



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
- 4A Delegation of RPB functions to regional development agencies

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

Status: Point in time view as at 03/08/2012.

Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 31 May 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)

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
- 33A Duty to co-operate in relation to planning of sustainable development
- 34 Guidance
- 35 Authorities monitoring reports

General

- 36 Regulations
- 37 Interpretation

PART 3

DEVELOPMENT

Development plan

- 38 Development plan
- 38A Meaning of "neighbourhood development plan"
- 38B Provision that may be made by neighbourhood development plans
- 38C Supplementary provisions

Status: Point in time view as at 03/08/2012.

Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 31 May 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)

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

Status: Point in time view as at 03/08/2012.

Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 31 May 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)

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

Status: Point in time view as at 03/08/2012.

Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 31 May 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)

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

Status: Point in time view as at 03/08/2012.

Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 31 May 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)

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

Status: Point in time view as at 03/08/2012.

Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 31 May 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)

SCHEDULES

SCHEDULE 1 — Local development orders: procedure
In the principal Act after Schedule 4 (special provision as...

SCHEDULE 2 — Timetable for decisions

Decisions

- 1 This Schedule applies to any decision which must be taken...
- 2 (1) This Schedule also applies to a decision not mentioned...
- 3 But the Secretary of State may by order specify decisions...

Timetable

- 4 (1) The Secretary of State must make one or more...

Notice

- 5 (1) The Secretary of State must notify the following persons...

Variation

- 6 (1) This paragraph applies if before the time at which...

Written reasons

- 7 If the Secretary of State fails to take any step...

Annual report

- 8 (1) The Secretary of State must lay before Parliament a...

SCHEDULE 3 — Crown application

Purchase notices

- 1 After section 137 of the principal Act (circumstances in which...
- 2 After section 32 of the listed buildings Act (circumstances in...

Compulsory acquisition

- 3 (1) Section 226 of the principal Act (compulsory acquisition of...
- 4 (1) Section 228 of the principal Act (compulsory acquisition of...
- 5 (1) Section 47 of the listed buildings Act (compulsory acquisition...

Definitions

- 6 (1) Section 293 of the principal Act (preliminary definitions) is...
- 7 In the listed buildings Act after section 82B (inserted by...
- 8 (1) Section 31 of the hazardous substances Act (exercise of...

Special enforcement notices

- 9 (1) Sections 294 and 295 of the principal Act (control...

Status: Point in time view as at 03/08/2012.

Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 31 May 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)

Applications for planning permission, etc.

- 10 (1) After section 298 of the principal Act (supplementary provision...
- 11 After section 82E of the listed buildings Act (inserted by...
- 12 (1) After section 31 of the hazardous substances Act (exercise...

Rights of entry

- 13 After section 325 of the principal Act (supplementary provisions as...
- 14 After section 88B of the listed buildings Act (rights of...
- 15 After section 36B of the hazardous substances Act (rights of...

Service of notices

- 16 After section 329 of the principal Act (service of notices)...

Information as to interests in land

- 17 After section 330 of the principal Act (power to require...

Listed buildings and conservation areas

- 18 (1) Sections 83 and 84 of the listed buildings Act...
- 19 (1) Section 89(1) of the listed buildings Act (application of...

Hazardous substances

- 20 In section 17 of the hazardous substances Act (revocation of...
- 21 (1) Section 37(2) of the hazardous substances Act (application of...

Miscellaneous

- 22 Section 293(4) of the principal Act (certain persons treated as...
- 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

Introduction

- 1 This Part applies to a development if—
- 2 In this Part— (a) the relevant date is the date...

Acceptable development

- 3 (1) This paragraph applies if before the relevant date in...
- 4 (1) This paragraph applies if before the relevant date the...

Referred proposals

- 5 (1) This paragraph applies if— (a) before the relevant date...

Status: Point in time view as at 03/08/2012.

Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 31 May 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)

Pending proposals

- 6 (1) This paragraph applies if before the relevant date—
Part 2 — THE LISTED BUILDINGS ACT

Introduction

- 7 This Part applies to works if— (a) they are works...
8 In this Part— (a) the relevant date is the date...

Acceptable works

- 9 (1) This paragraph applies if before the relevant date in...
10 (1) This paragraph applies if before the relevant date the...

Referred proposals

- 11 (1) This paragraph applies if— (a) before the relevant date...

Pending proposals

- 12 (1) This paragraph applies if before the relevant date—
SCHEDULE 5 — Crown application: Scotland

Purchase notices

- 1 In the Town and Country Planning (Scotland) Act 1997 (c...
2 In the Planning (Listed Buildings and Conservation Areas) (Scotland)
Act...

Compulsory acquisition

- 3 (1) In the principal Scottish Act, section 189 (compulsory acquisition...
4 (1) Section 190 of that Act (compulsory acquisition of land...
5 (1) In the Scottish listed buildings Act, section 42 (compulsory...

Definitions

- 6 (1) In the principal Scottish Act, section 242 (preliminary definitions)...
7 In the Scottish listed buildings Act, after section 73B (inserted...
8 (1) In the Planning (Hazardous Substances) (Scotland) Act 1997 (c....

Special enforcement notices

- 9 (1) Sections 243 and 244 of the principal Scottish Act...

Applications for planning permission, etc.

- 10 (1) In the principal Scottish Act, after section 247 (supplementary...
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...

