



# Planning and Compulsory Purchase Act 2004

## 2004 CHAPTER 5

PROSPECTIVE

### PART 3

#### DEVELOPMENT

##### *Development plan*

#### **38 Development plan**

- (1) A reference to the development plan in any enactment mentioned in subsection (7) must be construed in accordance with subsections (2) to (5).
- (2) For the purposes of any area in Greater London the development plan is—
  - (a) the spatial development strategy, and
  - (b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area.
- (3) For the purposes of any other area in England the development plan is—
  - (a) the regional spatial strategy for the region in which the area is situated, and
  - (b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area.
- (4) For the purposes of any area in Wales the development plan is the local development plan adopted or approved in relation to that area.
- (5) If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).

---

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning and Compulsory Purchase Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

---

- (6) If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- (7) The enactments are—
- (a) this Act;
  - (b) the planning Acts;
  - (c) any other enactment relating to town and country planning;
  - (d) the Land Compensation Act 1961 (c. 33);
  - (e) the Highways Act 1980 (c. 66).
- (8) In subsection (5) references to a development plan include a development plan for the purposes of paragraph 1 of Schedule 8.

### *Sustainable development*

## **39 Sustainable development**

- (1) This section applies to any person who or body which exercises any function—
- (a) under Part 1 in relation to a regional spatial strategy;
  - (b) under Part 2 in relation to local development documents;
  - (c) under Part 6 in relation to the Wales Spatial Plan or a local development plan.
- (2) The person or body must exercise the function with the objective of contributing to the achievement of sustainable development.
- (3) For the purposes of subsection (2) the person or body must have regard to national policies and advice contained in guidance issued by—
- (a) the Secretary of State for the purposes of subsection (1)(a) and (b);
  - (b) the National Assembly for Wales for the purposes of subsection (1)(c).

**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning and Compulsory Purchase Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations.

**Changes and effects yet to be applied to :**

- specified provision(s) Appointed Day(s) by [S.I. 2006/931 art. 2](#)
- specified provision(s) and purposes Appointed Day(s) by [S.S.I. 2006/101 art. 2](#)

**Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:**

- Act modified by [S.I. 2005/2085 art. 4\(1\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4A inserted by [2008 c. 29 s. 179\(1\)](#)
- s. 33A inserted by [2011 c. 20 s. 110\(1\)](#)
- s. 38A-38C inserted by [2011 c. 20 Sch. 9 para. 7](#)

**Commencement Orders yet to be applied to the Planning and Compulsory Purchase Act 2004:**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2004/1813 art. 2](#) commences (2004 c. 5)
- [S.I. 2004/1814 art. 2](#) commences (2004 c. 5)
- [S.I. 2004/2097 art. 2](#) commences (2004 c. 5)
- [S.I. 2004/2202 art. 2 3](#) commences (2004 c. 5)
- [S.I. 2004/2593 art. 2](#) commences (2004 c. 5)
- [S.I. 2005/204 art. 3](#) commences (2004 c. 5)
- [S.I. 2005/1229 art. 2](#) commences (2004 c. 5)
- [S.I. 2005/2081 art. 2](#) commences (2004 c. 5)
- [S.I. 2005/2722 art. 2](#) commences (2004 c. 5)
- [S.I. 2005/2847 art. 2](#) commences (2004 c. 5)
- [S.I. 2006/842 art. 2](#) amendment to earlier commencing [SI 2005/2722](#)
- [S.I. 2006/1061 art. 2 3](#) commences (2004 c. 5)
- [S.I. 2006/1281 art. 2-4](#) commences (2004 c. 5)
- [S.I. 2006/1700 art. 2](#) amendment to earlier commencing [SI 2005/2722 Sch.](#)
- [S.I. 2007/1369 art. 2](#) commences (2004 c. 5)
- [S.I. 2007/2449 art. 2](#) amendment to earlier commencing [SI 2005/2722](#)
- [S.I. 2009/384 art. 2](#) commences (2004 c. 5)
- [S.I. 2009/2645 art. 2](#) amendment to earlier commencing [SI 2005/2722 Sch.](#)
- [S.I. 2010/321 art. 3](#) amendment to earlier commencing [SI 2006/1061 art. 4](#)
- [S.I. 2010/321 art. 4](#) amendment to earlier commencing [SI 2007/1369 art. 3](#)
- [S.I. 2010/2002 art. 2](#) amendment to earlier commencing [SI 2005/2722](#)
- [S.I. 2011/101 art. 1](#) amendment to earlier commencing [SI 2005/2722](#)
- [S.S.I. 2006/243 art. 3](#) commences (2004 c. 5)
- [S.S.I. 2006/268 art. 3](#) commences (2004 c. 5)

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2007/1023 art. 2](#) amendment to earlier commencing [SI 2005/2722](#)
- [S.I. 2007/2371 art. 2](#) amendment to earlier commencing [SI 2005/2722](#)

- S.I. 2007/2447 art. 2 amendment to earlier commencing SI 2005/2722 Sch.
- S.I. 2007/2709 art. 2-6 commences (2007 c. 15)
- S.I. 2008/10 art. 2 amendment to earlier commencing SI 2005/2722
- S.I. 2008/582 art. 2 commences (2007 c. 24)
- S.I. 2008/1372 art. 2 commences (2007 c. 24)
- S.I. 2008/2162 art. 2 amendment to earlier commencing SI 2005/2722 Sch.
- S.I. 2008/3068 art. 2-5 commences (2008 c. 17)
- S.I. 2009/400 art. 2-5 commences (2008 c. 29)
- S.I. 2009/3272 art. 2-4 Sch. 1-3 commences (2009 nawm 2)
- S.I. 2009/3318 art. 2-4 commences (2009 c. 20)
- S.I. 2010/566 art. 2 commences (2008 c. 29)
- S.I. 2010/862 art. 2 commences (2008 c. 17)
- S.I. 2012/601 art. 2(c) Sch. commences (2008 c. 29)
- S.I. 2012/628 art. 2-8 commences (2011 c. 20)
- S.I. 2012/802 art. 2(c) commences (2008 c. 29)
- S.I. 2012/2029 art. 3(a) commences (2011 c. 20)