

Local Development Orders: Technical Advice on preparing an LDO

*A Guide for Councils: Meeting the legal procedural
requirements for making Local Development Orders*

September 2015



Local Development Orders: Technical Advice

Introduction

Local Planning Authorities have been able to produce a Local Development Order (LDO) since the introduction of the 1990 Town and Country Planning Act. LDOs grant automatic planning permission for specified development in defined areas and can reduce bureaucracy, improve the speed of decision-making and improve certainty for landowners, communities and developers. They are flexible and can be used for different uses and developments in different areas and are gaining increasing importance as the government encourages local authorities to streamline planning in order to increase certainty and reduce both delay and cost in delivering sustainable development.

This technical advice and accompanying checklist consolidates the legal requirements into one place and signposts to the relevant regulations and sections to assist Councils in producing compliant LDOs.

Further good practice advice, derived from the experience of councils who have delivered LDOs, will be published separately by PAS. That will provide help for councils in relation to the various issues that councils will need to consider as they step through this checklist of procedures.

Technical Advice

This guide sets out the legal responsibilities and timeframes for the Council's work on LDOs. It provides references back to the relevant acts and regulations. For further information on LDOs and process refer to the online Planning Practice guidance at <http://planningguidance.planningportal.gov.uk>.

Notes:

The Town and Country Planning Act 1990 is referred to as the '1990 Act'.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 is referred to as the 'DMPO 2015'.

This guide relates to England only.

Text in italics is taken directly from the relevant legislation and regulations.

Abbreviations used in this guide:

LDO Local Development Order

LPA Local Planning Authority

EIA Environmental Impact Assessment

PPG Planning Practice Guidance

Technical Advice

Preparation		
Stage	Description	Relevant Legislation and Regulations
Draft the LDO	Where a local planning authority proposes to make a LDO they must first prepare a draft of the order.	DMPO 2015 Article 38 (1)
Define the development and/or use class	An LDO may grant planning permission for development specified in the order or for development of any use class specified. The LDO will need to be specific regarding what is covered and what the Council's intentions are for the area.	1990 Act Section 61A (2)
Define the geographic scope	<p>An LDO may relate to all land in the area of the local planning authority; any specific part of the local planning authority's area; or any specific site. An LDO cannot cross LPA boundaries, as set out in the PPG. Where this is the case, LPAs would need to adopt separate but adjoining LDOs within their respective boundaries.</p> <p>An LDO may also make different provision for different descriptions of land. This could include land bounded by a geographical area or a series of defined sites which may be identified by their address and shown on a plan. The LDO will need to state clearly and map where different uses/developments would be granted planning permission.</p>	<p>1990 Act Section 61A (3)</p> <p>1990 Act Section 61A (4)</p>
Ensure no Listed Buildings are affected	A LDO must not be made so as to grant planning permission for development affecting a listed building.	DMPO 2015 Article 38 (12)
Screen against EIA Regulations	A LDO must not be made so as to grant planning permission for development which is Schedule 1 development within the meaning of regulation 2(1) of the 2015 Regulations. If Schedule 2 development, see Environmental Impact Assessment section below. There is no need to screen if the development is	<p>DMPO 2015 Article 38 (12)</p> <p>The Town and Country Planning (Environmental Impact Assessment)</p>

