



Planning and Compulsory Purchase Act 2004

CHAPTER 5

PLANNING AND COMPULSORY PURCHASE ACT 2004

PART 1

REGIONAL FUNCTIONS

Spatial strategy

- 1 Regional Spatial Strategy

Planning bodies

- 2 Regional planning bodies
- 3 RPB: general functions
- 4 Assistance from certain local authorities

RSS revision

- 5 RSS: revision
- 6 RSS: community involvement
- 7 RSS: Secretary of State's functions
- 8 RSS: examination in public
- 9 RSS: further procedure
- 10 Secretary of State: additional powers

Supplementary

- 11 Regulations
- 12 Supplementary

PART 2

LOCAL DEVELOPMENT

Survey

- 13 Survey of area
- 14 Survey of area: county councils

Development schemes

- 15 Local development scheme
- 16 Minerals and waste development scheme

Documents

- 17 Local development documents
- 18 Statement of community involvement
- 19 Preparation of local development documents
- 20 Independent examination
- 21 Intervention by Secretary of State
- 22 Withdrawal of local development documents
- 23 Adoption of local development documents
- 24 Conformity with regional strategy
- 25 Revocation of local development documents
- 26 Revision of local development documents
- 27 Secretary of State's default power
- 28 Joint local development documents

Joint committees

- 29 Joint committees
- 30 Joint committees: additional functions
- 31 Dissolution of joint committee

Miscellaneous

- 32 Exclusion of certain representations
- 33 Urban development corporations
- 34 Guidance
- 35 Annual monitoring report

General

- 36 Regulations
- 37 Interpretation

PART 3

DEVELOPMENT

Development plan

- 38 Development plan

Sustainable development

- 39 Sustainable development

PART 4

DEVELOPMENT CONTROL

Local development orders

- 40 Local development orders

Revision of development orders

- 41 Effect of revision or revocation of development order on incomplete development

Applications

- 42 Applications for planning permission and certain consents
43 Power to decline to determine applications

Major infrastructure projects

- 44 Major infrastructure projects

Simplified planning zones

- 45 Simplified planning zones

Planning contribution

- 46 Planning contribution
47 Planning contribution: regulations
48 Planning contribution: Wales

Miscellaneous

- 49 Development to include certain internal operations
50 Appeal made: functions of local planning authority
51 Duration of permission and consent
52 Temporary stop notice
53 Fees and charges
54 Duty to respond to consultation
55 Time in which Secretary of State to take decisions

PART 5

CORRECTION OF ERRORS

- 56 Correction of errors in decisions
57 Correction notice
58 Effect of correction
59 Supplementary

PART 6

WALES

Spatial plan

- 60 Wales Spatial Plan

Survey

61 Survey

Plans

- 62 Local development plan
- 63 Preparation requirements
- 64 Independent examination
- 65 Intervention by Assembly
- 66 Withdrawal of local development plan
- 67 Adoption of local development plan
- 68 Revocation of local development plan
- 69 Review of local development plan
- 70 Revision of local development plan
- 71 Assembly's default power
- 72 Joint local development plans

Miscellaneous

- 73 Exclusion of certain representations
- 74 Urban development corporations
- 75 Guidance
- 76 Annual monitoring report

General

- 77 Regulations
- 78 Interpretation

PART 7**CROWN APPLICATION OF PLANNING ACTS****CHAPTER 1****ENGLAND AND WALES***Crown application*

- 79 Crown application of planning Acts

National security

- 80 Special provision relating to national security
- 81 Special provision relating to national security: Wales

Urgent development and works

- 82 Urgent Crown development
- 83 Urgent works relating to Crown land

Enforcement

- 84 Enforcement in relation to Crown land

Trees

- 85 Tree preservation orders: Forestry Commissioners
- 86 Trees in conservation areas: acts of Crown

Miscellaneous

- 87 Old mining permissions
- 88 Subordinate legislation
- 89 Crown application: transitional

CHAPTER 2

SCOTLAND

Crown application

- 90 Crown application of Scottish planning Acts

National security

- 91 Special provision for certain circumstances where disclosure of information as to national security may occur: Scotland

Urgent development and works

- 92 Urgent Crown development: Scotland
- 93 Urgent works relating to Crown land: Scotland

Enforcement

- 94 Enforcement in relation to Crown land: Scotland

Trees

- 95 Tree preservation orders: Scotland
- 96 Trees in conservation areas in Scotland: acts of Crown

Miscellaneous

- 97 Old mining permissions: Scotland
- 98 Subordinate legislation: Scotland

PART 8

COMPULSORY PURCHASE

Acquisition of land for development

- 99 Compulsory acquisition of land for development etc

Authorisation of compulsory acquisition

- 100 Procedure for authorisation by authority other than a Minister
- 101 Procedure for authorisation by a Minister
- 102 Confirmation by acquiring authority

