



# Planning and Compulsory Purchase Act 2004

## CHAPTER 5

### PLANNING AND COMPULSORY PURCHASE ACT 2004

#### PART 1

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- 2 Regional planning bodies
- 3 RPB: general functions
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- 6 RSS: community involvement
- 7 RSS: Secretary of State's functions
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- 12 Supplementary

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39 Sustainable development

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### *Miscellaneous*

- 73 Exclusion of certain representations
- 74 Urban development corporations
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### *General*

- 77 Regulations
- 78 Interpretation

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92 Urgent Crown development: Scotland

93 Urgent works relating to Crown land: Scotland

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- 123 Finance
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- 125 Short Title

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## 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 2A — STRATEGIC PLANNING PANELS  
PART 1 — STATUS AND MEMBERSHIP

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#### *Status*

- 1 (1) A strategic planning panel is a body corporate.

#### *Membership*

- 2 (1) A strategic planning panel consists of local planning authority...

#### *Appointment of local planning authority members*

- 3 (1) Each local planning authority member of a strategic planning...

#### *Appointment of nominated members*

- 4 (1) Each nominated member of a strategic planning panel is...

#### *Composition of strategic planning panels: further provision*

- 5 (1) The Welsh Ministers may by regulations make further provision...

#### *Terms and notice of appointments*

- 6 (1) The Welsh Ministers may publish standard terms of appointment...

#### *Members' allowances*

- 7 (1) A strategic planning panel may pay allowances to its...

#### *Termination of membership*

- 8 (1) A member of a strategic planning panel may resign...

#### *Termination of membership: further provision about local planning authority members*

- 9 (1) A constituent local planning authority may at any time...

#### *Chair and deputy chair*

- 10 (1) A strategic planning panel must appoint a chair and...  
PART 2 — ADMINISTRATION

#### *Staff*

- 11 (1) A strategic planning panel may employ staff.

#### *Delegation*

- 12 (1) A strategic planning panel may delegate a function to—...

#### *Voting rights*

- 13 A nominated member of a strategic planning panel is not...

#### *Procedure*

- 14 (1) A strategic planning panel must make standing orders regulating...

#### *Access to meetings*

- 15 (1) A meeting of a strategic planning panel must be...



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### PART 3 — FINANCIAL ARRANGEMENTS

#### *Qualifying expenditure*

- 16 (1) The qualifying expenditure of a strategic planning panel is...

#### *Apportionment of qualifying expenditure*

- 17 (1) A strategic planning panel must make a determination specifying...

#### *Annual work programme and estimate of qualifying expenditure*

- 18 (1) A strategic planning panel must, for each financial year...

#### *Payments by constituent local planning authorities*

- 19 (1) Not later than 15 February before the start of...

#### *Payments by Welsh Ministers*

- 20 (1) The Welsh Ministers may make grants, loans or other...

#### *Accounts and audit*

- 21 (1) A strategic planning panel must for each financial year—...

#### *Annual report*

- 22 (1) A strategic planning panel must, for each financial year,...

#### *Financial year*

- 23 (1) The first financial year of a strategic planning panel...

### PART 4 — SUPPLEMENTARY

#### *Guidance*

- 24 In exercising functions under this Schedule, a strategic planning panel...

#### *Default powers of Welsh Ministers*

- 25 (1) This paragraph applies if the Welsh Ministers think that...

#### *Provision in connection with establishment etc of strategic planning panel*

- 26 (1) The regulations establishing a panel may confer power on...

#### *Interpretation*

- 27 In this Schedule— “ constituent local planning authority ” has...

#### *Power to amend provisions about strategic planning panels*

- 28 The Welsh Ministers may by regulations amend this Schedule.

### SCHEDULE 3 — Crown application

#### *Purchase notices*

- 1 After section 137 of the principal Act (circumstances in which...

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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...

*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

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## 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...

### *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....

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### *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...  
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)...

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- 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.

*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)...

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*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...

*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...

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*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...

*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

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