

*Status: Point in time view as at 11/05/2006.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 02 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

### SCHEDULE 1

Section 40

#### LOCAL DEVELOPMENT ORDERS: PROCEDURE

##### Commencement Information

- I1** Sch. 1 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097, art. 2](#)  
**I2** Sch. 1 in force at 10.5.2006 for E. so far as not already in force by [S.I. 2006/1061, art. 2\(c\)](#)

VALID FROM 30/04/2012

In the principal Act after Schedule 4 (special provision as to land use in 1948) there is inserted the following Schedule—

#### “SCHEDULE 4A

##### LOCAL DEVELOPMENT ORDERS: PROCEDURE

###### *Preparation*

- 1 (1) A local development order must be prepared in accordance with such procedure as is prescribed by a development order.
- (2) A development order may include provision as to—
- (a) the preparation, submission, approval, adoption, revision, revocation and withdrawal of a local development order;
  - (b) notice, publicity, and inspection by the public;
  - (c) consultation with and consideration of views of such persons and for such purposes as are prescribed;
  - (d) the making and consideration of representations.
- (3) Regulations under this paragraph may include provision as to the matters relating to a local development order to be included in the report to be made by a local planning authority under section 35 or 76 of the Planning and Compulsory Purchase Act 2004.

###### *Revision*

- 2 (1) The local planning authority may at any time prepare a revision of a local development order.
- (2) An authority in England must prepare a revision of a local development order—
- (a) if the Secretary of State directs them to do so, and
  - (b) in accordance with such timetable as he directs.
- (3) An authority in Wales must prepare a revision of a local development order—

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- (a) if the National Assembly for Wales directs them to do so, and
- (b) in accordance with such timetable as it directs.

- (4) If a development plan document mentioned in section 61A(1) is revised under section 26 of the Planning and Compulsory Purchase Act 2004 (revision of local planning documents) or revoked under section 25 of that Act (revocation by Secretary of State) a local development order made to implement the policies in the document must be revised accordingly.
- (5) If a local development plan mentioned in section 61A(1) is revised under section 70 of the Planning and Compulsory Purchase Act 2004 (revision of local development plan) or revoked under section 68 of that Act (revocation by National Assembly for Wales) a local development order made to implement the policies in the plan must be revised accordingly.
- (6) This Schedule applies to the revision of a local development order as it applies to the preparation of the order.

*Order to be adopted*

- 3 A local development order is of no effect unless it is adopted by resolution of the local planning authority.

*Annual report*

- 4 (1) The report made under section 35 of the Planning and Compulsory Purchase Act 2004 must include a report as to the extent to which the local development order is achieving its purposes.
- (2) The Secretary of State may prescribe the form and content of the report as it relates to the local development order.

*Annual report*

- 5 (1) The report made under section 76 of the Planning and Compulsory Purchase Act 2004 must include a report as to the extent to which the local development order is achieving its purposes.
- (2) The National Assembly for Wales may prescribe the form and content of the report as it relates to the local development order.”

SCHEDULE 2

Section 55

TIMETABLE FOR DECISIONS

*Decisions*

- 1 This Schedule applies to any decision which must be taken by the Secretary of State under—
  - (a) section 77 of the principal Act (reference of applications to Secretary of State);

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(b) section 78 of the principal Act (right to appeal against planning decisions).

**Commencement Information**

**I3** Sch. 2 para. 1 in force at 1.4.2005 for E. by [S.I. 2005/204](#), [art. 3](#) (with [art. 4](#))

- 2 (1) This Schedule also applies to a decision not mentioned in paragraph 1 if each of the following two conditions applies.
- (2) The first condition is that the Secretary of State thinks the decision is connected with a decision mentioned in paragraph 1.
- (3) The second condition is that—
- (a) the Secretary of State is required by virtue of any enactment to take the decision, or
  - (b) (in any case to which paragraph (a) does not apply) the Secretary of State by virtue of a power under any enactment directs that the decision must be referred to him.

**Commencement Information**

**I4** Sch. 2 para. 2 in force at 1.4.2005 for E. by [S.I. 2005/204](#), [art. 3](#) (with [art. 4](#))

- 3 But the Secretary of State may by order specify decisions or descriptions of decisions to which a timetable is not to apply.

**Commencement Information**

**I5** Sch. 2 para. 3 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)

**I6** Sch. 2 para. 3 in force at 1.4.2005 for E. so far as not already in force by [S.I. 2005/204](#), [art. 3](#) (with [art. 4](#))

*Timetable*

- 4 (1) The Secretary of State must make one or more timetables for the purposes of decisions to which this Schedule applies.
- (2) A timetable may make different provision for different decisions or different descriptions of decision.
- (3) A timetable—
- (a) has effect from such time as the Secretary of State determines;
  - (b) must set out the time within which the decision must be taken;
  - (c) may set out the time within which any other step to be taken for the purposes of the decision must be taken.
- (4) A timetable made under this paragraph must be published in such form and manner as the Secretary of State thinks appropriate.

**Commencement Information**

**I7** Sch. 2 para. 4 in force at 1.4.2005 for E. by [S.I. 2005/204](#), [art. 3](#) (with [art. 4](#))

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### *Notice*

- 5 (1) The Secretary of State must notify the following persons as soon as practicable of the published timetable which applies to a decision—
- (a) the applicant or appellant (as the case may be) in relation to the decision;
  - (b) the local planning authority for the area to which the decision relates;
  - (c) any other person who requests such notification.
- (2) But the Secretary of State may direct that the timetable is subject to such variation as he specifies in the notice under sub-paragraph (1).
- (3) If the Secretary of State acts under sub-paragraph (2) the notice under sub-paragraph (1) must also specify the reasons for the variation.
- (4) The timetable notified under this paragraph is the applicable timetable.

#### **Commencement Information**

**I8** Sch. 2 para. 5 in force at 1.4.2005 for E. by [S.I. 2005/204](#), **art. 3** (with **art. 4**)

### *Variation*

- 6 (1) This paragraph applies if before the time at which any step must be taken in accordance with the applicable timetable the Secretary of State thinks that there are circumstances which are likely to prevent the taking of the step at that time.
- (2) The Secretary of State may vary the applicable timetable accordingly.
- (3) If the Secretary of State varies the applicable timetable under sub-paragraph (2) he must notify the persons mentioned in paragraph 5(1) of the variation and the reason for it.

#### **Commencement Information**

**I9** Sch. 2 para. 6 in force at 1.4.2005 for E. by [S.I. 2005/204](#), **art. 3** (with **art. 4**)

### *Written reasons*

- 7 If the Secretary of State fails to take any step in accordance with the applicable timetable (or that timetable as varied under paragraph 6) he must give written reasons to the persons mentioned in paragraph 5(1).

#### **Commencement Information**

**I10** Sch. 2 para. 7 in force at 1.4.2005 for E. by [S.I. 2005/204](#), **art. 3** (with **art. 4**)

### *Annual report*

- 8 (1) The Secretary of State must lay before Parliament a report in respect of each year which—
- (a) reviews his performance under the provisions of this Schedule;
  - (b) explains any failure to comply with a timetable.

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- (2) The report must be published in such form and manner as the Secretary of State thinks appropriate.

**Commencement Information**

**III** Sch. 2 para. 8 in force at 1.4.2005 for E. by [S.I. 2005/204](#), **art. 3** (with **art. 4**)

SCHEDULE 3

Section 79

CROWN APPLICATION

VALID FROM 07/06/2006

*Purchase notices*

- 1 After section 137 of the principal Act (circumstances in which a purchase notice may be served) there is inserted the following section—

**“137A Purchase notices: Crown land**

- (1) A purchase notice may be served in respect of Crown land only as mentioned in this section.
- (2) The owner of a private interest in Crown land must not serve a purchase notice unless—
  - (a) he first offers to dispose of his interest to the appropriate authority on equivalent terms, and
  - (b) the offer is refused by the appropriate authority.
- (3) The appropriate authority may serve a purchase notice in relation to the following land—
  - (a) land belonging to Her Majesty in right of Her private estates;
  - (b) land belonging to Her Majesty in right of the Duchy of Lancaster;
  - (c) land belonging to the Duchy of Cornwall;
  - (d) land which forms part of the Crown Estate.
- (4) An offer is made on equivalent terms if the price payable for the interest is equal to (and, in default of agreement, determined in the same manner as) the compensation which would be payable in respect of it if it were acquired in pursuance of a purchase notice.
- (5) Expressions used in this section and in Part 13 must be construed in accordance with that Part.”

- 2 After section 32 of the listed buildings Act (circumstances in which a purchase notice may be served) there is inserted the following section—

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### “32A Purchase notices: Crown land

- (1) A listed building purchase notice may be served in respect of Crown land only as mentioned in this section.
- (2) The owner of a private interest in Crown land must not serve a listed building purchase notice unless—
  - (a) he first offers to dispose of his interest to the appropriate authority on equivalent terms, and
  - (b) the offer is refused by the appropriate authority.
- (3) The appropriate authority may serve a listed building purchase notice in relation to the following land—
  - (a) land belonging to Her Majesty in right of Her private estates;
  - (b) land belonging to Her Majesty in right of the Duchy of Lancaster;
  - (c) land belonging to the Duchy of Cornwall;
  - (d) land which forms part of the Crown Estate.
- (4) An offer is made on equivalent terms if the price payable for the interest is equal to (and, in default of agreement, determined in the same manner as) the compensation which would be payable in respect of it if it were acquired in pursuance of a listed building purchase notice.”

VALID FROM 07/06/2006

### *Compulsory acquisition*

- 3 (1) Section 226 of the principal Act (compulsory acquisition of land for development and other planning purposes) is amended as follows.
  - (2) After subsection (2) there is inserted the following subsection—
 

“(2A) The Secretary of State must not authorise the acquisition of any interest in Crown land unless—

    - (a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and
    - (b) the appropriate authority consents to the acquisition.”
  - (3) After subsection (8) there is inserted the following subsection—
 

“(9) Crown land must be construed in accordance with Part 13.”
- 4 (1) Section 228 of the principal Act (compulsory acquisition of land by the Secretary of State) is amended as follows.
  - (2) After subsection (1) there is inserted the following subsection—
 

“(1A) But subsection (1) does not permit the acquisition of any interest in Crown land unless—

    - (a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and
    - (b) the appropriate authority consents to the acquisition.”

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- (3) After subsection (7) there is inserted the following subsection—
- “(8) Crown land must be construed in accordance with Part 13.”
- 5 (1) Section 47 of the listed buildings Act (compulsory acquisition of listed building in need of repair) is amended as follows.
- (2) After subsection (6) there is inserted the following subsection—
- “(6A) This section does not permit the acquisition of any interest in Crown land unless—
- (a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and
  - (b) the appropriate authority (within the meaning of section 82C) consents to the acquisition.”