	<p>clearly outside schedule 2.</p> <p>If EIA is screened in; skip to the final section of this advice note <i>“Where an Environmental Impact Assessment is Screened in”</i> where advice for the relevant procedures is set out.</p>	<p>Regulations 2011 Schedule 1 and 2; as amended by The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 Regulation 3</p>
<p>Screen for likely significant effects on European Sites</p>	<p>A LDO may not grant planning permission for development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects); unless it is directly connected with or necessary to the management of the site.</p> <p>‘European sites’ and ‘European offshore marine sites’ are defined in Regulation 8; principally Special Areas of Conservation and candidate Special Area of Conservation; Special Protection Area and candidate Special Protection Area; and Ramsar site and candidate Ramsar sites.</p> <p>A “European offshore marine site” means a European offshore marine site within the meaning of Regulation 15 of the 2007 Regulations (meaning of European offshore marine site);</p>	<p>The Conservation of Habitats and Species Regulations 2010 Regulation 78</p> <p>The Conservation of Habitats and Species Regulations 2010 Regulation 8</p> <p>Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 Regulation 15</p>
<p>Specify any procedural information</p>	<p>An LDO can also include information regarding the process of consideration, adoption, revision, revocation and withdrawal of the LDO.</p> <p>The LDO may therefore be time-limited as set out in the PPG, which may be useful for fast developing areas. For more detail regarding procedural requirements see ‘revocation or revision of an adopted LDO’ below.</p>	<p>1990 Act Schedule 4A (1)</p>
<p>Specify the conditions (if any) of planning permission</p>	<p>Planning permission granted by a LDO may be granted either unconditionally or subject to conditions or limitations as specified in the order. The order can direct that the permission does not apply in particular areas or for particular types of development within the LDO area.</p>	<p>1990 Act Section 61C (1) and (2)</p>

	<p>In practice this can also be interpreted to include procedural conditions that define the process which a developer is required to take in order to avail him/herself of the permission granted in the LDO; for example to submit a notice or to submit an application for prior approval. The conditions can also set out further criteria such as design parameters to define the external appearance, bulk and massing and access arrangements of the development granted permission by the LDO.</p> <p>Conditions imposed on a LDO are not subject to the deemed consent provisions if the LPA fails to discharge an application for discharge or approval of details within the specified period.</p>	DMPO 2015 Schedule 6 (10) (c)
Statement of Reasons	<p>Where a local planning authority proposes to make a LDO they must first prepare a statement of their reasons for making the order. This must contain a description of the development which the order would permit; and a plan or statement identifying the land to which the order would relate.</p> <p>The LDO does not need to implement adopted policy in the Development Plan.</p> <p>N.B. Whilst it is not specified in the regulations as a requirement, it may be prudent to specify the envisaged duration of the LDO, if it is permanent, or any 'sunset period' (when it ceases to apply). This could be linked to a review period (see 'Revocation or Revision of an adopted LDO' below).</p>	<p>DMPO 2015 Article 38 (1)</p> <p>1990 Act Section 61A (1) as amended by the Planning Act 2008 Section 188 (1)</p>
Screen Schedule 2 development for likely significant effects	<p>Where the EIA seeks to grant permission for development that falls within the thresholds specified in Schedule 2 of the EIA Regulations 2015, the LPA shall not make a LDO unless they have adopted a screening opinion or the Secretary of State has made a screening direction.</p> <p>N.B. Schedule 2 development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location, as outlined in Schedule 3.</p>	<p>The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 Article 29 (2)</p> <p>The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 Schedule 1 and 2; as</p>

		amended by The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 Regulation 3
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Consultation		
Stage	Description	Relevant Legislation and Regulations
Consultation with the prescribed bodies	<p>Where a local planning authority has prepared a draft LDO, they must consult the following persons whose interests the authority consider would be affected by the order if made:</p> <p><i>(a) the Mayor of London (if the local planning authority is a London borough council);</i></p> <p><i>(b) a local planning authority, county council or parish council any part of whose area is in or adjoins the area of the local planning authority;</i></p> <p><i>(c) Natural England;</i></p> <p><i>(d) the Environment Agency;</i></p> <p><i>(e) Historic England;</i></p> <p><i>(f) where the Secretary of State is the highway authority for any highway in the area of the local planning authority, the Secretary of State for Transport;</i></p> <p><i>(g) a strategic highways company any part of whose area is in or adjoins the area of the local planning authority;</i></p> <p><i>(h) any person—</i></p> <p><i>(i) to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003 (application of the electronic communications code)(5); and</i></p> <p><i>(ii) who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority;</i></p> <p><i>(i) any of the following persons who exercise functions in any part of the area of</i></p>	DMPO 2015 Article 38 (3)

