

Planning and Compulsory Purchase Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Office of the Deputy Prime Minister, are published separately as Bill 12-EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Mr Secretary Prescott has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Planning and Compulsory Purchase Bill are compatible with the Convention rights.

Planning and Compulsory Purchase Bill

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B I L L

TO

Make provision relating to spatial development and town and country planning; compulsory acquisition for development; and loss payments in respect of certain interests in property compulsorily acquired.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

REGIONAL FUNCTIONS

Spatial strategy

1 Regional Spatial Strategy

- (1) For each region there is to be a regional spatial strategy (in this Part referred to as the “RSS”). 5
- (2) The RSS must set out the Secretary of State’s policies (however expressed) in relation to the development and use of land within the region.
- (3) In subsection (2) the references to a region include references to any area within a region which includes the area or part of the area of more than one local planning authority. 10
- (4) With effect from the appointed day the RSS for a region is so much of the regional planning guidance relating to the region as the Secretary of State prescribes.
- (5) The appointed day is the day appointed for the commencement of this section. 15

Planning bodies

2 Regional planning bodies

- (1) The Secretary of State may give a direction recognising a body to which subsection (2) applies as the regional planning body for a region (in this Part referred to as the “RPB”). 5
- (2) This subsection applies to a body (whether or not incorporated) which satisfies such criteria as are prescribed.
- (3) The Secretary of State may give a direction withdrawing recognition of a body.
- (4) Subsection (5) applies if the Secretary of State – 10
 - (a) does not give a direction under subsection (1) recognising a body, or
 - (b) gives a direction under subsection (3) withdrawing recognition of a body and does not give a direction under subsection (1) recognising any other body.
- (5) In such a case the Secretary of State may exercise such of the functions of the RPB as he thinks appropriate. 15
- (6) A change in the membership of a body which is not incorporated does not (by itself) affect the validity of the recognition of the body.

3 RPB: general functions

- (1) The RPB must keep under review the RSS.
- (2) The RPB must keep under review the matters which may be expected to affect – 20
 - (a) development in its region or any part of the region;
 - (b) the planning of that development.
- (3) The RPB must – 25
 - (a) monitor the implementation of the RSS throughout the region;
 - (b) consider whether the implementation is achieving the purposes of the RSS.
- (4) The RPB must for each year prepare a report on the implementation of the RSS in the region.
- (5) The report – 30
 - (a) must be in such form and contain such information as is prescribed;
 - (b) must be submitted to the Secretary of State on such date as is prescribed.
- (6) The RPB must give advice to any other body or person if it thinks that to do so will help to achieve implementation of the RSS. 35

4 Assistance from certain local authorities

- (1) Each RPB must consider whether in relation to its region (or any part of it) it would be desirable for an authority which falls within subsection (2) to assist it in carrying out any function it has.

- (2) Each of the following authorities fall within this subsection if their area or any part of their area is in the RPB's region –
 - (a) a county council;
 - (b) a metropolitan district council;
 - (c) a district council for an area for which there is no county council; 5
 - (d) a National Park authority.
- (3) If the RPB considers that it is desirable for such an authority to assist it in carrying out a function it has it must attempt to make arrangements to permit the discharge of that function by the authority in relation to their area.
- (4) The RPB may reimburse an authority which exercises functions by virtue of such arrangements for any expenditure incurred by the authority in doing so. 10
- (5) Subsection (1) does not apply to a function of the RPB under section 5(6).
- (6) Any arrangements made for the purposes of subsection (3) must be taken to be arrangements between local authorities for the purposes of section 101 of the Local Government Act 1972 (c. 70). 15
- (7) Nothing in this section affects any power which a body which is recognised as an RPB has apart from this section.

RSS revision

5 RSS: revision

- (1) The RPB must prepare a draft revision of the RSS – 20
 - (a) when it appears to it necessary or expedient to do so;
 - (b) at such time as is prescribed;
 - (c) if it is directed to do so under section 9(1).
- (2) But the RPB must give notice to the Secretary of State of its intention to prepare a draft revision under subsection (1)(a). 25
- (3) In preparing a draft revision the RPB must have regard to –
 - (a) national policies and advice contained in guidance issued by the Secretary of State;
 - (b) the RSS for each adjoining region;
 - (c) the spatial development strategy if any part of its region adjoins Greater London; 30
 - (d) the Wales Spatial Plan if any part of its region adjoins Wales;
 - (e) the resources likely to be available for implementation of the RSS;
 - (f) such other matters as are prescribed.
- (4) In preparing a draft revision the RPB must also – 35
 - (a) carry out an appraisal of the sustainability of the proposals in the draft, and
 - (b) prepare a report of the findings of the appraisal.
- (5) The Secretary of State may by regulations make provision as to – 40
 - (a) the subject matter of a draft revision prepared in pursuance of subsection (1)(b);
 - (b) any further documents which must be prepared by the RPB in connection with the preparation of a draft revision;

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- (c) the form and content of any draft, report or other document prepared under this section.
- (6) When the RPB has prepared a draft revision, the report to be prepared under subsection (4)(b) and any other document to be prepared in pursuance of subsection (5)(b) it must – 5
- (a) publish the draft revision, report and other document;
- (b) submit them to the Secretary of State.
- (7) But the RPB may withdraw a draft revision at any time before it submits the draft to the Secretary of State under subsection (6)(b).
- 6 RSS: Secretary of State’s functions** 10
- (1) This section applies when the Secretary of State receives a draft revision of the RSS.
- (2) Any person may make representations on the draft.
- (3) The Secretary of State may arrange for an examination in public to be held into the draft. 15
- (4) In deciding whether an examination in public is held the Secretary of State must have regard to –
- (a) the extent of the revisions proposed by the draft;
- (b) the extent to which there was any consultation on the draft before it was published; 20
- (c) the level of interest shown in the draft;
- (d) such other matters as he thinks appropriate.
- 7 RSS: examination in public**
- (1) This section applies if the Secretary of State decides that an examination in public is to be held of a draft revision of the RSS. 25
- (2) The examination must be held before a person appointed by the Secretary of State.
- (3) No person has a right to be heard at an examination in public.
- (4) The Secretary of State may, after consultation with the Lord Chancellor, make regulations with respect to the procedure to be followed at an examination in public. 30
- (5) The person appointed under subsection (2) must make a report of the examination to the Secretary of State.
- (6) The Secretary of State may by regulations make provision as to the procedure to be followed in connection with the recommendations of the person appointed under subsection (2). 35
- (7) An examination in public –
- (a) is a statutory inquiry for the purposes of section 1(1)(c) of the Tribunals and Inquiries Act 1992 (c. 53) (report on administrative procedures);
- (b) is not a statutory inquiry for any other purpose of that Act. 40

8 RSS: further procedure

- (1) If no examination in public is held the Secretary of State must consider any representations made on the draft revision of the RSS under section 6(2).
- (2) If an examination in public is held the Secretary of State must consider –
 - (a) the report of the person appointed to hold the examination; 5
 - (b) any representations which are not considered by the person appointed to hold the examination.
- (3) If after proceeding under subsection (1) or (2) the Secretary of State proposes to make any changes to the draft he must publish –
 - (a) the changes he proposes to make; 10
 - (b) his reasons for doing so.
- (4) Any person may make representations on the proposed changes.
- (5) The Secretary of State must consider any such representations.
- (6) The Secretary of State must then publish the revision of the RSS incorporating such changes as he thinks fit. 15
- (7) But the Secretary of State may withdraw a draft revision of an RSS at any time before he publishes the revision of the RSS under subsection (6).

9 Secretary of State: additional powers

- (1) If the Secretary of State thinks it is necessary or expedient to do so he may direct an RPB to prepare a draft revision of the RSS. 20
- (2) Such a direction may require the RPB to prepare the draft revision –
 - (a) in relation to such aspects of the RSS as are specified;
 - (b) in accordance with such timetable as is specified.
- (3) The Secretary of State may prepare a draft revision of the RSS if the RPB fails to comply with –
 - (a) a direction under subsection (1),
 - (b) section 5(1)(b), or
 - (c) regulations under section 5(5) or 10. 25
- (4) If the Secretary of State prepares a draft revision under subsection (3)
 - (a) section 6 applies as it does if the Secretary of State receives a draft revision from the RPB, and 30
 - (b) sections 7 and 8(1) to (7) apply
- (5) If the Secretary of State thinks it necessary or expedient to do so he may at any time revoke –
 - (a) an RSS; 35
 - (b) such parts of an RSS as he thinks appropriate.
- (6) The Secretary of State may by regulations make provision as to the procedure to be followed for the purposes of subsection (3).
- (7) Subsection (8) applies if –
 - (a) any step has been taken in connection with the preparation of any part of regional planning guidance, and 40

- (b) the Secretary of State thinks that the step corresponds to a step which must be taken under this Part in connection with the preparation and publication of a revision of the RSS.
- (8) The Secretary of State may by order provide for the part of the regional planning guidance to have effect as a revision of the RSS. 5

Supplementary

10 Regulations

- (1) The Secretary of State may by regulations make provision in connection with the exercise by any person of functions under this Part.
- (2) The regulations may in particular make provision as to— 10
- (a) the procedure to be followed by the RPB in carrying out the draft revision and appraisal under section 5;
 - (b) requirements about the giving of notice and publicity;
 - (c) the nature and extent of consultation with and participation by the public in anything done under this Part; 15
 - (d) the making of representations about any matter to be included in an RSS;
 - (e) consideration of any such representations;
 - (f) the remuneration and allowances payable to a person appointed to carry out an examination in public under section 7; 20
 - (g) the time at which anything must be done for the purposes of this Part;
 - (h) the manner of publication of any draft, report or other document published under this Part;
 - (i) monitoring the exercise by RPBs of their functions under this Part.

11 Supplementary 25

- (1) A region is a region (except London) specified in Schedule 1 to the Regional Development Agencies Act 1998 (c. 45).
- (2) But the Secretary of State may by order direct that if the area of a National Park falls within more than one region it is treated as falling wholly within such region as is specified in the order. 30
- (3) Regional planning guidance for a region is a document issued by the Secretary of State setting out his policies (however expressed) in relation to the development and use of land within the region.
- (4) References to a revision or draft revision of an RSS include references to a revision or draft revision of any part of an RSS. 35
- (5) This section has effect for the purposes of this Part.

PART 2

LOCAL DEVELOPMENT

Survey

12 Survey of area

- (1) The local planning authority must keep under review the matters which may be expected to affect the development of their area or the planning of its development. 5
- (2) These matters include—
 - (a) the principal physical, economic, social and environmental characteristics of the area of the authority; 10
 - (b) the principal purposes for which land is used in the area;
 - (c) the size, composition and distribution of the population of the area;
 - (d) the communications, transport system and traffic of the area;
 - (e) any other considerations which may be expected to affect those matters; 15
 - (f) such other matters as may be prescribed or as the Secretary of State (in a particular case) may direct.
- (3) The matters also include—
 - (a) any changes which the authority think may occur in relation to any other matter; 20
 - (b) the effect such changes are likely to have on the development of the authority's area or on the planning of such development.
- (4) The local planning authority may also keep under review and examine the matters mentioned in subsections (2) and (3) in relation to any neighbouring area to the extent that those matters may be expected to affect the area of the authority. 25
- (5) In exercising a function under subsection (4) a local planning authority must consult with the local planning authority for the neighbouring area in question.
- (6) If a neighbouring area is in Wales references to the local planning authority for that area must be construed in accordance with Part 6. 30

13 Survey of area: county councils

- (1) A county council in respect of so much of their area for which there is a district council must keep under review the matters which may be expected to affect development of that area in so far as the development relates to a county matter. 35
- (2) Subsections (2) to (6) of section 12 apply for the purposes of subsection (1) as they apply for the purposes of that section; and references to the local planning authority must be construed as references to the county council.
- (3) The Secretary of State may by regulations require or (in a particular case) may direct a county council to keep under review in relation to so much of their area as is mentioned in subsection (1) such of the matters mentioned in section 12(1) to (4) as he prescribes or directs (as the case may be). 40

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- (4) For the purposes of subsection (3) –
- (a) it is immaterial whether any development relates to a county matter;
 - (b) if a matter which is prescribed or in respect of which the Secretary of State gives a direction falls within section 12(4) the county council must consult the local planning authority for the area in question. 5
- (5) The county council must make available the results of their review under subsection (3) to such persons as the Secretary of State prescribes or directs (as the case may be).
- (6) References to a county matter must be construed in accordance with paragraph 1 of Schedule 1 to the principal Act (ignoring sub-paragraph (1)(i)). 10

Development schemes

14 Local development scheme

- (1) The local planning authority must prepare and maintain a scheme to be known as their local development scheme.
- (2) The scheme must specify – 15
- (a) the documents which are to be local development documents;
 - (b) the subject matter and geographical area to which each document is to relate;
 - (c) which documents are to be development plan documents;
 - (d) which documents (if any) are to be prepared jointly with one or more other local planning authorities; 20
 - (e) any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee under section 28;
 - (f) the timetable for the preparation and revision of the documents; 25
 - (g) such other matters as are prescribed.
- (3) The local planning authority must –
- (a) prepare the scheme in accordance with such other requirements as are prescribed;
 - (b) submit the scheme to the Secretary of State at such time as is prescribed or as the Secretary of State (in a particular case) directs; 30
 - (c) at that time send a copy of the scheme to the RPB or (if the authority are a London borough) to the Mayor of London.
- (4) The Secretary of State may direct the local planning authority to make such amendments to the scheme as he thinks appropriate. 35
- (5) Such a direction must contain the Secretary of State’s reasons for giving it.
- (6) The local planning authority must comply with a direction given under subsection (4).
- (7) The Secretary of State may make regulations as to the following matters – 40
- (a) publicity about the scheme;
 - (b) making the scheme available for inspection by the public;
 - (c) requirements to be met for the purpose of bringing the scheme into effect.

- (8) The local planning authority must revise their local development scheme –
 - (a) at such time as they consider appropriate;
 - (b) when directed to do so by the Secretary of State.
- (9) Subsections (2) to (7) apply to the revision of a scheme as they apply to the preparation of the scheme. 5

15 Minerals and waste development scheme

- (1) A county council in respect of any part of their area for which there is a district council must prepare and maintain a scheme to be known as their minerals and waste development scheme.
- (2) Section 14 (ignoring subsections (1) and (2)(e)) applies in relation to a minerals and waste development scheme as it applies in relation to a local development scheme. 10
- (3) This Part applies to a minerals and waste development scheme as it applies to a local development scheme and for that purpose –
 - (a) references to a local development scheme include references to a minerals and waste development scheme; 15
 - (b) references to a local planning authority include references to a county council.
- (4) But subsection (3) does not apply to –
 - (a) section 16(3); 20
 - (b) section 23(1)(b), (4) and (7);
 - (c) the references in section 23(5) to subsection (4) and the Mayor;
 - (d) sections 28 to 30.

