

Status: Point in time view as at 01/08/2004.

Changes to legislation: *Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULES

VALID FROM 06/08/2004

SCHEDULE 1

Section 40

LOCAL DEVELOPMENT ORDERS: PROCEDURE

Commencement Information

II Sch. 1 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), **art. 2**

VALID FROM 06/08/2004

SCHEDULE 2

Section 55

TIMETABLE FOR DECISIONS

VALID FROM 06/08/2004

SCHEDULE 3

Section 79

CROWN APPLICATION

Status: Point in time view as at 01/08/2004.

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VALID FROM 07/06/2006

SCHEDULE 4

Section 89

TRANSITIONAL PROVISIONS: CROWN APPLICATION

PART 1

THE PRINCIPAL ACT

Introduction

- 1 This Part applies to a development if—
- (a) it is a development for which before the relevant date no planning permission is required,
 - (b) it is not a development or of a description of development for which planning permission is granted by virtue of a development order, and
 - (c) before the relevant date proposed development notice had been given to the local planning authority.

- 2 In this Part—
- (a) the relevant date is the date of commencement of section 79(1);
 - (b) proposed development notice is notice of a proposal for development given by the developer in pursuance of arrangements made by the Secretary of State in relation to development by or on behalf of the Crown;
 - (c) the developer is the Crown or a person acting on behalf of the Crown.

Acceptable development

- 3 (1) This paragraph applies if before the relevant date in pursuance of the arrangements either the local planning authority have or the Secretary of State has given notice to the developer that they or he (as the case may be) find the proposed development acceptable.

(2) The notice must be treated as if it is planning permission granted under Part 3 of the principal Act.

(3) If the notice is subject to conditions the conditions have effect as if they are conditions attached to the planning permission.

- 4 (1) This paragraph applies if before the relevant date the local planning authority have in pursuance of the arrangements kept a register of proposed development notices.

(2) The register must be treated as if it is part of the register kept by them in pursuance of section 69 of the principal Act.

Referred proposals

- 5 (1) This paragraph applies if—

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- (a) before the relevant date the local planning authority have notified the developer in pursuance of the arrangements that they do not find the development acceptable, and
 - (b) the matter has been referred to but not decided by the Secretary of State.
- (2) This paragraph also applies if—
- (a) before the relevant date the local planning authority have notified the developer in pursuance of the arrangements that they find the development acceptable subject to conditions, and
 - (b) the matter has been referred to but not decided by the Secretary of State.
- (3) The Secretary of State must deal with the proposal as if it is an appeal by an applicant for planning permission under section 78 of the principal Act.

Pending proposals

- 6 (1) This paragraph applies if before the relevant date—
- (a) proposed development notice has been given, but
 - (b) the local planning authority have not given notice to the developer as mentioned in paragraph 3 or 5.
- (2) The principal Act applies as if the proposal is an application for planning permission duly made under Part 3 of that Act.

PART 2

THE LISTED BUILDINGS ACT

Introduction

- 7 This Part applies to works if—
- (a) they are works for which before the relevant date no listed building consent is required, and
 - (b) before the relevant date proposed works notice had been given to the local planning authority.

- 8 In this Part—
- (a) the relevant date is the date of commencement of section 79(1);
 - (b) proposed works notice is notice of a proposal for works given by the person proposing to carry out the works (the developer) in pursuance of arrangements made by the Secretary of State in relation to development by or on behalf of the Crown;
 - (c) the developer is the Crown or a person acting on behalf of the Crown.

Acceptable works

- 9 (1) This paragraph applies if before the relevant date in pursuance of the arrangements either the local planning authority have or the Secretary of State has given notice to the developer that they or he (as the case may be) find the proposed works acceptable.

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- (2) The notice must be treated as if it is listed building consent granted under the listed buildings Act.
- (3) If the notice is subject to conditions the conditions have effect as if they are conditions attached to the consent.
- 10 (1) This paragraph applies if before the relevant date the local planning authority have in pursuance of the arrangements kept a register of proposed works notices.
- (2) The register must be treated as if it is part of the register kept by them in pursuance of the listed buildings Act.