	<p><i>the local planning authority—</i></p> <ul style="list-style-type: none"> <i>(i) a clinical commissioning group;</i> <i>(ii) the National Health Service Commissioning Board;</i> <i>(iii) a person to whom a licence has been granted under section 6(1)(b) and (c) of the Electricity Act 1989 (licences authorising supply, etc);</i> <i>(iv) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986 (licensing of gas transporters);</i> <i>(v) a sewerage undertaker;</i> <i>(vi) a water undertaker;</i> <i>(j) voluntary bodies some or all of whose activities benefit any part of the local planning authority’s area;</i> <i>(k) bodies which represent the interests of persons who share a protected characteristic in the local planning authority’s area;</i> <i>(l) bodies which represent the interests of persons carrying on business in the local planning authority’s area.</i> 	
<p>Consult any person affected by the LDO as per a conventional planning application</p>	<p>The local planning authority must also consult any person with whom they would have been required to consult on an application for planning permission for the development proposed to be permitted by the order. This would be the entire authority if promoting an authority-wide LDO.</p> <p>Councils should have consideration for the requirements of the Statement of Community Involvement both in the preparation of an LDO and in undertaking formal consultation. The Statement of Community Involvement is a statement of the authority’s policy as to the involvement of “<i>persons who appear to the authority to have an interest in matters relating to development in their area</i>” in the exercise of the authority’s functions for the production of Development Plan Documents and the control of development under Part 3 of the 1990 Act. Development Orders and planning permissions both fall under Part 3.</p>	<p>DMPO 2015 Article 38 (4)</p> <p>Planning and Compulsory Purchase Act 2004 s18 (2)</p>
<p>Place the draft LDO</p>	<p>A copy of each draft LDO and the Statement of Reasons must be placed on the planning register when the draft is sent for consultation (see ‘Maintaining a</p>	<p>DMPO 2015 Article 41 (4) and (5)</p>

and Statement of Reasons on the planning register	Register' below).	
Consultation requirements	In undertaking the consultation, the local planning authority must: <ul style="list-style-type: none"> • send a copy of the draft order and the Statement of Reasons to the consultees; • specify a consultation period of not less than 28 days; and • take account of all representations received by them during the period specified. 	DMPO 2015 Article 38 (5)
Make the LDO, Statement of Reasons and ES available.	During consultation the local planning authority must make a copy of the draft LDO, the Environmental Statement and Statement of Reasons available for inspection at their principal office during normal working hours; and at such other places within their area as they consider appropriate;	DMPO 2015 Article 38 (6)

Publicity

Stage	Description	Relevant Legislation and Regulations
Publish on the website	LPAs are required to publish on their website: <ul style="list-style-type: none"> • the draft LDO, • the Environmental Statement (if applicable) • the Statement of Reasons; • a statement that those documents are available for inspection and the places where and times when they can be inspected; and • the date by which representations on the draft LDO must be received, which must be at least 28 days after publication on the website. 	DMPO 2015 Article 38 (6)
Publish in	Publish in as many newspapers as will ensure that the press coverage (taken as a	DMPO 2015 Article 38 (6) and (14)

the local newspaper	<p>whole) extends to the whole of the area to which the LDO relates:</p> <ul style="list-style-type: none"> • the draft LDO • the Environmental Statement (if applicable) • the Statement of Reasons • the availability of those documents for inspection, and the places where and times when they can be inspected; and • the date by which representations on the draft LDO must be received, which must be at least 28 days after the notification was first published. 	
Site display, serve notice on landowners and tenants, and take reasonable steps to protect the notice.	<p>The local planning authority must give notice of their proposal to make the order by site display in at least one place on or near to the site to which the order relates a notice in the appropriate form set out in Schedule 7 (or in a form substantially to the same effect), and, leaving the notice in position for a period of not less than 28 days beginning with the date on which it is first displayed by site display.</p> <p>Where the notice is removed, obscured or defaced before the period referred to in that paragraph has elapsed, the authority is treated as having complied with the requirements of that paragraph if they have taken reasonable steps for the protection of the notice, and, if necessary, its replacement.</p> <p>The local planning authority is to serve a copy of that notice on every person whom the authority knows to be the owner or tenant of any part of the site whose name and address is known to the authority, and specifying in the notice a date by which representations on the draft LDO must be received, which must be not less than 28 days from the date on which the notice was displayed by site display or served, as the case may be.</p>	DMPO 2015 Article 38 (7) (8) and Schedule 7