Documents

- ## 16 Local development documents 25
- (1) Documents which must be specified in the local development scheme as local development documents are –
 - (a) documents of such descriptions as are prescribed;
 - (b) the local planning authority’s statement of community involvement.
 - (2) The local planning authority may also specify in the scheme such other documents as they think are appropriate. 30
 - (3) The local development documents must (taken as a whole) set out the authority’s policies (however expressed) relating to the development and use of land in their area.
 - (4) In the case of the documents which are included in a minerals and waste development scheme they must also (taken as a whole) set out the authority’s policies (however expressed) in relation to development which is a county matter within the meaning of paragraph 1 of Schedule 1 to the principal Act (ignoring sub-paragraph (1)(i)). 35
 - (5) The authority must keep under review their local development documents having regard to the results of any review carried out under section 12 or 13. 40
 - (6) Regulations under this section may prescribe –

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- (a) which descriptions of local development documents are development plan documents;
 - (b) the form and content of the local development documents;
 - (c) the time at which any step in the preparation of any such document must be taken. 5
 - (7) A document is a local development document only in so far as it or any part of it—
 - (a) is adopted by resolution of the local planning authority as a local development document;
 - (b) is approved by the Secretary of State under section 20 or 26. 10
- 17 Statement of community involvement**
- (1) The local planning authority must prepare a statement of community involvement.
 - (2) The statement of community involvement is a statement of the authority’s policy as to the involvement in the exercise of the authority’s functions under sections 18, 25 and 27 of this Act and Part 3 of the principal Act of persons who appear to the authority to have an interest in matters relating to development in their area. 15
 - (3) Section 19 applies to the statement of community involvement as if it were a development plan document, and in the following provisions of this Part references to a development plan document include references to the statement of community involvement—
 - (a) section 21;
 - (b) section 22(2) to (5). 20
- 18 Preparation of local development documents** 25
- (1) Local development documents must be prepared in accordance with the local development scheme.
 - (2) In preparing a local development document the local planning authority must have regard to—
 - (a) national policies and advice contained in guidance issued by the Secretary of State;
 - (b) the RSS for the region in which the area of the authority is situated, if the area is outside Greater London;
 - (c) the spatial development strategy if the authority are a London borough or if any part of the authority’s area adjoins Greater London; 35
 - (d) the RSS for any region which adjoins the area of the authority;
 - (e) the Wales Spatial Plan if any part of the authority’s area adjoins Wales;
 - (f) the community strategy prepared by the authority;
 - (g) the community strategy for any other authority whose area comprises any part of the area of the local planning authority; 40
 - (h) any other local development document which has been adopted by the authority;
 - (i) the resources likely to be available for implementing the proposals in the document;
 - (j) such other matters as the Secretary of State prescribes. 45

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- (3) In preparing the other local development documents the authority must also comply with their statement of community involvement.
 - (4) But subsection (3) does not apply at any time before the authority have adopted their statement of community involvement.
 - (5) The local planning authority must also – 5
 - (a) carry out an appraisal of the sustainability of the proposals in each document;
 - (b) prepare a report of the findings of the appraisal.
 - (6) The community strategy is the strategy prepared by an authority under section 4 of the Local Government Act 2000 (c. 22). 10

19 Independent examination

- (1) The local planning authority must submit every development plan document to the Secretary of State for independent examination.
- (2) But the authority must not submit such a document unless – 15
 - (a) they have complied with any relevant requirements contained in regulations under this Part, and
 - (b) they think the document is ready for independent examination.
- (3) The authority must also send to the Secretary of State (in addition to the development plan document) such other documents (or copies of documents) and such information as is prescribed. 20
- (4) The examination must be carried out by a person appointed by the Secretary of State.
- (5) The purpose of an independent examination is to determine in respect of the development plan document – 25
 - (a) whether it satisfies the requirements of sections 18 and 23(1), regulations under section 16(6) and any regulations under section 35 relating to the preparation of development plan documents;
 - (b) whether it is sound.
- (6) Any person who makes representations seeking to change a development plan document must (if he so requests) be given the opportunity to appear before and be heard by the person carrying out the examination. 30
- (7) The person appointed to carry out the examination must –
 - (a) make recommendations;
 - (b) give reasons for the recommendations.
- (8) The local planning authority must publish the recommendations. 35

20 Intervention by Secretary of State

- (1) If the Secretary of State thinks that a local development document is unsatisfactory he may at any time before the document is adopted under section 22 direct the local planning authority to modify the document in accordance with the direction. 40
- (2) The authority –
 - (a) must comply with the direction;

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- (b) must not adopt the document unless the Secretary of State gives notice that he is satisfied that they have complied with the direction.
- (3) At any time before a development plan document is adopted by a local planning authority the Secretary of State may direct that the document (or any part of it) is submitted to him for his approval. 5
- (4) The following paragraphs apply if the Secretary of State gives a direction under subsection (3) –
- (a) the authority must not take any step in connection with the adoption of the document until the Secretary of State gives his decision;
- (b) if the direction is given before the authority have submitted the document under section 19(1) the Secretary of State must hold an independent examination and section 19(4) to (7) applies accordingly; 10
- (c) if the direction is given after the authority have submitted the document the person appointed to carry out the examination must make his recommendations to the Secretary of State; 15
- (d) the document has no effect unless it or (if the direction relates to only part of a document) the part has been approved by the Secretary of State.
- (5) The Secretary of State must publish the recommendations made to him by virtue of subsection (4)(b) or (c). 20
- (6) In considering a document or part of a document submitted under subsection (3) the Secretary of State may take account of any matter which he thinks is relevant.
- (7) It is immaterial whether any such matter was taken account of by the authority.
- (8) In relation to a document or part of a document submitted to him under subsection (3) the Secretary of State – 25
- (a) may approve, approve subject to specified modifications or reject the document or part;
- (b) must give reasons for his decision under paragraph (a).
- (9) In the exercise of any function under this section the Secretary of State must have regard to the local development scheme. 30

21 Withdrawal of local development document

- (1) A local planning authority may at any time before a local development document is adopted under section 22 withdraw the document.
- (2) But subsection (1) does not apply to a development plan document at any time after the document has been submitted for independent examination under section 19 unless – 35
- (a) the person carrying out the examination recommends that the document is withdrawn and that recommendation is not overruled by a direction given by the Secretary of State, or 40
- (b) the Secretary of State directs that the document must be withdrawn.

22 Adoption of local development documents

- (1) The local planning authority may adopt a local development document (other than a development plan document) either as originally prepared or as modified to take account of—
 - (a) any representations made in relation to the document; 5
 - (b) any other matter they think is relevant.
- (2) The authority may adopt a development plan document as originally prepared if the person appointed to carry out the independent examination of the document recommends that the document as originally prepared is adopted.
- (3) The authority may adopt a development plan document with modifications if the person appointed to carry out the independent examination of the document recommends the modifications. 10
- (4) The authority must not adopt a development plan document unless they do so in accordance with subsection (2) or (3).
- (5) A document is adopted for the purposes of this section if it is adopted by resolution of the authority. 15

23 Conformity with regional strategy

- (1) The local development documents must be in general conformity with—
 - (a) the RSS (if the area of the local planning authority is in a region other than London); 20
 - (b) the spatial development strategy (if the local planning authority are a London borough).
- (2) A local planning authority whose area is in a region other than London—
 - (a) must request the opinion in writing of the RPB as to the general conformity of a development plan document with the RSS; 25
 - (b) may request the opinion in writing of the RPB as to the general conformity of any other local development document with the RSS.
- (3) Not later than the end of the period prescribed for the purposes of this section the RPB must send its opinion to—
 - (a) the Secretary of State; 30
 - (b) the local planning authority.
- (4) A local planning authority which are a London borough—
 - (a) must request the opinion in writing of the Mayor of London as to the general conformity of a development plan document with the spatial development strategy; 35
 - (b) may request the opinion in writing of the Mayor as to the general conformity of any other local development document with the spatial development strategy.
- (5) Whether or not the local planning authority make a request mentioned in subsection (2) or (4) the RPB or the Mayor (as the case may be) may give an opinion as to the general conformity of a local development document with the RSS or the spatial development strategy (as the case may be). 40
- (6) If in the opinion of the RPB a document is not in general conformity with the RSS the RPB must be taken to have made representations seeking a change to the document. 45

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- (7) If in the opinion of the Mayor a document is not in general conformity with the spatial development strategy the Mayor must be taken to have made representations seeking a change to the document.
- (8) But the Secretary of State may in any case direct that subsection (6) must be ignored. 5
- (9) If at any time no body is recognised as the RPB under section 2 the functions of the RPB under this section must be exercised by the Secretary of State and subsections (3)(a), (6) and (8) of this section must be ignored.
- 24 Revocation of local development document**
- The Secretary of State may at any time revoke a local development document at the request of the local planning authority. 10
- 25 Revision of local development documents**
- (1) The local planning authority may at any time prepare a revision of a local development document.
- (2) The authority must prepare a revision of a local development document – 15
- (a) if the Secretary of State directs them to do so, and
 - (b) in accordance with such timetable as he directs.
- (3) This Part applies to the revision of a local development document as it applies to the preparation of the document.
- (4) Subsection (5) applies if any part of the area of the local planning authority is an area to which an enterprise zone scheme relates. 20
- (5) As soon as practicable after the occurrence of a relevant event –
- (a) the authority must review every local development document in the light of the enterprise zone scheme;
 - (b) if they think that any modifications of the document are required in consequence of the scheme they must prepare a revised document containing the modifications. 25
- (6) The following are relevant events –
- (a) the making of an order under paragraph 5 of Schedule 32 to the Local Government, Planning and Land Act 1980 (c. 65) (designation of enterprise zone);
 - (b) the giving of notification under paragraph 11(1) of that Schedule (approval of modification of enterprise zone scheme). 30
- (7) References to an enterprise zone and an enterprise zone scheme must be construed in accordance with that Act. 35
- 26 Secretary of State’s default power**
- (1) This section applies if the Secretary of State thinks that a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a local development document. 40
- (2) The Secretary of State must hold an independent examination and section 19(4) to (7) applies accordingly.

- (3) The Secretary of State must publish the recommendations of the person appointed to hold the examination.
- (4) The Secretary of State may –
 - (a) prepare or revise (as the case may be) the document, and
 - (b) approve the document as a local development document. 5
- (5) The authority must reimburse the Secretary of State for any expenditure he incurs in connection with anything –
 - (a) which is done by him under subsection (4), and
 - (b) which the authority failed or omitted to do as mentioned in subsection (1). 10

27 Joint local development documents

- (1) Two or more local planning authorities may agree to prepare one or more joint local development documents.
- (2) This Part applies for the purposes of any step which may be or is required to be taken in relation to a joint local development document as it applies for the purposes of any step which may be or is required to be taken in relation to a local development document. 15
- (3) For the purposes of subsection (2) anything which must be done by or in relation to a local planning authority in connection with a local development document must be done by or in relation to each of the authorities mentioned in subsection (1) in connection with a joint local development document. 20
- (4) Any requirement of this Part in relation to the RSS is a requirement in relation to the RSS for the region in which each authority mentioned in subsection (1) is situated.
- (5) If the authorities mentioned in subsection (1) include one or more London boroughs the requirements of this Part in relation to the spatial development strategy also apply. 25
- (6) Subsections (7) to (9) apply if a local planning authority withdraw from an agreement mentioned in subsection (1).
- (7) Any step taken in relation to the document must be treated as a step taken by –
 - (a) an authority which were a party to the agreement for the purposes of any corresponding document prepared by them;
 - (b) two or more other authorities who were parties to the agreement for the purposes of any corresponding joint local development document. 30
- (8) Any independent examination of a local development document to which the agreement relates must be suspended. 35
- (9) If before the end of the period prescribed for the purposes of this subsection an authority which were a party to the agreement request the Secretary of State to do so he may direct that –
 - (a) the examination is resumed in relation to the corresponding document;
 - (b) any step taken for the purposes of the suspended examination has effect for the purposes of the resumed examination. 40
- (10) A joint local development document is a local development document prepared jointly by two or more local planning authorities.

- (11) The Secretary of State may by regulations make provision as to what is a corresponding document.

Joint committees

28 Joint committees

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|--|----|
| (1) This section applies if one or more local planning authorities agree with one or more county councils in relation to any area of such a council for which there is also a district council to establish a joint committee to be, for the purposes of this Part, the local planning authority – | 5 |
| (a) for the area specified in the agreement; | |
| (b) in respect of such matters as are so specified. | 10 |
| (2) The Secretary of State may by order constitute a joint committee to be the local planning authority – | |
| (a) for the area; | |
| (b) in respect of those matters. | |
| (3) Such an order – | 15 |
| (a) must specify the authority or authorities and county council or councils (the constituent authorities) which are to constitute the joint committee; | |
| (b) may make provision as to such other matters as the Secretary of State thinks are necessary or expedient to facilitate the exercise by the joint committee of its functions. | 20 |
| (4) Provision under subsection (3)(b) may include provision corresponding to provisions relating to joint committees in Part 6 of the Local Government Act 1972 (c. 70). | |
| (5) If an order under this section is annulled in pursuance of a resolution of either House of Parliament – | 25 |
| (a) with effect from the date of the resolution the joint committee ceases to be the local planning authority as mentioned in subsection (2); | |
| (b) anything which the joint committee (as the local planning authority) was required to do for the purposes of this Part must be done for their area by each local planning authority which were a constituent authority of the joint committee; | 30 |
| (c) each of those local planning authorities must revise their local development scheme accordingly. | |
| (6) Nothing in this section or section 29 confers on a local planning authority constituted by virtue of an order under this section any function in relation to section 12 or 13. | 35 |
| (7) The policies adopted by the joint committee in the exercise of its functions under this Part must be taken for the purposes of the planning Acts to be the policies of each of the constituent authorities which are a local planning authority. | 40 |
| (8) Subsection (9) applies to any function – | |
| (a) which is conferred on a local planning authority (within the meaning of the principal Act) under or by virtue of the planning Acts, and | |
| (b) which relates to the authority’s local development scheme or local development documents. | 45 |

- (9) If the authority is a constituent authority of a joint committee references to the authority's local development scheme or local development documents must be construed as including references to the scheme or documents of the joint committee.

29 Joint committees: additional functions 5

- (1) This section applies if the constituent authorities to a joint committee agree that the joint committee is to be, for the purposes of this Part, the local planning authority for any area or matter which is not the subject of –
- (a) an order under section 28, or
 - (b) an earlier agreement under this section. 10
- (2) Each of the constituent authorities and the joint committee must revise their local development scheme in accordance with the agreement.
- (3) With effect from the date when the last such revision takes effect the joint committee is, for the purposes of this Part, the local planning authority for the area or matter mentioned in subsection (1). 15

30 Dissolution of joint committee

- (1) This section applies if a constituent authority requests the Secretary of State to revoke an order constituting a joint committee as the local planning authority for any area or in respect of any matter.
- (2) The Secretary of State may revoke the order. 20
- (3) Any step taken by the joint committee in relation to a local development scheme or a local development document must be treated for the purposes of any corresponding scheme or document as a step taken by a successor authority.
- (4) A successor authority is – 25
- (a) a local planning authority which were a constituent authority of the joint committee;
 - (b) a joint committee constituted by order under section 28 for an area which does not include an area which was not part of the area of the joint committee mentioned in subsection (1). 30
- (5) If the revocation takes effect at any time when an independent examination is being carried out in relation to a local development document the examination must be suspended.
- (6) But if before the end of the period prescribed for the purposes of this subsection a successor authority falling within subsection (4)(a) requests the Secretary of State to do so he may direct that – 35
- (a) the examination is resumed in relation to the corresponding document;
 - (b) any step taken for the purposes of the suspended examination has effect for the purposes of the resumed examination.
- (7) The Secretary of State may by regulations make provision as to what is a corresponding scheme or document. 40

*Miscellaneous***31 Exclusion of certain representations**

- (1) This section applies to any representation or objection in respect of anything which is done or is proposed to be done in pursuance of—
- (a) an order or scheme under section 10, 14, 16, 18, 106(1) or (3) or 108(1) of the Highways Act 1980 (c. 66); 5
 - (b) an order or scheme under section 7, 9, 11, 13 or 20 of the Highways Act 1959 (c. 25), section 3 of the Highways (Miscellaneous Provisions) Act 1961 (c. 63) or section 1 or 10 of the Highways Act 1971 (c. 41) (which provisions were replaced by the provisions mentioned in paragraph (a)); 10
 - (c) an order under section 1 of the New Towns Act 1981 (c. 64).
- (2) If the Secretary of State or a local planning authority thinks that a representation made in relation to a local development document is in substance a representation or objection to which this section applies he or they (as the case may be) may disregard it. 15

32 Urban development corporations

The Secretary of State may direct that this Part does not apply to the area of an urban development corporation.

33 Guidance

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In the exercise of any function conferred under or by virtue of this Part the local planning authority must have regard to any guidance issued by the Secretary of State.

