Flowchart - Local Development Order making process

I. LPA prepares an LDO draft and statement of reasons. Statement must contain a description of development the LDO would permit, and indicate (map/statement) where this would apply¹.

Consultation

- **2.** LPA required to consult those persons 'whose interests they consider would be affected by the Order if made' in the list at DMPO 2015 art. 38(3)(a) to (l) and those persons they would have been required to consult on an application for planning permission for development proposed by the LDO².
- **3.** In undertaking the consultation, LPA shall send a copy of the draft order and statement of reasons to consultees. Draft LDO and statement of reasons must be made available at LPA's principal office and other appropriate places, published online and advertised locally.
- **4.** LPA shall display site notice on or near site (see Schedule 7 to the DMPO), and serve site notice on everyone the LPA knows to be the owner/tenant of the site.
- **5**.As part of the consultation the LPA shall specify a consultation period of not less than 28 days within which representations must be received. Where publication dates do not coincide, individual notice takes precedence.

6. Having taken into account representations received as a result of the consultation, LPA considers whether any modifications are needed or whether draft should be adopted. LPA determination as to whether modifications are sufficiently significant to require reconsultation.

8 SoS intervenes making direction (TCPA s 61B(1)) The Secretary of State may at any time by order revoke a LDO if it thinks it is expedient to do so; but must state its reasons for doing so.

9. LDO cannot be adopted (or must be amended, and reconsulted upon prior adoption).

7. LDO may be adopted³.

- 1. Article 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the 'DMPO', specifies that an LDO cannot permit development affecting a listed building or development in Schedule 1 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the 'EIA Regulations'. An LDO may permit development in Schedule 2 to the EIA regulations, provided the correct Environmental Impact Assessment procedures are followed.
- 2. See the DMPO, Part 6, article 38(4).
- 3. A Local Planning Authority may revoke a Local Development Order at any time (See section 61A of the Town and Country Planning Act 1990 as amended, the 'TCPA'). If a revision to a Local Development Order is proposed, re-consultation is required. The Secretary of State may mandate the revision of an LDO by the Local Planning Authority at any point before or after its adoption (see paragraph 2(2)(a) of Schedule 4A to the TCPA). When an LDO is revoked or modified, compensation may be claimed by someone who suffers loss from their subsequent planning application being refused (see section 107 and 108 of the TCPA). Compensation may not be payable on the expiry of a time limit on the duration for which an LDO is 'active' (given that the LDO would not ultimately be revoked).