Consider Representations		
Stage	Description	Relevant Legislation and Regulations

Consider representations	Following publication on the website, display of site notice(s) and service notice on owners or tenants; an LPA must, in considering what modifications should be made to the draft LDO or whether such an order should be adopted, take into account any representations made in relation to that order.	DMPO 2015 Article 38 (9) and (10)
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Adoption		
Stage	Description	Relevant Legislation and Regulations
Adoption procedure	<p>A LDO is of no effect unless it is adopted by resolution of the local planning authority.</p> <p>In adopting the LDO a LPA must send a copy of the LDO, the Statement of Reasons relating to the making of that order, and any Environmental Statement (if applicable) to the Secretary of State as soon as reasonably practicable, and no later than 28 days, after the local planning authority has adopted the order.</p>	<p>1990 Act Schedule 4A (3)</p> <p>DMPO 2015 Article 38 (11)</p>
Place adopted order on the planning register	A copy of each LDO and its Statement of Reasons must be placed on the register within 14 days of the date of its adoption.	DMPO 2015 Article 41 (4) and (5)
Monitoring	N.B. following amendments to the Town and Country Planning Act 1990 in the Growth and Infrastructure Act 2013, monitoring is no longer required as part of the Annual Monitoring Report process. It is still recommended to inform revocation/revision of adopted LDOs though (see ' Revocation or Revision of an adopted LDO' below).	<p>1990 Act Schedule 4A (1) and (4)</p> <p>As amended by Growth and Infrastructure Act 2013</p>

Revocation or Revision of an adopted LDO

Stage	Description	Relevant Legislation and Regulations
Revision	The local planning authority may at any time prepare a revision of a LDO. Revision to an LDO may also be directed by the Secretary of State in accordance with such timetable as he/she directs.	1990 Act Schedule 4A (2)
Set the timetable for any revision	Whilst it is not specified in the regulations as a requirement, it may be prudent for the LPA to specify the envisaged duration of the LDO, if it is permanent, or any 'sunset period' (i.e. when it ceases to apply).	1990 Act Schedule 4A (2)
Revocation procedure	A local planning authority may revoke a LDO at any time. Where a local planning authority revokes a LDO the authority must publish a statement on their website that the LDO has been revoked; give notice of the revocation by local advertisement; and give written notice of the revocation to every person whom the local planning authority consulted before making the order.	1990 Act Section 61A (6) DMPO 2015 Article 38

Maintain a Register of LDOs

Stage	Description	Relevant Legislation and Regulations
Add all LDOs to the Planning Register	<p>LPA's must supplement their existing register of applications (under article 40 – Register of Applications), with a 'Part 3' for LDOs. Part 3 of the register must consist of 2 sections:</p> <p>Section 1 must contain copies of draft LDOs which have been prepared but not adopted by the authority, and its Statement of Reasons; and</p> <p>Section 2 must contain:</p> <ul style="list-style-type: none"> • copies of LDOs which have been adopted by the authority, its Statement of Reasons and (if applicable) Environmental Statement, screening opinion and any directions from the Secretary of State; • particulars of the revocation of any LDO made by the authority, including the date 	DMPO 2015 Article 41

	<p>on which the revocation took effect; and</p> <ul style="list-style-type: none"> particulars of the revision of any LDO, including the date on which the revision took effect. 	
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Intervention by Secretary of State