#### *Definitions*

- 6 (1) Section 293 of the principal Act (preliminary definitions) is amended as follows.
- (2) In subsection (1) for the definition of “Crown interest” there is substituted the following definition—
- ““Crown interest” means any of the following—
- (a) an interest belonging to Her Majesty in right of the Crown or in right of Her private estates;
  - (b) an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department;
  - (c) such other interest as the Secretary of State specifies by order;”.
- (3) In subsection (2) after paragraph (b) there is inserted the following paragraph—
- “(ba) in relation to land belonging to Her Majesty in right of Her private estates means a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Secretary of State;”.
- (4) In subsection (2) after paragraph (e) there are inserted the following paragraphs—
- “(f) in relation to Westminster Hall and the Chapel of St Mary Undercroft, means the Lord Great Chamberlain and the Speakers of the House of Lords and the House of Commons acting jointly;
  - (g) in relation to Her Majesty’s Robing Room in the Palace of Westminster, the adjoining staircase and ante-room and the Royal Gallery, means the Lord Great Chamberlain.”
- (5) After subsection (2) there is inserted the following subsection—
- “(2A) For the purposes of an application for planning permission made by or on behalf of the Crown in respect of land which does not belong to the Crown or in respect of which it has no interest a reference to the appropriate authority must be construed as a reference to the person who makes the application.”
- (6) After subsection (3) there are inserted the following subsections—

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“(3A) References to Her Majesty’s private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862.

(3B) In subsection (2A) the Crown includes—

- (a) the Duchy of Lancaster;
- (b) the Duchy of Cornwall;
- (c) a person who is an appropriate authority by virtue of subsection (2) (f) and (g).”

(7) After subsection (4) there are inserted the following subsections—

“(5) An order made for the purposes of paragraph (c) of the definition of Crown interest in subsection (1) must be made by statutory instrument.

(6) But no such order may be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.”

#### Commencement Information

**I12** Sch. 3 para. 6 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)

7 In the listed buildings Act after section 82B (inserted by section 83(1)) there is inserted the following section—

#### “82C Expressions relating to the Crown

- (1) In this Act, expressions relating to the Crown must be construed in accordance with this section.
- (2) Crown land is land in which there is a Crown interest or a Duchy interest.
- (3) A Crown interest is any of the following—
  - (a) an interest belonging to Her Majesty in right of the Crown or in right of Her private estates;
  - (b) an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department;
  - (c) such other interest as the Secretary of State specifies by order.
- (4) A Duchy interest is—
  - (a) an interest belonging to Her Majesty in right of the Duchy of Lancaster, or
  - (b) an interest belonging to the Duchy of Cornwall.
- (5) A private interest is an interest which is neither a Crown interest nor a Duchy interest.
- (6) The appropriate authority in relation to any land is—
  - (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners;
  - (b) in relation to any other land belonging to Her Majesty in right of the Crown, the government department having the management of the land;



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- (c) in relation to land belonging to Her Majesty in right of Her private estates, a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Secretary of State;
  - (d) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
  - (e) in relation to land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy, appoints;
  - (f) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, the department;
  - (g) in relation to Westminster Hall and the Chapel of St Mary Undercroft, the Lord Great Chamberlain and the Speakers of the House of Lords and the House of Commons acting jointly;
  - (h) in relation to Her Majesty's Robing Room in the Palace of Westminster, the adjoining staircase and ante-room and the Royal Gallery, the Lord Great Chamberlain.
- (7) If any question arises as to what authority is the appropriate authority in relation to any land it must be referred to the Treasury, whose decision is final.
- (8) For the purposes of an application for listed building consent made by or on behalf of the Crown in respect of land which does not belong to the Crown or in respect of which it has no interest a reference to the appropriate authority must be construed as a reference to the person who makes the application.
- (9) For the purposes of subsection (8) the Crown includes—
- (a) the Duchy of Lancaster;
  - (b) the Duchy of Cornwall;
  - (c) a person who is an appropriate authority by virtue of subsection (6) (g) and (h).
- (10) The reference to Her Majesty's private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862.
- (11) An order made for the purposes of paragraph (c) of subsection (3) must be made by statutory instrument.
- (12) But no such order may be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.”

#### **Commencement Information**

**113** Sch. 3 para. 7 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)

- 8 (1) Section 31 of the hazardous substances Act (exercise of powers in relation to Crown land) is amended as follows.
- (2) Subsections (1) and (2) are omitted.
- (3) In subsection (3) for the definition of “Crown interest” there is substituted the following definition—

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““Crown interest” means any of the following—

- (a) an interest belonging to Her Majesty in right of the Crown or in right of Her private estates;
- (b) an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department;
- (c) such other interest as the Secretary of State specifies by order;”.

(4) In subsection (5) after paragraph (a) there is inserted the following paragraph—

“(aa) in relation to land belonging to Her Majesty in right of Her private estates means a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Secretary of State;”.

(5) In subsection (5) after paragraph (d) there are inserted the following paragraphs—

- “(e) in relation to Westminster Hall and the Chapel of St Mary Undercroft, means the Lord Great Chamberlain and the Speakers of the House of Lords and the House of Commons acting jointly;
- (f) in relation to Her Majesty’s Robing Room in the Palace of Westminster, the adjoining staircase and ante-room and the Royal Gallery, means the Lord Great Chamberlain.”

(6) After subsection (6) there are inserted the following subsections—

- “(7) References to Her Majesty’s private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862.
- (8) An order made for the purposes of paragraph (c) of the definition of Crown interest in subsection (3) must be made by statutory instrument.
- (9) But no such order may be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.”

#### Commencement Information

**I14** Sch. 3 para. 8 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)

VALID FROM 07/06/2006

#### *Special enforcement notices*

- 9 (1) Sections 294 and 295 of the principal Act (control of development on Crown land: special enforcement notices) are omitted.
- (2) But the repeal of sections 294 and 295 does not affect their operation in relation to development carried out before the commencement of this paragraph.

#### *Applications for planning permission, etc.*

- 10 (1) After section 298 of the principal Act (supplementary provision as to Crown and Duchy interests) there is inserted the following section—

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### **“298A Applications for planning permission by Crown**

- (1) This section applies to an application for planning permission or for a certificate under section 192 made by or on behalf of the Crown.
  - (2) The Secretary of State may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.
  - (3) A statutory provision is a provision contained in or having effect under any enactment.”
- (2) Section 299 of the principal Act is omitted.
- (3) The repeal of section 299 of the principal Act does not does not affect any requirement made in pursuance of regulations made under subsection (5)(b) of that section.

#### **Commencement Information**

**I15** Sch. 3 para. 10 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)

- 11 After section 82E of the listed buildings Act (inserted by section 84) there is inserted the following section—

### **“82F Applications for listed building or conservation area consent by Crown**

- (1) This section applies to an application for listed building consent or conservation area consent made by or on behalf of the Crown.
- (2) The Secretary of State may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.
- (3) A statutory provision is a provision contained in or having effect under any enactment.”

#### **Commencement Information**

**I16** Sch. 3 para. 11 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)

- 12 (1) After section 31 of the hazardous substances Act (exercise of powers in relation to Crown land) there is inserted the following section—

### **“31A Applications for hazardous substances consent by Crown**

- (1) This section applies to an application for hazardous substances consent made by or on behalf of the Crown.
  - (2) The Secretary of State may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.
  - (3) A statutory provision is a provision contained in or having effect under any enactment.”
- (2) Section 32 of the hazardous substances Act is omitted.

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### Commencement Information

**I17** Sch. 3 para. 12 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)

VALID FROM 07/06/2006

### *Rights of entry*

13 After section 325 of the principal Act (supplementary provisions as to rights of entry) there is inserted the following section—

#### **“325A Rights of entry: Crown land**

- (1) Section 324 applies to Crown land subject to the following modifications.
- (2) A person must not enter Crown land unless he has the relevant permission.
- (3) Relevant permission is the permission of—
  - (a) a person appearing to the person seeking entry to the land to be entitled to give it, or
  - (b) the appropriate authority.
- (4) In subsection (8) the words “Subject to section 325” must be ignored.
- (5) Section 325 does not apply to anything done by virtue of this section.
- (6) “Appropriate authority” must be construed in accordance with section 293(2).”

14 After section 88B of the listed buildings Act (rights of entry: supplementary provisions) there is inserted the following section—

#### **“88C Rights of entry: Crown land**

- (1) Section 88 applies to Crown land subject to the following modifications.
- (2) A person must not enter Crown land unless he has the relevant permission.
- (3) Relevant permission is the permission of—
  - (a) a person appearing to the person seeking entry to the land to be entitled to give it, or
  - (b) the appropriate authority.
- (4) In subsection (6) the words “Subject to section 88B(8)” must be ignored.
- (5) Section 88B does not apply to anything done by virtue of this section.
- (6) “Appropriate authority” must be construed in accordance with section 82C(6).”

15 After section 36B of the hazardous substances Act (rights of entry: supplementary provisions) there is inserted the following section—

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### **“36C Rights of entry: Crown land**

- (1) Section 36 applies to Crown land subject to the following modifications.
- (2) A person must not enter Crown land unless he has the relevant permission.
- (3) Relevant permission is the permission of—
  - (a) a person appearing to the person seeking entry to the land to be entitled to give it, or
  - (b) the appropriate authority.
- (4) Section 36B does not apply to anything done by virtue of this section.
- (5) “Appropriate authority” must be construed in accordance with section 31(5).”

VALID FROM 07/06/2006

### *Service of notices*

16 After section 329 of the principal Act (service of notices) there is inserted the following section—

#### **“329A Service of notices on the Crown**

- (1) Any notice or other document required under this Act to be served on the Crown must be served on the appropriate authority.
- (2) Section 329 does not apply for the purposes of the service of such a notice or document.
- (3) “Appropriate authority” must be construed in accordance with section 293(2).”

VALID FROM 07/06/2006

### *Information as to interests in land*

17 After section 330 of the principal Act (power to require information as to interests in land) there is inserted the following section—

#### **“330A Information as to interests in Crown land**

- (1) This section applies to an interest in Crown land which is not a private interest.
- (2) Section 330 does not apply to an interest to which this section applies.
- (3) For a purpose mentioned in section 330(1) the Secretary of State may request the appropriate authority to give him such information as to the matters mentioned in section 330(2) as he specifies in the request.

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- (4) The appropriate authority must comply with a request under subsection (3) except to the extent—
- (a) that the matter is not within the knowledge of the authority, or
  - (b) that to do so will disclose information as to any of the matters mentioned in section 321(4).
- (5) Expressions used in this section and in Part 13 must be construed in accordance with that Part.”

VALID FROM 07/06/2006

*Listed buildings and conservation areas*

- 18 (1) Sections 83 and 84 of the listed buildings Act (provisions relating to Crown land) are omitted.
- (2) The repeal of section 84 of the listed buildings Act does not affect any requirement made in pursuance of regulations made under subsection (4)(b) of that section.
- 19 (1) Section 89(1) of the listed buildings Act (application of certain general provisions of principal Act) is amended as follows.
- (2) After the entry relating to section 329 there is inserted— “ section 329A(1) and (2) (service of notices on the Crown) ”.
- (3) After the entry relating to section 330 there is inserted— “ section 330A(1) to (4) (information as to interests in Crown land) ”.