34 Annual monitoring report

- (1) Every local planning authority must make an annual report to the Secretary of State. 25
- (2) The annual report must contain such information as is prescribed as to—
- (a) the implementation of the local development scheme;
 - (b) the extent to which the policies set out in the local development documents are being achieved. 30
- (3) The annual report must—
- (a) be made at such time as is prescribed;
 - (b) be in such form as is prescribed;
 - (c) contain such other matter as is prescribed.

General

35

35 Regulations

- (1) The Secretary of State may by regulations make provision in connection with the exercise by any person of functions under this Part.
- (2) The regulations may in particular make provision as to—

- (a) the procedure to be followed by the local planning authority in carrying out the appraisal under section 18;
- (b) requirements about the giving of notice and publicity;
- (c) the nature and extent of consultation with and participation by the public in anything done under this Part; 5
- (d) the making of representations about any matter to be included in a local development document;
- (e) consideration of any such representations;
- (f) the remuneration and allowances payable to a person appointed to carry out an independent examination under section 19; 10
- (g) the time at which anything must be done for the purposes of this Part;
- (h) the manner of publication of any draft, report or other document published under this Part;
- (i) monitoring the exercise by local planning authorities of their functions under this Part. 15

36 Interpretation

- (1) Local development scheme must be construed in accordance with section 14.
- (2) Local development document must be construed in accordance with section 16.
- (3) A development plan document is a document which – 20
 - (a) is a local development document, and
 - (b) forms part of the development plan.
- (4) Local planning authorities are –
 - (a) district councils;
 - (b) London borough councils; 25
 - (c) metropolitan district councils;
 - (d) county councils in relation to any area in England for which there is no district council;
 - (e) the Broads Authority.
- (5) A National Park authority is the local planning authority for the whole of its area and subsection (4) must be construed subject to that. 30
- (6) RSS and RPB must be construed in accordance with Part 1.
- (7) This section applies for the purposes of this Part.

PART 3

DEVELOPMENT 35

Development plan

37 Development plan

- (1) A reference to the development plan in any enactment mentioned in subsection (7) must be construed in accordance with subsections (2) to (5).
- (2) For the purposes of any area in Greater London the development plan is – 40

-
- (a) the spatial development strategy, and
 - (b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area.
- (3) For the purposes of any other area in England the development plan is—
- (a) the regional spatial strategy for the region in which the area is situated, and 5
 - (b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area.
- (4) For the purposes of any area in Wales the development plan is the local development plan adopted or approved in relation to that area. 10
- (5) If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).
- (6) If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. 15
- (7) The enactments are—
- (a) this Act; 20
 - (b) the planning Acts;
 - (c) any other enactment relating to town and country planning;
 - (d) the Land Compensation Act 1961 (c. 33);
 - (e) the Highways Act 1980 (c. 66).
- (8) In subsection (5) references to a development plan include a development plan for the purposes of paragraph 1 of Schedule 5. 25

Sustainable development

38 Sustainable development

- (1) This section applies to any person who or body which exercises any function—
- (a) under Part 1 in relation to a regional spatial strategy; 30
 - (b) under Part 2 in relation to local development documents;
 - (c) under Part 6 in relation to the Wales Spatial Plan or a local development plan.
- (2) The person or body must exercise the function with a view to contributing to the achievement of sustainable development. 35
- (3) For the purposes of subsection (2) the person or body must have regard to national policies and advice contained in guidance issued by—
- (a) the Secretary of State for the purposes of subsection (1)(a) and (b);
 - (b) the National Assembly for Wales for the purposes of subsection (1)(c).

PART 4

DEVELOPMENT CONTROL

Local development orders

39 Local development orders

- (1) In the principal Act after section 61 (supplementary provision about development orders) there are inserted the following sections— 5

“Local development orders

61A Local development orders

- (1) A local planning authority may by order (a local development order) make provision to implement policies— 10
- (a) in one or more development plan documents (within the meaning of Part 2 of the Planning and Compulsory Purchase Act 2003);
 - (b) in a local development plan (within the meaning of Part 6 of that Act). 15
- (2) A local development order may grant planning permission—
- (a) for development specified in the order;
 - (b) for development of any class so specified.
- (3) A local development order may relate to— 20
- (a) all land in the area of the relevant authority;
 - (b) any part of that land;
 - (c) a site specified in the order.
- (4) A local development order may make different provision for different descriptions of land.
- (5) But an order under this subsection may specify any area or class of development in respect of which a local development order must not be made. 25
- (6) A local planning authority may revoke a local development order at any time.
- (7) An order under subsection (5) may be made— 30
- (a) by the Secretary of State in relation to development in England;
 - (b) by the National Assembly for Wales in relation to development in Wales.
- (8) Schedule 4A makes provision in connection with local development orders. 35

61B Intervention by Secretary of State or National Assembly

- | | |
|---|----|
| (1) At any time before a local development order is adopted by a local planning authority the appropriate authority may direct that the order (or any part of it) is submitted to it for its approval. | 5 |
| (2) If the appropriate authority gives a direction under subsection (1) – | 10 |
| (a) the authority must not take any step in connection with the adoption of the order until the appropriate authority gives its decision; | |
| (b) the order has no effect unless it (or, if the direction relates to only part of an order, the part) has been approved by the appropriate authority. | |
| (3) In considering an order or part of an order submitted under subsection (1) the appropriate authority may take account of any matter which it thinks is relevant. | |
| (4) It is immaterial whether any such matter was taken account of by the local planning authority. | 15 |
| (5) The appropriate authority – | |
| (a) may approve or reject an order or part of an order submitted to it under subsection (1); | |
| (b) must give reasons for its decision under paragraph (a). | 20 |
| (6) If the appropriate authority thinks that a local development order is unsatisfactory it may at any time before the order is adopted by the local planning authority direct them to modify it in accordance with the direction. | |
| (7) The local planning authority – | 25 |
| (a) must comply with the direction; | |
| (b) must not adopt the order unless the appropriate authority gives notice that it is satisfied that they have complied with the direction. | |
| (8) The appropriate authority may at any time by order revoke a local development order if it thinks it is expedient to do so. | 30 |
| (9) Subsections (3) to (6) of section 100 apply to an order under subsection (8) above as they apply to an order under subsection (1) of that section and for that purpose references to the Secretary of State must be construed as references to the appropriate authority. | 35 |
| (10) The appropriate authority is – | |
| (a) the Secretary of State in relation to England; | |
| (b) the National Assembly for Wales in relation to Wales. | |

61C Permission granted by local development order

- | | |
|---|----|
| (1) Planning permission granted by a local development order may be granted – | 40 |
| (a) unconditionally, or | |
| (b) subject to such conditions or limitations as are specified in the order. | |

- (2) If the permission is granted for development of a specified description the order may enable the local planning authority to direct that the permission does not apply in relation to –
- (a) development in a particular area, or
 - (b) any particular development.” 5
- (2) In each of the following provisions of the principal Act in each place where it occurs after “development order” there is inserted “or a local development order” –
- (a) section 56(5)(a) (definition of material development);
 - (b) section 57(3) (extent of permission granted by development order); 10
 - (c) section 58(1)(a) (grant of planning permission by development order);
 - (d) section 77(1) (certain applications to be referred to the Secretary of State);
 - (e) section 78(1)(c) (right of appeal in relation to certain planning decisions); 15
 - (f) section 88(9) (grant of planning permission in enterprise zone);
 - (g) section 91(4)(a) (no limit to duration of planning permission granted by development order);
 - (h) section 108 (compensation for refusal of planning permission formerly granted by development order); 20
 - (i) section 109(6) (apportionment of compensation for depreciation);
 - (j) section 253(2)(c) (cases in which certain procedures may be carried out in anticipation of planning permission);
 - (k) section 264(5)(b) (land treated not as operational land);
 - (l) section 279(1)(a)(i) (compensation for certain decisions and orders). 25
- (3) Section 333 of the principal Act (regulations and orders) is amended as follows –
- (a) in subsection (4) after “55(2)(f),” there is inserted “61A(5)”;
 - (b) in subsection (5)(b) after “28,” there is inserted “61A(5) (unless it is made by the National Assembly for Wales),”.
- 30
- (4) Schedule 1 further amends the principal Act.

Development principles

40 Statement of development principles

In the 1990 Act after section 61C (planning permission granted by local development orders) (inserted by section 39 of this Act) there is inserted the following section – 35

“Development principles

61D Statement of development principles

- (1) A local planning authority must issue a statement of development principles in relation to a proposed development in their area if they are requested to do so by any person. 40

-
- (2) In considering a request under this section the authority must have regard to—
- (a) the development plan so far as material to the request;
 - (b) any other material considerations.
- (3) A statement of development principles must indicate— 5
- (a) whether the local planning authority agree or disagree with the principle of the proposed development, or
 - (b) if they agree with the principle of only part of the proposed development, with which part they agree and with which part they disagree. 10
- (4) A statement of development principles is a material consideration for the purposes of the determination of any application for planning permission in respect of a similar development or part of a similar development (as the case may be) which is made before the end of the relevant period. 15
- (5) But a local planning authority may decline to issue a statement of development principles before the end of the period of two years starting on the date of issue of a statement of development principles in which the local planning authority disagree with the principle of all or part of a similar development. 20
- (6) If a statement of development principles is issued outline planning permission (within the meaning of section 92) must not be granted for a similar development before the end of the relevant period.
- (7) A development is similar to another development if the local planning authority think that the development and the land to which they relate are the same or substantially the same. 25
- (8) A development order may make provision as to—
- (a) the procedure to be followed by a person requesting the issue of a statement of development principles;
 - (b) the procedure to be followed by the local planning authority in drawing up and issuing the statement; 30
 - (c) the matters to be contained in the statement;
 - (d) such requirements as to consultation on the proposed development as the appropriate authority thinks fit.
- (9) Provision made under subsection (8) may include provision corresponding to any provision of this Part subject to such modifications as the appropriate authority thinks fit. 35
- (10) The relevant period is—
- (a) the period of three years starting on the day the local planning authority issue the statement of development principles, or 40
 - (b) such other period starting on that day as that authority direct.
- (11) The appropriate authority is—
- (a) the Secretary of State in relation to England;
 - (b) the National Assembly for Wales in relation to Wales.”

Applications

41 Applications for planning permission and certain consents

- (1) In the principal Act for section 62 (form and content of applications for planning permission) there is substituted the following section –

“62 Applications for planning permission 5

- (1) A development order may make provision as to applications for planning permission made to a local planning authority.

- (2) Provision referred to in subsection (1) includes provision as to –
- (a) the form and manner in which the application must be made;
 - (b) particulars of such matters as are to be included in the application; 10
 - (c) documents or other materials as are to accompany the application.

- (3) The local planning authority may require that an application for planning permission must include – 15
- (a) such particulars as they think necessary;
 - (b) such evidence in support of anything in or relating to the application as they think necessary.

- (4) But a requirement under subsection (3) must not be inconsistent with provision made under subsection (1).” 20

- (2) In section 73 of the principal Act (determination of applications to develop land without compliance with conditions previously attached) subsection (3) is omitted.

- (3) In section 198 of that Act (tree preservation orders) after subsection (7) there is inserted – 25

- “(8) In relation to an application for consent under a tree preservation order the appropriate authority may by regulations make provision as to –
- (a) the form and manner in which the application must be made;
 - (b) particulars of such matters as are to be included in the application; 30
 - (c) the documents or other materials as are to accompany the application.

- (9) The appropriate authority is –
- (a) the Secretary of State in relation to England;
 - (b) the National Assembly for Wales in relation to Wales, 35
- and in the case of regulations made by the National Assembly for Wales section 333(3) must be ignored.”

- (4) In section 220 of that Act (regulations controlling display of advertisements) after subsection (2) there is inserted the following subsection –

- “(2A) The regulations may also make provision as to – 40
- (a) the form and manner in which an application for consent must be made;

-
- (b) particulars of such matters as are to be included in the application;
- (c) any documents or other materials which must accompany the application.”
- (5) In the principal Act before section 328 (settled land and land of universities and colleges) there is inserted the following section – 5
- “327A Applications: compliance with requirements**
- (1) This section applies to any application in respect of which this Act or any provision made under it imposes a requirement as to the form or manner in which the application must be made. 10
- (2) The local planning authority must not entertain such an application if it fails to comply with the requirement.”
- (6) In section 10(2) of the listed buildings Act (applications for listed buildings consent) the words from “shall be made” to “require and” are omitted.
- (7) In section 10(3) of that Act for paragraph (a) there are substituted the following paragraphs – 15
- “ (a) the form and manner in which such applications are to be made;
- (aa) particulars of such matters as are to be included in such applications;
- (ab) the documents or other materials as are to accompany such applications;” 20
- (8) In section 89(1) of that Act (application of certain provisions of the principal Act) after the entry relating to section 323 there is inserted –
- “section 327A (compliance with requirements relating to applications),”.
- 42 Power to decline to determine applications 25**
- (1) For section 70A of the principal Act (power of local planning authority to decline to determine application) there are substituted the following sections –
- “70A Power to decline to determine subsequent application**
- (1) A local planning authority may decline to determine a relevant application if – 30
- (a) any of the conditions in subsections (2) to (4) is satisfied, and
- (b) the authority think there has been no significant change in the relevant considerations since the relevant event.
- (2) The condition is that in the period of two years ending with the date on which the application mentioned in subsection (1) is received the Secretary of State has refused a similar application referred to him under section 76A or 77. 35
- (3) The condition is that in that period the Secretary of State has dismissed an appeal –
- (a) against the refusal of a similar application, or 40
- (b) under section 78(2) in respect of a similar application.
- (4) The condition is that –

-
- (a) in that period the local planning authority have refused a similar application, and
 - (b) there has been no appeal to the Secretary of State against that refusal.
- (5) A relevant application is – 5
- (a) an application for planning permission for the development of any land;
 - (b) an application for approval in pursuance of section 60(2).
- (6) The relevant considerations are – 10
- (a) the development plan so far as material to the application;
 - (b) any other material considerations.
- (7) The relevant event is – 15
- (a) for the purposes of subsections (2) and (4) the refusal of the similar application;
 - (b) for the purposes of subsection (3) the dismissal of the appeal.
- (8) An application for planning permission is similar to another application if (and only if) the local planning authority think that the development and the land to which the applications relate are the same or substantially the same.
- 70B Power to decline to determine overlapping application 20**
- (1) A local planning authority may decline to determine an application for planning permission for the development of any land which is made at a time when any of the conditions in subsections (2) to (4) applies in relation to a similar application.
- (2) The condition is that a similar application is under consideration by the local planning authority and the determination period for that application has not expired. 25
- (3) The condition is that a similar application is under consideration by the Secretary of State in pursuance of section 76A or 77 or on an appeal under section 78 and the Secretary of State has not issued his decision. 30
- (4) The condition is that a similar application – 35
- (a) has been granted by the local planning authority,
 - (b) has been refused by them, or
 - (c) has not been determined by them within the determination period,
- and the time within which an appeal could be made to the Secretary of State under section 78 has not expired.
- (5) An application for planning permission is similar to another application if (and only if) the local planning authority think that the development and the land to which the applications relate are the same or substantially the same. 40
- (6) The determination period is –
- (a) the period prescribed by the development order for the determination of the application, or

- (b) such longer period as the applicant and the authority have agreed for the determination of the application.”
- (2) In section 78(2)(aa) of that Act after “70A” there is inserted “or 70B”.
- (3) After section 81 of the listed buildings Act (authorities with functions under the Act) there is inserted the following sections – 5