Stage	Description	Relevant Legislation and Regulations
Revision of an adopted LDO	An LPA must prepare a revision of an adopted LDO if the Secretary of State directs them to do so.	1990 Act Schedule 4A (2)
Revocation of an adopted LDO	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.	1990 Act Section 61B (8)
Call-in of an unadopted LDO	The Secretary of State is no longer able to call-in an unadopted LDO. This power has now been removed by the Growth and Infrastructure Act 2013.	1990 Act Section 61B (1) to (7) as amended by the Growth and Infrastructure Act 2013 Section 5 (2)

Where an Environmental Impact Assessment is Screened in

Stage	Description	Relevant Legislation and Regulations
State why the LDO was screened in and what information is	Where a proposed LDO is screened in as EIA development, the local planning authority shall state in writing its opinion as to the information to be provided in the Environmental Statement, known as a “scoping opinion”.	The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 Regulation 29 (2)

required in the Environmental Statement.		
State how the ES has been taken into account in deciding to adopt the LDO	<p>The local planning authority shall not make a LDO which would grant planning permission for EIA development unless an Environmental Statement has been prepared in relation to that development; and the authority has first taken the environmental information into consideration. The LPA must state that they have taken the Environmental Statement into account in their decision to adopt the LDO.</p> <p>The Environmental Statement must contain the prescribed information in Schedule 4 of the EIA Regulations.</p>	<p>The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 Regulation 29 (4)</p> <p>The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 Schedule 4</p>
Procedure where an Environmental Statement is prepared in relation to a LDO	<p>Where an Environmental Statement has been prepared for proposed EIA development through an LDO the local planning authority is required to:</p> <ul style="list-style-type: none"> • send to the Secretary of State 1 copy of the statement; • send a copy of the statement to the consultation bodies and inform them that they may make representations; and • notify any particular person of whom the authority are aware, who is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of a site notice or by local advertisement, of an address in the locality in which the land is situated where a copy of the statement may be obtained and the address to which representations may be sent. <p>The local planning authority shall not adopt the LDO until the expiry of 14 days from the last date on which a copy of the statement was served to the Secretary of State in accordance with this regulation.</p>	<p>The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 Regulation 29 (5)</p>
Publicity	The requirements for publicity of an LDO Environmental Statement are different	The Town and Country Planning

	<p>compared to that for a planning application. Publicity and consultation for the LDO Environmental Statement should run concurrently with the LDO to inform consultation responses.</p> <p>The local planning authority is required to publish in a local newspaper circulating in the locality in which the land is situated a notice stating the following information:</p> <p><i>(a)the name and address of the local planning authority;</i></p> <p><i>(b)the address or location and the nature of the development referred to in the proposed LDO;</i></p> <p><i>(c)that a copy of the draft LDO and of any plan or other documents accompanying it together with a copy of the Environmental Statement may be inspected by members of the public at all reasonable hours;</i></p> <p><i>(d)an address in the locality in which the land is situated at which those documents may be inspected, and the latest date on which they will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);</i></p> <p><i>(e)an address (whether or not the same as that given under sub-paragraph (d)) in the locality in which the land is situated at which copies of the statement may be obtained;</i></p> <p><i>(f)that copies may be obtained there so long as stocks last;</i></p> <p><i>(g)if a charge is to be made for a copy, the amount of the charge; and</i></p> <p><i>(h)that any person wishing to make representations about the LDO should make them in writing, before the date specified in accordance with sub-paragraph (d), to the local planning authority.</i></p>	<p>(Environmental Impact Assessment) Regulations 2011 Regulation 29 (5)</p>
<p>Availability of copies of Environmental Statements</p>	<p>The local planning authority must ensure that a reasonable number of copies of the Environmental Statement for the LDO are available at their principal office during normal office hours; and at such other places within their area as they consider appropriate, for the duration of the consultation period (not less than 28 days).</p>	<p>The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 Regulation 29 (5)</p>

