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STATUTORY INSTRUMENTS

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**2005 No. 2081 (C.90 )**

**TOWN AND COUNTRY PLANNING**

**The Planning and Compulsory Purchase Act 2004  
(Commencement No.5 and Savings) Order 2005**

*Made* - - - - *25th July 2005*

The Secretary of State, in exercise of the powers conferred on him by section 121(1) and (2) and section 122(3) of the Planning and Compulsory Purchase Act 2004<sup>(1)</sup>, and after consultation<sup>(2)</sup> with the National Assembly for Wales, hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.

(2) In this Order—

“the 2004 Act” means the Planning and Compulsory Purchase Act 2004;

“the 1990 Act” means the Town and Country Planning Act 1990<sup>(3)</sup>; and

“the listed buildings Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990<sup>(4)</sup>.

**Provisions coming into force on 24th August 2005 in relation to England**

2. Subject to article 4, the following provisions of the 2004 Act shall come into force in relation to England on 24th August 2005—

(a) section 43 except—

(i) in so far as the substitution made by subsection (1) relates to section 70B of the 1990 Act;

(ii) subsection (2);

(iii) in so far as the substitution made by section (3) relates to section 81B of the listed buildings Act; and

(iv) in so far as the substitution made by subsection (4)(b) relates to that section;

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(1) 2004 c. 5

(2) As to consultation with the National Assembly for Wales, *see* section 121(2).

(3) 1990 c. 8.

(4) 1990 c. 9.

- (b) section 44;
- (c) section 51; and
- (d) to the extent to which they are not already in force—
  - (i) section 54; and
  - (ii) paragraph 16(4) of Schedule 6.

**Provisions coming into force on 24th August 2005**

3. To the extent to which it is not already in force, section 116 of the 2004 Act shall come into force on 24th August 2005.

**Savings**

4.—(1) Section 44 shall have no effect in relation to an application for planning permission, or an application for approval by a local planning authority required under a development order, received by a local planning authority before 24th August 2005.

(2) During the period of one year beginning on 24th August 2005, section 51(3) and (5) shall have no effect in relation to an application to change, vary or discharge a condition subject to which a previous planning permission or listed building consent was granted before that date.

(3) The duty in section 54(4) to give a substantive response to any consultation mentioned in subsection (2) of that section shall have no effect in relation to an application for permission, approval or consent under or by virtue of the planning Acts received by a local planning authority before 24th August 2005.

(4) Paragraph 16(4) of Schedule 6 shall have no effect in relation to an application for planning permission received by a local planning authority before 24th August 2005.

Signed by the authority of the First Secretary of State

25th July 2005

*Yvette Cooper*  
Minister of State Office of the Deputy Prime  
Minister

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Article 2 of this Order brings into force on 24th August 2005, in relation to England, the following provisions of the Planning and Compulsory Purchase Act 2004 (“the Act”)—

Section 43 (power to decline to determine applications) to the extent to which it relates to the power to decline to determine subsequent applications but not to the extent to which it relates to the power to decline to determine overlapping applications);

Section 44 (major infrastructure projects);

Section 51 (duration of permission and consent);

Section 54 (duty to respond to consultation); and

Paragraph 16 (4) of Schedule 6 which substitutes paragraph 7 of Schedule 1 to the Town and Country Planning Act 1990 (consultation requirements).

Article 3 of this Order brings into force section 116 (Isles of Scilly) of the Act.