“Power to decline to determine application

81A Power to decline to determine subsequent application

- (1) A local planning authority may decline to determine an application for a relevant consent if –
- (a) one or more of the conditions in subsections (2) to (4) is satisfied, and 10
- (b) the authority think there has been no significant change in any material considerations since the relevant event.
- (2) The condition is that in the period of two years ending with the date on which the application mentioned in subsection (1) is received the Secretary of State has refused a similar application referred to him under section 12. 15
- (3) The condition is that in that period the Secretary of State has dismissed an appeal –
- (a) against the refusal of a similar application, or 20
- (b) under section 20(2) in respect of a similar application.
- (4) The condition is that –
- (a) in that period the local planning authority have refused a similar application, and
- (b) there has been no appeal to the Secretary of State against that refusal. 25
- (5) Relevant consent is –
- (a) listed building consent, or
- (b) conservation area consent.
- (6) The relevant event is – 30
- (a) for the purposes of subsections (2) and (4) the refusal of the similar application;
- (b) for the purposes of subsection (3) the dismissal of the appeal.
- (7) An application for relevant consent is similar to another application if (and only if) the local planning authority think that the building and works to which the applications relate are the same or substantially the same. 35
- (8) For the purposes of an application for conservation area consent a reference to a provision of this Act is a reference to that provision as excepted or modified by regulations under section 74. 40

81B Power to decline to determine overlapping application

- (1) A local planning authority may decline to determine an application for a relevant consent which is made at a time when any of the conditions in subsections (2) to (4) applies in relation to a similar application.
 - (2) The condition is that a similar application is under consideration by the local planning authority and the determination period for that application has not expired. 5
 - (3) The condition is that a similar application is under consideration by the Secretary of State in pursuance of section 12 or on an appeal under section 20 and the Secretary of State has not issued his decision. 10
 - (4) The condition is that a similar application –
 - (a) has been granted by the local planning authority,
 - (b) has been refused by them, or
 - (c) has not been determined by them within the determination period, 15and the time within which an appeal could be made to the Secretary of State under section 20 has not expired.
 - (5) Relevant consent is –
 - (a) listed building consent, or
 - (b) conservation area consent. 20
 - (6) An application for relevant consent is similar to another application if (and only if) the local planning authority think that the building and works to which the applications relate are the same or substantially the same.
 - (7) The determination period is – 25
 - (a) the period prescribed for the determination of the application, or
 - (b) such longer period as the applicant and the authority have agreed for the determination of the application.
 - (8) For the purposes of an application for conservation area consent a reference to a provision of this Act is a reference to that provision as excepted or modified by regulations under section 74.” 30
- (4) Section 20(2) of that Act (appeals) is amended as follows –
- (a) for “neither” there is substituted “done none of the following”;
 - (b) after paragraph (a) for “nor” there is substituted – 35
 - “(aa) given notice to the applicant that they have exercised their power under section 81A or 81B to decline to determine the application;”.
- (5) This section has effect only in relation to applications made under the principal Act or the listed buildings Act which are received by the local planning authority after this section comes into force. 40

*Major infrastructure projects***43 Major infrastructure projects**

In the principal Act the following sections are inserted before section 77 (Reference of applications to the Secretary of State) –

- “76A Major infrastructure projects** 5
- (1) This section applies to –
- (a) an application for planning permission;
 - (b) an application for the approval of a local planning authority required under a development order,
- if the Secretary of State thinks that the development to which the application relates is of national or regional importance. 10
- (2) The Secretary of State may direct that the application must be referred to him instead of being dealt with by the local planning authority.
- (3) If the Secretary of State gives a direction under subsection (2) he may also direct that any application – 15
- (a) under or for the purposes of the planning Acts, and
 - (b) which he thinks is connected with the application mentioned in subsection (1)
- must also be referred to him instead of being dealt with by the local planning authority. 20
- (4) If the Secretary of State gives a direction under this section –
- (a) the application must be referred to him;
 - (b) he must appoint an inspector to consider the application.
- (5) A direction under this section or section 76B may be varied or revoked by a subsequent direction. 25
- (6) The Secretary of State may by regulations make provision as to the procedure to be applied in considering an application under this section and section 76B.
- (7) The decision of the Secretary of State on any application referred to him under this section is final. 30
- (8) Regional relates to a region listed in Schedule 1 to the Regional Development Agencies Act 1998 (c. 45)
- (9) The following provisions of this Act apply (with any necessary modifications) to an application referred to the Secretary of State under this section as they apply to an application which falls to be determined by a local planning authority – 35
- (a) section 70;
 - (b) section 72(1) and (5);
 - (c) section 73;
 - (d) section 73A. 40
- (10) A development order may apply (with or without modifications) any requirements imposed by the order by virtue of section 65 or 71 to an application referred to the Secretary of State under this section.

- (11) This section does not apply to an application which relates to the development of land in Wales.

76B Major infrastructure projects: inspectors

- (1) This section applies if the Secretary of State appoints an inspector under section 76A(4)(b) (the lead inspector). 5
- (2) The Secretary of State may direct the lead inspector –
- (a) to consider such matters relating to the application as are prescribed;
 - (b) to make recommendations to the Secretary of State on those matters. 10
- (3) After considering any recommendations of the lead inspector the Secretary of State may –
- (a) appoint such number of additional inspectors as he thinks appropriate;
 - (b) direct that each of the additional inspectors must consider such matters relating to the application as the lead inspector decides. 15
- (4) An additional inspector must –
- (a) comply with such directions as to procedural matters as the lead inspector gives;
 - (b) report to the lead inspector on the matter he is appointed to consider. 20
- (5) A copy of directions given as mentioned in subsection (4)(a) must be given to –
- (a) the person who made the application;
 - (b) the local planning authority;
 - (c) any other person who requests it. 25
- (6) If the Secretary of State does not act under subsection (3) he must direct the lead inspector to consider the application on his own.
- (7) In every case the lead inspector must report to the Secretary of State on – 30
- (a) his consideration of the application;
 - (b) the consideration of the additional inspectors (if any) of the matters mentioned in subsection (3)(b).”

Simplified planning zones

44 Simplified planning zones 35

- (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 40

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- 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. 5
- (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).” 10
- (3) For section 83(2) of that Act there are substituted the following subsections –
- “(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; 15
- (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; 20
- (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. 25
- (2B) A simplified planning zone scheme for an area in England must be in conformity with the regional spatial strategy.”
- (4) 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”. 30
- (5) 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.” 35
- (6) 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”.
- (7) In Schedule 7 of that Act paragraphs 3 and 4 are omitted.
- (8) 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
 - (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. 5
- (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. 10
- (1C) The Secretary of State or the National Assembly for Wales (as the case may be) may make or alter the scheme.”

Miscellaneous

45 Appeal made: functions of local planning authority 15

- (1) In the principal Act after section 78 (right to appeal) there is inserted the following section –

“78A Appeal made: functions of local planning authorities

- (1) This section applies if –
- (a) a person who has made an application mentioned in section 78(1)(a) appeals to the Secretary of State under section 78(2), and 20
 - (b) he does so before the end of the period of seven days starting with the day after the last day of the period prescribed as mentioned in section 78(2). 25
- (2) At any time before the end of the additional period the local planning authority may give the notice referred to in section 78(2).
- (3) If the local planning authority give notice as mentioned in subsection (2) that their decision is to refuse the application –
- (a) the appeal must be treated as an appeal under section 78(1) against the refusal; 30
 - (b) the Secretary of State must give the person making the appeal an opportunity to revise the grounds of the appeal;
 - (c) the Secretary of State must give such a person an opportunity to change any option the person has chosen relating to the procedure for the appeal. 35
- (4) If the local planning authority give notice as mentioned in subsection (2) that their decision is to grant the application subject to conditions the Secretary of State must give the person making the appeal the opportunity – 40
- (a) to proceed with the appeal as an appeal under section 78(1) against the grant of the application subject to conditions;
 - (b) to revise the grounds of the appeal;
 - (c) to change any option the person has chosen relating to the procedure for the appeal. 45

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- (5) The Secretary of State must not issue his decision on the appeal before the end of the additional period.
- (6) The additional period is the period prescribed by development order for the purposes of this section and which starts on the day on which the person appeals under section 78(2).” 5
- (2) This section has effect only in relation to applications mentioned in section 78(1)(a) of the principal Act which are received by the local planning authority after the commencement of this section.
- 46 Duration of permission and consent**
- (1) In section 91 of the principal Act (limit on duration of planning permission) in subsections (1)(a) and (3) for the words “five years” there is substituted “three years”. 10
- (2) In section 92 of that Act (outline planning permission) –
- (a) in subsection (2)(b) sub-paragraph (i) is omitted;
- (b) in subsection (2)(b) in sub-paragraph (ii) the words “if later” are omitted; 15
- (c) in subsection (4) “five years” is omitted.
- (3) In section 73 of that Act (applications to develop land without compliance with existing conditions) after subsection (4) there is inserted the following subsection – 20
- “(5) Planning permission must not be granted under this section to the extent that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which –
- (a) a development must be started; 25
- (b) an application for approval of reserved matters (within the meaning of section 92) must be made.”
- (4) In section 18 of the listed buildings Act (limit of duration of listed buildings consent) in subsections (1)(a) and (2) for the words “five years” there is substituted “three years”. 30
- (5) In section 19 of that Act (variation or discharge of conditions) after subsection (4) there is inserted the following subsection –
- “(5) But a variation or discharge of conditions under this section must not –
- (a) vary a condition subject to which a consent was granted by extending the time within which the works must be started; 35
- (b) discharge such a condition.”
- (6) This section has effect only in relation to applications made under the principal Act or the listed buildings Act which are received by the local planning authority after the commencement of the section.
- 47 Fees and charges** 40
- (1) Section 303 (fees for planning applications, etc) of the principal Act is amended as follows.
- (2) The following subsections are substituted for subsections (1) and (2) –

-
- “(1) The appropriate authority may by regulations make provision for the payment of a charge or fee to a local planning authority in respect of—
- (a) the performance by the local planning authority of any function they have;
 - (b) anything done by them which is calculated to facilitate or is conducive or incidental to the performance of any such function. 5
- (2) The regulations may prescribe—
- (a) the person by whom the charge or fee is payable;
 - (b) the means by which the charge or fee is calculated; 10
 - (c) circumstances in which a charge or fee is to be transferred from one local planning authority to another.
- (2A) The appropriate authority is—
- (a) the Secretary of State in relation to England;
 - (b) the National Assembly for Wales in relation to Wales, 15
- and in the case of regulations made by the National Assembly for Wales section 333(3) must be ignored.”
- (3) In subsection (4) after the first “prescribed” there is inserted “charge or”.
- (4) Subsection (6) is omitted.
- 48 Duty to respond to consultation 20**
- (1) This section applies to a prescribed requirement to consult any person or body (the consultee) which exercises functions for the purposes of any enactment.
- (2) A prescribed requirement to consult is a requirement—
- (a) with which the appropriate authority or a local planning authority must comply before granting any permission, approval or consent under or by virtue of the planning Acts; 25
 - (b) which is prescribed for the purposes of this subsection.
- (3) At any time before an application is made for any permission, approval or consent mentioned in subsection (2) any person may in relation to a proposed development consult the consultee on any matter in respect of which the appropriate authority is or the local planning authority are required to consult the consultee. 30
- (4) Before the end of the period prescribed for the purposes of this subsection the consultee must give a substantive response to any consultation—
- (a) mentioned in subsection (2); 35
 - (b) by virtue of subsection (3).
- (5) The appropriate authority may also prescribe—
- (a) the procedure to be followed for the purposes of this section;
 - (b) the information to be provided to the consultee for the purposes of the consultation; 40
 - (c) the requirements of a substantive response.
- (6) Anything prescribed for the purposes of subsections (1) to (5) must be prescribed by development order, and different provision may be made for different purposes.

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- (7) The appropriate authority may by regulations require consultees to give it a report as to their compliance with subsection (4).
- (8) The regulations may –
- (a) prescribe the form and content of the report;
 - (b) prescribe the times at which the report is to be made; 5
 - (c) make different provision for different purposes.
- (9) The appropriate authority is –
- (a) the Secretary of State in relation to England;
 - (b) the National Assembly for Wales in relation to Wales.”
- 49 Time in which Secretary of State to take decisions 10**
- (1) Schedule 2 contains provisions about the time in which the Secretary of State must take certain decisions.
- (2) But Schedule 2 does not apply in relation to any decision taken in the exercise of a function in relation to Wales if the function is exercisable in relation to Wales by the National Assembly for Wales by virtue of an order under section 22 of the Government of Wales Act 1998 (c. 38). 15

PART 5

CORRECTION OF ERRORS

- 50 Correction of errors in decisions 20**
- (1) This section applies if the Secretary of State or an inspector issues a decision document which contains a correctable error. 20
- (2) The Secretary of State or the inspector (as the case may be) may correct the error –
- (a) if he is requested to do so in writing by any person;
 - (b) if he sends a statement in writing to the applicant which explains the error and states that he is considering making the correction. 25
- (3) But the Secretary of State or inspector must not correct the error unless –
- (a) not later than the end of the relevant period he receives a request mentioned in subsection (2)(a) or sends a statement mentioned in subsection (2)(b), 30
 - (b) he informs the local planning authority of that fact, and
 - (c) he obtains the appropriate consent.
- (4) The relevant period –
- (a) is the period within which an application or appeal may be made to the High Court in respect of the decision recorded in the decision document; 35
 - (b) does not include any time by which such a period may be extended by the High Court.
- (5) It is immaterial whether any such application or appeal is made.
- (6) The appropriate consent is – 40
- (a) the consent in writing of the applicant;

- (b) if the applicant is not the owner of the land in respect of which the decision was made, the consent in writing of both the applicant and the owner.

(7) But consent is not appropriate consent if it is given subject to a condition.

51 Correction notice

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(1) If paragraph (a) or (b) of section 50(2) applies the Secretary of State or the inspector must as soon as practicable after making any correction or deciding not to make any correction issue a notice in writing (a correction notice) which—

- (a) specifies the correction of the error, or 10
- (b) gives notice of his decision not to correct such an error.

(2) The Secretary of State or the inspector (as the case may be) must give the correction notice to—

- (a) the applicant;
- (b) if the applicant is not the owner of the land in respect of which the original decision was made, the owner; 15
- (c) the local planning authority for the area in which the land in respect of which the decision was made is situated;
- (d) if the correction was requested by any other person, that person.

(3) The Secretary of State may by order specify any other person or description of persons to whom the correction notice must be given. 20

52 Effect of correction

(1) If a correction is made in pursuance of section 50—

- (a) the original decision is taken not to have been made;
- (b) the decision is taken for all purposes to have been made on the date the correction notice is issued. 25

(2) If a correction is not made—

- (a) the original decision continues to have full force and effect;
- (b) nothing in this Part affects anything done in pursuance of or in respect of the decision. 30

(3) Section 288 of the principal Act (proceedings for questioning the validity of certain decisions) applies to the correction notice as if it were an action on the part of the Secretary of State to which that section applies, if the decision document in respect of which the correction notice is given records a decision mentioned in any of paragraphs (a) to (c) of section 53(4) below. 35

(4) Section 63 of the listed buildings Act (proceedings for questioning the validity of certain decisions) applies to the correction notice as if it were a decision of the Secretary of State to which that section applies, if the decision document in respect of which the correction notice is given records a decision mentioned in any of paragraphs (d) to (f) of section 53(4) below. 40

(5) Section 22 of the hazardous substances Act (proceedings for questioning the validity of certain decisions) applies to the correction notice as if it were a decision of the Secretary of State under section 20 or 21 of that Act, if the

decision document in respect of which the correction notice is given records a decision mentioned in paragraph (g) of section 53(4) below.

- (6) If the decision document in respect of which the correction notice is given records a decision mentioned in paragraph (h) of section 53(4) the Secretary of State must by order make provision for questioning the validity of the notice which corresponds to the provisions of the planning Acts mentioned in subsections (3) to (5) above. 5
- (7) Except to the extent provided for by virtue of this section a correction notice must not be questioned in any legal proceedings.