VALID FROM 07/06/2006

*Hazardous substances*

- 20 In section 17 of the hazardous substances Act (revocation of consent on change of control of land) after subsection (2) there is inserted the following subsection—
- “(3) This section does not apply if the control of land changes from one emanation of the Crown to another.”
- 21 (1) Section 37(2) of the hazardous substances Act (application of certain general provisions of the principal Act) is amended as follows.
- (2) After the entry relating to section 329 there is inserted— “ section 329A(1) and (2) (service of notices on the Crown) ”.
- (3) After the entry relating to section 330 there is inserted— “ section 330A(1) to (4) (information as to interests in Crown land) ”.

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VALID FROM 07/06/2006

*Miscellaneous*

- 22 Section 293(4) of the principal Act (certain persons treated as having an interest in Crown land) is omitted.
- 23 Section 297 of the principal Act (agreements relating to Crown land) is omitted.
- 24 (1) Section 298 of the principal Act (supplementary provisions as to Crown and Duchy interests) is amended as follows.
- (2) Subsections (1) and (2) are omitted.
- (3) In subsection (3) after “in which there is” there is inserted “ a Crown interest or ”.
- 25 Section 299A of the principal Act (Crown planning obligations) is omitted.
- 26 (1) Section 300 of the principal Act (tree preservation orders in anticipation of disposal of Crown land) is omitted.
- (2) But the repeal of section 300 does not affect its operation in relation to a tree preservation order made by virtue of that section before the commencement of this paragraph.
- 27 (1) Section 301 of the principal Act (requirement of planning permission for continuance of use instituted by the Crown) is omitted.
- (2) But the repeal of section 301 does not affect its operation in relation to an agreement made as mentioned in subsection (1) of that section before the commencement of this paragraph.

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

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- (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—  
 (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.



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- (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.
- (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—

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- (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.

SCHEDULE 5

Section 90

CROWN APPLICATION: SCOTLAND

VALID FROM 12/06/2006

*Purchase notices*

- 1 In the Town and Country Planning (Scotland) Act 1997 (c. 8) (referred to in this Schedule as the “principal Scottish Act”), there is inserted after section 88 (circumstances in which purchase notices may be served) the following section—

**“88A Purchase notices: Crown land**

- (1) A purchase notice may be served in respect of Crown land only as mentioned in this section.
- (2) The owner of a private interest in Crown land must not serve a purchase notice unless—
  - (a) he first offers to dispose of his interest to the appropriate authority on equivalent terms, and
  - (b) the offer is refused by the appropriate authority.
- (3) The appropriate authority may serve a purchase notice in relation to the following land—
  - (a) land belonging to Her Majesty in right of her private estates,
  - (b) land which forms part of the Crown Estate.
- (4) An offer is made on equivalent terms if the price payable for the interest is equal to (and, in default of agreement, determined in the same manner

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	<p>as) the compensation which would be payable in respect of it if it were acquired in pursuance of a purchase notice.</p> <p>(5) Expressions used in this section and in Part 12 (Crown Land) must be construed in accordance with that Part.”</p>
2	<p>In the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c. 9) (referred to in this Schedule as the “Scottish listed buildings Act”), after section 28 (circumstances in which purchase notices may be served) there is inserted the following section—</p> <p><b>“28A Purchase notices: Crown land</b></p> <p>(1) A listed building purchase notice may be served in respect of Crown land only as mentioned in this section.</p> <p>(2) The owner of a private interest in Crown land must not serve a listed building purchase notice unless—</p> <p>(a) he first offers to dispose of his interest to the appropriate authority on equivalent terms, and</p> <p>(b) the offer is refused by the appropriate authority.</p> <p>(3) The appropriate authority may serve a listed building purchase notice in relation to the following land—</p> <p>(a) land belonging to Her Majesty in right of her private estates,</p> <p>(b) land which forms part of the Crown Estate.</p> <p>(4) An offer is made on equivalent terms if the price payable for the interest is equal to (and, in default of agreement, determined in the same manner as) the compensation which would be payable in respect of it if it were acquired in pursuance of a listed building purchase notice.”</p>

VALID FROM 12/06/2006

	<p><i>Compulsory acquisition</i></p>
3	<p>(1) In the principal Scottish Act, section 189 (compulsory acquisition of land for development and other planning purposes) is amended as follows.</p> <p>(2) After subsection (2) there is inserted the following subsection—</p> <p>“(2A) The Scottish Ministers must not authorise the acquisition of any interest in Crown land unless—</p> <p>(a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and</p> <p>(b) the appropriate authority consents to the acquisition.”</p> <p>(3) After subsection (8) there is inserted the following subsection—</p> <p>“(9) Crown land must be construed in accordance with Part 12.”</p>
4	<p>(1) Section 190 of that Act (compulsory acquisition of land by Secretary of State for the Environment) is amended as follows.</p>

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- (2) After subsection (1) there is inserted the following subsection—
- “(1A) But subsection (1) does not permit the acquisition of any interest in Crown land unless—
- (a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and
  - (b) the appropriate authority consents to the acquisition.”
- (3) After subsection (7) there is added the following subsection—
- “(8) Crown land must be construed in accordance with Part 12.”
- 5 (1) In the Scottish listed buildings Act, section 42 (compulsory acquisition of listed building in need of repair) is amended as follows.
- (2) After subsection (6) there is inserted the following subsection—
- “(6A) This section does not permit the acquisition of any interest in Crown land unless—
- (a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and
  - (b) the appropriate authority consents to the acquisition.”

#### *Definitions*

- 6 (1) In the principal Scottish Act, section 242 (preliminary definitions) is amended as follows.
- (2) In subsection (1) for the definition of “Crown interest” there is substituted the following definition—
- ““Crown interest” means any of the following—
- (a) an interest belonging to Her Majesty in right of the Crown or in right of Her private estates,
  - (b) an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department,
  - (c) such other interest as the Scottish Ministers specify by order;”.
- (3) In subsection (2) after paragraph (b) there is inserted the following paragraph—
- “(ba) in relation to land belonging to Her Majesty in right of Her private estates means a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Scottish Ministers;”.
- (4) After subsection (2) there is inserted the following subsection—
- “(2A) For the purposes of an application for planning permission made by or on behalf of the Crown in respect of land which does not belong to the Crown or in respect of which the Crown has no interest, a reference to the appropriate authority must be construed as a reference to the person who makes the application.”
- (5) After subsection (3) there is inserted the following subsection—

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“(3A) References to Her Majesty’s private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862 (c. 37).”

(6) After subsection (4) there are inserted the following subsections—

“(5) An order made for the purposes of paragraph (c) of the definition of Crown interest in subsection (1) must be made by statutory instrument.

(6) But no such order may be made unless a draft of it has been laid before and approved by resolution of the Scottish Parliament.”

#### Commencement Information

**I18** Sch. 5 para. 6 in force at 20.3.2006 for specified purposes by [S.S.I. 2006/101](#), [art. 2](#)

7 In the Scottish listed buildings Act, after section 73B (inserted by section 93(1)), there is inserted the following section—

#### “73C Expressions relating to the Crown

(1) Expressions relating to the Crown must be construed in accordance with this section.

(2) Crown land is land in which there is a Crown interest.

(3) A Crown interest is any of the following—

- (a) an interest belonging to Her Majesty in right of the Crown or in right of Her private estates,
- (b) an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department,
- (c) such other interest as the Scottish Ministers specify by order.

(4) A private interest is an interest which is not a Crown interest.

(5) The appropriate authority in relation to any land is—

- (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners,
- (b) in relation to any other land belonging to Her Majesty in right of the Crown, the government department having the management of the land,
- (c) in relation to land belonging to Her Majesty in right of Her private estates, a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Scottish Ministers,
- (d) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, the department.

(6) If any question arises as to what authority is the appropriate authority in relation to any land it must be referred to the Scottish Ministers, whose decision is final.

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- (7) For the purpose of an application for listed building consent made by or on behalf of the Crown in respect of land which does not belong to the Crown or in respect of which the Crown has no interest, a reference to the appropriate authority must be construed as a reference to the person who makes the application.
- (8) The reference to Her Majesty’s private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862 (c. 37).
- (9) An order made for the purposes of paragraph (c) of subsection (3) must be made by statutory instrument.
- (10) But no such order may be made unless a draft of it has been laid before and approved by resolution of the Scottish Parliament.
- (11) This section applies for the purposes of this Act.”

#### Commencement Information

**I19** Sch. 5 para. 7 in force at 20.3.2006 for specified purposes by [S.S.I. 2006/101, art. 2](#)

- 8 (1) In the Planning (Hazardous Substances) (Scotland) Act 1997 (c. 10) (referred to in this Schedule as the “Scottish hazardous substances Act”), section 31 (exercise of powers in relation to Crown land) is amended as follows.
  - (2) Subsections (1) and (2) are omitted.
  - (3) In subsection (3) for the definition of “Crown interest” there is substituted the following definition—
    - ““Crown interest” means any of the following—
      - (a) an interest belonging to Her Majesty in right of the Crown or in right of Her private estates,
      - (b) an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department,
      - (c) such other interest as the Scottish Ministers specify by order.”
  - (4) In subsection (5) after paragraph (b) there is inserted the following paragraph—
    - “(ba) in relation to land belonging to Her Majesty in right of Her private estates means a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Scottish Ministers.”.
  - (5) After subsection (6) there are inserted the following subsections—
    - “(7) References to Her Majesty’s private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862 (c. 37).
    - (8) An order made for the purposes of paragraph (c) of the definition of Crown interest in subsection (3) must be made by statutory instrument.
    - (9) But no such order may be made unless a draft of it has been laid before and approved by resolution of the Scottish Parliament.”

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#### Commencement Information

**I20** Sch. 5 para. 8 in force at 20.3.2006 for specified purposes by [S.S.I. 2006/101](#), [art. 2](#)

VALID FROM 12/06/2006

#### *Special enforcement notices*

- 9 (1) Sections 243 and 244 of the principal Scottish Act (control of development on Crown land: special enforcement notices) are omitted.
- (2) But the repeal of sections 243 and 244 does not affect their operation in relation to development carried out before the commencement of this paragraph.

#### *Applications for planning permission, etc.*

- 10 (1) In the principal Scottish Act, after section 247 (supplementary provision as to Crown interest) there is inserted the following section—

#### **“247A Applications for planning permission by Crown**

- (1) This section applies to an application for planning permission or for a certificate under section 151 made by or on behalf of the Crown.
- (2) The Scottish Ministers may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.
- (3) A statutory provision is a provision contained in or having effect under any enactment (including any enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament).”
- (2) Section 248 (application for planning permission etc. in anticipation of disposal of Crown land) is omitted.
- (3) The repeal of that section does not affect any requirement made in pursuance of regulations made under subsection (5)(b) of that section.

