

2006 No. 1281 (C. 43)

TOWN AND COUNTRY PLANNING

**The Planning and Compulsory Purchase Act 2004
(Commencement No. 9 and Consequential Provisions) Order
2006**

<i>Made</i> - - - -	<i>10th May 2006</i>
<i>Laid before Parliament</i>	<i>17th May 2006</i>
<i>Coming into force</i> - -	<i>7th June 2006</i>

The Secretary of State, in exercise of the powers conferred by sections 121 and 122 of the Planning and Compulsory Purchase Act 2004(a) with the agreement of the Scottish Ministers(b) and after consultation with the National Assembly for Wales(c), makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Planning and Compulsory Purchase Act 2004 (Commencement No. 9 and Consequential Provisions) Order 2006.

(2) In this Order—

“the 2004 Act” means the Planning and Compulsory Purchase Act 2004; and

“the 1990 Act” means the Town and Country Planning Act 1990(d).

Provisions coming into force on 7th June 2006 in relation to England and Wales

2. The following provisions of the 2004 Act shall come into force in relation to England and Wales on 7th June 2006—

- (a) sections 79 to 89 (in so far as they are not yet in force);
- (b) section 112;
- (c) Schedule 3 (in so far as it is not yet in force);
- (d) Schedule 4;
- (e) Schedule 6, paragraph 2; and
- (f) Schedule 9 so far as it gives effect to the following repeals—
 - (i) the word “local” in section 55(2)(b) of the 1990 Act;
 - (ii) sections 293(4), 294 to 297, 298(1) and (2) and 299 to 301 of the 1990 Act;

(a) 2004 c.5
(b) As to the agreement of the Scottish Ministers, *see* section 121(3).
(c) As to consultation with the National Assembly for Wales, *see* section 121(2).
(d) 1990 c.8

- (iii) sections 83 and 84 of the Planning (Listed Buildings and Conservation Areas) Act 1990(a);
- (iv) the omission of “83, 84,” in section 92(2)(a) of that Act; and
- (v) sections 31(1) and (2) and 32 of the Planning (Hazardous Substances) Act 1990(b).

Provision coming into force on 7th June 2006 in relation to England, Scotland and Wales

3. Section 111(1) of the 2004 Act shall come into force in relation to England, Scotland and Wales on 7th June 2006.

Provisions coming into force on 7th June 2006 in relation to Scotland

4. Section 91 (in so far as it is not yet in force) shall come into force in relation to Scotland on 7th June 2006.

Consequential Provisions

5. In the 1990 Act—

- (a) in section 108 (compensation for refusal or conditional grant of planning permission formerly granted by development order)(c) in subsection (1)—
 - (i) in paragraph (b) after “on an application made under Part III” insert “or section 293A”(d); and
 - (ii) in sub-paragraph (i) of that paragraph after “under Part III” insert “or section 293A”;
- (b) in section 247 (highways affected by development orders by Secretary of State)(e) in subsections (1)(a) and (2A)(a)(f) after “under Part III” insert “or section 293A”;
- (c) in section 257(1)(a) (footpaths and bridleways affected by development: orders by other authorities) after “under Part III” insert “or section 293A”;and
- (d) in section 336(1)(interpretation) in the definitions of “planning decision” and “planning permission” after “under Part III” insert “or section 293A”.

6. In the Planning (Listed Buildings and Conservation Areas) Act 1990 in section 74(3)(Control of demolition in conservation areas) for “83(1)(b), (3) and (4)” substitute “82A to 82D”.

7. In the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992(g) in regulation 2 (application) omit “or section 299A”.

8. In the Town and Country Planning (General Development Procedure) Order 1995(h)—

- (a) in article 6 (notice of applications for planning permission) omit paragraph (7); and
- (b) in article 24 (certificate of lawful use or development) in paragraph (2A)(i) omit “, by virtue of section 299(2) of the Act,” in both places where they occur.

(a) 1990 c.9

(b) 1990 c.10

(c) Amended by the Planning and Compensation Act 1990 (c. 34) section 13(4) and the Planning and Compulsory Purchase Act 2004 section 40(2)(h).

(d) Section 293A is inserted by section 82 of the 2004 Act.

(e) Amended by the Local Government (Wales) Act 1994 (c.19) section 20(4) and Schedule 6 paragraph 24 and the Greater London Authority Act 1999 (c.29) Schedule 22 paragraph 3.

(f) Section 247(2A) of the 1990 Act was inserted by the Greater London Authority Act 1999 Schedule 6, paragraph 24.

(g) S.I. 1992/2832.

(h) S.I. 1995/419 amended by S.I. 1995/1139 and 2003/956. There are other amendments not relevant to this Order.

(i) Paragraph 2A of Article 24 was inserted by S.I. 2003/956.

