

Status: This version of this provision is prospective.

Changes to legislation: Planning and Compulsory Purchase Act 2004, Section 45 is up to date with all changes known to be in force on or before 22 April 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) View outstanding changes



Planning and Compulsory Purchase Act 2004

2004 CHAPTER 5

PART 4

DEVELOPMENT CONTROL

Simplified planning zones

PROSPECTIVE

45 Simplified planning zones

(1) In section 83 of the principal Act (making simplified planning zone schemes) subsection (1) is omitted.

(2) Before section 83(2) of that Act there are inserted the following subsections—

“(1A) This section applies if—

- (a) the regional spatial strategy for the region in which the area of a local planning authority in England is situated identifies the need for a simplified planning zone in that area (or any part of it);
- (b) the criteria prescribed by the National Assembly for Wales for the need for a simplified planning zone are satisfied in relation to the area (or any part of the area) of a local planning authority in Wales.

(1B) The local planning authority must consider the question for which part or parts of their area a simplified planning zone scheme is desirable.

(1C) The local planning authority must keep under review the question mentioned in subsection (1B).”

(3) For section 83(2) of that Act there are substituted the following subsections—

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- “(2) A local planning authority must make a simplified planning zone scheme for all or any part of their area—
- (a) if as a result of the consideration mentioned in subsection (1B) or the review mentioned in subsection (1C) they decide that it is desirable to do so;
 - (b) if they are directed to do so by the Secretary of State or the National Assembly for Wales (as the case may be).
- (2A) A local planning authority may at any time—
- (a) alter a scheme adopted by them;
 - (b) with the consent of the Secretary of State alter a scheme made or altered by him under paragraph 12 of Schedule 7 or approved by him under paragraph 11 of that Schedule;
 - (c) with the consent of the National Assembly for Wales alter a scheme made or altered by it under paragraph 12 of Schedule 7 or approved by it under paragraph 11 of that Schedule.
- (2B) A simplified planning zone scheme for an area in England must be in conformity with the regional spatial strategy.”
- (4) In section 83 of that Act after subsection (3) there is inserted the following subsection—
- “(4) In this section and in Schedule 7—
- (a) a reference to the regional spatial strategy must be construed in relation to any area in Greater London as a reference to the spatial development strategy;
 - (b) a reference to a region must be construed in relation to such an area as a reference to Greater London.”

(5) In section 85(1) of that Act (duration of simplified planning zone scheme) for the words from “period” to the end there is substituted “ specified period ”.

(6) After section 85(1) of that Act there is inserted the following subsection—

“(1A) The specified period is the period not exceeding 10 years—

 - (a) beginning with the date when the scheme is adopted or approved, and
 - (b) which is specified in the scheme.”

(7) In Schedule 7 of that Act in paragraph 2 (notification of proposal to make scheme) for “decide under section 83(2) to make or” there is substituted “ are required under section 83(2) to make or decide under section 83(2A) to ”.

(8) In Schedule 7 of that Act paragraphs 3 and 4 are omitted.

(9) In Schedule 7 of that Act in paragraph 12 (default powers of Secretary of State) for sub-paragraph (1) there are substituted the following sub-paragraphs—

“(1) This paragraph applies if each of the following conditions is satisfied.

(1A) The first condition is that—

 - (a) the regional spatial strategy for the region in which the area of a local planning authority is situated identifies the need for a simplified planning zone in any part of their area, or

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- (b) the criteria prescribed by the National Assembly for Wales for the need for a simplified planning zone are satisfied in relation to the area of a local planning authority in Wales.
- (1B) The second condition is that the Secretary of State or the National Assembly for Wales (as the case may be) is satisfied after holding a local inquiry or other hearing that the authority are not taking within a reasonable period the steps required by this Schedule for the adoption of proposals for the making or alteration of a scheme.
- (1C) The Secretary of State or the National Assembly for Wales (as the case may be) may make or alter the scheme.”