#### Commencement Information

**I21** Sch. 5 para. 10 in force at 20.3.2006 for specified purposes by [S.S.I. 2006/101](#), [art. 2](#)

- 11 After section 73E of the Scottish listed buildings Act (inserted by section 94(4)) there is inserted the following section—

#### **“73F Applications for listed building or conservation area consent by Crown**

- (1) This section applies to an application for—
- (a) listed building consent, or
- (b) conservation area consent,
- made by or on behalf of the Crown.

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- (2) The Scottish Ministers may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.
- (3) A statutory provision is a provision contained in or having effect under any enactment (including any enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament)."

#### Commencement Information

**I22** Sch. 5 para. 11 in force at 20.3.2006 for specified purposes by [S.S.I. 2006/101](#), [art. 2](#)

VALID FROM 12/06/2006

12 In the Scottish hazardous substances Act, section 32 (application for hazardous substances consent in anticipation of disposal of Crown land) is omitted.

13 Before section 33 of that Act there is inserted—

#### Applications for hazardous substances consent by Crown

“32A(1) This section applies to an application for hazardous substances consent made by or on behalf of the Crown.

- (2) The Scottish Ministers may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.
- (3) A statutory provision is a provision contained in or having effect under any enactment (including any enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament)."

#### Commencement Information

**I23** Sch. 5 para. 13 in force at 20.3.2006 for specified purposes by [S.S.I. 2006/101](#), [art. 2](#)

VALID FROM 12/06/2006

#### *Rights of entry*

14 After section 270 of the principal Scottish Act (supplementary provisions as to rights of entry) there is inserted the following section—

#### “270A Rights of entry: Crown land

- (1) Section 269 applies to Crown land subject to the following modifications.
- (2) A person must not enter Crown land unless he has the relevant permission.
- (3) Relevant permission is the permission of—
  - (a) a person appearing to the person seeking entry to the land to be entitled to give it, or



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(b) the appropriate authority.

(4) In subsection (6) the words “Subject to section 270” must be ignored.

(5) Section 270 does not apply to anything done by virtue of this section.

(6) “Appropriate authority” must be construed in accordance with section 242.”

15 After section 78 of the Scottish listed buildings Act (rights of entry: supplementary provisions) there is inserted the following section—

**“78A Rights of entry: Crown land**

(1) Section 76 applies to Crown land subject to the following modifications.

(2) A person must not enter Crown land unless he has the relevant permission.

(3) Relevant permission is the permission of—

(a) a person appearing to the person seeking entry to the land to be entitled to give it, or

(b) the appropriate authority.

(4) In subsection (6) the words “and 78” must be ignored.

(5) Section 78 does not apply to anything done by virtue of this section.

(6) “Appropriate authority” must be construed in accordance with section 73C.”

16 After section 35 of the Scottish hazardous substances Act (rights of entry: supplementary provisions) there is inserted the following section—

**“35A Rights of entry: Crown land**

(1) Section 33 applies to Crown land subject to the following modifications.

(2) A person must not enter Crown land unless he has the relevant permission.

(3) Relevant permission is the permission of—

(a) a person appearing to the person seeking entry to the land to be entitled to give it, or

(b) the appropriate authority.

(4) In subsection (5), the words “and 35” must be ignored.

(5) Section 35 does not apply to anything done by virtue of this section.

(6) “Appropriate authority” must be construed in accordance with section 31(5).”

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VALID FROM 12/06/2006

*Service of notices*

17 After section 271 of the principal Scottish Act (service of notices) there is inserted the following section—

**“271A Service of notices on the Crown**

- (1) Any notice or other document required under this Act to be served on the Crown must be served on the appropriate authority.
- (2) Section 271 does not apply for the purposes of the service of such a notice or document.
- (3) “Appropriate authority” must be construed in accordance with section 242.”

VALID FROM 12/06/2006

*Information as to interests in land*

18 In the principal Scottish Act, after section 272 (power to require information as to interests in land) there is inserted the following section—

**“272A Information as to interests in Crown land**

- (1) This section applies to an interest in Crown land which is not a private interest.
- (2) Section 272 does not apply to an interest to which this section applies.
- (3) For a purpose mentioned in section 272(1) the Scottish Ministers may request the appropriate authority to give them such information as to the matters mentioned in section 272(2) as they specify in the request.
- (4) The appropriate authority must comply with a request under subsection (3) except to the extent—
  - (a) that the matter is not within the knowledge of the authority, or
  - (b) that to do so will disclose information as to any of the matters mentioned in section 265A(4).
- (5) Expressions used in this section and in Part 12 (Crown Land) must be construed in accordance with that Part.”

*Status: Point in time view as at 11/05/2006.*

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VALID FROM 12/06/2006

*Listed buildings and conservation areas*

- 19 (1) In the Scottish listed buildings Act, sections 74 and 75 (provisions relating to Crown land) are omitted.
- (2) The repeal of section 75 does not affect any requirement made in pursuance of regulations made under subsection (4)(b) of that section.
- 20 (1) In the Scottish listed buildings Act, section 79 (application of certain general provisions of the principal Scottish Act) is amended as follows.
- (2) In subsection (1)—
- (a) after the entry relating to section 265 there is inserted— “ section 265A (planning inquiries to be held in public subject to certain exceptions), ”,
  - (b) after the entry relating to section 271 there is inserted— “ section 271A(1) and (2) (service of notices on the Crown), ”, and
  - (c) after the entry relating to section 272 there is inserted— “ section 272A(1) to (4) (information as to interests in Crown land), ”.
- (3) After subsection (2) there is inserted the following subsection—
- “(3) In the application of section 265A of the principal Act for the purposes of this Act, the provisions mentioned in subsection (1) of the section shall be construed as including any inquiry held by virtue of this section.”

VALID FROM 12/06/2006

*Hazardous substances*

- 21 In the Scottish hazardous substances Act, in section 15 (revocation of consent on change of control of land) after subsection (2) there is inserted the following subsection—
- “(3) This section does not apply if the control of the land changes from one emanation of the Crown to another.”
- 22 (1) In the Scottish hazardous substances Act, section 36 (application of certain general provisions of the principal Scottish Act) is amended as follows—
- (a) after the entry relating to section 265 there is inserted— “ section 265A (planning inquiries to be held in public subject to certain exceptions), ”,
  - (b) after the entry relating to section 271 there is inserted— “ section 271A(1) to (2) (service of notices on the Crown), ”, and
  - (c) after the entry relating to section 272 there is inserted— “ section 272A(1) to (4) (information as to interests in Crown land), ”.
- (2) The existing provision as so amended becomes subsection (1), and after that subsection there is added—

*Status: Point in time view as at 11/05/2006.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 02 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)*

“(2) In the application of section 265A of the principal Act for the purposes of this Act, the provisions mentioned in subsection (1) of the section shall be construed as including any inquiry held by virtue of this section.”

VALID FROM 12/06/2006

*Miscellaneous*

- 23 Sections 242(4) (certain persons treated as having an interest in Crown land) and 246 (agreements relating to Crown land) of the principal Scottish Act are omitted.
- 24 In the principal Scottish Act, for section 247 (supplementary provisions as to Crown interest) there is substituted the following section—
- “247 Supplementary provisions as to Crown interest**
- Where, in accordance with an agreement under section 246, the approval of a planning authority is required in respect of any development of land in which there is a Crown interest, sections 78 to 82 have effect in relation to the withholding of that approval, or the giving of it subject to conditions, as if it were a refusal of planning permission, or, as the case may be, a grant of planning permission subject to conditions.”
- 25 (1) In the principal Scottish Act, section 249 (tree preservation orders in anticipation of disposal of Crown land) is omitted.
- (2) But the repeal of section 249 does not affect its operation in relation to a tree preservation order made by virtue of that section before the commencement of this paragraph.
- 26 (1) In the principal Scottish Act, section 250 (requirement of planning permission for continuance of use instituted by the Crown) is omitted.
- (2) But the repeal of section 250 does not affect its operation in relation to an agreement made as mentioned in subsection (1) of that section before the commencement of this paragraph.

SCHEDULE 6

Section 118

AMENDMENTS OF THE PLANNING ACTS

*Town and Country Planning Act 1990 (c. 8)*

- 1 The Town and Country Planning Act 1990 is amended as follows.

**Commencement Information**

**I24** Sch. 6 para. 1 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), **art. 2**

**I25** Sch. 6 para. 1 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), **art. 2(h)**

*Status: Point in time view as at 11/05/2006.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 02 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)*

**I26** Sch. 6 para. 1 in force at 15.10.2005 for W. so far as not already in force by [S.I. 2005/2847](#), [art. 2\(e\)](#)

VALID FROM 07/06/2006

2 In section 55(2)(b) (meaning of development) the word “local” is omitted.

3 For section 69 there is substituted the following section—

**“69 Register of applications etc**

- (1) The local planning authority must keep a register containing such information as is prescribed as to—
  - (a) applications for planning permission;
  - (b) requests for statements of development principles (within the meaning of section 61E);
  - (c) local development orders;
  - (d) simplified planning zone schemes.
- (2) The register must contain—
  - (a) information as to the manner in which applications mentioned in subsection (1)(a) and requests mentioned in subsection (1)(b) have been dealt with;
  - (b) such information as is prescribed with respect to any local development order or simplified planning zone scheme in relation to the authority’s area.
- (3) A development order may require the register to be kept in two or more parts.
- (4) Each part must contain such information as is prescribed relating to the matters mentioned in subsection (1)(a) and (b).
- (5) A development order may also make provision—
  - (a) for a specified part of the register to contain copies of applications or requests and of any other documents or material submitted with them;
  - (b) for the entry relating to an application or request (and everything relating to it) to be removed from that part of the register when the application (including any appeal arising out of it) or the request (as the case may be) has been finally disposed of.
- (6) Provision made under subsection (5)(b) does not prevent the inclusion of a different entry relating to the application or request in another part of the register.
- (7) The register must be kept in such manner as is prescribed.
- (8) The register must be kept available for inspection by the public at all reasonable hours.
- (9) Anything prescribed under this section must be prescribed by development order.”

*Status: Point in time view as at 11/05/2006.*

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#### Commencement Information

**I27** Sch. 6 para. 3 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)

PROSPECTIVE

4 Section 76 (Duty to draw attention to certain provisions for benefit of disabled) is omitted.

PROSPECTIVE

<sup>F15</sup> .....

#### Textual Amendments

**F1** Sch. 6 para. 5 repealed (26.1.2009) by [Planning Act 2008 \(c. 29\)](#), ss. 225(1)(b), 241(6), [Sch. 13](#) (with s. 226)

PROSPECTIVE

6 In section 108 (compensation for refusal of planning permission formerly granted by development order) after subsection (3) there is inserted the following subsection—

“(3A) This section does not apply if—

- (a) development authorised by planning permission granted by a development order or local development order is started before the permission is withdrawn, and
- (b) the order includes provision in pursuance of section 61D permitting the development to be completed after the permission is withdrawn.”