53 Supplementary 10

- (1) This section applies for the purposes of this Part.
- (2) An inspector is a person appointed under any of the planning Acts to determine appeals instead of the Secretary of State.
- (3) In the case of a decision document issued by an inspector any other inspector may act under this Part. 15
- (4) A decision document is a document which records any of the following decisions—
- (a) a decision of any description which constitutes action on the part of the Secretary of State under section 284(3) of the principal Act (decisions which are not to be questioned in legal proceedings); 20
 - (b) a decision in proceedings on an appeal under Part 7 of that Act (enforcement notices);
 - (c) a decision in proceedings on an appeal under section 208 of that Act (appeals against enforcement notices relating to trees);
 - (d) a decision mentioned in section 62(2) of the listed buildings Act (decisions which are not to be questioned in legal proceedings); 25
 - (e) a decision on an appeal under section 39 of that Act (appeals against listed building enforcement notices);
 - (f) a decision relating to conservation area consent within the meaning of section 74(1) of that Act (consent required for demolition of certain buildings); 30
 - (g) a decision under section 20 or 21 of the hazardous substances Act (certain applications referred to and appeals determined by the Secretary of State);
 - (h) a decision under any of the planning Acts which is of a description specified by the Secretary of State by order. 35
- (5) A correctable error is an error—
- (a) which is contained in any part of the decision document which records the decision, but
 - (b) which is not part of any reasons given for the decision. 40
- (6) The applicant is—
- (a) in the case of a decision made on an application under any of the planning Acts, the person who made the application;
 - (b) in the case of a decision made on an appeal under any of those Acts, the appellant. 45
- (7) The owner in relation to land is a person who—

- (a) is the estate owner in respect of the fee simple;
 - (b) is entitled to a tenancy granted or extended for a term of years simple of which not less than seven years remain unexpired;
 - (c) is entitled to an interest in any mineral prescribed by a development order, in the case of such applications under the principal Act as are so prescribed. 5
- (8) Error includes omission.
- (9) For the purposes of the exercise of any function under this Part in relation to Wales references to the Secretary of State must be construed as references to the National Assembly for Wales. 10

PART 6

WALES

Spatial plan

54 Wales Spatial Plan

- (1) There must be a spatial plan for Wales to be known as the “Wales Spatial Plan”. 15
- (2) The Wales Spatial Plan must set out such of the policies (however expressed) of the National Assembly for Wales as it thinks appropriate in relation to the development and use of land in Wales.
- (3) The Assembly must—
- (a) prepare and publish the Plan; 20
 - (b) keep under review the Plan;
 - (c) consider from time to time whether it should be revised.
- (4) If the Assembly revises the Plan, it must publish (as it considers appropriate)—
- (a) the whole Plan as revised, or
 - (b) the revised parts. 25
- (5) The Assembly must consult such persons or bodies as it considers appropriate in preparing or revising the Plan.
- (6) The Plan and any revision of it must be approved by the Assembly.
- (7) The Assembly must not delegate its function under subsection (6).

Survey 30

55 Survey

- (1) The local planning authority must keep under review the matters which may be expected to affect the development of their area or the planning of its development.
- (2) These matters include— 35
- (a) the principal physical, economic, social and environmental characteristics of the area of the authority;
 - (b) the principal purposes for which land is used in the area;

- (c) the size, composition and distribution of the population of the area;
 - (d) the communications, transport system and traffic of the area;
 - (e) any other considerations which may be expected to affect those matters;
 - (f) such other matters as may be prescribed or as the Assembly in a particular case may direct. 5
- (3) These matters also include –
- (a) any changes which the authority think may occur in relation to any other matter;
 - (b) the effect such changes are likely to have on the development of the authority's area or on the planning of such development. 10
- (4) The local planning authority may also keep under review and examine the matters mentioned in subsections (2) and (3) in relation to any neighbouring area to the extent that those matters may be expected to affect the area of the authority. 15
- (5) In exercising a function under subsection (4) a local planning authority must consult the local planning authority for the neighbouring area in question.
- (6) If a neighbouring area is in England references to the local planning authority for that area must be construed in accordance with Part 2.

Plans 20

56 Local development plan

- (1) The local planning authority must prepare a plan for their area to be known as a local development plan.
- (2) The plan must set out –
- (a) the authority's objectives in relation to the development and use of land in their area; 25
 - (b) their general policies for the implementation of those objectives.
- (3) The plan may also set out specific policies in relation to any part of the area of the authority.
- (4) Regulations under this section may prescribe the form and content of the plan. 30
- (5) In preparing a local development plan the authority must have regard to –
- (a) current national policies;
 - (b) the Wales Spatial Plan;
 - (c) the RSS for any region which adjoins the area of the authority;
 - (d) the community strategy prepared by the authority; 35
 - (e) the community strategy for any other authority whose area comprises any part of the area of the local planning authority;
 - (f) the resources likely to be available for implementing the plan;
 - (g) such other matters as the Assembly prescribes.
- (6) The authority must also – 40
- (a) carry out an appraisal of the sustainability of the plan;
 - (b) prepare a report of the findings of the appraisal.

- (7) The community strategy is the strategy prepared by an authority under section 4 of the Local Government Act 2000 (c. 22).
- (8) A plan is a local development plan only in so far as it—
 - (a) is adopted by resolution of the local planning authority as a local development plan; 5
 - (b) is approved by the Assembly under section 59 or 65.

57 Preparation requirements

- (1) A local development plan must be prepared in accordance with—
 - (a) the local planning authority’s community involvement scheme;
 - (b) the timetable for the preparation and adoption of the authority’s local development plan. 10
- (2) The authority’s community involvement scheme is a statement of the authority’s policy as to the involvement in the exercise of the authority’s functions under this Part of the persons to which subsection (3) applies.
- (3) The persons mentioned in subsection (2)— 15
 - (a) must include such persons as the Assembly prescribes;
 - (b) may include such other persons as appear to the authority to have an interest in matters relating to development in the area of the authority.
- (4) The authority and the Assembly must attempt to agree the terms of the documents mentioned in paragraphs (a) and (b) of subsection (1). 20
- (5) But to the extent that the Assembly and the authority cannot agree the terms the Assembly may direct that the documents must be in the terms specified in the direction.
- (6) The authority must comply with the direction.
- (7) The Assembly may prescribe— 25
 - (a) the procedure in respect of the preparation of the documents mentioned in paragraphs (a) and (b) of subsection (1);
 - (b) the form and content of the documents;
 - (c) the time at which any step in the preparation of the documents must be taken; 30
 - (d) publicity about the documents;
 - (e) making the documents available for inspection by the public;
 - (f) circumstances in which the requirements of the documents need not be complied with.

58 Independent examination

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- (1) The local planning authority must submit their local development plan to the Assembly for independent examination.
- (2) But the authority must not submit a plan unless—
 - (a) they have complied with any relevant requirements contained in regulations under this Part, and 40
 - (b) they think the plan is ready for independent examination.

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- (3) The authority must also send to the Assembly (in addition to the local development plan) such other documents (or copies of documents) and such information as is prescribed.
- (4) The examination must be carried out by a person appointed by the Assembly.
- (5) The purpose of the independent examination is to determine in respect of a local development plan— 5
- (a) whether it satisfies the requirements of sections 56 and 57 and of regulations under section 71;
- (b) whether it is sound.
- (6) Any person who makes representations seeking to change a local development plan must (if he so requests) be given the opportunity to appear before and be heard by the person carrying out the examination. 10
- (7) The person appointed to carry out the examination—
- (a) must make recommendations;
- (b) give reasons for the recommendations. 15
- (8) The local planning authority must publish the recommendations and the reasons.

59 Intervention by Assembly

- (1) If the Assembly thinks that a local development plan is unsatisfactory it may at any time before the plan is adopted by the local planning authority direct them to modify the plan in accordance with the direction. 20
- (2) The authority—
- (a) must comply with the direction;
- (b) must not adopt the plan unless the Assembly gives notice that it is satisfied that they have complied with the direction. 25
- (3) At any time before a local development plan is adopted by a local planning authority the Assembly may direct that the plan is submitted to it for its approval.
- (4) The following paragraphs apply if the Assembly gives a direction under subsection (3)— 30
- (a) the authority must not take any step in connection with the adoption of the plan until the Assembly gives its decision;
- (b) if the direction is given before the authority have submitted the plan under section 58(1) the Assembly must hold an independent examination and section 58(4) to (7) applies accordingly; 35
- (c) if the direction is given after the authority have submitted the plan the person appointed to carry out the examination must make his recommendations to the Assembly;
- (d) the plan has no effect unless it has been approved by the Assembly.
- (5) The Assembly must publish the recommendations made to it by virtue of subsection (4)(b) or (c). 40
- (6) In considering a plan submitted under subsection (3) the Assembly may take account of any matter which it thinks is relevant.
- (7) It is immaterial whether any such matter was taken account of by the authority.

- (8) The Assembly –
 - (a) may approve, approve subject to specified modifications or reject a plan submitted to it under subsection (3);
 - (b) must give reasons for its decision under paragraph (a).
- (9) In the exercise of any function under this section the Assembly must have regard to the documents mentioned in paragraphs (a) and (b) of section 57(1). 5

60 Withdrawal of local development plan

- (1) A local planning authority may at any time before a local development plan is adopted under section 61 withdraw the plan.
- (2) But subsection (1) does not apply to a local development plan at any time after the plan has been submitted for independent examination under section 58 unless –
 - (a) the person carrying out the examination recommends that the plan is withdrawn and that recommendation is not overruled by a direction given by the Assembly, or 10
 - (b) the Assembly directs that the plan must be withdrawn. 15

61 Adoption of local development plan

- (1) The local planning authority may adopt a local development plan as originally prepared if the person appointed to carry out the independent examination of the plan recommends that the plan as originally prepared is adopted. 20
- (2) The authority may adopt a local development plan with modifications if the person appointed to carry out the independent examination of the plan recommends the modifications.
- (3) A plan is adopted for the purposes of this section if it is adopted by resolution of the authority. 25
- (4) But the authority must not adopt a local development plan if the Assembly directs them not to do so.

62 Revocation of local development plan

The Assembly may at any time revoke a local development plan at the request of the local planning authority. 30

63 Review of local development plan

- (1) A local planning authority must carry out a review of their local development plan at such times as the Assembly prescribes.
- (2) The authority must report to the Assembly on the findings of their review.
- (3) A review must – 35
 - (a) be in such form as is prescribed;
 - (b) be published in accordance with such requirements as are prescribed.

64 Revision of local development plan

- (1) The local planning authority may at any time prepare a revision of a local development plan.
- (2) The authority must prepare a revision of a local development plan –
 - (a) if the Assembly directs them to do so; 5
 - (b) if, following a review under section 63, they think that the plan should be revised.
- (3) This Part applies to the revision of a local development plan as it applies to the preparation of the plan.

65 Assembly's default power

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- (1) This section applies if the Assembly thinks that a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a local development plan.
- (2) The Assembly must hold an independent examination and section 58(4) to (7) applies accordingly. 15
- (3) The Assembly must publish the recommendations and reasons of the person appointed to hold the examination.
- (4) The Assembly may –
 - (a) prepare or revise (as the case may be) the plan, and
 - (b) approve the plan as a local development plan. 20
- (5) The authority must reimburse the Assembly for any expenditure it incurs in connection with anything –
 - (a) which is done by it under subsection (4), and
 - (b) which the authority failed or omitted to do as mentioned in subsection (1). 25

66 Joint local development plans

- (1) Two or more local planning authorities may agree to prepare a joint local development plan.
- (2) This Part applies for the purposes of the preparation, revision, adoption, withdrawal and revocation of a joint local development plan as it applies for the purposes of the preparation, revision, adoption, withdrawal and revocation of a local development plan. 30
- (3) For the purposes of subsection (2) anything which must be done by or in relation to a local planning authority in connection with a local development plan must be done by or in relation to each of the authorities mentioned in subsection (1) in connection with a joint local development plan. 35
- (4) Subsections (5) to (7) apply if a local planning authority withdraw from an agreement mentioned in subsection (1).
- (5) Any step taken in relation to the plan must be treated as a step taken by –
 - (a) an authority which was a party to the agreement for the purposes of any corresponding plan prepared by them; 40

- (b) two or more other authorities who were parties to the agreement for the purposes of any corresponding joint local development plan.
- (6) Any independent examination of a local development plan to which the agreement relates must be suspended.
- (7) If before the end of the period prescribed for the purposes of this subsection an authority which was a party to the agreement requests the Assembly to do so it may direct that—
 - (a) the examination is resumed in relation to the corresponding plan; 5
 - (b) any step taken for the purposes of the suspended examination has effect for the purposes of the resumed examination. 10
- (8) A joint local development plan is a local development plan prepared jointly by two or more local planning authorities.

Miscellaneous

67 Exclusion of certain representations

- (1) This section applies to any representation or objection in respect of anything which is done or is proposed to be done in pursuance of—
 - (a) an order or scheme under section 10, 14, 16, 18, 106(1) or (3) or 108(1) of the Highways Act 1980 (c. 66);
 - (b) an order or scheme under section 7, 9, 11, 13 or 20 of the Highways Act 1959 (c. 25), section 3 of the Highways (Miscellaneous Provisions) Act 1961 (c. 63) or section 1 or 10 of the Highways Act 1971 (c. 41) (which provisions were replaced by the provisions mentioned in paragraph (a));
 - (c) an order under section 1 of the New Towns Act 1981 (c. 64).
- (2) If the Assembly or a local planning authority thinks that a representation made in relation to a local development plan is in substance a representation or objection to which this section applies it or they (as the case may be) may disregard it. 25

68 Urban development corporations

The Assembly may direct that this Part (except section 54) does not apply to the area of an urban development corporation. 30

69 Guidance

In the exercise of any function conferred under or by virtue of this Part the local planning authority must have regard to any guidance issued by the Assembly.

70 Annual monitoring report 35

- (1) Every local planning authority must make an annual report to the Assembly.
- (2) The annual report must contain such information as is prescribed as to the extent to which the objectives set out in the local development plan are being achieved.
- (3) The annual report must— 40

- (a) be made at such time as is prescribed;
- (b) be in such form as is prescribed;
- (c) contain such other matter as is prescribed.

General

71	Regulations	5
(1)	The Assembly may by regulations make provision in connection with the exercise of functions conferred by this Part on any person.	
(2)	The regulations may in particular make provision as to—	
	(a) the procedure to be followed by the local planning authority in carrying out the appraisal under section 56(6);	10
	(b) the procedure to be followed in the preparation of local development plans;	
	(c) requirements about the giving of notice and publicity;	
	(d) requirements about inspection by the public of a plan or any other document;	15
	(e) requirements about consultation;	
	(f) the making of representations about any matter to be included in a local development plan;	
	(g) consideration of any such representations;	
	(h) the remuneration and allowances payable to the person appointed to carry out an independent examination under section 58;	20
	(i) the time at which anything must be done for the purposes of this Part;	
	(j) monitoring the exercise by local planning authorities of their functions under this Part.	
 72	 Interpretation	 25
(1)	Local development plan must be construed in accordance with section 56.	
(2)	Local planning authorities are—	
	(a) county councils in Wales;	
	(b) county borough councils.	
(3)	A National Park authority is the local planning authority for the whole of its area and subsection (2) must be construed subject to that.	30
(4)	The Assembly is the National Assembly for Wales.	
(5)	RSS must be construed in accordance with Part 1.	
(6)	This section applies for the purposes of this Part.	

PART 7

COMPULSORY PURCHASE

Acquisition of land for development

73 Compulsory acquisition of land for development etc

- (1) Section 226 of the principal Act (compulsory acquisition of land for development and other planning purposes) is amended as follows. 5
- (2) In subsection (1) –
- (a) the first “which” is omitted;
 - (b) for paragraph (a) there is substituted the following paragraph –
“*(a) if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land;*” 10
 - (c) in paragraph (b) at the beginning there is inserted “which”.
- (3) After subsection (1) there is inserted the following subsection –
- “(1A) But a local authority must not exercise the power under paragraph (a) of subsection (1) unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects – 15
- (a) the promotion or improvement of the economic well-being of their area; 20
 - (b) the promotion or improvement of the social well-being of their area;
 - (c) the promotion or improvement of the environmental well-being of their area.”
- (4) Subsection (2) is omitted. 25
- (5) Nothing in this section affects a compulsory purchase order made before the commencement of this section.