Referred proposals

- 11 (1) This paragraph applies if—
- (a) before the relevant date the local planning authority have notified the developer in pursuance of the arrangements that they do not find the works acceptable, and
- (b) the matter has been referred to but not decided by the Secretary of State.
- (2) This paragraph also applies if—
- (a) before the relevant date the local planning authority have notified the developer in pursuance of the arrangements that they find the works acceptable subject to conditions, and
- (b) the matter has been referred to but not decided by the Secretary of State.
- (3) The Secretary of State must deal with the proposal as if it is an appeal by an applicant for listed building consent under section 20 of the listed buildings Act.

Pending proposals

- 12 (1) This paragraph applies if before the relevant date—
- (a) proposed works notice has been given, but
- (b) the local planning authority have not given notice to the developer as mentioned in paragraph 9 or 11.
- (2) The listed buildings Act applies as if the proposal is an application for listed building consent duly made under that Act.

VALID FROM 20/03/2006

SCHEDULE 5

Section 90

CROWN APPLICATION: SCOTLAND

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VALID FROM 06/08/2004

SCHEDULE 6

Section 118

AMENDMENTS OF THE PLANNING ACTS

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SCHEDULE 7

Section 118

AMENDMENTS OF OTHER ENACTMENTS

PROSPECTIVE

Gas Act 1965 (c. 36)

- 1 In paragraph 7(2) of Schedule 3 of the Gas Act 1965 after “development order” there is inserted “ or local development order ”.

VALID FROM 28/09/2004

Finance Act 1969 (c. 32)

- 2 In section 58(4) of the Finance Act 1969 (disclosure of information for statistical purposes), in the Table in the entry relating to local planning authorities—
- (a) in the first column for “the Town and Country Planning Act 1990” there is substituted “ Part 2 or 6 of the Planning and Compulsory Purchase Act 2004 ”;
 - (b) In the second column for “Part II of the Town and Country Planning Act 1990” there is substituted “ Part 2 or 6 of the Planning and Compulsory Purchase Act 2004 ”.

VALID FROM 28/09/2004

Leasehold Reform Act 1967 (c. 88)

- 3 In section 28(6)(a) of the Leasehold Reform Act 1967 (development for certain public purposes) for “Town and Country Planning Act 1990” there is substituted “ Planning and Compulsory Purchase Act 2004 ”.

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VALID FROM 31/10/2004

Agriculture (Miscellaneous Provisions) Act 1968 (c. 34)

4 In section 12 of the Agriculture (Miscellaneous Provisions) Act 1968 after subsection (3) there is inserted the following subsection—

“(4) If a person is entitled in respect of the same interest in land to a payment both—

(a) by virtue of subsection (1), and

(b) under section 33B of the Land Compensation Act 1973 (additional loss payment for agricultural land),

section 33H of that Act (only one payment to be made if a person has dual entitlement) applies.”

VALID FROM 31/10/2004

Countryside Act 1968 (c. 41)

5 (1) Paragraph 3 of Schedule 2 to the Countryside Act 1968 is amended as follows.

(2) In sub-paragraph (2), after “published” there is inserted “, affixed”.

(3) In sub-paragraph (4)(a), after “published” there is inserted “, affixed”.

(4) The amendments made by this paragraph do not apply to compulsory purchase orders of which notice under section 11 of the Acquisition of Land Act 1981 (c. 67) is published before commencement of this paragraph.

VALID FROM 28/09/2004

Greater London Council (General Powers) Act 1969 (c lii)

6 In section 13 of the Greater London Council (General Powers) Act 1969 (exercise of powers relating to walkways), in the proviso for the words from “any local plan” to “Schedule 1 to that Act” there is substituted “ a local development document (within the meaning of Part 2 of the Planning and Compulsory Purchase Act 2004) ”.

VALID FROM 31/10/2004

Land Compensation Act 1973 (c. 26)

7 (1) The Land Compensation Act 1973 is amended as follows.