7 (1) In section 245 (modification of incorporated enactments), subsections (2) and (3) are omitted.

(2) The amendments made by sub-paragraph (1) 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.

#### Commencement Information

**I28** Sch. 6 para. 7 in force at 31.10.2004 by [S.I. 2004/2593](#), [art. 2\(c\)](#)

8 In section 284(1) (restriction on challenge to validity of certain documents), paragraph (a) is omitted.

*Status: Point in time view as at 11/05/2006.*

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#### Commencement Information

**I29** Sch. 6 para. 8 in force at 28.9.2004 for E. by S.I. 2004/2202, **art. 2(h)** (with **art. 4, Sch. 2**)

**I30** Sch. 6 para. 8 in force at 15.10.2005 for W. by S.I. 2005/2847, **art. 2(e)** (with **art. 3, Sch.**)

- 9 (1) Section 287 (procedure for questioning the validity of certain matters) is amended as follows.
- (2) For subsections (1) to (3) there are substituted the following subsections—
- “(1) This section applies to—
- (a) a simplified planning zone scheme or an alteration of such a scheme;
  - (b) an order under section 247, 248, 249, 251, 257, 258 or 277,
- and anything falling within paragraphs (a) and (b) is referred to in this section as a relevant document.
- (2) A person aggrieved by a relevant document may make an application to the High Court on the ground that—
- (a) it is not within the appropriate power, or
  - (b) a procedural requirement has not been complied with.
- (3) The High Court may make an interim order suspending the operation of the relevant document—
- (a) wholly or in part;
  - (b) generally or as it affects the property of the applicant.
- (3A) Subsection (3B) applies if the High Court is satisfied—
- (a) that a relevant document is to any extent outside the appropriate power;
  - (b) that the interests of the applicant have been substantially prejudiced by a failure to comply with a procedural requirement.
- (3B) The High Court may quash the relevant document—
- (a) wholly or in part;
  - (b) generally or as it affects the property of the applicant.
- (3C) An interim order has effect until the proceedings are finally determined.
- (3D) The appropriate power is—
- (a) in the case of a simplified planning zone scheme or an alteration of the scheme, Part III;
  - (b) in the case of an order under section 247, 248, 249, 251, 257, 258 or 277, the section under which the order is made.”

(3) In subsection (5)—

    - (a) paragraph (a) is omitted;
    - (b) in each of paragraphs (b) to (e) the words “by virtue of subsection (3)” are omitted.

(4) Subsection (6) is omitted.

*Status: Point in time view as at 11/05/2006.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 02 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)*

#### Commencement Information

- I31** Sch. 6 para. 9 in force at 28.9.2004 for E. by S.I. 2004/2202, **art. 2(h)** (with **art. 4, Sch. 2**)  
**I32** Sch. 6 para. 9 in force at 15.10.2005 for W. by S.I. 2005/2847, **art. 2(e)** (with **art. 3, Sch.**)

- 10 (1) Section 296 (exercise of powers in relation to Crown land) is amended as follows.
- (2) In subsection (1) for paragraph (a) there is substituted the following paragraph—  
 “(a) a document, plan or strategy specified in subsection (1A) may include proposals relating to the use of Crown land;”.
- (3) After subsection (1) there is inserted the following subsection—  
 “(1A) These are the documents, plans and strategies—  
 (a) the regional spatial strategy (or a revision of it) within the meaning of Part 1 of the Planning and Compulsory Purchase Act 2004;  
 (b) a local development document (or a revision of it) adopted or approved under Part 2 of that Act;  
 (c) a local development plan (or a revision of it) adopted or approved under Part 6 of that Act;  
 (d) the Mayor of London’s spatial development strategy (or any alteration or replacement of it) published in pursuance of section 337 of the Greater London Authority Act 1999.”

#### Commencement Information

- I33** Sch. 6 para. 10 in force at 28.9.2004 for E. by S.I. 2004/2202, **art. 2(h)** (with **art. 4, Sch. 2**)  
**I34** Sch. 6 para. 10 in force at 15.10.2005 for W. by S.I. 2005/2847, **art. 2(e)** (with **art. 3, Sch.**)

- 11 (1) Section 303A (recovery of costs of certain inquiries) is amended as follows.
- (2) For subsection (1) there are substituted the following subsections—  
 “(1) This section applies if the appropriate authority appoints a person to carry out or hold a qualifying procedure.  
 (1A) A qualifying procedure is—  
 (a) an independent examination under section 20 or 64 of the Planning and Compulsory Purchase Act 2004;  
 (b) a local inquiry or other hearing under paragraph 8(1)(a) of Schedule 7;  
 (c) the consideration of objections under paragraph 8(1)(b) of that Schedule.  
 (1B) The appropriate authority is—  
 (a) the Secretary of State if the local planning authority causing the procedure to be carried out or held is in England;  
 (b) the National Assembly for Wales if the local planning authority causing the procedure to be carried out or held is in Wales.”
- (3) In each of subsections (2) to (6) and (10)(a) in each place where it occurs—  
 (a) for “Secretary of State” there is substituted “appropriate authority”;



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- (b) for “him” there is substituted “ it ”;
  - (c) for “he” there is substituted “ it ”.
- (4) In each of subsections (2), (4), (5) and (6) in each place where it occurs for “inquiry” there is substituted “ procedure ”.
- (5) In subsection (5) each of the following is omitted—
- (a) “or appointed as one of the persons who are to hold it”;
  - (b) “(in addition to what may be recovered by virtue of the appointment of any other person)”;
  - (c) in paragraph (c), “(or, in a case where that person is appointed as one of the persons who are to hold the qualifying inquiry, an appropriate proportion of any costs attributable to the appointment of an assessor to assist those persons)”.
- (6) Subsections (7) to (9) are omitted.
- (7) Before subsection (10) there is inserted the following subsection—
- “(9A) References to a local planning authority causing a qualifying inquiry to be held include references to a requirement under the Planning and Compulsory Purchase Act 2004 on the authority to submit a plan to the appropriate authority for independent examination.”

#### Commencement Information

**I35** Sch. 6 para. 11 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(h\)](#) (with [art. 4](#), [Sch. 2](#))

**I36** Sch. 6 para. 11 in force at 15.10.2005 for W. by [S.I. 2005/2847](#), [art. 2\(e\)](#) (with [art. 3](#), [Sch.](#))

- 12 In section 306 (2) (local authorities and statutory undertakers may contribute to certain costs of local planning authorities) for paragraph (a) there are substituted the following paragraphs—
- “(a) any expenses incurred by a local planning authority for the purposes of carrying out a review under section 13 or 61 of the Planning and Compulsory Purchase Act 2004 (duty of local planning authority to keep under review certain matters affecting development);
  - (ab) any expenses incurred by a county council for the purposes of carrying out a review under section 14 of that Act (duty of county council to keep under review certain matters affecting development);”

#### Commencement Information

**I37** Sch. 6 para. 12 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(h\)](#)

**I38** Sch. 6 para. 12 in force at 15.10.2005 for W. by [S.I. 2005/2847](#), [art. 2\(e\)](#)

- 13 In section 324(1) (rights of entry) for paragraph (a) there is substituted the following paragraph—
- “(a) the preparation, revision, adoption or approval of a local development document under Part 2 of the Planning and Compulsory Purchase Act 2004 or a local development plan under Part 6 of that Act;”

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#### Commencement Information

**I39** Sch. 6 para. 13 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), **art. 2(h)**

**I40** Sch. 6 para. 13 in force at 15.10.2005 for W. by [S.I. 2005/2847](#), **art. 2(e)**

- 14 (1) Section 333 (provision about regulations and orders) is amended as follows.  
 (2) After subsection (2) there is inserted the following subsection—

“(2A) Regulations may make different provision for different purposes.”

#### Commencement Information

**I41** Sch. 6 para. 14 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), **art. 2**

- 15 In section 336(1) (interpretation) 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;”.

#### Commencement Information

**I42** Sch. 6 para. 15 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), **art. 2(h)**

**I43** Sch. 6 para. 15 in force at 15.10.2005 for W. by [S.I. 2005/2847](#), **art. 2(e)**

- 16 (1) Schedule 1 (distribution of functions of local planning authorities) is amended as follows.  
 (2) Paragraph 2 is omitted.  
 (3) In paragraph 3(7) the words “but paragraph 4 shall apply to such applications instead” are omitted.  
 (4) For paragraph 7 there is substituted the following paragraph—  
 “7 (1) A local planning authority must not determine an application for planning permission to which the consultation requirements apply unless it complies with sub-paragraph (7).  
 (2) The consultation requirements are—  
 (a) consultation with the RPB for the region in which the authority’s area is situated if the development is one to which sub-paragraph (3) applies;  
 (b) consultation by a district planning authority with the county planning authority for their area if the development is one to which sub-paragraph (4) applies.  
 (3) This sub-paragraph applies to—  
 (a) a development which would by reason of its scale or nature or the location of the land be of major importance for the implementation of the RSS or a relevant regional policy, or

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- (b) a development of a description in relation to which the RPB has given notice in writing to the local planning authority that it wishes to be consulted.
- (4) This sub-paragraph applies to—
- (a) a development which would materially conflict with or prejudice the implementation of a relevant county policy,
  - (b) a development in an area in relation to which the county planning authority have given notice in writing to the district planning authority that development is likely to affect or be affected by the winning and working of minerals, other than coal,
  - (c) a development of land in respect of which the county planning authority have given notice in writing to the district planning authority that they propose to carry out development,
  - (d) a development which would prejudice a proposed development mentioned in paragraph (c) in respect of which notice has been given as so mentioned,
  - (e) a development of land in relation to which the county planning authority have given notice in writing to the district planning authority that it is proposed to use the land for waste disposal, or
  - (f) a development which would prejudice a proposed use mentioned in paragraph (e) in respect of which notice has been given as so mentioned.
- (5) The consultation requirements do not apply—
- (a) in respect of a development to which sub-paragraph (3) applies if the RPB gives a direction authorising the determination of the application without compliance with the requirements;
  - (b) in respect of a development to which sub-paragraph (4) applies if the county planning authority gives a direction authorising the determination of the application without compliance with the requirements.
- (6) A direction under sub-paragraph (5) may be given in respect of a particular application or a description of application.
- (7) If the consultation requirements apply the local planning authority—
- (a) must give notice to the RPB or county planning authority (as the case may be) (the consulted body) that they propose to consider the application,
  - (b) must send a copy of the application to the consulted body, and
  - (c) must not determine the application until the end of such period as is prescribed by development order beginning with the date of the giving of notice under paragraph (a).
- (8) Sub-paragraph (7)(c) does not apply if before the end of the period mentioned in that sub-paragraph—
- (a) the local planning authority have received representations concerning the application from the consulted body, or
  - (b) the consulted body gives notice that it does not intend to make representations.