Valuation date

- 103 Assessment of compensation: valuation date

Advance payments

- 104 Compensation: advance payments to mortgagees

Information

- 105 Power to require information

Loss payments

- 106 Basic loss payment
 107 Occupier's loss payment
 108 Loss payments: exclusions
 109 Loss payments: supplementary

Corresponding amendments of other enactments

- 110 Corresponding amendments of other enactments

PART 9

MISCELLANEOUS AND GENERAL

Crown

- 111 Crown

Parliament

- 112 Parliament

Miscellaneous

- 113 Validity of strategies, plans and documents
 114 Examinations
 115 Grants for advice and assistance
 116 Isles of Scilly
 117 Interpretation

General

- 118 Amendments
 119 Transitionals
 120 Repeals
 121 Commencement
 122 Regulations and orders
 123 Finance
 124 Extent
 125 Short Title

SCHEDULES**SCHEDULE 1 — Local development orders: procedure**

SCHEDULE 2 — Timetable for decisions

- 1 Decisions
- 2 (1) This Schedule also applies to a decision not mentioned...
- 3 But the Secretary of State may by order specify decisions...
- 4 Timetable
- 5 Notice
- 6 Variation
- 7 Written reasons
- 8 Annual report

SCHEDULE 3 — Crown application

- 1 Purchase notices
- 2 After section 32 of the listed buildings Act (circumstances in...
- 3 Compulsory acquisition
- 4 (1) Section 228 of the principal Act (compulsory acquisition of...
- 5 (1) Section 47 of the listed buildings Act (compulsory acquisition...
- 6 Definitions
- 7 In the listed buildings Act after section 82B (inserted by...
- 8 (1) Section 31 of the hazardous substances Act (exercise of...
- 9 Special enforcement notices
- 10 Applications for planning permission, etc.
- 11 After section 82E of the listed buildings Act (inserted by...
- 12 (1) After section 31 of the hazardous substances Act (exercise...
- 13 Rights of entry
- 14 After section 88B of the listed buildings Act (rights of...
- 15 After section 36B of the hazardous substances Act (rights of...
- 16 Service of notices
- 17 Information as to interests in land
- 18 Listed buildings and conservation areas
- 19 (1) Section 89(1) of the listed buildings Act (application of...
- 20 Hazardous substances
- 21 (1) Section 37(2) of the hazardous substances Act (application of...
- 22 Miscellaneous
- 23 Section 297 of the principal Act (agreements relating to Crown...
- 24 (1) Section 298 of the principal Act (supplementary provisions as...
- 25 Section 299A of the principal Act (Crown planning obligations) is...
- 26 (1) Section 300 of the principal Act (tree preservation orders...
- 27 (1) Section 301 of the principal Act (requirement of planning...

SCHEDULE 4 — Transitional provisions: Crown application

Part 1 — THE PRINCIPAL ACT

- 1 Introduction
- 2 In this Part— (a) the relevant date is the date...
- 3 Acceptable development
- 4 (1) This paragraph applies if before the relevant date the...
- 5 Referred proposals
- 6 Pending proposals

Part 2 — THE LISTED BUILDINGS ACT

- 7 Introduction
- 8 In this Part— (a) the relevant date is the date...
- 9 Acceptable works
- 10 (1) This paragraph applies if before the relevant date the...
- 11 Referred proposals

12 Pending proposals

SCHEDULE 5 — Crown application: Scotland

- 1 Purchase notices
- 2 In the Planning (Listed Buildings and Conservation Areas) (Scotland) Act...
- 3 Compulsory acquisition
- 4 (1) Section 190 of that Act (compulsory acquisition of land...
- 5 (1) In the Scottish listed buildings Act, section 42 (compulsory...
- 6 Definitions
- 7 In the Scottish listed buildings Act, after section 73B (inserted...
- 8 (1) In the Planning (Hazardous Substances) (Scotland) Act 1997 (c....
- 9 Special enforcement notices
- 10 Applications for planning permission, etc.
- 11 After section 73E of the Scottish listed buildings Act (inserted...
- 12 In the Scottish hazardous substances Act, section 32 (application for...
- 13 Before section 33 of that Act there is inserted— Applications...
- 14 Rights of entry
- 15 After section 78 of the Scottish listed buildings Act (rights...
- 16 After section 35 of the Scottish hazardous substances Act (rights...
- 17 Service of notices
- 18 Information as to interests in land
- 19 Listed buildings and conservation areas
- 20 (1) In the Scottish listed buildings Act, section 79 (application...
- 21 Hazardous substances
- 22 (1) In the Scottish hazardous substances Act, section 36 (application...
- 23 Miscellaneous
- 24 In the principal Scottish Act, for section 247 (supplementary provisions...
- 25 (1) In the principal Scottish Act, section 249 (tree preservation...
- 26 (1) In the principal Scottish Act, section 250 (requirement of...