(2) In section 29 (home loss payments) after subsection (3A) there is inserted the following subsection—

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“(3B) For the purposes of this section a person must not be treated as displaced from a dwelling in consequence only of the compulsory acquisition of part of a garden or yard or of an outhouse or appurtenance belonging to or usually enjoyed with the building which is occupied or is intended to be occupied as the dwelling.”

- (3) Sections 34 to 36 are omitted.
- (4) In section 87(1) (general interpretation) in the definition of “dwelling” “(except in section 29)” is omitted.
- (5) But the amendments made by this paragraph do not have effect in relation to a compulsory purchase order made or made in draft before the commencement of this paragraph.

VALID FROM 28/09/2004

Greater London Council (General Powers) Act 1973 (c xxx)

- 8 In section 24(4) of the Greater London Council (General Powers) Act 1973 (definitions for the purpose or provision relating to parking place agreements)—
- (a) in the definition of appropriate provision for “the Greater London” there is substituted “ their ”;
 - (b) in the second place where it occurs “Greater London development plan” is omitted.

VALID FROM 31/10/2004

Welsh Development Agency Act 1975 (c. 70)

- 9 (1) Schedule 4 to the Welsh Development Agency Act 1975 is amended as follows.
- (2) Paragraph 2 is omitted.
 - (3) In paragraph 3, in sub-paragraph (1)(c), for “section 13 of that Act to objections made by an owner, lessee or occupier” there is substituted “ sections 13 and 13A of that Act to relevant objections ”.
 - (4) The amendments made by this paragraph do not apply to compulsory purchase orders of which notice under section 11 of the Acquisition of Land Act 1981 (c. 67) is published before commencement of this paragraph.

Local Government, Planning and Land Act 1980 (c. 65)

- 10 (1) The Local Government, Planning and Land Act 1980 is amended as follows.
- (2) In section 142 (acquisition by corporation), in subsection (2A), “(subject to section 144(2))” is omitted.
 - (3) In section 143 (acquisition by local highway authority), in subsection (3A), “(subject to section 144(2))” is omitted.

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- (4) In section 144, in subsection (2), “the 1981 Act and” is omitted.
- (5) In Schedule 28, in paragraph 1, “The 1981 Act and” and the words from “and in paragraph 2” to the end are omitted.
- (6) The amendments made by this paragraph do not apply to compulsory purchase orders of which notice under section 11 of or, as the case may be, paragraph 2 of Schedule 1 to the Acquisition of Land Act 1981 is published before commencement of this paragraph.
- (7) In Schedule 26 (Urban Development Corporations), after paragraph 14 there are inserted the following paragraphs—

“Delegation of planning functions

- 14A
- (1) This paragraph applies in relation to any function conferred on the corporation by virtue of an order under section 149 above.
 - (2) The corporation may appoint committees and such committees may appoint sub-committees.
 - (3) Anything which is authorised or required to be done by the corporation—
 - (a) may be done by any member of the corporation or of its staff who is authorised for the purpose either generally or specifically;
 - (b) may be done by a committee or sub-committee which is so authorised.
 - (4) The corporation may—
 - (a) determine the quorum of a committee or sub-committee;
 - (b) make such arrangements as it thinks appropriate relating to the meetings and procedure of a committee or sub-committee.
 - (5) Anything done for the purposes of sub-paragraph (4) is subject to directions given by the Secretary of State.
 - (6) The validity of anything done by a committee or sub-committee is not affected by—
 - (a) any vacancy among its members;
 - (b) any defect in the appointment of any of its members.
 - (7) This paragraph does not extend to Scotland.

Delegation of planning functions

- 14B
- (1) This paragraph has effect in relation to the membership of committees and sub-committees appointed under paragraph 14A.
 - (2) A committee may consist of—
 - (a) such members of the corporation as it appoints;
 - (b) such other persons as the corporation (with the consent of the Secretary of State) appoints.

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- (3) A sub-committee of a committee may consist of—
- (a) such members of the committee as it appoints;
 - (b) such persons who are members of another committee of the corporation (whether or not they are members of the corporation) as the committee appoints;
 - (c) such other persons as the corporation (with the consent of the Secretary of State) appoints.
- (4) The membership of a committee or sub-committee—
- (a) must always include at least one person who is a member of the corporation;
 - (b) must not include any person who is a member of the staff of the corporation.”