*Status: Point in time view as at 11/05/2006.*

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- (9) A relevant regional policy is—
- (a) a policy contained in a draft revision of the RSS which has been submitted to the Secretary of State in pursuance of section 5(8) of the 2004 Act, or
  - (b) a policy contained in a structure plan which has effect by virtue of paragraph 1 of Schedule 8 to the 2004 Act.
- (10) A relevant county policy is—
- (a) a policy contained in a local development document which has been prepared in accordance with a minerals and waste scheme and submitted to the Secretary of State in pursuance of section 20(1) of the 2004 Act or adopted by the county planning authority in pursuance of section 23 of that Act, or
  - (b) a policy contained in a structure plan which has effect by virtue of paragraph 1 of Schedule 8 to the 2004 Act.
- (11) RPB and RSS must be construed in accordance with Part 1 of the 2004 Act.
- (12) The 2004 Act is the Planning and Compulsory Purchase Act 2004.”

#### Commencement Information

- I44** Sch. 6 para. 16 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)
- I45** Sch. 6 para. 16(1)(2) in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), [art. 2\(h\)](#) (with [art. 4](#), [Sch. 2](#))
- I46** Sch. 6 para. 16(4) in force at 24.8.2005 for E. so far as not already in force by [S.I. 2005/2081](#), [art. 2\(d\)](#) ([ii](#)) (with [art. 4\(4\)](#))

- 17 In Schedule 2 (transitional provisions relating to development plans) Parts 1, 2 and 3 are omitted.

#### Commencement Information

- I47** Sch. 6 para. 17 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(h\)](#) (with [art. 4](#), [Sch. 2](#))
- I48** Sch. 6 para. 17 in force at 15.10.2005 for W. by [S.I. 2005/2847](#), [art. 2\(e\)](#) (with [art. 3](#), [Sch.](#))

- 18 (1) Schedule 13 (blighted land) is amended as follows.
- (2) Paragraphs 1 to 4 are omitted.
- (3) The following paragraph is inserted as paragraph 1A—
- “1A Land which is identified for the purposes of relevant public functions by a development plan document for the area in which the land is situated. *Notes*
- (1) Relevant public functions are—
    - (a) the functions of a government department, local authority, National Park authority or statutory undertakers;
    - (b) the establishment or running by a public telecommunications operator of a telecommunication system.
  - (2) For the purposes of this paragraph a development plan document is—

*Status: Point in time view as at 11/05/2006.*

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- (a) a development plan document which is adopted or approved for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004 (in this paragraph, the 2004 Act);
  - (b) a revision of such a document in pursuance of section 26 of the 2004 Act which is adopted or approved for the purposes of Part 2 of the 2004 Act;
  - (c) a development plan document which has been submitted to the Secretary of State for independent examination under section 20(1) of the 2004 Act;
  - (d) a revision of a development plan document in pursuance of section 26 of the 2004 Act if the document has been submitted to the Secretary of State for independent examination under section 20(1) of that Act.
- (3) But Note (2)(c) and (d) does not apply if the document is withdrawn under section 22 of the 2004 Act at any time after it has been submitted for independent examination.
- (4) In Note (2)(c) and (d) the submission of a development plan document to the Secretary of State for independent examination is to be taken to include the holding of an independent examination by the Secretary of State under section 21 or section 27 of the 2004 Act.”
- (4) In paragraph 5 for “any such functions as are mentioned in paragraph 1(a)(i) or (ii)” there is substituted “ relevant public functions (within the meaning of paragraph 1A) ”.
- (5) In paragraph 6 for “any such functions as are mentioned in paragraph 5” there is substituted “ relevant public functions (within the meaning of paragraph 1A) ”.
- (6) In paragraph 13, for “paragraphs 1, 2, 3 and 4” there is substituted “ paragraph 1A ”.

**Commencement Information**

- I49** Sch. 6 para. 18 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(h\)](#) (with [art. 4](#), [Sch. 2](#))
- I50** Sch. 6 para. 18 in force at 15.10.2005 for W. by [S.I. 2005/2847](#), [art. 2\(e\)](#) (with [art. 3](#), [Sch.](#))

*Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)*

- 19 The Planning (Listed Buildings and Conservation Areas) Act 1990 is amended as follows.

**Commencement Information**

- I51** Sch. 6 para. 19 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)
- I52** Sch. 6 para. 19 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), [art. 2\(h\)](#)
- I53** Sch. 6 para. 19 in force at 15.10.2005 for W. so far as not already in force by [S.I. 2005/2847](#), [art. 2\(e\)](#)

- 20 In section 10(3) (regulations relating to applications for listed building consent)—
- (a) for paragraph (b) and the word “and” following it there is substituted the following paragraph—

*Status: Point in time view as at 11/05/2006.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 02 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)*

- “(b) requirements as to publicity in relation to such applications;”;
- (b) after paragraph (c) there are inserted the following paragraphs—
- “(d) requirements as to consultation in relation to such applications;
- (e) prohibiting the determination of such applications during such period as is prescribed;
- (f) requirements on the local planning authority to take account of responses from persons consulted.”

#### Commencement Information

**I54** Sch. 6 para. 20 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)

**I55** Sch. 6 para. 20 in force at 28.9.2004 in so far as not already in force by [S.I. 2004/2202](#), [art. 3\(e\)](#)

- 21 In section 23(2) (matters to which regard is to be had by local planning authority in exercising function of revoking or modifying consent) for “the development plan and to any other” there is substituted “ any ”.

#### Commencement Information

**I56** Sch. 6 para. 21 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(h\)](#)

**I57** Sch. 6 para. 21 in force at 15.10.2005 for W. by [S.I. 2005/2847](#), [art. 2\(e\)](#)

- 22 In section 26(2) (matters to which regard is to be had by the Secretary of State in exercising function of revoking or modifying consent) for “the development plan and to any other” there is substituted “ any ”.

#### Commencement Information

**I58** Sch. 6 para. 22 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(h\)](#)

**I59** Sch. 6 para. 22 in force at 15.10.2005 for W. by [S.I. 2005/2847](#), [art. 2\(e\)](#)

- 23 In section 67 (publicity for applications affecting the setting of listed buildings) for subsections (1) to (7) there is substituted the following subsection—

“(1) The Secretary of State may prescribe requirements as to publicity for applications for planning permission in cases where the local planning authority think that the development of land would affect the setting of a listed building.”

#### Commencement Information

**I60** Sch. 6 para. 23 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)

**I61** Sch. 6 para. 23 in force at 28.9.2004 in so far as not already in force by [S.I. 2004/2202](#), [art. 3\(e\)](#)

- 24 In section 73 (publicity for applications affecting conservation areas) for subsection (1) there is substituted the following subsection—

“(1) The Secretary of State may prescribe requirements as to publicity for applications for planning permission in cases where the local planning

*Status: Point in time view as at 11/05/2006.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 02 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)*

authority think that the development of land would affect the character or appearance of a conservation area.”

**Commencement Information**

**I62** Sch. 6 para. 24 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)

**I63** Sch. 6 para. 24 in force at 28.9.2004 in so far as not already in force by [S.I. 2004/2202](#), [art. 3\(e\)](#)

25 In section 91(2) (interpretation) “ “development plan”” is omitted.

**Commencement Information**

**I64** Sch. 6 para. 25 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(h\)](#)

**I65** Sch. 6 para. 25 in force at 15.10.2005 for W. by [S.I. 2005/2847](#), [art. 2\(e\)](#)

26 In section 93 (provision about regulations and orders) after subsection (6) there are inserted the following subsections—

“(6A) Regulations and orders may make different provision for different purposes.

(6B) The powers to make regulations under sections 10(3)(b), 67(1) and 73(1) must be taken to be powers mentioned in section 100(2) of the Local Government Act 2003 (powers exercisable in relation to descriptions of certain local authorities which fall into particular categories for the purposes of section 99 of that Act).”

**Commencement Information**

**I66** Sch. 6 para. 26 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)

**I67** Sch. 6 para. 26 in force at 28.9.2004 in so far as not already in force by [S.I. 2004/2202](#), [art. 3\(e\)](#)

*Planning (Hazardous Substances) Act 1990 (c. 10)*

27 In section 40 of the Planning (Hazardous Substances) Act 1990 (provision about regulations) after subsection (3) there is inserted the following subsection—

“(4) Regulations may make different provision for different purposes.”

**Commencement Information**

**I68** Sch. 6 para. 27 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)

*Status: Point in time view as at 11/05/2006.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 02 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)*

## 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 ”.

#### *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 ”.

#### **Commencement Information**

**I69** Sch. 7 para. 2 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(i\)](#)

**I70** Sch. 7 para. 2 in force at 15.10.2005 for W. by [S.I. 2005/2847](#), [art. 2\(f\)](#)

#### *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 ”.

#### **Commencement Information**

**I71** Sch. 7 para. 3 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(i\)](#)

**I72** Sch. 7 para. 3 in force at 15.10.2005 for W. by [S.I. 2005/2847](#), [art. 2\(f\)](#)

#### *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),



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

**Commencement Information**

**I73** Sch. 7 para. 4 in force at 31.10.2004 by [S.I. 2004/2593](#), [art. 2\(d\)](#)

*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.

**Commencement Information**

**I74** Sch. 7 para. 5 in force at 31.10.2004 by [S.I. 2004/2593](#), [art. 2\(d\)](#)

*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) ”.

**Commencement Information**

**I75** Sch. 7 para. 6 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(i\)](#)

*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—
- “(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.

*Status: Point in time view as at 11/05/2006.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 02 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)*

- (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.

**Commencement Information**

**I76** Sch. 7 para. 7 in force at 31.10.2004 by [S.I. 2004/2593](#), [art. 2\(d\)](#)

*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.

**Commencement Information**

**I77** Sch. 7 para. 8 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(i\)](#)

*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.

**Commencement Information**

**I78** Sch. 7 para. 9 in force at 31.10.2004 by [S.I. 2004/2593](#), [art. 2\(d\)](#)

*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.
  - (4) In section 144, in subsection (2), “the 1981 Act and” is omitted.

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*Status: Point in time view as at 11/05/2006.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 02 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)*

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- (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.
  - (3) A sub-committee of a committee may consist of—
    - (a) such members of the committee as it appoints;

*Status: Point in time view as at 11/05/2006.*

**Changes to legislation:** *Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 02 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)*

- (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

**I79** Sch. 7 para. 10 partly in force; Sch. 7 para. 10(7) in force at 13.7.2004, see s. 121(6)

**I80** Sch. 7 para. 10(1)-(6) in force at 31.10.2004 by [S.I. 2004/2593](#), [art. 2\(d\)](#)

#### *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.

#### Commencement Information

**I81** Sch. 7 para. 11(1)-(3) in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(i\)](#)

**I82** Sch. 7 para. 11(1)-(3) in force at 15.10.2005 for W. by [S.I. 2005/2847](#), [art. 2\(f\)](#)

**I83** Sch. 7 para. 11(4)(5) in force at 31.10.2004 by [S.I. 2004/2593](#), [art. 2\(d\)](#)

#### *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) ”.

*Status: Point in time view as at 11/05/2006.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 02 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)*

**Commencement Information**

**I84** Sch. 7 para. 12 in force at 31.10.2004 by [S.I. 2004/2593](#), **art. 2(d)**

*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.