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Changes and effects yet to be applied to :

- s. 45(1) words substituted by 2011 c. 20 Sch. 8 para. 14(3)
- s. 45(2) words repealed by 2011 c. 20 Sch. 8 para. 14(4)(a)Sch. 25 Pt. 16
- s. 45(2) words repealed by 2011 c. 20 Sch. 8 para. 14(4)(b)Sch. 25 Pt. 16
- s. 45(3) words repealed by 2011 c. 20 Sch. 8 para. 14(5)(a)(i)Sch. 25 Pt. 16
- s. 45(3) words repealed by 2011 c. 20 Sch. 8 para. 14(5)(a)(ii)Sch. 25 Pt. 16
- s. 45(3) words repealed by 2011 c. 20 Sch. 8 para. 14(5)(b)Sch. 25 Pt. 16
- s. 45(3) words repealed by 2011 c. 20 Sch. 8 para. 14(5)(c)Sch. 25 Pt. 16
- s. 45(4) repealed by 2011 c. 20 Sch. 8 para. 14(6)Sch. 25 Pt. 16
- s. 45(9) words repealed by 2011 c. 20 Sch. 8 para. 14(7)(a)(i)Sch. 25 Pt. 16
- s. 45(9) words repealed by 2011 c. 20 Sch. 8 para. 14(7)(a)(ii)Sch. 25 Pt. 16
- s. 45(9) words repealed by 2011 c. 20 Sch. 8 para. 14(7)(b)(i)Sch. 25 Pt. 16
- s. 45(9) words repealed by 2011 c. 20 Sch. 8 para. 14(7)(b)(ii)Sch. 25 Pt. 16
- s. 45(9) words repealed by 2011 c. 20 Sch. 8 para. 14(7)(c)(i)Sch. 25 Pt. 16
- s. 45(9) words repealed by 2011 c. 20 Sch. 8 para. 14(7)(c)(ii)Sch. 25 Pt. 16
- specified provision(s) amendment to earlier commencing SI 2006/1061 art. 4 by S.I. 2010/321 art. 3
- specified provision(s) amendment to earlier commencing SI 2007/1369 art. 3 by S.I. 2010/321 art. 4

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15A-15LH and cross-heading substituted for s. 15-37 and cross-heading by 2023 c. 55 Sch. 7
- s. 38(2A) substituted for s. 38(2)(3) by 2023 c. 55 s. 92(3)
- s. 38(5A)-(5C) inserted by 2023 c. 55 s. 93(2)
- s. 38(9A) substituted for s. 38(9) by 2023 c. 55 s. 92(4)
- s. 38(9B) inserted by 2023 c. 55 s. 93(4)
- s. 38B(A1) inserted by 2023 c. 55 s. 98(2)
- s. 38B(2B)(2C) inserted by 2023 c. 55 s. 98(3)
- s. 38C(5)(d)(i)-(iii) and word substituted for words by 2023 c. 55 s. 99(2)
- s. 39(1)(ba) inserted by 2023 c. 55 Sch. 8 para. 21(b)
- s. 39A and cross-heading inserted by 2023 c. 55 s. 100
- s. 45(A1) inserted by 2011 c. 20 Sch. 8 para. 14(2)
- s. 113(1)(bb)-(bd) inserted by 2023 c. 55 Sch. 8 para. 23(2)(a)
- s. 113(9)(f)(g) inserted by 2023 c. 55 Sch. 8 para. 23(3)(c)
- s. 113(13) inserted by 2023 c. 55 Sch. 8 para. 23(5)
- s. 122(5)(za)(zb) inserted by 2023 c. 55 Sch. 8 para. 25(a)
- Sch. A2 para. 11(2)(da) inserted by 2023 c. 55 s. 99(3)(b)
- Sch. A1 para. 2(1A) inserted by 2023 c. 55 Sch. 8 para. 26(3)(b)
- Sch. A1 para. 6(1A) inserted by 2023 c. 55 Sch. 8 para. 26(7)(b)
- Sch. A1 para. 7ZC(1A) inserted by 2023 c. 55 Sch. 8 para. 26(11)(b)
- Sch. A1 para. 7C(1A) inserted by 2023 c. 55 Sch. 8 para. 26(14)(b)