Commencement Information

I2 Sch. 7 para. 10 partly in force; Sch. 7 para. 10(7) in force at 13.7.2004, see s. 121(6)

VALID FROM 28/09/2004

Highways Act 1980 (c. 66)

- 11 (1) The Highways Act 1980 is amended as follows.
- (2) In section 232(8) after “1990” there is inserted “ and Parts 2 and 6 of the Planning and Compulsory Purchase Act 2004 ”.
- (3) In section 232(9) for the definition of development plan there is substituted—
““development plan” must be construed in accordance with section 38 of the Planning and Compulsory Purchase Act 2004;
“local authority” has the same meaning as in the Town and Country Planning Act 1990.”
- (4) Section 259(power to confirm, etc, compulsory purchase order in part) is omitted.
- (5) The amendment made by sub-paragraph (4) does not apply to a compulsory purchase order of which notice under section 11 of or, as the case may be, paragraph 2 of Schedule 1 to the Acquisition of Land Act 1981 is published before the commencement of that sub-paragraph.

VALID FROM 31/10/2004

Acquisition of Land Act 1981 (c. 67)

- 12 In section 29(5) of the Acquisition of Land Act 1981 for the words “any reference to any owner, lessee or occupier” there are substituted the words “ the reference to a qualifying person for the purposes of section 12(2) ”.

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VALID FROM 31/10/2004

Housing Act 1985 (c. 68)

- 13 (1) In section 578A of the Housing Act 1985 (modification of compulsory purchase order in case of acquisition of land for clearance), in subsection (2), for “section 13” there is substituted “ sections 13 to 13C ”.
- (2) The amendment made by sub-paragraph (1) does not apply to compulsory purchase orders of which notice under section 11 of the Acquisition of Land Act 1981 is published before commencement of this paragraph.

VALID FROM 31/10/2004

Education Reform Act 1988 (c. 40)

- 14 (1) The Education Reform Act 1988 is amended as follows.
- (2) In section 190 (wrongful contracts or disposals), in subsection (6) for the words from “references” to the end there is substituted “ the reference in section 12 of that Act to an owner of the land included reference to the London Residuary Body ”.
- (3) In section 201 (wrongful disposals), in subsection (6), for the words from “references” to the end there is substituted “ the reference in section 12 of that Act to an owner of the land included reference to the local education authority concerned ”.
- (4) The amendments made by this paragraph do not apply to compulsory purchase orders of which notice under section 11 of the Acquisition of Land Act 1981 (c. 67) is published before commencement of this paragraph.

VALID FROM 31/10/2004

Housing Act 1988 (c. 50)

- 15 (1) Paragraph 2 of Schedule 10 to the Housing Act 1988 (modifications of Acquisition of Land Act 1981) is omitted.
- (2) The amendment made by sub-paragraph (1) does not apply to compulsory purchase orders of which notice under section 11 of or, as the case may be, paragraph 2 of Schedule 1 to the Acquisition of Land Act 1981 is published before commencement of this paragraph.

VALID FROM 28/09/2004

Planning and Compensation Act 1991 (c. 34)

- 16 In Schedule 4 to the Planning and Compensation Act 1991 Part 3 is omitted.

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VALID FROM 28/09/2004

Local Government Act 1992 (c. 19)

- 17 In section 14(5) of the Local Government Act 1992 (structural changes which may be recommended by the Electoral Commission), paragraph (d) is omitted.

VALID FROM 31/10/2004

Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)

- 18 (1) Schedule 20 to the Leasehold Reform, Housing and Urban Development Act 1993 (modification of Acquisition of Land Act 1981) is amended as follows.
- (2) In paragraph 1, for “modifications specified in paragraphs 2 and” there is substituted “ modification specified in paragraph ”.
- (3) Paragraph 2 is omitted.
- (4) The amendments made by this paragraph do not apply to compulsory purchase orders of which notice under section 11 of or, as the case may be, paragraph 2 of Schedule 1 to the Acquisition of Land Act 1981 (c. 67) is published before commencement of this paragraph.