**Commencement Information**

**I85** Sch. 7 para. 13 in force at 31.10.2004 by [S.I. 2004/2593](#), **art. 2(d)**

*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.

**Commencement Information**

**I86** Sch. 7 para. 14 in force at 31.10.2004 by [S.I. 2004/2593](#), **art. 2(d)**

*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.

**Commencement Information**

**I87** Sch. 7 para. 15 in force at 31.10.2004 by [S.I. 2004/2593](#), **art. 2(d)**

*Status: Point in time view as at 11/05/2006.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 02 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)*

*Planning and Compensation Act 1991 (c. 34)*

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

**Commencement Information**

- I88** Sch. 7 para. 16 in force at 28.9.2004 for E. by S.I. 2004/2202, **art. 2(i)** (with **art. 4**, Sch. 2)  
**I89** Sch. 7 para. 16 in force at 15.10.2005 for W. by S.I. 2005/2847, **art. 2(f)** (with **art. 3**, Sch.)

*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.

**Commencement Information**

- I90** Sch. 7 para. 17 in force at 28.9.2004 for E. by S.I. 2004/2202, **art. 2(i)**  
**I91** Sch. 7 para. 17 in force at 15.10.2005 for W. by S.I. 2005/2847, **art. 2(f)**

*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.

**Commencement Information**

- I92** Sch. 7 para. 18 in force at 31.10.2004 by S.I. 2004/2593, **art. 2(d)**

*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).

*Status: Point in time view as at 11/05/2006.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 02 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)*

- (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.
- (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.”

#### Commencement Information

- I93** Sch. 7 para. 19 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)
- I94** Sch. 7 para. 19(2) in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), [art. 2\(i\)](#)
- I95** Sch. 7 para. 19(2) in force at 15.10.2005 for W. so far as not already in force by [S.I. 2005/2847](#), [art. 2\(f\)](#)

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.”

*Status: Point in time view as at 11/05/2006.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 02 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)*

*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.

**Commencement Information**

**I96** Sch. 7 para. 21 in force at 31.10.2004 by [S.I. 2004/2593](#), **art. 2(d)**

*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) ”.

**Commencement Information**

**I97** Sch. 7 para. 22 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), **art. 2(i)**

*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 ”.

**Commencement Information**

**I98** Sch. 7 para. 23 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), **art. 2(i)**

**I99** Sch. 7 para. 23 in force at 15.10.2005 for W. by [S.I. 2005/2847](#), **art. 2(f)**



*Status: Point in time view as at 11/05/2006.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 02 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)*

## SCHEDULE 8

Section 119

### TRANSITIONAL PROVISIONS: PARTS 1 AND 2

#### *Development plan*

- 1 (1) During the transitional period a reference in an enactment mentioned in section 38(7) above to the development plan for an area in England is a reference to—
  - (a) the RSS for the region in which the area is situated or the spatial development strategy for an area in Greater London, and
  - (b) the development plan for the area for the purposes of section 27 or 54 of the principal Act.
- (2) The transitional period is the period starting with the commencement of section 38 and ending on whichever is the earlier of—
  - (a) the end of the period of three years;
  - (b) the day when in relation to an old policy, a new policy which expressly replaces it is published, adopted or approved.
- (3) But the Secretary of State may direct that for the purposes of such policies as are specified in the direction sub-paragraph (2)(a) does not apply.
- (4) An old policy is a policy which (immediately before the commencement of section 38) forms part of a development plan for the purposes of section 27 or 54 of the principal Act.
- (5) A new policy is a policy which is contained in—
  - (a) a revision of an RSS;
  - (b) an alteration or replacement of the spatial development strategy;
  - (c) a development plan document.
- (6) But—
  - (a) an old policy contained in a structure plan is replaced only by a new policy contained in a revision to an RSS;
  - (b) an old policy contained in a waste local plan or a minerals local plan is replaced in relation to any area of a county council for which there is a district council only by a new policy contained in a development plan document which is prepared in accordance with a minerals and waste development scheme.
- (7) A new policy is published if it is contained in—
  - (a) a revision of an RSS published by the Secretary of State under section 9(6);
  - (b) an alteration or replacement of the Mayor of London's spatial development strategy published in pursuance of section 337 of the Greater London Authority Act 1999 (c. 29).
- (8) A new policy is adopted or approved if it is contained in a development plan document which is adopted or approved for the purposes of Part 2.
- (9) A minerals and waste development scheme is a scheme prepared in accordance with section 16.

*Status: Point in time view as at 11/05/2006.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 02 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)*

- (10) The development plan mentioned in sub-paragraph (1)(b) does not include a street authorisation map which continued to be treated as having been adopted as a local plan by virtue of paragraph 4 of Part 3 of Schedule 2 to the principal Act.

**Commencement Information**

**I100** Sch. 8 para. 1 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(j\)](#)

*Structure plans*

- 2 (1) This paragraph applies to proposals for the alteration or replacement of a structure plan for the area of a local planning authority.
- (2) If before the commencement of Part 1 of this Act the authority have complied with section 33(2) of the principal Act (making copies of proposals and the explanatory memorandum available for inspection) the provisions of Chapter 2 of Part 2 of the principal Act continue to have effect in relation to the proposals.
- (3) In any other case—
- (a) the authority must take no further step in relation to the proposals;
  - (b) the proposals have no effect.
- (4) If the proposals are adopted or approved by virtue of sub-paragraph (2) above, paragraph 1 of this Schedule applies to the policies contained in the proposals as if—
- (a) they were policies contained in a development plan within the meaning of section 54 of the principal Act;
  - (b) the date of commencement of section 38 is the date when the proposals are adopted or approved (as the case may be).

**Commencement Information**

**I101** Sch. 8 para. 2 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(j\)](#)

*Unitary development plan*

- 3 (1) This paragraph applies to proposals for the alteration or replacement of a unitary development plan for the area of a local planning authority.
- (2) If before the relevant date the authority have not complied with section 13(2) of the principal Act (making copies of the proposals available for inspection)—
- (a) they must take no further step in relation to the proposals;
  - (b) the proposals have no effect.
- (3) In any other case paragraph 4 or 5 below applies.

**Commencement Information**

**I102** Sch. 8 para. 3 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(j\)](#)

- 4 (1) This paragraph applies if—

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- (a) before the relevant date the local planning authority is not required to cause an inquiry or other hearing to be held by virtue of section 16(1) of the principal Act (inquiry must be held if objections made), or
  - (b) before the commencement of Part 2 of this Act a person is appointed under that section to hold an inquiry or other hearing.
- (2) If this paragraph applies the provisions of Chapter 1 of Part 2 of the principal Act continue to have effect in relation to the proposals.
- (3) The relevant date is whichever is the later of—
- (a) the end of any period prescribed by regulations under section 26 of the principal Act for the making of objections to the proposals;
  - (b) the commencement of Part 2 of this Act.

#### Commencement Information

**I103** Sch. 8 para. 4 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097, art. 2](#)

**I104** Sch. 8 para. 4 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202, art. 2\(j\)](#)

- 5
- (1) If paragraph 4 does not apply the provisions of Chapter 1 of Part 2 of the principal Act continue to have effect in relation to the proposals subject to the modifications in sub-paragraphs (2) to (5) below.
  - (2) If before the commencement of Part 2 of this Act the local planning authority have not published revised proposals in pursuance of regulations under section 26 of the principal Act—
    - (a) any provision of the regulations relating to publication of revised proposals must be ignored,
    - (b) the authority must comply again with section 13(2) of the principal Act.
  - (3) If before the commencement of Part 2 of this Act the local planning authority have published revised proposals in pursuance of regulations under section 26 of the principal Act the authority must comply again with section 13(2) of that Act.
  - (4) Any provision of regulations under section 26 of the principal Act which permits the local planning authority to modify proposals after an inquiry or other hearing has been held under section 16 of that Act must be ignored.
  - (5) If such an inquiry or other hearing is held the authority must adopt the proposals in accordance with the recommendations of the person appointed to hold the inquiry or other hearing.

#### Commencement Information

**I105** Sch. 8 para. 5 in force at 28.9.2004 for E. by [S.I. 2004/2202, art. 2\(j\)](#)

- 6
- If proposals are adopted or approved in pursuance of paragraph 4 or 5 above paragraph 1 of this Schedule applies to the policies contained in the proposals as if—
- (a) they were policies contained in a development plan for the purposes of section 27 of the principal Act;
  - (b) the date of commencement of section 38 is the date when the proposals are adopted or approved.

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**Commencement Information**

**I106** Sch. 8 para. 6 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(j\)](#)

- 7 (1) This paragraph applies if at the date of commencement of Part 1 a local planning authority have not prepared a unitary development plan in pursuance of section 12 of the principal Act.
- (2) References in paragraphs 3 to 6 to proposals for the alteration or replacement of a plan must be construed as references to the plan.

**Commencement Information**

**I107** Sch. 8 para. 7 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(j\)](#)

*Local plan*

- 8 (1) This paragraph applies to proposals for the alteration or replacement of a local plan for the area of a local planning authority.
- (2) If before the commencement of Part 2 of this Act the authority have not complied with section 40(2) of the principal Act (making copies of the proposals available for inspection)—
- (a) they must take no further step in relation to the proposals;
  - (b) the proposals have no effect.
- (3) In any other case paragraph 9 or 10 below applies.

**Commencement Information**

**I108** Sch. 8 para. 8 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(j\)](#)

- 9 (1) This paragraph applies if—
- (a) before the relevant date the local planning authority is not required to cause an inquiry or other hearing to be held by virtue of section 42(1) of the principal Act (inquiry must be held if objections made), or
  - (b) before the commencement of Part 2 of this Act a person is appointed under that section to hold an inquiry or other hearing.
- (2) If this paragraph applies the provisions of Chapter 2 of Part 2 of the principal Act continue to have effect in relation to the proposals.
- (3) The relevant date is whichever is the later of—
- (a) the end of any period prescribed by regulations under section 53 of the principal Act for the making of objections to the proposals;
  - (b) the commencement of Part 2 of this Act.