- Sch. A1 para. 8(7A) inserted by 2023 c. 55 Sch. 8 para. 26(16)(g)
- Sch. A1 para. 1 substituted by 2023 c. 55 Sch. 8 para. 26(2)
- Sch. A1 para. 2(4) substituted by 2023 c. 55 Sch. 8 para. 26(3)(c)
- Sch. A1 para. 3(1) substituted by 2023 c. 55 Sch. 8 para. 26(4)(a)
- Sch. A1 para. 5 substituted by 2023 c. 55 Sch. 8 para. 26(6)
- Sch. A1 para. 6(4) substituted by 2023 c. 55 Sch. 8 para. 26(7)(c)
- Sch. A1 para. 7(1) substituted by 2023 c. 55 Sch. 8 para. 26(8)(a)
- Sch. A1 para. 7ZB substituted by 2023 c. 55 Sch. 8 para. 26(10)
- Sch. A1 para. 7ZC(4) substituted by 2023 c. 55 Sch. 8 para. 26(11)(c)
- Sch. A1 para. 7ZD(1) substituted by 2023 c. 55 Sch. 8 para. 26(12)(a)
- Sch. A1 para. 7B substituted by 2023 c. 55 Sch. 8 para. 26(13)
- Sch. A1 para. 7C(4) substituted by 2023 c. 55 Sch. 8 para. 26(14)(c)
- Sch. A1 para. 7D(1) substituted by 2023 c. 55 Sch. 8 para. 26(15)(a)
- Sch. A1 para. 10 substituted by 2023 c. 55 Sch. 8 para. 26(18)
- Sch. A2 para. 11(2)(ca) substituted for Sch. A2 para. 11(2)(c) by 2023 c. 55 s. 99(3)(a)
- Sch. A1 para. 7ZA word substituted by 2023 c. 55 Sch. 8 para. 26(9)
- Sch. A1 para. 8(2)(a) word substituted by 2023 c. 55 Sch. 8 para. 26(16)(b)(ii)
- Sch. A1 para. 8(3)(b) word substituted by 2023 c. 55 Sch. 8 para. 26(16)(c)
- Sch. A1 para. 8(6) word substituted by 2023 c. 55 Sch. 8 para. 26(16)(e)
- Sch. A1 para. 8(7) word substituted by 2023 c. 55 Sch. 8 para. 26(16)(f)(iii)
- Sch. A1 para. 9 word substituted by 2023 c. 55 Sch. 8 para. 26(17)
- Sch. A1 para. 13(1) word substituted by 2023 c. 55 Sch. 8 para. 26(20)(a)(iii)
- Sch. A1 para. 13(2) word substituted by 2023 c. 55 Sch. 8 para. 26(20)(b)
- Sch. A1 para. 13(3) word substituted by 2023 c. 55 Sch. 8 para. 26(20)(c)
- Sch. A1 para. 13(1) words inserted by 2023 c. 55 Sch. 8 para. 26(20)(a)(ii)
- Sch. A1 para. 3(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(4)(b)
- Sch. A1 para. 7(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(8)(b)
- Sch. A1 para. 7ZD(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(12)(b)
- Sch. A1 para. 7D(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(15)(b)
- Sch. A1 para. 2(1) words substituted by 2023 c. 55 Sch. 8 para. 26(3)(a)
- Sch. A1 para. 3(4) words substituted by 2023 c. 55 Sch. 8 para. 26(4)(c)(i)
- Sch. A1 para. 3(4) words substituted by 2023 c. 55 Sch. 8 para. 26(4)(c)(ii)
- Sch. A1 para. 4 words substituted by 2023 c. 55 Sch. 8 para. 26(5)
- Sch. A1 para. 6(1) words substituted by 2023 c. 55 Sch. 8 para. 26(7)(a)
- Sch. A1 para. 7(4) words substituted by 2023 c. 55 Sch. 8 para. 26(8)(c)(i)
- Sch. A1 para. 7(4) words substituted by 2023 c. 55 Sch. 8 para. 26(8)(c)(ii)
- Sch. A1 para. 7ZC(1) words substituted by 2023 c. 55 Sch. 8 para. 26(11)(a)
- Sch. A1 para. 7ZD(4) words substituted by 2023 c. 55 Sch. 8 para. 26(12)(c)(i)
- Sch. A1 para. 7ZD(4) words substituted by 2023 c. 55 Sch. 8 para. 26(12)(c)(ii)
- Sch. A1 para. 7C(1) words substituted by 2023 c. 55 Sch. 8 para. 26(14)(a)
- Sch. A1 para. 7D(4) words substituted by 2023 c. 55 Sch. 8 para. 26(15)(c)(i)
- Sch. A1 para. 7D(4) words substituted by 2023 c. 55 Sch. 8 para. 26(15)(c)(ii)
- Sch. A1 para. 8(1) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(a)(i)
- Sch. A1 para. 8(1) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(a)(ii)
- Sch. A1 para. 8(2) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(b)(i)
- Sch. A1 para. 8(2)(a) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(b)(iii)
- Sch. A1 para. 8(5) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(d)(i)
- Sch. A1 para. 8(5) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(d)(ii)
- Sch. A1 para. 8(5) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(d)(iii)
- Sch. A1 para. 8(7)(a) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(f)(i)
- Sch. A1 para. 8(7)(b) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(f)(ii)
- Sch. A1 para. 11 words substituted by 2023 c. 55 Sch. 8 para. 26(19)
- Sch. A1 para. 13(1) words substituted by 2023 c. 55 Sch. 8 para. 26(20)(a)(i)