

*Status: Point in time view as at 24/03/2005.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004, SCHEDULE 1 is up to date with all changes known to be in force on or before 21 June 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)*

## SCHEDULES

### SCHEDULE 1

Section 40

#### LOCAL DEVELOPMENT ORDERS: PROCEDURE

##### Commencement Information

**II** Sch. 1 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)

In the principal Act after Schedule 4 (special provision as to land use in 1948) there is inserted the following Schedule—

#### “SCHEDULE 4A

##### LOCAL DEVELOPMENT ORDERS: PROCEDURE

###### *Preparation*

- 1 (1) A local development order must be prepared in accordance with such procedure as is prescribed by a development order.
- (2) A development order may include provision as to—
  - (a) the preparation, submission, approval, adoption, revision, revocation and withdrawal of a local development order;
  - (b) notice, publicity, and inspection by the public;
  - (c) consultation with and consideration of views of such persons and for such purposes as are prescribed;
  - (d) the making and consideration of representations.
- (3) Regulations under this paragraph may include provision as to the matters relating to a local development order to be included in the report to be made by a local planning authority under section 35 or 76 of the Planning and Compulsory Purchase Act 2004.

###### *Revision*

- 2 (1) The local planning authority may at any time prepare a revision of a local development order.
- (2) An authority in England must prepare a revision of a local development order—
  - (a) if the Secretary of State directs them to do so, and
  - (b) in accordance with such timetable as he directs.
- (3) An authority in Wales must prepare a revision of a local development order—
  - (a) if the National Assembly for Wales directs them to do so, and
  - (b) in accordance with such timetable as it directs.

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- (4) If a development plan document mentioned in section 61A(1) is revised under section 26 of the Planning and Compulsory Purchase Act 2004 (revision of local planning documents) or revoked under section 25 of that Act (revocation by Secretary of State) a local development order made to implement the policies in the document must be revised accordingly.
- (5) If a local development plan mentioned in section 61A(1) is revised under section 70 of the Planning and Compulsory Purchase Act 2004 (revision of local development plan) or revoked under section 68 of that Act (revocation by National Assembly for Wales) a local development order made to implement the policies in the plan must be revised accordingly.
- (6) This Schedule applies to the revision of a local development order as it applies to the preparation of the order.

*Order to be adopted*

- 3 A local development order is of no effect unless it is adopted by resolution of the local planning authority.

*Annual report*

- 4 (1) The report made under section 35 of the Planning and Compulsory Purchase Act 2004 must include a report as to the extent to which the local development order is achieving its purposes.
- (2) The Secretary of State may prescribe the form and content of the report as it relates to the local development order.

*Annual report*

- 5 (1) The report made under section 76 of the Planning and Compulsory Purchase Act 2004 must include a report as to the extent to which the local development order is achieving its purposes.
- (2) The National Assembly for Wales may prescribe the form and content of the report as it relates to the local development order.”

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