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WELSH STATUTORY INSTRUMENTS

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**2005 No. 2722 (W.193) (C.110)**

**TOWN AND COUNTRY PLANNING, WALES**

**Planning and Compulsory Purchase Act 2004  
(Commencement No. 4 and Consequential, Transitional  
and Savings Provisions) (Wales) Order 2005**

*Made* - - - - 4 October 2005  
*Coming into force* - - 5 October 2005

The National Assembly for Wales (“the National Assembly”), in exercise of the powers conferred upon it by sections 121(5) and 122(3)(b) of the Planning and Compulsory Purchase Act 2004 (“the Act”)(1), hereby makes the following Order:

**Title**

1. The title of this Order is the Planning and Compulsory Purchase Act 2004 (Commencement No. 4 and Consequential, Transitional and Savings Provisions) (Wales) Order 2005.

**Appointed Day**

2.—(1) The appointed day for the coming into force of the following provisions of the Act, namely—

- (a) section 61 (survey);
- (b) section 64 (independent examination);
- (c) section 65 (intervention by Assembly);
- (d) section 66 (withdrawal of local development plan);
- (e) section 67 (adoption of local development plan);
- (f) section 68 (revocation of local development plan);
- (g) section 69 (review of local development plan);
- (h) section 70 (revision of local development plan);
- (i) section 71 (Assembly’s default power);
- (j) section 74 (urban development corporations); and

(k) section 76 (annual monitoring report), in so far as it is not already in force, is for the purpose of making regulations, 5 October 2005, and in all other respects, 15 October 2005.

(2) The appointed day for the coming into force of articles 3 to 7 of this Order is 15 October 2005.

### **Consequential Amendment of the Town and Country Planning Act 1990**

3.—(1) The Town and Country Planning Act 1990(2) is amended as follows.

(2) Schedule 13 (blighted land) is amended as follows.

(3) After paragraph 1A insert—

“**1B** Land in Wales which is identified for the purposes of relevant public functions by a local development plan for the area in which the land is situated.

#### *Notes*

(1) Relevant public functions are—

- (a) the functions of the National Assembly for Wales, a government department, local authority, National Park authority or statutory undertakers;
- (b) the establishment or running by a public telecommunications operator of a telecommunications system.

(2) For the purposes of this paragraph a local development plan is—

- (a) a local development plan which is adopted or approved for the purposes of Part 6 of the Planning and Compulsory Act 2004 (in this paragraph, the 2004 Act);
- (b) a revision of a local development plan in pursuance of section 70 of the 2004 Act which is adopted or approved for purposes of Part 6 of the 2004 Act;
- (c) a local development plan which has been submitted to the National Assembly for independent examination under section 64(1) of the 2004 Act;
- (d) a revision of a local development plan in pursuance of section 70 of the 2004 Act if the plan has been submitted to the National Assembly for independent examination under section 64(1) of that Act.

(3) But Note (2)(c) and (d) does not apply if the plan is withdrawn under section 66 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 local development plan to the National Assembly for independent examination is to be taken to include the holding of an independent examination by the National Assembly under section 65 or section 71 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 or 1B)”.

(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 or 1B)”.

(6) In paragraph 13, for “paragraphs 1, 2, 3 and 4” there is substituted “paragraph 1A or 1B”.

## **Amendment of the Planning and Compulsory Purchase Act 2004 (Commencement No. 3 and Consequential and Transitional Provisions) (Wales) Order 2005**

4. Article 4 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 3 and Consequential and Transitional Provisions) (Wales) Order 2005(3) is, on the day appointed by article 2(2), revoked.

### **Transitional Provisions**

5.—(1) The Town and Country Planning (Development Plan) Regulations 1991(4) (“the 1991 Regulations”) are, on the day appointed by article 2(2), revoked.

(2) Paragraph (1) does not have effect in relation to the area of any local planning authority named in the Schedule to this Order.

6. Where a local planning authority mentioned in the Schedule resolves its intention to conclude the exercise of its powers under the 1991 Regulations, it must, within—

- (a) 3 weeks, inform the National Assembly in writing of—
  - (i) that resolution; and
  - (ii) the current development plan status for its area; and
- (b) 4 weeks, publish on its website the information required by paragraph (a).

### **Savings**

7.—(1) The repeal(5) 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 article 5(2) of this order.

