



Planning and Compulsory Purchase Act 2004

2004 CHAPTER 5

PART 4

DEVELOPMENT CONTROL

Local development orders

40 Local development orders

- (1) In the principal Act after section 61 (supplementary provision about development orders) there are inserted the following sections—

“Local development orders

61A Local development orders

- (1) A local planning authority may by order (a local development order) make provision to implement policies—
- in one or more development plan documents (within the meaning of Part 2 of the Planning and Compulsory Purchase Act 2004);
 - in a local development plan (within the meaning of Part 6 of that Act).
- (2) A local development order may grant planning permission—
- for development specified in the order;
 - for development of any class so specified.
- (3) A local development order may relate to—
- all land in the area of the relevant authority;
 - any part of that land;
 - a site specified in the order.

Status: Point in time view as at 30/04/2012.

Changes to legislation: *Planning and Compulsory Purchase Act 2004, Section 40 is up to date with all changes known to be in force on or before 23 July 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)*

- (4) A local development order may make different provision for different descriptions of land.
- (5) But a development order may specify any area or class of development in respect of which a local development order must not be made.
- (6) A local planning authority may revoke a local development order at any time.
- (7) Schedule 4A makes provision in connection with local development orders.

61B Intervention by Secretary of State or National Assembly

- (1) At any time before a local development order is adopted by a local planning authority the appropriate authority may direct that the order (or any part of it) is submitted to it for its approval.
- (2) If the appropriate authority gives a direction under subsection (1)—
 - (a) the authority must not take any step in connection with the adoption of the order until the appropriate authority gives its decision;
 - (b) the order has no effect unless it (or, if the direction relates to only part of an order, the part) has been approved by the appropriate authority.
- (3) In considering an order or part of an order submitted under subsection (1) the appropriate authority may take account of any matter which it thinks is relevant.
- (4) It is immaterial whether any such matter was taken account of by the local planning authority.
- (5) The appropriate authority—
 - (a) may approve or reject an order or part of an order submitted to it under subsection (1);
 - (b) must give reasons for its decision under paragraph (a).
- (6) If the appropriate authority thinks that a local development order is unsatisfactory—
 - (a) it may at any time before the order is adopted by the local planning authority direct them to modify it in accordance with the direction;
 - (b) if it gives such a direction it must state its reasons for doing so.
- (7) The local planning authority—
 - (a) must comply with the direction;
 - (b) must not adopt the order unless the appropriate authority gives notice that it is satisfied that they have complied with the direction.
- (8) The appropriate authority—
 - (a) may at any time by order revoke a local development order if it thinks it is expedient to do so;
 - (b) must, if it revokes a local development order, state its reasons for doing so.
- (9) Subsections (3) to (6) of section 100 apply to an order under subsection (8) above as they apply to an order under subsection (1) of that section and for that

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purpose references to the Secretary of State must be construed as references to the appropriate authority.

- (10) The appropriate authority is—
- (a) the Secretary of State in relation to England;
 - (b) the National Assembly for Wales in relation to Wales.

61C Permission granted by local development order

- (1) Planning permission granted by a local development order may be granted—
- (a) unconditionally, or
 - (b) subject to such conditions or limitations as are specified in the order.
- (2) If the permission is granted for development of a specified description the order may enable the local planning authority to direct that the permission does not apply in relation to—
- (a) development in a particular area, or
 - (b) any particular development.”

- (2) In each of the following provisions of the principal Act in each place where it occurs after “development order” there is inserted “ or a local development order ”

- (a) section 56(5)(a) (definition of material development);

^{F1}(b)

^{F1}(c)

^{F1}(d)

^{F1}(e)

^{F1}(f)

^{F1}(g)

^{F1}(h)

^{F1}(i)

^{F1}(j)

^{F1}(k)

- (l) section 279(1)(a)(i) (compensation for certain decisions and orders).

- (3) Section 333 of the principal Act (regulations and orders) is amended as follows—

- (a) in subsection (4) after “55(2)(f),” there is inserted “ 61A(5) ”;
- (b) in subsection (5)(b) after “28,” there is inserted “ 61A(5) (unless it is made by the National Assembly for Wales), ”.

- (4) Schedule 1 further amends the principal Act.

Textual Amendments

F1 S. 40(2)(b)-(k) repealed (15.11.2011 for specified purposes, 6.4.2012 in force in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), ss., 240(5)(j)Sch. 12 para. 29, [Sch. 25 Pt. 18](#); S.I. 2012/628, art. 8(a)(e) (with arts. 9 12 13 16 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

Commencement Information

I1 S. 40 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)

I2 S. 40 in force at 10.5.2006 for E. so far as not already in force by [S.I. 2006/1061](#), [art. 2\(a\)](#)

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I3 S. 40 in force at 30.4.2012 for W. so far as not already in force by S.I. 2012/1100, art. 2

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