SCHEDULE 6 — Amendments of the planning Acts

- 1 Town and Country Planning Act 1990 (c. 8)
- 2 In section 55(2)(b) (meaning of development) the word “local” is...
- 3 For section 69 there is substituted the following section— Register...
- 4 Section 76 (Duty to draw attention to certain provisions for...
- 5 Sections 106 to 106B (planning obligations) are omitted.
- 6 In section 108 (compensation for refusal of planning permission formerly...
- 7 (1) In section 245 (modification of incorporated enactments), subsections (2)...
- 8 In section 284(1) (restriction on challenge to validity of certain...
- 9 (1) Section 287 (procedure for questioning the validity of certain...
- 10 (1) Section 296 (exercise of powers in relation to Crown...
- 11 (1) Section 303A (recovery of costs of certain inquiries) is...
- 12 In section 306 (2) (local authorities and statutory undertakers may...
- 13 In section 324(1) (rights of entry) for paragraph (a) there...
- 14 (1) Section 333 (provision about regulations and orders) is amended...
- 15 In section 336(1) (interpretation) for the definition of development plan...
- 16 (1) Schedule 1 (distribution of functions of local planning authorities)...

- 17 In Schedule 2 (transitional provisions relating to development plans)
Parts...
- 18 (1) Schedule 13 (blighted land) is amended as follows.
- 19 Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)
- 20 In section 10(3) (regulations relating to applications for listed building...
- 21 In section 23(2) (matters to which regard is to be...
- 22 In section 26(2) (matters to which regard is to be...
- 23 In section 67 (publicity for applications affecting the setting of...
- 24 In section 73 (publicity for applications affecting conservation areas)
for...
- 25 In section 91(2) (interpretation) ““development plan”” is omitted.
- 26 In section 93 (provision about regulations and orders) after subsection...
- 27 Planning (Hazardous Substances) Act 1990 (c. 10)

SCHEDULE 7 — Amendments of other enactments

- 1 Gas Act 1965 (c. 36)
- 2 Finance Act 1969 (c. 32)
- 3 Leasehold Reform Act 1967 (c. 88)
- 4 Agriculture (Miscellaneous Provisions) Act 1968 (c. 34)
- 5 Countryside Act 1968 (c. 41)
- 6 Greater London Council (General Powers) Act 1969 (c. lii)
- 7 Land Compensation Act 1973 (c. 26)
- 8 Greater London Council (General Powers) Act 1973 (c. xxx)
- 9 Welsh Development Agency Act 1975 (c. 70)
- 10 Local Government, Planning and Land Act 1980 (c. 65)
- 11 Highways Act 1980 (c. 66)
- 12 Acquisition of Land Act 1981 (c. 67)
- 13 Housing Act 1985 (c. 68)
- 14 Education Reform Act 1988 (c. 40)
- 15 Housing Act 1988 (c. 50)
- 16 Planning and Compensation Act 1991 (c. 34)
- 17 Local Government Act 1992 (c. 19)
- 18 Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)
- 19 Environment Act 1995 (c. 25)
- 20 Town and Country Planning (Scotland) Act 1997 (c. 8)
- 21 Regional Development Agencies Act 1998 (c. 45)
- 22 Greater London Authority Act 1999 (c. 29)
- 23 Countryside and Rights of Way Act 2000 (c. 37)

SCHEDULE 8 — Transitional provisions: Parts 1 and 2

- 1 Development plan
- 2 Structure plans
- 3 Unitary development plan
- 4 (1) This paragraph applies if— (a) before the relevant date...
- 5 (1) If paragraph 4 does not apply the provisions of...
- 6 If proposals are adopted or approved in pursuance of paragraph...
- 7 (1) This paragraph applies if at the date of commencement...
- 8 Local plan
- 9 (1) This paragraph applies if— (a) before the relevant date...
- 10 (1) If paragraph 9 does not apply the provisions of...
- 11 (1) This paragraph applies if the Secretary of State thinks—...
- 12 If proposals are adopted or approved in pursuance of paragraphs...
- 13 (1) This paragraph applies if at the date of commencement...

- 14 Minerals and waste local plans
- 15 Schemes
- 16 Savings
- 17 Regulations and orders
- 18 The Secretary of State may by regulations make provision—
- 19 Interpretation

SCHEDULE 9 — Repeals