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STATUTORY INSTRUMENTS

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**2005 No. 205**

**TOWN AND COUNTRY PLANNING, ENGLAND**

The Town and Country Planning (Timetable  
for Decisions) (England) Order 2005

<i>Made</i>	- - - -	<i>3rd February 2005</i>
<i>Laid before Parliament</i>		<i>10th February 2005</i>
<i>Coming into force</i>	- -	<i>1st April 2005</i>

The First Secretary of State, in exercise of the powers conferred upon him by paragraph 3 of Schedule 2 to the Planning and Compulsory Purchase Act 2004<sup>(1)</sup> hereby makes the following Order:

**Citation, commencement, interpretation and application**

1.—(1) This Order may be cited as the Town and Country Planning (Timetable for Decisions) (England) Order 2005 and shall come into force on 1st April 2005.

(2) In this Order—

“called-in application” means an application for planning permission or for the approval of any local planning authority required under a development order which has been referred to the First Secretary of State under section 77<sup>(2)</sup> of the Act;

“section 78 appeal” means an appeal under section 78<sup>(3)</sup> of the Act;

“the Act” means the Town and Country Planning Act 1990<sup>(4)</sup>; and

“the Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990<sup>(5)</sup>.

(3) In this Order, any reference to “the First Secretary of State” shall, in relation to applications and appeals to which section 266 of the Act applies (applications for planning permission by statutory undertakers), be treated as a reference to the First Secretary of State and the appropriate Minister<sup>(6)</sup>.

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(1) 2004 c. 5. Schedule 2 of the 2004 Act does not apply in relation to Wales in relation to the decisions specified in article 2; see sections 55(2) and 118(3) of the 2004 Act and the National Assembly for Wales (Transfer of Functions) Order 1999, S.I.1999/672 (see article 2 and the entry in Schedule 1 for the 1990 Act).

(2) Section 77 was amended by the Planning and Compensation Act 1991 (c. 34), Schedule 7, paragraph 18.

(3) Section 78 was amended by the Planning and Compensation Act 1991, section 17(2).

(4) 1990 c. 8.

(5) 1990 c. 9.

(6) See section 265 for meaning of “the appropriate Minister”.

(4) This Order applies in relation to England only.

### **Decisions to which a timetable is not to apply**

2.—(1) A timetable is not to apply to a decision of the First Secretary of State on a section 78 appeal which is to be made by a person appointed by him(7).

(2) A timetable is not to apply to a decision of the First Secretary of State on a section 78 appeal or a called-in application when connected with a decision—

- (a) on an application referred to him under section 76A(8) of the Act (major infrastructure projects); or
- (b) which is to be made by a person other than him.

(3) A timetable is not to apply to a decision of the First Secretary of State to which paragraph 2 of Schedule 2 to the Planning and Compulsory Purchase Act 2004 applies (connected decisions) unless it is a decision to which paragraph (4) applies.

(4) Subject to paragraph (5), this paragraph applies to any of the following decisions which are connected with a decision on a section 78 appeal or a called-in application—

- (a) a decision on an appeal against an enforcement notice under section 174(9) of the Act;
- (b) a decision on an appeal under section 78 of the Act as applied to applications for express consent for the display of advertisements by regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992(10) (appeals to the Secretary of State);
- (c) a decision on an appeal under section 208(11) of the Act (appeals against section 207 notices requiring the replacement of trees);
- (d) a decision on a compulsory purchase order made by a local authority under section 226(12) of the Act (compulsory acquisition of land for development etc.) or by the First Secretary of State under section 228(13) of the Act (compulsory acquisition of land by the First Secretary of State);
- (e) a decision on an application for listed building consent or conservation area consent referred to the First Secretary of State under section 12(14) of the Listed Buildings Act or on an appeal to the First Secretary of State under section 20 of that Act.

(5) Paragraph (4) does not apply to a decision which is connected with a decision on a section 78 appeal or a called-in application to which, by virtue of paragraph (1) or (2), a timetable is not to apply.

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(7) See Schedule 6 to the Act for provisions on determination of appeals by persons appointed by the Secretary of State; paragraph 2(6) provides that a decision of an appointed person is treated as that of the Secretary of State.

(8) Section 76A was inserted by the Planning and Compulsory Purchase Act 2004, section 44.

(9) Section 174 was amended by the Planning and Compensation Act 1991, section 6(1) and Schedule 7, paragraph 22 and by S.I. 2003/956.

(10) S.I. 1992/666 to which there are amendments not relevant to this instrument.

(11) Section 208 was amended by the Planning and Compensation Act 1991, section 23.

(12) Section 226 was amended by the Planning and Compulsory Purchase Act 2004, section 99 and Schedule 9.

(13) Section 228 was amended by S.I. 1997/2971 and 2002/2626.

(14) Section 12 was amended by the Transport and Works Act 1992 (c. 42), section 17. See section 74(3) of the Listed Buildings Act for the application of sections 12 and 20 to conservation area consents.

Signed by authority of the First Secretary of State

3rd February 2005

*Keith Hill*  
Minister of State Office of the Deputy Prime  
Minister

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## **EXPLANATORY NOTE**

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

Schedule 2 to the Planning and Compulsory Purchase Act 2004 requires the Secretary of State to make timetables for the purposes of decisions to which that Schedule applies, and enables him by order to specify decisions or descriptions of decision to which a timetable is not to apply. This Order specifies those descriptions of decision.

A full regulatory impact assessment has not been produced for this instrument, as it has no impact on the costs of businesses, charities or voluntary bodies.