

These notes refer to the Planning and Compulsory Purchase Act 2004 (c.5) which received Royal Assent on 13th May 2004

PLANNING AND COMPULSORY PURCHASE ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 9: Miscellaneous and General

Section 113: Validity of strategies, plans and documents

147. The purpose of this section is to prescribe the procedure to be followed in relation to a challenge to any of the specified documents (including a revision of an RSS, the WSP, a development plan document or an LDP). It also sets out the circumstances in which such a challenge may be made. These are when a specified document is in some respect outside the scope of the powers under which it should have been made; and/or where a procedural requirement has not been complied with in relation to a document.

Section 114: Examinations

148. **Section 114** defines independent examinations under Part 2 or Part 6 of the Act as statutory inquiries. This means that the Tribunals and Inquiries Act 1992 will apply to such examinations and thus that the Lord Chancellor is able to make procedural rules in relation to them.

Section 115: Grants for advice and assistance

149. **Section 115** introduces a new section into the Town and Country Planning Act 1990 to allow the Secretary of State or the National Assembly for Wales to give grants to bodies, such as Planning Aid, which provide advice and assistance on all aspects of the planning process.

Section 117: Interpretation

150. **Section 117** provides that expressions used in the Act (unless otherwise indicated) are to have the same meaning as expressions used in the planning Acts.

Section 118: Amendments

151. This section introduces Schedules 6 and 7. Schedule 6 makes amendments to the planning Acts; Schedule 7 makes amendments to other legislation. All these amendments are consequential upon the provisions of the Act.

Section 119: Transitionals

152. This sections introduces Schedule 8, which sets out transitional arrangements. These arrangements concern various plans made under the Town and Country Planning Act 1990 and will have effect from the commencement of the relevant provisions of the Act until either the end of the three year transitional period or the adoption, publication or approval of a new policy to replace the relevant plan. Section 119 also gives the

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Scottish Ministers a power to make an order containing transitional provisions for Crown development under the current arrangements and for the Scottish hazardous substances Act.

Section 122: Regulations and orders

153. [Section 122](#) refers to the requirement for subordinate legislation to be exercised by statutory instrument. It also enables such subordinate legislation to include supplementary, incidental, consequential, saving or transitional provisions.