<p>Publicity of further information and evidence respecting Environmental Statements</p>	<p>Where an Environmental Statement has been submitted and the local planning authority is of the opinion that the statement should contain additional information in order to be an Environmental Statement, the local planning authority shall ensure that additional information is provided and such information provided is referred to as “further information”.</p> <p>The local planning authority shall publish in a local newspaper circulating in the locality in which the land is situated a notice stating:</p> <p><i>(a) the name and address of the local planning authority;</i></p> <p><i>(b) the address or location and the nature of the development referred to in the proposed LDO;</i></p> <p><i>(c) that further information is available in relation to an Environmental Statement which has already been provided;</i></p> <p><i>(d) that a copy of the further information may be inspected by members of the public at all reasonable hours;</i></p> <p><i>(e) an address in the locality in which the land is situated at which the further information may be inspected, and the latest date on which it will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);</i></p> <p><i>(f) an address (whether or not the same as that given under sub-paragraph (e)) in the locality in which the land is situated at which copies of the further information may be obtained;</i></p> <p><i>(g) that copies may be obtained there so long as stocks last;</i></p> <p><i>(h) if a charge is to be made for a copy, the amount of the charge;</i></p> <p><i>(i) that any person wishing to make representations about the further information should make them in writing, before the date specified in accordance with sub-paragraph (e), to the local planning authority;</i></p> <p><i>(j) the address to which representations should be sent.”</i></p> <p>The local planning authority shall send a copy of the further information to each</p>	<p>The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 Regulation 29 (5)</p>
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	<p>person to whom the statement to which it relates was sent, and to the Secretary of State.</p> <p>Where further information is provided the local planning authority shall not make the LDO before the expiry of 14 days after the date on which the further information was sent to all persons to whom the statement which it relates was sent or the expiry of 21 days after the date that notice of it was published in a local newspaper, whichever is the later.</p>	
Availability of opinions, directions etc for inspection	<p>Where particulars of a draft LDO are placed on Part 3 of the local planning authority's register of applications (see 'Maintain a Register of LDOs'), the local planning authority shall take steps to secure that there is also placed on that Part a copy of any relevant:</p> <p><i>(a) scoping opinion;</i> <i>(b) screening opinion;</i> <i>(c) screening direction;</i> <i>(d) direction under regulation 4(4) (that the Secretary of State directs that the EIA Regulations does not apply, for example for national defence purposes)</i> <i>(e) the statement referred to as the Environmental Statement including any further information;</i> <i>(f) Statement of Reasons accompanying any of the above.</i></p>	The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 Regulation 29 (5)
Duties to inform the public and the Secretary of State of final decisions	<p>Where a local planning authority makes a LDO granting permission for development which constitutes EIA development, the authority shall:</p> <p><i>(a) in writing, inform the Secretary of State of the decision;</i> <i>(b) inform the public of the decision, by local advertisement, or by such other means as are reasonable in the circumstances; and</i> <i>(c) make available for public inspection at the place where the appropriate register (or relevant section of that register) is kept a statement containing—</i> <i>(i) the content of the decision and any conditions attached to it;</i> <i>(ii) the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public;</i></p>	The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 Regulation 29 (5)

	<p><i>(iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development; and</i></p> <p><i>(iv) information regarding the right to challenge the validity of the decision and the procedures for doing so.</i></p>	
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Legal compliance checklist

The legal compliance checklist overleaf summarises the statutory duties placed on local planning authorities in the preparation and making of LDOs. For further information on LDOs and process refer to the National Planning Practice Guidance website.

The following provides a simple checklist to the tasks which need to be completed by the local planning authority.

Task		Complete (✓)
1	Prepare the LDO	
A	Draft the LDO.	
B	Define the development and/or use class to be granted automatic planning permission.	
C	Specify the conditions (if any) of planning permission.	
D	Define the geographic scope.	
E	Specify if the LDO is time-limited, and the timetable for revocation or review.	
F	Ensure no Listed Buildings are affected.	
G	Screen for likely significant effects on European Sites (Habitats Regulations).	
H	Screen LDO proposals against the Environmental Impact Assessment Regulations 2011 (as amended) Schedule 2 criteria to see if an Environmental Statement is required. N.B. Schedule 1 development is not permitted through an LDO.	
I	For Schedule 2 development, state why the LDO was screened in and what information is required in the Environmental Statement.	
J	Prepare an Environmental Statement.	
K	State how the Environmental Statement has been taken into account in deciding to adopt the LDO.	
L	Produce a Statement of Reasons.	
2	Consultation	

