1B) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 14\(4\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)
- F16** Words in s. 72(3) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 14\(5\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)
- F17** Words in s. 72(4) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 14\(6\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)
- F18** Words in s. 72(5)(a) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 14\(7\)\(a\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)
- F19** Words in s. 72(5)(b) substituted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 14\(7\)\(b\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)
- F20** Words in s. 72(6) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 14\(8\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)
- F21** Words in s. 72(7) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 14\(9\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)

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**F22** S. 72(7A) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 14(10), 58(2)(b)(4)(b)**

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**Commencement Information**

**I13** S. 72 in force at 30.4.2005 by [S.I. 2005/1229](#), **art. 2(c)** (with [art. 4, Sch.](#)) (which transitional provisions in [art. 4](#) are revoked (15.10.2005) by [S.I. 2005/2722](#), [art. 4](#))

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