Article 4 of this Order makes savings for the purposes of the provisions contained in sections 44, 51 and 54 of, and paragraph 16(4) of Schedule 6 to, the Act.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 3 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 1 to 3 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 4 as to England	28th September 2004	<a href="#">2004/2202</a>
Section 5 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 5 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Sections 6 and 7 as to England	28th September 2004	<a href="#">2004/2202</a>
Section 8 (partially)	6th August	<a href="#">2004/2097</a>
Section 8 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 9 as to England	28th September 2004	<a href="#">2004/2202</a>
Sections 10 to 15 (partially)	6th August 2004	<a href="#">2004/2097</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 10 to 15 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 16 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 16 as to England (in so far as not already in force)	28th September	<a href="#">2004/2202</a>
Section 17 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 17 as to England (in so far as not yet already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 18 as to England	28th September 2004	<a href="#">2004/2202</a>
Sections 19 to 22 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 19 to 22 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 23 as to England	28th September 2004	<a href="#">2004/2202</a>
Sections 24 to 26 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 24 to 26 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 27 as to England	28th September 2004	<a href="#">2004/2202</a>
Sections 28 and 29 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 28 and 29 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 30 as to England	28th September 2004	<a href="#">2004/2202</a>
Section 31 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 31 as to England (in so far as not yet already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 32 to 34 as to England	28th September 2004	<a href="#">2004/2202</a>
Sections 35 and 36 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 35 and 36 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Sections 37 to 39 as to England	28th September 2004	<a href="#">2004/2202</a>
Sections 40 to 42 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 44 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 46 to 50 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 52 to 54 (partially)	6th August 2004	<a href="#">2004/2097</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 52 and 53 as to England (in so far as not already in force)	7th March 2005	<a href="#">2005/204</a>
Sections 55 as to England (in so far as not already in force)	1st April 2005	<a href="#">2005/204</a>
Section 56 as to England and Wales	28th September 2004	<a href="#">2004/2202</a>
Section 57 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 57 as to England and Wales (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 58 as to England and Wales	28th September 2004	<a href="#">2004/2202</a>
Section 59 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 59 as to England and Wales (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Sections 79 to 83 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 88 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 91 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 100 and 101 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 99 to 110 as to England and Wales (in so far as not already in force)	31st October 2004	<a href="#">2004/2593</a>
Section 111(2) as to England and Wales	31st October 2004	<a href="#">2004/2593</a>
Section 113 as to England	28th September 2004	<a href="#">2004/2202</a>
Section 114 as to England (partially)	28th September 2004	<a href="#">2004/2202</a>
Section 116 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 117(1) to (7) (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 117(1) to (7) as to England and Wales (in so far as not in force)	28th September 2004	<a href="#">2004/2202</a>
Section 118 except subsection (2) in so far as it relates to the Town and Country Planning (Scotland) Act 1997 (partially)	6th August 2004	<a href="#">2004/2097</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 118 except subsection (2) in so far as it relates to the Town and Country Planning (Scotland) Act 1997 (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 119 (1) (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 119(1) as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 120 except in so far as it relates to the Town and Country Planning (Scotland) Act 1997, to the Planning (Hazardous Substances) (Scotland) Act 1997 or to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 120 except in so far as it relates to the Town and Country Planning (Scotland) Act 1997, to the Planning (Hazardous Substances) (Scotland) Act 1997 or to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997	28th September 2004	<a href="#">2004/2202</a>
Schedule 1 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 2 paragraph 3 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 2 as to England (in so far as not already in force)	1st April 2005	<a href="#">2005/204</a>
Schedule 3 paragraph 6 to 8 and 10 to 12 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 6 paragraphs 1, 3, 14, 16, 19, 20, 23, 24, 26 and 27 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 6 paragraphs 1, 8 to 13, 15, 16(1) and (2), 17 to 19, 21, 22 and 25 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Schedule 6 paragraph 7 as to England and Wales	31st October 2004	<a href="#">2004/2593</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 6 paragraphs 20, 23, 24 and 26 as to England and Wales (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Schedule 7 paragraph 19 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 7 paragraphs 2, 3, 6, 8, 11(1) to (3), 16, 17, 19(2), 22 and 23 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Schedule 7 paragraphs 4, 5, 7, 9, 10(1) to (6), 11(4) and (5), 12 to 15, 18 and 21 as to England and Wales	31st October 2004	<a href="#">2004/2593</a>
Schedule 8 paragraph 4,9,17 and 18 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 8 as to England (so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Schedule 9 as to England (partially)	28th September 2004	<a href="#">2004/2202</a>
Schedule 9 as to England and Wales (partially)	28th September 2004	<a href="#">2004/2202</a>
Schedule 9 as to England and Wales (partially)	31st October 2004	<a href="#">2004/2593</a>