Loss payments

74 Basic loss payment

- (1) After section 33 of the Land Compensation Act 1973 (c. 26) (home loss payments for certain caravan dwellers) there is inserted the following section – 30

“Other loss payments

33A Basic loss payment

- (1) This section applies to a person – 35
- (a) if he has a qualifying interest in land,
 - (b) if the interest is acquired compulsorily, and

- (c) to the extent that he is not entitled to a home loss payment in respect of any part of the interest.
- (2) A person to whom this section applies is entitled to payment of whichever is the lower of the following amounts –
- (a) 7.5% of the value of his interest; 5
 - (b) £75,000.
- (3) A payment under this section must be made by the acquiring authority.
- (4) An interest in land is a qualifying interest if it is a freehold interest or an interest as tenant and (in either case) it subsists for a period of not less than one year ending with whichever is the earliest of – 10
- (a) the date on which the acquiring authority takes possession of the land under section 11 of the Compulsory Purchase Act 1965 (entry to take possession of land);
 - (b) the date on which the acquiring authority enters the land if it proceeds under Schedule 3 to that Act; 15
 - (c) the vesting date (within the meaning of the Compulsory Purchase (Vesting Declarations) Act 1981) if a declaration is made under section 4 of that Act (general vesting declaration);
 - (d) the date on which compensation is agreed between the person and the acquiring authority; 20
 - (e) the date on which the amount of compensation is determined by the Lands Tribunal.
- (5) The compulsory acquisition of an interest in land includes acquisition of the interest in consequence of the service of –
- (a) a purchase notice under section 137 of the Town and Country Planning Act 1990 (right to require purchase of certain interests); 25
 - (b) a notice under section 150 of that Act (purchase of blighted land).
- (6) The value of an interest is its value for the purpose of deciding the amount of compensation payable in respect of the acquisition; but this is subject to subsections (7) and (8). 30
- (7) If an interest consists partly of a dwelling in respect of which the person is entitled to a home loss payment the value of the interest is the value of the whole interest less the value of so much of the interest as is represented by the dwelling. 35
- (8) If rule (5) of section 5 of the Land Compensation Act 1961 (equivalent reinstatement) applies for the purpose of assessing the amount of compensation the value of the interest is nil.”
- (2) Section 33A of the Land Compensation Act 1973 (c. 26) (as inserted by subsection (1) above) does not apply in relation to the acquisition of any interest in land by means of a compulsory purchase order made or made in draft before the commencement of this section. 40

75 Occupier’s loss payment

- (1) After section 33A of the Land Compensation Act 1973 (inserted by section 74 of this Act) there are inserted the following sections – 45

“33B Occupier’s loss payment: agricultural land

- (1) This section applies to a person if—
 - (a) he has a qualifying interest in land for the purposes of section 33A,
 - (b) the land is agricultural land, 5
 - (c) the interest is acquired compulsorily, and
 - (d) he occupied the land for the period specified in section 33A(4).
- (2) A person to whom this section applies is entitled to a payment of whichever is the greatest of the following amounts— 10
 - (a) 2.5% of the value of his interest;
 - (b) the land amount;
 - (c) the buildings amount.
- (3) But the maximum amount which may be paid to a person under this section in respect of an interest in land is £25,000.
- (4) A payment under this section must be made by the acquiring authority. 15
- (5) The value of an interest is its value for the purpose of deciding the amount of compensation payable in respect of the acquisition; but this is subject to subsections (6) and (7).
- (6) If an interest consists partly of a dwelling in respect of which the person is entitled to a home loss payment the value of the interest is the value of the whole interest less the value of so much of the interest as is represented by the dwelling. 20
- (7) If rule (5) of section 5 of the Land Compensation Act 1961 (equivalent reinstatement) applies for the purpose of assessing the amount of compensation the value of the interest is nil. 25
- (8) The land amount is the greater of £300 and the amount found in accordance with the following Table—

<i>Area of the land</i>	<i>Amount per hectare</i>	
Not exceeding 100 hectares	£100 per hectare or part of a hectare	30
Exceeding 100 hectares	(a) £100 per hectare for the first 100 hectares; (b) £50 per hectare for the next 300 hectares or part of a hectare.	35

- (9) The buildings amount is £25 per square metre (or part of a square metre) of the gross floor space of any buildings on the land.
- (10) The gross floor space must be measured externally. 40

33C Occupier's loss payment: other land

- (1) This section applies to a person if –
- (a) he has a qualifying interest in land for the purposes of section 33A,
 - (b) the land is not agricultural land, 5
 - (c) the interest is acquired compulsorily, and
 - (d) he occupied the land for the period specified in section 33A(4).
- (2) A person to whom this section applies is entitled to a payment of whichever is the greatest of the following amounts – 10
- (a) 2.5% of the value of his interest;
 - (b) the land amount;
 - (c) the buildings amount.
- (3) But the maximum amount which may be paid to a person under this section in respect of an interest in land is £25,000.
- (4) A payment under this section must be made by the acquiring authority. 15
- (5) The value of an interest is its value for the purpose of deciding the amount of compensation payable in respect of the acquisition; but this is subject to subsections (6) and (7).
- (6) If an interest consists partly of a dwelling in respect of which the person is entitled to a home loss payment the value of the interest is the value of the whole interest less the value of so much of the interest as is represented by the dwelling. 20
- (7) If rule (5) of section 5 of the Land Compensation Act 1961 (equivalent reinstatement) applies for the purpose of assessing the amount of compensation the value of the interest is nil. 25
- (8) The land amount is the greater of –
- (a) £2,500;
 - (b) £2.50 per square metre (or part of a square metre) of the area of the land.
- (9) But if only part of land in which a person has an interest is acquired, for the figure specified in subsection (8)(a) there is substituted £300. 30
- (10) The buildings amount is £25 per square metre (or part of a square metre) of the gross floor space of any buildings on the land.
- (11) The gross floor space must be measured externally.”
- (2) Sections 33B and 33C of the Land Compensation Act 1973 (c. 26) (as inserted by subsection (1) above) do not apply in relation to the acquisition of any interest in land by means of a compulsory purchase order made or made in draft before the commencement of this section. 35

76 Loss payments: exclusions

- (1) After section 33C of the Land Compensation Act 1973 (inserted by section 75 of this Act) there is inserted the following section – 40

“33D Loss payments: exclusions

- (1) This section applies to a person if –
- (a) he is a person to whom section 33A, 33B or 33C applies,
 - (b) a notice falling within subsection (4) has been served on him in relation to the land mentioned in that section, 5
 - (c) at the relevant time the notice has effect or is operative, and
 - (d) he has failed to comply with any requirement of the notice.
- (2) This section also applies to a person if –
- (a) he is a person to whom section 33A, 33B or 33C applies,
 - (b) a copy of an order falling within subsection (5) has been served on him in relation to the land mentioned in that section, and 10
 - (c) the order has not been quashed on appeal.
- (3) No payment may be made under section 33A, 33B or 33C to a person to whom this section applies.
- (4) These are the notices – 15
- (a) notice under section 215 of the Town and Country Planning Act 1990 (power to require proper maintenance of land);
 - (b) notice under section 189 of the Housing Act 1985 (requirement to repair dwelling etc. unfit for human habitation);
 - (c) notice under section 190 of that Act (requirement to repair dwelling etc. in state of disrepair); 20
 - (d) notice under section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (repairs notice prior to compulsory notice of acquisition of listed building).
- (5) These are the orders – 25
- (a) an order under section 264 of the Housing Act 1985 (closure of dwelling etc. unfit for human habitation);
 - (b) an order under section 265 of that Act (demolition of dwelling etc. unfit for human habitation).
- (6) The relevant time is the time at which the compulsory purchase order in relation to the person’s interest in the land – 30
- (a) is confirmed, in the case of an order falling within section 2(2) of the Acquisition of Land Act 1981 (procedure for authorisation);
 - (b) is made, in the case of an order falling within section 2(3) of that Act. 35
- (7) The Secretary of State may by regulations amend subsections (4) and (5).”
- (2) Section 33D of the Land Compensation Act 1973 (c. 26) (as inserted by subsection (1) above) does not apply in relation to a notice or order specified in subsection (4) or (5) of that section if the notice or copy of the order was served on a person to whom that section applies before the commencement of this section. 40

77 Loss payments: supplementary

After section 33D of the Land Compensation Act 1973 (inserted by section 76 of this Act) there are inserted the following sections – 45

-
- “33E Claims**
- (1) This section applies for the purposes of sections 33A to 33C.
 - (2) A claim for payment must be made in writing to the acquiring authority.
 - (3) The claim must give such particulars as the authority may reasonably require for the purpose of deciding – 5
 - (a) whether a payment is to be made;
 - (b) the amount of any such payment.
 - (4) For the purposes of the Limitation Act 1980 a person’s right of action to recover a payment must be taken to have accrued – 10
 - (a) in the case of a claim under section 33A on the last day of the period specified in subsection (4) of that section;
 - (b) in the case of a claim under section 33B or 33C on the date of his displacement from the land.
- 33F Insolvency** 15
- (1) This section applies if a person is entitled to a payment under section 33A, 33B or 33C but before a claim is made under section 33E insolvency proceedings are started in relation to the person.
 - (2) Any of the following may make a claim instead of the person mentioned in subsection (1) – 20
 - (a) a receiver, trustee in bankruptcy or the official receiver in the case of an individual;
 - (b) an administrator, administrative receiver, liquidator or provisional liquidator or the official receiver in the case of a company or a partnership. 25
 - (3) Insolvency proceedings are – 30
 - (a) proceedings in bankruptcy;
 - (b) proceedings under the Insolvency Act 1986 for the winding up of a company or an unregistered company (including voluntary winding up of a company under Part 4 of that Act);
 - (c) proceedings for the winding up of a partnership.
- 33G Death**
- (1) This section applies if a person is entitled to a payment under section 33A, 33B or 33C but before a claim is made under section 33E the person dies (the deceased). 35
 - (2) A claim may be made by a person who –
 - (a) occupied the land for a period of not less than one year ending with the date on which the deceased is displaced from the land, and
 - (b) is entitled to benefit on the death of the deceased by virtue of a ground mentioned in subsection (3). 40
 - (3) The grounds are –
 - (a) a testamentary disposition;

- (b) the law of intestate succession;
- (c) the right of survivorship between joint tenants.

33H Agricultural land: dual entitlement

- (1) This section applies if a person is entitled in respect of the same interest in agricultural land to a payment both— 5
 - (a) under section 33B of this Act, and
 - (b) by virtue of section 12(1) of the Agriculture (Miscellaneous Provisions) Act 1968 (additional payments in consequence of compulsory acquisition of agricultural holding).
- (2) Payment may be made in respect of only one entitlement. 10
- (3) If the person makes a claim under both provisions he must be paid in respect of the entitlement which produces the greater amount.

33I Payment

- (1) Any dispute as to the amount of a payment to be made under section 33A, 33B or 33C must be determined by the Lands Tribunal. 15
- (2) The acquiring authority must make any payment required by section 33A not later than whichever is the latest of the following dates—
 - (a) the last day of the period specified in section 33A(4);
 - (b) the last day of the period of three months beginning with the day the claim is made; 20
 - (c) the day on which the amount of the payment is determined.
- (3) The authority must make any payment required by section 33B or 33C not later than whichever is the latest of the following dates—
 - (a) the date the person is displaced from the land;
 - (b) the last day of the period of three months beginning with the day the claim is made; 25
 - (c) the day on which the amount of the payment is determined.
- (4) If paragraph (c) of subsection (2) or (3) applies the authority may at any time make a payment in advance to the person entitled to a payment (the claimant). 30
- (5) If when the value of the interest is agreed or determined the amount of a payment made under subsection (4) differs from the payment required by section 33A, 33B or 33C—
 - (a) the amount by which the advance payment exceeds the payment required must be repaid by the claimant to the authority; 35
 - (b) the amount by which the payment required exceeds the advance payment must be paid by the authority to the claimant.
- (6) The acquiring authority must pay interest on the amount required to be paid at the rate prescribed by regulations under section 32 of the Land Compensation Act 1961. 40
- (7) Interest accrues from the date specified in paragraph (a) of subsection (2) or (3) (as the case may be).

- (8) The authority may, at the request of the person entitled to the payment, make a payment on account of the interest mentioned in subsection (6).

33J Acquisition by agreement

- (1) This section applies if –
- (a) an interest in land which is a qualifying interest for the purpose of section 33A is acquired by agreement by an authority which has power to acquire the interest compulsorily, and 5
 - (b) the interest is acquired from a person who would be entitled to a payment under section 33A, 33B or 33C if the interest is acquired compulsorily. 10
- (2) The authority may make a payment to the person of an amount equal to the amount they would be required to pay if the interest is acquired compulsorily.

33K Regulations

- (1) This section applies for the purposes of sections 33A to 33I. 15
- (2) The Secretary of State may by regulations substitute for any amount or percentage figure specified in these sections such other amount or percentage figure (as the case may be) as he thinks fit.
- (3) A power to make regulations must be exercised by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament. 20
- (4) In relation to Wales –
- (a) a power to make regulations conferred on the Secretary of State must be construed as a power conferred on the National Assembly for Wales; 25
 - (b) subsection (3) must be ignored.”

PART 8

MISCELLANEOUS AND GENERAL

Miscellaneous

78 Validity of strategies, plans and documents 30

- (1) This section applies to –
- (a) a revision of the regional spatial strategy;
 - (b) the Wales Spatial Plan;
 - (c) a local development document;
 - (d) a local development plan; 35
 - (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. 40

-
- (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; 5
 - (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.
- (5) The High Court may make an interim order suspending the operation of the relevant document— 10
- (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; 15
 - (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. 20
- (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 54 above in the case of the Wales Spatial Plan or any revision of it; 25
 - (c) Part 2 of this Act in the case of a local development document or any revision of it;
 - (d) sections 56 to 72 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. 30
- (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 or approval of a relevant document. 35
- (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 8(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; 40
 - (c) for the purposes of a local development 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. 5

79 Examinations

- (1) 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).
- (2) For the purposes of subsection (1) it is immaterial whether any such examination is held in public. 10

80 Grants for advice and assistance

In the 1990 Act after section 304 (grants for research and education) there is inserted the following section –

“304A Grants for advice and assistance 15

- (1) *The appropriate authority may make grants for the purpose of assisting any person to provide advice and assistance to the public in connection with any matter which is related to –*
 - (a) *the planning Acts;*
 - (b) *the Planning and Compulsory Purchase Act 2003.* 20
- (2) The appropriate authority may make a grant subject to such terms and conditions as it thinks appropriate.
- (3) Person includes a body whether or not incorporated.
- (4) The appropriate authority is –
 - (a) the Secretary of State in relation to England; 25
 - (b) the National Assembly for Wales in relation to Wales.”