**Commencement Information**

**I109** Sch. 8 para. 9 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)

**I110** Sch. 8 para. 9 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), [art. 2\(j\)](#)

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- 10 (1) If paragraph 9 does not apply the provisions of Chapter 2 of Part 2 of the principal Act continue to have effect in relation to the proposals subject to the modifications in sub-paragraphs (2) to (5) below.
- (2) If before the commencement of Part 2 of this Act the local planning authority have not published revised proposals in pursuance of regulations under section 53 of the principal Act—
- (a) any provision of the regulations relating to publication of revised proposals must be ignored,
  - (b) the authority must comply again with section 40(2) of the principal Act.
- (3) If before the commencement of Part 2 of this Act the local planning authority have published revised proposals in pursuance of regulations under section 53 of the principal Act the authority must comply again with section 40(2) of that Act.
- (4) Any provision of regulations under section 53 of the principal Act which permits the local planning authority to modify proposals after an inquiry or other hearing has been held under section 42 of that Act must be ignored.
- (5) If such an inquiry or other hearing is held the authority must adopt the proposals in accordance with the recommendations of the person appointed to hold the inquiry or other hearing.

#### Commencement Information

**I111** Sch. 8 para. 10 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(j\)](#)

- 11 (1) This paragraph applies if the Secretary of State thinks—
- (a) that the conformity requirement is likely to give rise to inconsistency between the proposals and relevant policies or guidance, and
  - (b) that it is necessary or expedient to avoid such inconsistency.
- (2) The Secretary of State may direct that to the extent specified in the direction the conformity requirement must be ignored.
- (3) The Secretary of State must give reasons for the direction.
- (4) The conformity requirement is—
- (a) the requirement under section 36(4) of the principal Act that the local plan is to be in general conformity with the structure plan;
  - (b) the prohibition under section 43(3) of the principal Act on the adoption of proposals for a local plan or for its alteration or replacement which do not conform generally with the structure plan.
- (5) Relevant policies and guidance are—
- (a) national policies;
  - (b) advice contained in guidance;
  - (c) policies in the RSS.

#### Commencement Information

**I112** Sch. 8 para. 11 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(j\)](#)

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- 12 If proposals are adopted or approved in pursuance of paragraphs 9 to 11 above paragraph 1 of this Schedule applies to the policies contained in the proposals as if—
- (a) they were policies contained in a development plan for the purposes of section 54 of the principal Act;
  - (b) the date of commencement of section 38 is the date when the proposals are adopted or approved.

**Commencement Information**

**I113** Sch. 8 para. 12 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(j\)](#)

- 13 (1) This paragraph applies if at the date of commencement of Part 1 a local planning authority have not prepared a local plan in pursuance of section 36 of the principal Act.
- (2) References in paragraphs 8 to 12 to proposals for the alteration or replacement of a plan must be construed as references to the plan.

**Commencement Information**

**I114** Sch. 8 para. 13 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(j\)](#)

*Minerals and waste local plans*

- 14 Paragraphs 8 to 13 above apply to a minerals local plan and a waste local plan as they apply to a local plan and references in those paragraphs to a local planning authority must be construed as including references to a mineral planning authority and an authority who are entitled to prepare a waste local plan.

**Commencement Information**

**I115** Sch. 8 para. 14 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(j\)](#)

*Schemes*

- 15 (1) This paragraph applies to—
- (a) the local development scheme which a local planning authority are required to prepare and maintain under section 15 of this Act;
  - (b) the minerals and waste development scheme which a county council are required to prepare and maintain for any part of their area for which there is a district council.
- (2) During the transitional period the local planning authority or county council (as the case may be) must include in the scheme as a development plan document—
- (a) any plan or document which relates to an old policy (for the purposes of paragraph 1 above) which has not been replaced by a new policy;
  - (b) any proposals adopted or approved by virtue of paragraphs 3 to 12 above.

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#### Commencement Information

**I116** Sch. 8 para. 15 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(j\)](#)

#### *Savings*

- 16 (1) The repeal by this Act of paragraphs 1 to 4 of Schedule 13 to the principal Act does not affect anything which is required or permitted to be done for the purposes of Chapter 2 of Part 6 of the principal Act during any time when a plan mentioned in any of those paragraphs continues to form part of the development plan by virtue of—
- (a) paragraph 1 of this Schedule, or
  - (b) that paragraph as applied by any other provision of this Schedule.
- (2) References to a plan mentioned in any of paragraphs 1 to 4 include any proposal for the alteration or replacement of the plan.
- (3) The development plan is the development plan for the purposes of section 27 or 54 of the principal Act.

#### Commencement Information

**I117** Sch. 8 para. 16 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(j\)](#)

#### *Regulations and orders*

- 17 (1) The Secretary of State may by regulations make provision for giving full effect to this Schedule.
- (2) The regulations may, in particular—
- (a) make such provision as he thinks is necessary in consequence of this Schedule;
  - (b) make provision to supplement any modifications of the principal Act required by this Schedule.
- (3) The Secretary of State may by order make such provision as he thinks is necessary in consequence of anything done under or by virtue of this Schedule.
- (4) Provision under sub-paragraph (3) includes provisions corresponding to that which could be made by order under Schedule 2 of the principal Act.

#### Commencement Information

**I118** Sch. 8 para. 17 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)

**I119** Sch. 8 para. 17 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), [art. 2\(j\)](#)

- 18 The Secretary of State may by regulations make provision—
- (a) for treating anything done or purported to have been done for the purposes of Part 2 before the commencement of that Part as having been done after that commencement;

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- (b) for disregarding any requirement of section 19 in respect of anything done or purported to have been done for the purposes of any other provision of Part 2.

**Commencement Information**

**I120** Sch. 8 para. 18 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)

**I121** Sch. 8 para. 18 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), [art. 2\(j\)](#)

*Interpretation*

- 19 (1) References to section 27 of the principal Act must be construed subject to section 28(3)(a) and (c) of that Act.
- (2) RSS must be construed in accordance with Part 1 of this Act.
- (3) Development plan document must be construed in accordance with Part 2 of this Act.

**Commencement Information**

**I122** Sch. 8 para. 19 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(j\)](#)

SCHEDULE 9

Section 120

REPEALS

**Commencement Information**

**I123** Sch. 9 in force at 28.9.2004 for specified purposes for E. by [S.I. 2004/2202](#), [art. 2\(k\)](#), [Sch. 1 Pt. 1](#) (with [art. 4](#), [Sch. 2](#))

**I124** Sch. 9 in force at 28.9.2004 for specified purposes by [S.I. 2004/2202](#), [art. 3\(f\)](#), [Sch. 1 Pt. 2](#)

**I125** Sch. 9 in force at 31.10.2004 for specified purposes by [S.I. 2004/2593](#), [art. 2\(e\)](#)

**I126** Sch. 9 in force at 15.10.2005 for specified purposes for W. by [S.I. 2005/2847](#), [art. 2\(g\)](#), [Sch. 1](#) (with [art. 3](#), [Sch. 2](#))

**Short title and chapter**

**Extent of repeal**

Land Compensation Act 1973 (c. 26)

Sections 34 to 36.  
 In section 87(1), in the definition of “dwelling”, “(except in section 29)”.

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

In section 24(4), the second “Greater London development plan”.

Welsh Development Agency Act 1975 (c. 70)

In Schedule 4, paragraph 2.

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

In section 142(2A), “(subject to section 144(2))”.

Note: The repeal of sections 34 to 36 of the Land Compensation Act 1973 does not have effect in relation to a compulsory purchase order made or made in draft before the commencement of paragraph 7(3) of Schedule 7.



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	<p>In section 143(3A), “(subject to section 144(2))”.</p> <p>In section 144(2), “the 1981 Act and”.</p> <p>In Schedule 28, in paragraph 1, “The 1981 Act and” and the words from “and in paragraph 2” to the end.</p>
Highways Act 1980 (c. 66)	Section 259.
Housing Act 1988 (c. 50)	In Schedule 10, paragraph 2.
Town and Country Planning Act 1990 (c. 8)	<p>Part 2.</p> <p>In section 55(2)(b), the word “local”.</p> <p>Section 73(3).</p> <p>Section 76.</p> <p>Section 83(1).</p> <p>Sections 106 to 106B.</p> <p>In section 220(3), the expression “62”.</p> <p>In section 226, in subsection (1) the first “which” and subsection (2).</p> <p>Section 245(2) and (3).</p> <p>In section 284(1), paragraph (a).</p> <p>In section 287, in subsection (5), paragraph (a) and in each of paragraphs (b) to (e) the words “by virtue of subsection (3)” and subsection (6).</p> <p>Section 293(4).</p> <p>Sections 294 to 297.</p> <p>Section 298(1) and (2).</p> <p>Sections 299 to 301.</p> <p>Section 303(6).</p> <p>In section 303A, in subsection (5) the words “or appointed as one of the persons who are to hold it”, the words “(in addition to what may be recovered by virtue of the appointment of any other person)” and in paragraph (c) the words “(or, in a case where that person is appointed as one of the persons who are to hold the qualifying inquiry, an appropriate proportion of any costs attributable to the appointment of an assessor to assist those persons)” and subsections (7) to (9).</p> <p>In Schedule 1, paragraph 2, in paragraph 3(7) the words “but paragraph 4 shall apply to such applications instead”.</p> <p>In Schedule 2, Parts 1, 2 and 3.</p> <p>In Schedule 7, paragraphs 3 and 4.</p> <p>In Schedule 13, paragraphs 1 to 4.</p>
Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)	In section 10, in subsection (2) the words “shall be made in such form as the authority

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Note: The repeal of sections 34 to 36 of the Land Compensation Act 1973 does not have effect in relation to a compulsory purchase order made or made in draft before the commencement of paragraph 7(3) of Schedule 7.

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	may require and” and in subsection (3) the word “and” after paragraph (b). Section 67(2) to (7). Sections 83 and 84. In section 91(2), “ “development plan””. In section 92(2)(a), “83, 84.”.
Planning (Hazardous Substances) Act 1990 (c. 10)	Section 31(1) and (2). Section 32.
Planning and Compensation Act 1991 (c. 34)	Section 17(1). In Schedule 4, Part 3. In Schedule 18, Part 2 in the entry relating to the Land Compensation Act 1973, “section 36(6) (farm loss payment),”.
Local Government Act 1992 (c. 19)	In section 14(5), paragraph (d).
Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)	In Schedule 20, paragraph 2.
Environment Act 1995 (c. 25)	In section 67, subsections (2) to (4).
Town and Country Planning (Scotland) Act 1997 (c. 8)	Section 242(4). Sections 243 to 250.
Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c. 9)	Sections 74 and 75.
Planning (Hazardous Substances) (Scotland) Act 1997 (c. 10)	Section 31(1) and (2). Section 32.
Regional Development Agencies Act 1998 (c. 45)	In Schedule 5, paragraph 1.
Countryside and Rights of Way Act 2000 (c. 37)	In section 86(4), “II,”.

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Note: The repeal of sections 34 to 36 of the Land Compensation Act 1973 does not have effect in relation to a compulsory purchase order made or made in draft before the commencement of paragraph 7(3) of Schedule 7.

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