VALID FROM 06/08/2004

Environment Act 1995 (c. 25)

- 19 (1) The Environment Act 1995 is amended as follows.
- (2) In section 67 (which makes provision for a National Park authority to be the local planning authority) subsections (2) to (4) are omitted.
- (3) In Schedule 14 (periodic review of mineral planning permissions) in paragraph 2(1), in the definition of “first review date”, for “paragraph 5” there is substituted “ paragraphs 3A and 5 ”.
- (4) In Schedule 14 after paragraph 3 there is inserted the following paragraph—
- “3A (1) The Secretary of State may by order specify a first review date different from the first review date found in pursuance of paragraph 3(1) or (2).
- (2) Sub-paragraph (3) applies if no first review date is found in pursuance of paragraph 3(1) or (2).
- (3) The Secretary of State may by order specify a first review date.
- (4) An order under sub-paragraph (3) may make different provision for different cases or different classes of case.
- ”

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- (5) An order under this paragraph must be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”

VALID FROM 12/06/2006

Town and Country Planning (Scotland) Act 1997 (c. 8)

- 20 (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 26(2)(b) (meaning of “development”), for “local roads authority” there is substituted “roads authority (as defined by section 151(1) of the Roads (Scotland) Act 1984)”.
- (3) In section 275 (regulations and orders), after subsection (2) there is inserted—
- “(2A) Regulations may make different provision for different purposes.”
- (4) In Schedule 10 (periodic review of mineral planning permissions)—
- (a) in paragraph 2(1), in the definition of “first review date”, for “paragraph 5” there is substituted “paragraphs 3A and 5”; and
- (b) after paragraph 3, there is inserted the following paragraph—
- “3A (1) The Scottish Ministers may by order specify a first review date different from the first review date found in pursuance of paragraph 3(1) or (2).
- (2) Sub-paragraph (3) applies if no first review date is found in pursuance of paragraph 3(1) or (2).
- (3) The Scottish Ministers may by order specify a first review date.
- (4) An order under sub-paragraph (3) may make different provision for different cases or different classes of case.
- (5) An order under this paragraph must be made by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament.”

VALID FROM 31/10/2004

Regional Development Agencies Act 1998 (c. 45)

- 21 (1) Paragraph 1 of Schedule 5 to the Regional Development Agencies Act 1998 (modifications of Acquisition of Land Act 1981) is omitted.
- (2) The amendment made by sub-paragraph (1) does not apply to compulsory purchase orders of which notice has been published under section 11 of or, as the case may be, paragraph 2 of Schedule 1 to the Acquisition of Land Act 1981 (c. 67) before commencement of this paragraph.

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VALID FROM 28/09/2004

Greater London Authority Act 1999 (c. 29)

- 22 (1) The Greater London Authority Act 1999 is amended as follows.
- (2) In section 337 (publication)—
- (a) for “relevant regional planning guidance” there is substituted “ the regional spatial strategy for a region which adjoins Greater London ”;
 - (b) subsection (10) is omitted.
- (3) In section 342(1) (matters to which Mayor is to have regard) for paragraph (a) there is substituted the following—
- “(a) the regional spatial strategy for a region which adjoins Greater London;”.
- (4) In section 346(b) (Mayor to monitor plans) for “unitary development plan” there is substituted “ local development documents (within the meaning of Part 2 of the Planning and Compulsory Purchase Act 2004) ”.

VALID FROM 28/09/2004

Countryside and Rights of Way Act 2000 (c. 37)

- 23 In section 86(4) of the Countryside and Rights of Way Act 2000—
- (a) “II,” is omitted;
 - (b) at the end there is inserted “ or under Part 2 or 6 of the Planning and Compulsory Purchase Act 2004 ”.

VALID FROM 06/08/2004

SCHEDULE 8

Section 119

TRANSITIONAL PROVISIONS: PARTS 1 AND 2

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VALID FROM 28/09/2004

SCHEDULE 9

Section 120

REPEALS

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Status:

Point in time view as at 01/08/2004.

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