81 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 – 30
 - (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. 35

82 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.	
(4)	The planning Acts are—	5
	(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).	10
(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).	
	<i>General</i>	15
83	Amendments	
(1)	Schedule 3 contains amendments of the planning Acts.	
(2)	Schedule 4 contains amendments of other enactments.	
(3)	A reference in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 to an enactment amended by this Act must be taken to be a reference to the enactment as so amended.	20
(4)	But subsection (3) does not affect such an enactment to the extent that the amendment makes express provision in connection with the exercise of a function in relation to Wales.	
84	Transitionals	25
	Schedule 5 contains transitional provisions relating to Parts 1 and 2.	
85	Repeals	
	Schedule 6 contains repeals.	
86	Commencement	
(1)	The preceding provisions of this Act (except section 80 and the provisions specified in subsection (3)) come into force on such day as the Secretary of State may by order appoint.	30
(2)	But the Secretary of State must not make an order which relates to any of the following provisions unless he first consults the National Assembly for Wales—	35
	(a) Part 3;	
	(b) Part 4, except sections 43 and 49;	
	(c) Part 5;	

- (d) Part 7;
 - (e) in this Part sections 78, 79, 82, 83 and 85;
 - (f) Schedules 3, 4 and 6.
- (3) Part 6 comes into force in accordance with provision made by the National Assembly for Wales by order. 5

87 Regulations and orders

- (1) A power to prescribe is (unless express provision is made to the contrary) a power to prescribe by regulations exercisable –
- (a) by the Secretary of State in relation to England;
 - (b) by the National Assembly for Wales in relation to Wales. 10
- (2) References in this section to subordinate legislation are to any order or regulations under this Act.
- (3) Subordinate legislation –
- (a) may make different provision for different purposes;
 - (b) may include such supplementary, incidental, consequential, saving or transitional provisions (including provision amending, repealing or revoking enactments) as the person making the subordinate legislation thinks necessary or expedient. 15
- (4) A power to make subordinate legislation must be exercised by statutory instrument. 20
- (5) A statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament unless it contains –
- (a) an order under section 81(1);
 - (b) an order under section 86 which does not include provision under subsection (3)(b) above; 25
 - (c) subordinate legislation made by the National Assembly for Wales.

88 Finance

- (1) *There is to be paid out of money provided by Parliament –*
- (a) *any expenses of the Secretary of State in making grants in connection with the provision of advice and assistance in relation to the planning Acts;* 30
 - (b) *any increase attributable to this Act in the sums payable out of money so provided under any other enactment.*
- (2) *There is to be paid into the Consolidated Fund any increase attributable to this Act in the sums so payable under any other enactment.*

89 Extent 35

This Act extends to England and Wales only.

90 Short Title

This Act may be cited as the Planning and Compulsory Purchase Act 2003.

SCHEDULES

SCHEDULE 1

Section 39

LOCAL DEVELOPMENT ORDERS: PROCEDURE

In the principal Act after Schedule 4 (special provision as to land use in 1948) there is inserted the following Schedule—

5

“SCHEDULE 4A

LOCAL DEVELOPMENT ORDERS: PROCEDURE

Preparation

- 1 (1) A local development order must be prepared in accordance with such procedure as is prescribed. 10
- (2) Regulations under this paragraph may include provision as to—
 - (a) the preparation, submission, approval, adoption, revision and withdrawal of an order;
 - (b) notice, publicity, and inspection by the public;
 - (c) consultation with and consideration of views of such persons and for such purposes as are prescribed; 15
 - (d) the making and consideration of representations;
 - (e) the matters relating to the order to be included in the report to be made by a local planning authority under section 34 or 70 of the Planning and Compulsory Purchase Act 2003. 20

Revision

- 2 (1) The local planning authority may at any time prepare a revision of a local development order.
- (2) An authority in England must prepare a revision of a local development order— 25
 - (a) if the Secretary of State directs them to do so, and
 - (b) in accordance with such timetable as he directs.
- (3) An authority in Wales must prepare a revision of a local development order— 30
 - (a) if the National Assembly for Wales directs them to do so, and
 - (b) in accordance with such timetable as it directs.

- | | | |
|----------------------------|---|----|
| (4) | If a development plan document mentioned in section 61A(1) is revised under section 25 of the Planning and Compulsory Purchase Act 2003 (revision of local planning documents) or revoked under section 24 of that Act (revocation by Secretary of State) a local development order made to implement the policies in the document must be revised accordingly. | 5 |
| (5) | If a local development plan mentioned in section 61A(1) is revised under section 64 of the Planning and Compulsory Purchase Act 2003 (revision of local development plan) or revoked under section 62 of that Act (revocation by National Assembly for Wales) a local development order made to implement the policies in the plan must be revised accordingly. | 10 |
| (6) | This Schedule applies to the revision of a local development order as it applies to the preparation of the order. | |
| <i>Order to be adopted</i> | | 15 |
| 3 | A local development order is of no effect unless it is adopted by resolution of the local planning authority. | |
| <i>Annual report</i> | | |
| 4 | (1) The report made under section 34 of the Planning and Compulsory Purchase Act 2003 must include a report as to the extent to which the local development order is achieving its purposes. | 20 |
| | (2) The Secretary of State may prescribe the form and content of the report as it relates to the local development order.” | |
| 5 | (1) The report made under section 70 of the Planning and Compulsory Purchase Act 2003 must include a report as to the extent to which the local development order is achieving its purposes. | 25 |
| | (2) The National Assembly for Wales may prescribe the form and content of the report as it relates to the local development order.” | 30 |

SCHEDULE 2

Section 49

TIMETABLE FOR DECISIONS

Decisions

- | | | |
|---|--|----|
| 1 | This Schedule applies to any decision which must be taken by the Secretary of State under – | 35 |
| | (a) section 77 of the principal Act (reference of applications to Secretary of State); | |
| | (b) section 78 of the principal Act (right to appeal against planning decisions). | |
| 2 | (1) This Schedule also applies to a decision not mentioned in paragraph 1 if each of the following two conditions applies. | 40 |

- (2) The first condition is that the Secretary of State thinks the decision is connected with a decision mentioned in paragraph 1.
- (3) The second condition is that –
- (a) the Secretary of State is required by virtue of any enactment to take the decision, or
 - (b) (in any case to which paragraph (a) does not apply) the Secretary of State by virtue of a power under any enactment directs that the decision must be referred to him.
- 3 But the Secretary of State may by order specify decisions or descriptions of decisions to which a timetable is not to apply.

Timetable

- 4 (1) The Secretary of State must make one or more timetables for the purposes of decisions to which this Schedule applies.
- (2) A timetable may make different provision for different decisions or different descriptions of decision.
- (3) A timetable –
- (a) has effect from such time as the Secretary of State determines;
 - (b) must set out the time within which the decision must be taken;
 - (c) may set out the time within which any other step to be taken for the purposes of the decision must be taken.
- (4) A timetable made under this paragraph must be published in such form and manner as the Secretary of State thinks appropriate.

Notice

- 5 (1) The Secretary of State must notify the following persons as soon as practicable of the published timetable which applies to a decision –
- (a) the applicant or appellant (as the case may be) in relation to the decision;
 - (b) the local planning authority for the area to which the decision relates;
 - (c) any other person who requests such notification.
- (2) But the Secretary of State may direct that the timetable is subject to such variation as he specifies in the notice under sub-paragraph (1).
- (3) If the Secretary of State acts under sub-paragraph (2) the notice under sub-paragraph (1) must also specify the reasons for the variation.
- (4) The timetable notified under this paragraph is the applicable timetable.

Variation

- 6 (1) This paragraph applies if before the time at which any step must be taken in accordance with the applicable timetable the Secretary of State thinks that there are circumstances which are likely to prevent the taking of the step at that time.
- (2) The Secretary of State may vary the applicable timetable accordingly.

- (3) If the Secretary of State varies the applicable timetable under sub-paragraph (2) he must notify the persons mentioned in paragraph 5(1) of the variation and the reason for it.

Written reasons

- 7 If the Secretary of State fails to take any step in accordance with the applicable timetable (or that timetable as varied under paragraph 6) he must give written reasons to the persons mentioned in paragraph 5(1). 5

Annual report

- 8 (1) The Secretary of State must lay before Parliament a report in respect of each year which – 10
- (a) reviews his performance under the provisions of this Schedule;
 - (b) explains any failure to comply with a timetable.
- (2) The report must be published in such form and manner as the Secretary of State thinks appropriate.

SCHEDULE 3

Section 83

15

AMENDMENTS OF THE PLANNING ACTS

Town and Country Planning Act 1990 (c. 8)

- 1 The Town and Country Planning Act 1990 is amended as follows.
- 2 For section 69 there is substituted the following section –

“69 Register of applications etc 20

- (1) The local planning authority must keep a register containing such information as is prescribed as to –
- (a) applications for planning permission;
 - (b) requests for statements of development principles (within the meaning of section 61D); 25
 - (c) local development orders;
 - (d) simplified planning zone schemes.
- (2) The register must contain –
- (a) information as to the manner in which applications mentioned in subsection (1)(a) and requests mentioned in subsection (1)(b) have been dealt with; 30
 - (b) such information as is prescribed with respect to any local development order or simplified planning zone scheme in relation to the authority’s area.
- (3) A development order may require the register to be kept in two or more parts. 35
- (4) Each part must contain such information as is prescribed relating to the matters mentioned in subsection (1)(a) and (b).

-
- (5) A development order may also make provision –
- (a) for a specified part of the register to contain copies of applications or requests and of any other documents or material submitted with them;
 - (b) for the entry relating to an application or request (and everything relating to it) to be removed from that part of the register when the application (including any appeal arising out of it) or the request (as the case may be) has been finally disposed of. 5
- (6) Provision made under subsection (5)(b) does not prevent the inclusion of a different entry relating to the application or request in another part of the register. 10
- (7) The register must be kept in such manner as is prescribed.
- (8) The register must be kept available for inspection by the public at all reasonable hours. 15
- (9) Anything prescribed under this section must be prescribed by development order.”
- 3 In section 71 (consultations relating to determination of planning applications) –
- (a) subsection (3) is omitted; 20
 - (b) in subsection (4) the definition of “site licence” is omitted.
- 4 Section 92 (outline planning permission) is omitted.
- 5 In section 284(1) (restriction on challenge to validity of certain documents), paragraph (a) is omitted.
- 6 (1) Section 287 (procedure for questioning the validity of certain matters) is amended as follows. 25
- (2) For subsections (1) to (3) there are substituted the following subsections –
- “(1) This section applies to –
- (a) a simplified planning zone scheme or an alteration of such a scheme; 30
 - (b) an order under section 247, 248, 249, 251, 257, 258 or 277, and anything falling within paragraphs (a) and (b) is referred to in this section as a relevant document.
- (2) A person aggrieved by a relevant document may make an application to the High Court on the ground that – 35
- (a) it is not within the appropriate power, or
 - (b) a procedural requirement has not been complied with.
- (3) The High Court may make an interim order suspending the operation of the relevant document –
- (a) wholly or in part; 40
 - (b) generally or as it affects the property of the applicant.
- (3A) Subsection (3B) 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.
- (3B) The High Court may quash the relevant document –
- (a) wholly or in part; 5
 - (b) generally or as it affects the property of the applicant.
- (3C) An interim order has effect until the proceedings are finally determined.
- (3D) The appropriate power is –
- (a) in the case of a simplified planning zone scheme or an alteration of the scheme, Part III; 10
 - (b) in the case of an order under section 247, 248, 249, 251, 257, 258 or 277, the section under which the order is made.”
- (3) In subsection (5) –
- (a) paragraph (a) is omitted; 15
 - (b) in each of paragraphs (b) to (e) the words “by virtue of subsection (3)” are omitted.
- (4) Subsection (6) is omitted.
- 7 (1) Section 296 (exercise of powers in relation to Crown land) is amended as follows. 20
- (2) In subsection (1) for paragraph (a) there is substituted the following paragraph –
- “(a) a document, plan or strategy specified in subsection (1A) may include proposals relating to the use of Crown land;”.
- (3) After subsection (1) there is inserted the following subsection – 25
- “(1A) These are the documents, plans and strategies –
- (a) the regional spatial strategy (or a revision of it) within the meaning of Part 1 of the Planning and Compulsory Purchase Act 2003;
 - (b) a local development document (or a revision of it) adopted or approved under Part 2 of that Act; 30
 - (c) a local development plan (or a revision of it) adopted or approved under Part 6 of that Act;
 - (d) the Mayor of London’s spatial development strategy (or any alteration or replacement of it) published in pursuance of section 337 of the Greater London Authority Act 1999.” 35
- 8 (1) Section 303A (recovery of costs of certain inquiries) is amended as follows.
- (2) For subsection (1) there are substituted the following subsections –
- “(1) This section applies if the appropriate authority appoints a person to carry out or hold a qualifying procedure. 40
- (1A) A qualifying procedure is –
- (a) an independent examination under section 19 or 58 of the Planning and Compulsory Purchase Act 2003;
 - (b) a local inquiry or other hearing under paragraph 8(1)(a) of Schedule 7; 45

- (c) the consideration of objections under paragraph 8(1)(b) of that Schedule.
- (1B) The appropriate authority is –
- (a) the Secretary of State if the local planning authority causing the procedure to be carried out or held is in England; 5
 - (b) the National Assembly for Wales if the local planning authority causing the procedure to be carried out or held is in Wales.
- (3) In each of subsections (2) to (6) and (10)(a) in each place where it occurs –
- (a) for “Secretary of State” there is substituted “appropriate authority”; 10
 - (b) for “him” there is substituted “it”;
 - (c) for “he” there is substituted “it”.
- (4) In each of subsections (2), (4), (5) and (6) in each place where it occurs for “inquiry” there is substituted “procedure”.
- (5) In subsection (5) each of the following is omitted – 15
- (a) “or appointed as one of the persons who are to hold it”;
 - (b) “(in addition to what may be recovered by virtue of the appointment of any other person)”;
 - (c) in paragraph (c), “(or, in a case where that person is appointed as one of the persons who are to hold the qualifying inquiry, an appropriate proportion of any costs attributable to the appointment of an assessor to assist those persons)”.
- (6) Subsections (7) to (9) are omitted.
- (7) Before subsection (10) there is inserted the following subsection –
- “(9A) References to a local planning authority causing a qualifying inquiry to be held include references to a requirement under the Planning and Compulsory Purchase Act 2003 on the authority to submit a plan to the appropriate authority for independent examination.” 25
- 9 In section 306 (2) (local authorities and statutory undertakers may contribute to certain costs of local planning authorities) for paragraph (a) there are substituted the following paragraphs – 30
- “(a) any expenses incurred by a local planning authority for the purposes of carrying out a review under section 12 or 55 of the Planning and Compulsory Purchase Act 2003 (duty of local planning authority to keep under review certain matters affecting development); 35
 - (ab) any expenses incurred by a county council for the purposes of carrying out a review under section 13 of that Act (duty of county council to keep under review certain matters affecting development);” 40
- 10 In section 324(1) (rights of entry) for paragraph (a) there is substituted the following paragraph –
- “(a) the preparation, revision, adoption or approval of a local development document under Part 2 of the Planning and Compulsory Purchase Act 2003 or a local development plan under Part 6 of that Act;” 45

- 22 In Schedule 4 (certain provisions as to the exercise of functions by different authorities), in paragraph 3 sub-paragraph (b) and the word “and” immediately before it are omitted.

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

- 23 In section 40 the Planning (Hazardous Substances) Act 1990 (provision about regulations) after subsection (3) there is inserted the following subsection—
- “(4) Regulations may make different provision for different purposes.”

SCHEDULE 4

Section 83

AMENDMENTS OF OTHER ENACTMENTS

10

Gas Act 1965 (c. 36)

- 1 In paragraph 7(2) of Schedule 3 of the Gas Act 1965 after “development order” there is inserted “or local development order”.

Finance Act 1969 (c. 32)

- 2 In section 58(4) of the Finance Act 1969 (disclosure of information for statistical purposes), in the Table in the entry relating to local planning authorities—
- (a) in the first column for “the Town and Country Planning Act 1990” there is substituted “Part 2 or 6 of the Planning and Compulsory Purchase Act 2003”; 20
- (b) In the second column for “Part II of the Town and Country Planning Act 1990” there is substituted “Part 2 or 6 of the Planning and Compulsory Purchase Act 2003”.

Leasehold Reform Act 1967 (c. 88)

- 3 In section 28(6)(a) of the Leasehold Reform Act 1967 (development for certain public purposes) for “Town and Country Planning Act 1990” there is substituted “Planning and Compulsory Purchase Act 2003”. 25

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

- 4 In section 12 of the Agriculture (Miscellaneous Provisions) Act 1968 after subsection (3) there is inserted the following subsection— 30
- “(4) If a person is entitled in respect of the same interest in land to a payment both—
- (a) by virtue of subsection (1), and
- (b) under section 33B of the Land Compensation Act 1973 (additional loss payment for agricultural land), 35
- section 33H of that Act (only one payment to be made if a person has dual entitlement) applies.”