(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 27A or 54 of the principal Act.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(6)

4 October 2005

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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(3) S.I. 2005/1229.

(4) S.I. 1991/2794 as amended by the Town and Country Planning (Development Plan) (Amendment) Regulations 1997 (S.I. 1997/531) and the Planning (Control of Major-Accident Hazards) Regulations 1999 (S.I. 1999/981).

(5) Planning and Compulsory Purchase Act 2004 (Commencement Order No. 6, Transitional Provisions and Savings) Order 2005 SI 2005/2847 (C.118).

(6) 1998 c. 38.

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## SCHEDULE

Article 5(2)

Blaenau Gwent County Borough Council  
Brecon Beacons National Park Authority  
Carmarthenshire County Council  
Ceredigion County Council  
Flintshire County Council  
Gwynedd County Council  
Isle of Anglesey County Council  
Monmouthshire County Council  
Neath Port Talbot County Borough Council  
Newport City Council  
Pembrokeshire County Council  
Pembrokeshire Coast National Park Authority  
Powys County Council  
The Council of the City and County of Swansea

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## EXPLANATORY NOTE

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

This Order brings the remaining provisions of Part 6 of the Planning and Compulsory Purchase Act 2004 (“the Act”) into force on 15 October 2005, namely sections 61, 64 to 71, 74 and 76 (in so far as it is not already in force), with the exception of the regulation-making provisions within those sections, which will come into force on 5 October 2005.

Part 6 of the Act (sections 60 to 78) applies in relation to Wales and establishes a system of local development plans (LDPs) in place of unitary development plans required under Chapter 1 of Part II of the Town and Country Planning Act 1990 (the 1990 Act). It also makes provision for a Wales Spatial Plan.

All provisions contained in articles 3 to 7 of this Order will come into force on 15 October 2005.

This Order inserts paragraph 1B into Schedule 13 of the Act to provide for LDPs and makes transitional arrangements for existing development plans.

This Order also brings to an end the transitional arrangements made under the Planning and Compulsory Purchase Act 2004 (Commencement No. 3 and Consequential and Transitional Provisions) (Wales) Order 2005 ([S.I. 2005/1229](#)) ([W.87](#)) ([C.56](#)) under which the provisions of Part 6 of the Act requiring local planning authorities to commence preparation of their LDPs only took effect in relation to certain authorities, namely—

Caerphilly County Borough Council  
The Council of the City and County of Cardiff  
Conwy County Borough Council

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Denbighshire County Council  
Merthyr Tydfil County Borough Council  
Rhondda Cynon Taf County Borough Council  
Snowdonia National Park Authority  
Torfaen County Borough Council  
Wrexham County Borough Council

The effect of this Order will therefore be to bring into effect in Wales the system of LDPs. However those local planning authorities mentioned in the Schedule to the Order will not be under a duty to prepare an LDP until a further order is made by the National Assembly for Wales.

#### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

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

The provisions of Part 6 of the Planning and Compulsory Purchase Act 2004 set out in the Table below came into force on the dates indicated by virtue of Orders made by the National Assembly for Wales.

Section(s)	Date of commencement	S.I. Number
60	14 July 2004	<a href="#">2004/1814 (W.199) (C.74)</a>
62 (insofar as it is not already in force)	30 April 2005	<a href="#">2005/1229 (W.87) (C.56)</a>
62(4) and(5)(g)	1 August 2004	<a href="#">2004/1814 (W.198) (C.73)</a>
63 (insofar as it is not already in force)	30 April 2005	<a href="#">2005/1229 (W.87) (C.56)</a>
63(3)(a) and (7)	1 August 2004	<a href="#">2004/1814 (W.198) (C.73)</a>
72	30 April 2005	<a href="#">2005/1229 (W.87) (C.56)</a>
73	30 April 2005	<a href="#">2005/1229 (W.87) (C.56)</a>
75	1 August 2004	<a href="#">2004/1814 (W.198) (C.73)</a>
76(2) (in part) and (3) (in part)	1 August 2004	<a href="#">2004/1814 (W.198) (C.73)</a>
77	1 August 2004	<a href="#">2004/1814 (W.198) (C.73)</a>
78	1 August 2004	<a href="#">2004/1814 (W.198) (C.73)</a>