A	Consult the prescribed bodies (as described at Regulation 38 (3) of the DMPO 2015).	
B	Consult any person affected by the LDO (as per a conventional planning application).	
C	Send a copy of the draft LDO and Statement of Reasons to the consultees.	
D	If EIA is screened in, send a copy of the Environmental Statement to the Secretary of State.	
E	If EIA is screened in, send a copy of the Environmental Statement to the consultation bodies and inform them that they make representations.	
F	Make a copy of the draft LDO, the Environmental Statement and Statement of Reasons available for inspection at the Council office during normal working hours; and at other places within the area as appropriate.	
G	Place the draft LDO, Statement of Reasons and Environmental Statement (if applicable) on the planning register.	
H	Specify a consultation period of not less than 28 days and take account of all representations received by consultees during the period specified.	
3	Publicity	
A	<p>Publish the following on the Council website:</p> <ul style="list-style-type: none"> • the draft LDO, • the Environmental Statement (if applicable), • the Statement of Reasons, • a statement that those documents are available for inspection and the places where and times when they can be inspected; and • the date by which representations on the draft LDO must be received, which must be at least 28 days after publication on the website. 	
B	<p>Publish the following in the local Newspaper, ensuring that the press coverage (taken as a whole) covers the whole LDO area:</p> <ul style="list-style-type: none"> • the draft LDO, • the Environmental Statement (if applicable), • the Statement of Reasons, 	

	<ul style="list-style-type: none"> • a statement that those documents are available for inspection and the places where and times when they can be inspected; and • the date by which representations on the draft LDO must be received, which must be at least 28 days after the notification was first published. 	
C	<p>Display a site notice (see DMPO 2015 Schedule 7) in at least one place on or near the site and leave in position for at least 28 days.</p> <ul style="list-style-type: none"> • Take reasonable steps to ensure the protection of the notice and, if necessary, its replacement. • Serve a copy of the site notice to landowners and tenants of any part of the site. 	
D	<p>If EIA is screened in, notify by site notice or by local advertisement any particular person of whom the authority are aware who are likely to be affected by, or has an interest in the site, where they can obtain a copy or view the Environmental Statement.</p>	
E	<p>If EIA is screened in, publicise the Environmental Statement (and other particulars including Screening and Scoping Opinions and Statement of Reasons) in accordance with Regulation 29 (5) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.</p>	
4	Consider Representations	
A	<p>Take into account any representations made in considering what modifications should be made to the draft LDO, or whether such an order should be adopted.</p>	
5	Adoption	
A	<p>In adopting the LDO a LPA must send the following to the Secretary of State within 28 days of adoption:</p> <ul style="list-style-type: none"> • the draft LDO; and • the Statement of Reasons. 	
B	<p>A copy of each LDO and its Statement of Reasons must be placed on the planning register within 14 days of the date of its adoption.</p>	
C	<p>If EIA is screened in, inform the public and the Secretary of State of final decisions and do not adopt the LDO until at least 14 days after the LDO was provided to the Secretary of State.</p>	

6	Maintain a Register of LDOs	
A	LPAs must supplement their existing register of applications (under article 40 – Register of Applications), with a ‘Part 3’ for LDOs. Part 3 of the register must consist of 2 sections. Section 1 must contain copies of draft LDOs which have been prepared but not adopted by the authority, and its Statement of Reasons.	
B	Section 2 must contain: <ul style="list-style-type: none"> • copies of adopted LDOs , its Statement of Reasons and (if applicable) Environmental Statement, screening opinion and any directions from the Secretary of State; • particulars of the revocation of any LDO made by the authority, including the date on which the revocation took effect; and • particulars of the revision of any LDO, including the date on which the revision took effect. 	

This advice note has been prepared for PAS by

AECOM Strategic Planning and Urban Design