Rights of entry

- 14 After section 270 of the principal Scottish Act (supplementary
provisions...

Status: Point in time view as at 03/08/2012.

Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 31 May 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)

- 15 After section 78 of the Scottish listed buildings Act (rights...
- 16 After section 35 of the Scottish hazardous substances Act (rights...

Service of notices

- 17 After section 271 of the principal Scottish Act (service of...

Information as to interests in land

- 18 In the principal Scottish Act, after section 272 (power to...

Listed buildings and conservation areas

- 19 (1) In the Scottish listed buildings Act, sections 74 and...
- 20 (1) In the Scottish listed buildings Act, section 79 (application...

Hazardous substances

- 21 In the Scottish hazardous substances Act, in section 15 (revocation...
- 22 (1) In the Scottish hazardous substances Act, section 36 (application...

Miscellaneous

- 23 Sections 242(4) (certain persons treated as having an interest in...
- 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

Town and Country Planning Act 1990 (c. 8)

- 1 The Town and Country Planning Act 1990 is amended as...
- 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.

Status: Point in time view as at 03/08/2012.

Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 31 May 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)

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

- 19 The Planning (Listed Buildings and Conservation Areas) Act 1990 is...
- 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...

Planning (Hazardous Substances) Act 1990 (c. 10)

- 27 In section 40 of the Planning (Hazardous Substances) Act 1990...

SCHEDULE 7 — Amendments of other enactments

Gas Act 1965 (c. 36)

- 1 In paragraph 7(2) of Schedule 3 of the Gas Act...

Finance Act 1969 (c. 32)

- 2 In section 58(4) of the Finance Act 1969 (disclosure of...

Leasehold Reform Act 1967 (c. 88)

- 3 In section 28(6)(a) of the Leasehold Reform Act 1967 (development...

Agriculture (Miscellaneous Provisions) Act 1968 (c. 34)

- 4 In section 12 of the Agriculture (Miscellaneous Provisions) Act 1968...

Countryside Act 1968 (c. 41)

- 5 (1) Paragraph 3 of Schedule 2 to the Countryside Act...

Greater London Council (General Powers) Act 1969 (c lii)

- 6 In section 13 of the Greater London Council (General Powers)...

Land Compensation Act 1973 (c. 26)

- 7 (1) The Land Compensation Act 1973 is amended as follows....

Greater London Council (General Powers) Act 1973 (c xxx)

- 8 In section 24(4) of the Greater London Council (General Powers)...

Welsh Development Agency Act 1975 (c. 70)

- 9 (1) Schedule 4 to the Welsh Development Agency Act 1975...

Local Government, Planning and Land Act 1980 (c. 65)

- 10 (1) The Local Government, Planning and Land Act 1980 is...

Status: Point in time view as at 03/08/2012.

Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 31 May 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)

Highways Act 1980 (c. 66)

11 (1) The Highways Act 1980 is amended as follows.

Acquisition of Land Act 1981 (c. 67)

12 In section 29(5) of the Acquisition of Land Act 1981...

Housing Act 1985 (c. 68)

13 (1) In section 578A of the Housing Act 1985 (modification...

Education Reform Act 1988 (c. 40)

14 (1) The Education Reform Act 1988 is amended as follows....

Housing Act 1988 (c. 50)

15 (1) Paragraph 2 of Schedule 10 to the Housing Act...

Planning and Compensation Act 1991 (c. 34)

16 In Schedule 4 to the Planning and Compensation Act 1991...

Local Government Act 1992 (c. 19)

17 In section 14(5) of the Local Government Act 1992 (structural...

...

18

Environment Act 1995 (c. 25)

19 (1) The Environment Act 1995 is amended as follows.

Town and Country Planning (Scotland) Act 1997 (c. 8)

20 (1) The Town and Country Planning (Scotland) Act 1997 is...

Regional Development Agencies Act 1998 (c. 45)

21 (1) Paragraph 1 of Schedule 5 to the Regional Development...

Greater London Authority Act 1999 (c. 29)

22 (1) The Greater London Authority Act 1999 is amended as...

Countryside and Rights of Way Act 2000 (c. 37)

23 In section 86(4) of the Countryside and Rights of Way...

SCHEDULE 8 — Transitional provisions: Parts 1 and 2

Development plan

1 (1) During the transitional period a reference in an enactment...

Status: Point in time view as at 03/08/2012.

Changes to legislation: Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 31 May 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)

Structure plans

- 2 (1) This paragraph applies to proposals for the alteration or...

Unitary development plan

- 3 (1) This paragraph applies to proposals for the alteration or...
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...

Local plan

- 8 (1) This paragraph applies to proposals for the alteration or...
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...

Minerals and waste local plans

- 14 Paragraphs 8 to 13 above apply to a minerals local...

Schemes

- 15 (1) This paragraph applies to— (a) the local development scheme...

Savings

- 16 (1) The repeal by this Act of paragraphs 1 to...

Regulations and orders

- 17 (1) The Secretary of State may by regulations make provision...
18 The Secretary of State may by regulations make provision—

Interpretation

- 19 (1) References to section 27 of the principal Act must...

SCHEDULE 9 — Repeals

Status:

Point in time view as at 03/08/2012.

Changes to legislation:

Planning and Compulsory Purchase Act 2004 is up to date with all changes known to be in force on or before 31 May 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.