



# Planning and Compulsory Purchase Act 2004

## 2004 CHAPTER 5

### PART 9

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

#### **113 Validity of strategies, plans and documents**

- (1) This section applies to—
  - (a) a revision of the regional spatial strategy;
  - (b) the Wales Spatial Plan;
  - (c) a development plan document;
  - (d) a local development plan;
  - (e) a revision of a document mentioned in paragraph (b), (c) or (d);
  - (f) the Mayor of London's spatial development strategy;
  - (g) an alteration or replacement of the spatial development strategy,and anything falling within paragraphs (a) to (g) is referred to in this section as a relevant document.
- (2) A relevant document must not be questioned in any legal proceedings except in so far as is provided by the following provisions of this section.
- (3) A person aggrieved by a relevant document may make an application to the High Court on the ground that—
  - (a) the document is not within the appropriate power;
  - (b) a procedural requirement has not been complied with.
- (4) But the application must be made not later than the end of the period of six weeks starting with the relevant date.

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- (5) 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.
- (6) Subsection (7) 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.
- (7) The High Court may quash the relevant document—
- (a) wholly or in part;
  - (b) generally or as it affects the property of the applicant.
- (8) An interim order has effect until the proceedings are finally determined.
- (9) The appropriate power is—
- (a) Part 1 of this Act in the case of a revision of the regional spatial strategy;
  - (b) section 60 above in the case of the Wales Spatial Plan or any revision of it;
  - (c) Part 2 of this Act in the case of a development plan document or any revision of it;
  - (d) sections 62 to 78 above in the case of a local development plan or any revision of it;
  - (e) sections 334 to 343 of the Greater London Authority Act 1999 (c. 29) in the case of the spatial development strategy or any alteration or replacement of it.
- (10) A procedural requirement is a requirement under the appropriate power or contained in regulations or an order made under that power which relates to the adoption, publication or approval of a relevant document.
- (11) References to the relevant date must be construed as follows—
- (a) for the purposes of a revision of the regional spatial strategy, the date when the Secretary of State publishes the revised strategy under section 9(6) above;
  - (b) for the purposes of the Wales Spatial Plan (or a revision of it), the date when it is approved by the National Assembly for Wales;
  - (c) for the purposes of a development plan document (or a revision of it), the date when it is adopted by the local planning authority or approved by the Secretary of State (as the case may be);
  - (d) for the purposes of a local development plan (or a revision of it), the date when it is adopted by a local planning authority in Wales or approved by the National Assembly for Wales (as the case may be);
  - (e) for the purposes of the spatial development strategy (or an alteration or replacement of it), the date when the Mayor of London publishes it.

## **114 Examinations**

An examination of any document or plan for the purposes of Part 2 or Part 6 of this Act is a statutory inquiry within the meaning of the Tribunals and Inquiries Act 1992 (c. 53).

## **115 Grants for advice and assistance**

In the principal Act after section 304 (grants for research and education) there is inserted the following section—

### **“304A Grants for advice and assistance**

- (1) The appropriate authority may make grants for the purpose of assisting any person to provide advice and assistance in connection with any matter which is related to—
  - (a) the planning Acts;
  - (b) the Planning and Compulsory Purchase Act 2004;
  - (c) the enactments mentioned in subsection (2).
- (2) The enactments are enactments which relate to planning contained in the following Acts—
  - (a) the Planning and Compensation Act 1991;
  - (b) the Transport and Works Act 1992;
  - (c) the Environment Act 1995.
- (3) The appropriate authority may make a grant subject to such terms and conditions as it thinks appropriate.
- (4) Person includes a body whether or not incorporated.
- (5) The appropriate authority is—
  - (a) the Secretary of State in relation to England;
  - (b) the National Assembly for Wales in relation to Wales.”

## **116 Isles of Scilly**

- (1) This Act applies to the Isles of Scilly subject to such exceptions, adaptations and modifications as the Secretary of State may by order direct.
- (2) An order may in particular provide for—
  - (a) the Council of the Isles of Scilly to enter into arrangements in pursuance of section 4;
  - (b) the exercise by the Council of the Isles of Scilly of any function exercisable by a local planning authority under Part 2.
- (3) But an order must not be made under this section unless the Secretary of State has consulted the Council of the Isles of Scilly.

## **117 Interpretation**

- (1) Expressions used in this Act and in the principal Act have the same meaning in this Act as in that Act.
- (2) Expressions used in this Act and in the listed buildings Act have the same meaning in this Act as in that Act.
- (3) Expressions used in this Act and in the hazardous substances Act have the same meaning in this Act as in that Act.

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- (4) The planning Acts are—
- (a) the principal Act;
  - (b) the listed buildings Act;
  - (c) the hazardous substances Act;
  - (d) the Planning (Consequential Provisions) Act 1990 (c. 11).
- (5) The principal Act is the Town and Country Planning Act 1990 (c. 8).
- (6) The listed buildings Act is the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9).
- (7) The hazardous substances Act is the Planning (Hazardous Substances) Act 1990 (c. 10).
- (8) The Scottish planning Acts are—
- (a) the Town and Country Planning (Scotland) Act 1997 (c. 8);
  - (b) the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c. 9);
  - (c) the Planning (Hazardous Substances) (Scotland) Act 1997 (c. 10); and
  - (d) the Planning (Consequential Provisions) (Scotland) Act 1997 (c. 11).