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

- 5 In section 13 of the Greater London Council (General Powers) Act 1969 (exercise of powers relating to walkways), in the proviso for the words from “any local plan” to “Schedule 1 to that Act)” there is substituted “a local development document (within the meaning of Part 2 of the Planning and Compulsory Purchase Act 2003)”. 5

Land Compensation Act 1973 (c. 26)

- 6 (1) The Land Compensation Act 1973 is amended as follows.
- (2) In section 29 (home loss payments) after subsection (3A) there is inserted the following subsection— 10
- “(3B) For the purposes of this section a person must not be treated as displaced from a dwelling in consequence only of the compulsory acquisition of part of a garden or yard or of an outhouse or appurtenance belonging to or usually enjoyed with the building which is occupied or is intended to be occupied as the dwelling.” 15
- (3) Sections 34 to 36 are omitted.
- (4) In section 87(1) (general interpretation) in the definition of “dwelling” “(except in section 29)” is omitted.
- (5) But the amendments made by this paragraph do not have effect in relation to a compulsory purchase order made or made in draft before the commencement of this paragraph. 20

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

- 7 In section 24(4) of the Greater London Council (General Powers) Act 1973 (definitions for the purpose or provision relating to parking place agreements)— 25
- (a) in the definition of appropriate provision for “the Greater London” there is substituted “their”;
- (b) in the second place where it occurs “Greater London development plan” is omitted.

Highways Act 1980 (c. 66) 30

- 8 (1) Section 232 of the Highways Act 1980 (power to treat certain land as private street) is amended as follows.
- (2) In subsection (8) after “1990” there is inserted “and Parts 2 and 6 of the Planning and Compulsory Purchase Act 2003”.
- (3) In subsection (9) for the definition of development plan there is substituted— 35
- ““development plan” must be construed in accordance with sections 37 of the Planning and Compulsory Purchase Act 2003;
- “local authority” has the same meaning as in the Town and Country Planning Act 1990.” 40

Planning and Compensation Act 1991 (c. 34)

- 9 In Schedule 4 to the Planning and Compensation Act 1991 Part 3 is omitted.

Local Government Act 1992 (c. 19)

- 10 In section 14(5) of the Local Government Act 1992 (structural changes which may be recommended by the Electoral Commission), paragraph (d) is omitted. 5

Environment Act 1995 (c. 25)

- 11 In section 67 of the Environment Act 1995 (which makes provision for a National Park authority to be the local planning authority) subsections (2) to (4) are omitted. 10

Greater London Authority Act 1999 (c. 29)

- 12 In section 346(b) of the Greater London Authority Act 1999 (Mayor to monitor plans) for “unitary development plan” there is substituted “local development documents (within the meaning of Part 2 of the Planning and Compulsory Purchase Act 2003)” 15

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

- 13 In section 86(4) of the Countryside and Rights of Way Act 2000—
(a) “II,” is omitted;
(b) at the end there is inserted “or under Part 2 or 6 of the Planning and Compulsory Purchase Act 2003”. 20

SCHEDULE 5

Section 84

TRANSITIONAL PROVISIONS: PARTS 1 AND 2

Development plan

- 1 (1) During the transitional period a reference in an enactment mentioned in section 37(7) above to the development plan for an area in England is a reference to— 25
(a) the RSS for the region in which the area is situated or the spatial development strategy for an area in Greater London, and
(b) the development plan for the area the purposes of section 27 or 54 of the principal Act. 30
(2) The transitional period is the period starting with the commencement of section 37 and ending on whichever is the earlier of—
(a) the end of the period of three years;
(b) the day when in relation to an old policy, a new policy which expressly replaces it is published, adopted or approved. 35
(3) But the Secretary of State may direct that for the purposes of such policies as are specified in the direction sub-paragraph (2)(a) does not apply.

- (4) An old policy is a policy which (immediately before the commencement of section 37) forms part of a development plan for the purposes of section 27 or 54 of the principal Act.
- (5) A new policy is a policy which is contained in –
- (a) a revision of an RSS; 5
 - (b) an alteration or replacement of the spatial development strategy;
 - (c) a development plan document.
- (6) But –
- (a) an old policy contained in a structure plan is replaced only by a new policy contained in a revision to an RSS; 10
 - (b) an old policy contained in a waste local plan or a minerals local plan is replaced in relation to any area of a county council for which there is a district council only by a new policy contained in a development plan document which is prepared in accordance with a minerals and waste development scheme. 15
- (7) A new policy is published if it is contained in –
- (a) a revision of an RSS published by the Secretary of State under section 8(6);
 - (b) an alteration or replacement of the Mayor of London’s spatial development strategy published in pursuance of section 337 of the Greater London Authority Act 1999 (c. 29). 20
- (8) A new policy is adopted or approved if it is contained in a development plan document which is adopted or approved for the purposes of Part 2.
- (9) A minerals and waste development scheme is a scheme prepared in accordance with section 15. 25
- (10) The development plan mentioned in sub-paragraph (1)(b) does not include a street authorisation map which continued to be treated as having been adopted as a local plan by virtue of paragraph 4 of Part 3 of Schedule 2 to the principal Act.

Structure plans 30

- 2 (1) This paragraph applies to proposals for the alteration or replacement of a structure plan for the area of a local planning authority.
- (2) If before the commencement of Part 1 of this Act the authority have complied with section 33(2) of the principal Act (making copies of proposals and the explanatory memorandum available for inspection) the provisions of Chapter 2 of Part 2 of the principal Act continue to have effect in relation to the proposals. 35
- (3) In any other case –
- (a) the authority must take no further step in relation to the proposals;
 - (b) the proposals have no effect. 40
- (4) If the proposals are adopted or approved by virtue of sub-paragraph (2) above, paragraph 1 of this Schedule applies to the policies contained in the proposals as if –
- (a) they were policies contained in a development plan within the meaning of section 54 of the principal Act; 45
 - (b) the date of commencement of section 37 is the date when the proposals are adopted or approved (as the case may be).

Unitary development plan

- 3 (1) This paragraph applies to proposals for the alteration or replacement of a unitary development plan for the area of a local planning authority.
- (2) If before the commencement of Part 2 of this Act the authority have not complied with section 13(2) of the principal Act (making copies of the proposals available for inspection) – 5
 - (a) they must take no further step in relation to the proposals;
 - (b) the proposals have no effect.
- (3) In any other case paragraph 4 or 5 below applies.
- 4 (1) This paragraph applies if – 10
 - (a) before the commencement of Part 2 of this Act the local planning authority is not required to cause an inquiry or other hearing to be held by virtue of section 16(1) of the principal Act (inquiry must be held if objections made), or
 - (b) before the beginning of the prescribed period a person is appointed under that section to hold an inquiry or other hearing. 15
- (2) If this paragraph applies the provisions of Chapter 1 of Part 2 of the principal Act continue to have effect in relation to the proposals.
- (3) The prescribed period is such period before the commencement of Part 2 of this Act as the Secretary of State prescribes for the purposes of this paragraph. 20
- 5 (1) If paragraph 4 does not apply the provisions of Chapter 1 of Part 2 of the principal Act continue to have effect in relation to the proposals subject to the modifications in sub-paragraphs (2) to (5) below.
- (2) If before the commencement of Part 2 of this Act the local planning authority have not published revised proposals in pursuance of regulations under section 26 of the principal Act – 25
 - (a) any provision of the regulations relating to publication of revised proposals must be ignored,
 - (b) the authority must comply again with section 13(2) of the principal Act. 30
- (3) If before the commencement of Part 2 of this Act the local planning authority have published revised proposals in pursuance of regulations under section 26 of the principal Act the authority must comply again with section 13(2) of that Act. 35
- (4) Any provision of regulations under section 26 of the principal Act which permits the local planning authority to modify proposals after an inquiry or other hearing has been held under section 16 of that Act must be ignored.
- (5) If such an inquiry or other hearing is held the authority must adopt the proposals in accordance with the recommendations of the person appointed to hold the inquiry or other hearing. 40
- 6 If proposals are adopted in pursuance of paragraph 4 or 5 above paragraph 1 of this Schedule applies to the policies contained in the proposals as if –
 - (a) they were policies contained in a development plan for the purposes of section 27 of the principal Act; 45
 - (b) the date of commencement of section 37 is the date when the proposals are adopted or approved.

Local plan

- | | | |
|----|--|---|
| 7 | <ul style="list-style-type: none"> (1) This paragraph applies to proposals for the alteration or replacement of a local plan for the area of a local planning authority. (2) If before the commencement of Part 2 of this Act the authority have not complied with section 40(2) of the principal Act (making copies of the proposals available for inspection) – <ul style="list-style-type: none"> (a) they must take no further step in relation to the proposals; (b) the proposals have no effect. (3) In any other case paragraph 8 or 9 below applies. | |
| 8 | <ul style="list-style-type: none"> (1) This paragraph applies if – <ul style="list-style-type: none"> (a) before the commencement of Part 2 of this Act the local planning authority is not required to cause an inquiry or other hearing to be held by virtue of section 42(1) of the principal Act (inquiry must be held if objections made), or (b) before the beginning of the prescribed period a person is appointed under that section to hold an inquiry or other hearing. (2) If this paragraph applies the provisions of Chapter 2 of Part 2 of the principal Act continue to have effect in relation to the proposals. (3) The prescribed period is such period before the commencement of Part 2 of this Act as the Secretary of State prescribes for the purposes of this paragraph. | <p>5</p> <p>10</p> <p>15</p> <p>20</p> |
| 9 | <ul style="list-style-type: none"> (1) If paragraph 8 does not apply the provisions of Chapter 2 of Part 2 of the principal Act continue to have effect in relation to the proposals subject to the modifications in sub-paragraphs (2) to (5) below. (2) If before the commencement of Part 2 of this Act the local planning authority have not published revised proposals in pursuance of regulations under section 53 of the principal Act – <ul style="list-style-type: none"> (a) any provision of the regulations relating to publication of revised proposals must be ignored, (b) the authority must comply again with section 40(2) of the principal Act. (3) If before the commencement of Part 2 of this Act the local planning authority have published revised proposals in pursuance of regulations under section 53 of the principal Act the authority must comply again with section 40(2) of that Act. (4) Any provision of regulations under section 53 of the principal Act which permits the local planning authority to modify proposals after an inquiry or other hearing has been held under section 42 of that Act must be ignored. (5) If such an inquiry or other hearing is held the authority must adopt the proposals in accordance with the recommendations of the person appointed to hold the inquiry or other hearing. | <p>25</p> <p>30</p> <p>35</p> <p>40</p> |
| 10 | <ul style="list-style-type: none"> If proposals are adopted in pursuance of paragraph 8 or 9 above paragraph 1 of this Schedule applies to the policies contained in the proposals as if – <ul style="list-style-type: none"> (a) they were policies contained in a development plan for the purposes of section 54 of the principal Act; (b) the date of commencement of section 37 is the date when the proposals are adopted or approved. | <p>45</p> |

Minerals and waste local plans

- 11 Paragraphs 7 to 10 above apply to a minerals local plan and a waste local plan as they apply to a local plan and references in those paragraphs to a local planning authority must be construed as including references to a mineral planning authority and an authority who are entitled to prepare a waste local plan. 5

Schemes

- 12 (1) This paragraph applies to –
- (a) the local development scheme which a local planning authority are required to prepare and maintain under section 14 of this Act; 10
 - (b) the minerals and waste development scheme which a county council are required to prepare and maintain for any part of their area for which there is a district council.
- (2) During the transitional period the local planning authority or county council (as the case may be) must include in the scheme as a development plan document – 15
- (a) any plan or document which relates to an old policy (for the purposes of paragraph 1 above) which has not been replaced by a new policy;
 - (b) any proposals adopted by virtue of paragraphs 3 to 10 above. 20

Regulations and orders

- 13 (1) The Secretary of State may by regulations make provision for giving full effect to this Schedule.
- (2) The regulations may, in particular –
- (a) make such provision as he thinks is necessary in consequence of this Schedule; 25
 - (b) make provision to supplement any modifications of the principal Act required by this Schedule;
- (3) The Secretary of State may by order make such provision as he thinks is necessary in consequence of anything done under or by virtue of this Schedule. 30
- (4) Provision under sub-paragraph (3) includes provisions corresponding to that which could be made by order under Schedule 2 of the principal Act.

Interpretation

- 14 (1) References to section 27 of the principal Act must be construed subject to section 28(3)(a) and (c) of that Act. 35
- (2) RSS must be construed in accordance with Part 1 of this Act.
- (3) Development plan document must be construed in accordance with Part 2 of this Act.

SCHEDULE 6

Section 85

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>	
Land Compensation Act 1973 (c. 26)	Sections 34 to 36 In section 87(1) in the definition of “dwelling”, “(except in section 29)”	5
Greater London Council (General Powers) Act 1973 (c. xxx)	In section 24(4) the second “Greater London development plan”	
Town and Country Planning Act 1990 (c. 8)	Part 2 In section 71, subsection (3) and in subsection (4) the definition of site licence Section 73(3) Section 83(1) Section 92	10
	In section 220(3), the expression “62” In section 226, in subsection (1) the first “which” and subsection (2) In section 284(1), paragraph (a) In section 287, in subsection (5), paragraph (a) and in each of paragraphs (b) to (e) the words “by virtue of subsection (3)” and subsection (6)	15
	Section 303(6) In section 303A, in subsection (5) the words “or appointed as one of the persons who are to hold it”, the words “(in addition to what may be recovered by virtue of the appointment of any other person)” and in paragraph (c) the words “(or, in a case where that person is appointed as one of the persons who are to hold the qualifying inquiry, an appropriate proportion of any costs attributable to the appointment of an assessor to assist those persons)” and subsections (7) to (9)	20
	In Schedule 1, paragraph 2, in paragraph 3(7) the words “but paragraph 4 shall apply to such applications instead”, 4(2) and 7 In Schedule 2, Parts 1, 2 and 3 In Schedule 7, paragraphs 3 and 4	25
Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)	In section 10, in subsection (2) the words “shall be made in such form as the authority may require and” and in subsection (3) the word “and” after paragraph (b). Section 67(3) to (5) In section 91(2) ““development plan”” In Schedule 4, in paragraph 3, sub-paragraph (b) and “and” preceding it	30
	Section 17(1) In Schedule 4, Part 3	35
Planning and Compensation Act 1991 (c. 34)		40
		45
		50

<i>Short title and chapter</i>	<i>Extent of repeal</i>	
Planning and Compensation Act 1991 (c. 34) – <i>cont.</i>	In Schedule 18, Part 2 in the entry relating to the Land Compensation Act 1973, “section 36(6) (farm loss payment),”	
Local Government Act 1992 (c. 19)	In section 14(5), paragraph (d)	5
Environment Act 1995 (c. 25)	In section 67, subsections (2) to (4)	
Countryside and Rights of Way Act 2000 (c. 37)	In section 86(4), “II,”	

Note: The repeal of sections 34 to 36 of the Land Compensation Act 1973 does not have effect in relation to a compulsory purchase order made or made in draft before the commencement of paragraph 5(3) of Schedule 4. 10

Planning and Compulsory Purchase Bill

A

B I L L

To make provision relating to spatial development and town and country planning; compulsory acquisition for development; and loss payments in respect of certain interests in property compulsorily acquired.

*Presented by Mr Secretary Prescott
supported by
The Prime Minister, Mr Chancellor of the Exchequer,
Mr Secretary Blunkett, Secretary Margaret Beckett,
Mr Secretary Darling, Mr Secretary Milburn,
Ms Secretary Hewitt, Mr Secretary Clarke,
Secretary Peter Hain,
Ms Barbara Roche and Mr Tony McNulty.*

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