9. In the Visiting Forces and International Headquarters (Application of Law) Order 1999(a), in article 11(1), for “section 83(5)” substitute “section 82C”(b).

10. In the Town and Country Planning (Trees) Regulations 1999(c) in the form of tree preservation order set out in the Schedule—

- (a) in article 4 (prohibited acts in relation to trees) for “subsection (3) of section 200 (orders affecting land where Forestry Commissioners interested)” substitute “subsection (1) of section 200(d) (tree preservation orders: Forestry Commissioners)”; and
- (b) omit article 11 (orders made by virtue of section 300).

Signed by authority of the Secretary of State

10th May 2006

Kay Andrews
Parliamentary Under Secretary of State
Department for Communities and Local Government

(a) S.I. 1999/1736.
(b) Section 82C was substituted by the Planning and Compulsory Purchase Act 2004, Schedule 3, paragraph 7.
(c) S.I. 1999/1892 amended by S.I. 2001/1149 and 2001/4050.
(d) Section 200 was substituted by the Planning and Compulsory Purchase Act 2004 (c.5), section 85.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings into force on 7th June 2006, in relation to England and Wales, the following provisions of the Planning and Compulsory Purchase Act 2004 (“the Act”)—

sections 79 to 89 (Crown application of planning Acts)(in so far as they are not yet in force);

section 112 (application of planning Acts and the Act to Parliament);

Schedule 3 (Crown application of planning Acts)(in so far as it is not yet in force);

Schedule 4 (transitional provisions: Crown Application);

Paragraph 2 of Schedule 6 (amendment of section 55(2)(b) of the Town and Country Planning Act 1990 (“the 1990 Act”)); and

Schedule 9 (repeals) so far as it gives effect to the following repeals—

- (i) the word “local” in section 55(2)(b) of the 1990 Act;
- (ii) sections 293(4), 294 to 297, 298(1) and (2) and 299 to 301 of the 1990 Act;
- (iii) sections 83 and 84 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the consequential repeal in section 92(2)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990; and
- (iv) sections 31(1) and (2) and 32 of the Planning (Hazardous Substances) Act 1990.

Article 3 brings into force on 7th June 2006, in relation to England, Scotland and Wales, section 111(1) of the Act (application of the Act to the Crown).

Article 4 brings into force on 7th June 2006, in relation to Scotland, section 91 of the Act (special provision for certain circumstances where disclosure of information as to national security may occur: Scotland)(in so far as it is not yet in force).

Articles 5 to 10 contain consequential provisions so that references to decisions made or permission granted under Part III of the 1990 Act also include decisions made and planning permission granted under section 293A of that Act. Section 293A of the 1990 Act (urgent Crown development: application) was inserted by section 82 of the Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 3 (partially)	6th August 2004	2004/2097
Sections 1 to 3 as to England (in so far as not already in force)	28th September 2004	2004/2202
Section 4 as to England	28th September 2004	2004/2202
Section 5 (partially)	6th August 2004	2004/2097
Section 5 as to England (in so far as not already in force)	28th September 2004	2004/2202
Sections 6 and 7 as to England	28th September 2004	2004/2202
Section 8 (partially)	6th August 2004	2004/2097
Section 8 as to England (in so far as not already in force)	28th September 2004	2004/2202

Section 9 as to England	28th September 2004	2004/2202
Sections 10 to 15 (partially)	6th August 2004	2004/2097
Sections 10 to 15 as to England (in so far as not already in force)	28th September 2004	2004/2202
Section 16 (partially)	6th August 2004	2004/2097
Section 16 as to England (in so far as not already in force)	28th September 2004	2004/2202
Section 17 (partially)	6th August 2004	2004/2097
Section 17 as to England (in so far as not already in force)	28th September 2004	2004/2202
Section 18 as to England	28th September 2004	2004/2202
Sections 19 to 22 (partially)	6th August 2004	2004/2097
Sections 19 to 22 as to England (in so far as not already in force)	28th September 2004	2004/2202
Section 23 as to England	28th September 2004	2004/2202
Sections 24 to 26 (partially)	6th August 2004	2004/2097
Sections 24 to 26 as to England (in so far as not already in force)	28th September 2004	2004/2202
Section 27 as to England	28th September 2004	2004/2202
Sections 28 and 29 (partially)	6th August 2004	2004/2097
Section 28 and 29 as to England (in so far as not already in force)	28th September 2004	2004/2202
Section 30 as to England	28th September 2004	2004/2202
Section 31 (partially)	6th August 2004	2004/2097
Section 31 as to England (in so far as not yet already in force)	28th September 2004	2004/2202
Section 32 to 34 as to England	28th September 2004	2004/2202
Sections 35 and 36 (partially)	6th August 2004	2004/2097
Sections 35 and 36 as to England (in so far as not already in force)	28th September 2004	2004/2202
Sections 37 to 39 as to England	28th September 2004	2004/2202
Sections 40 to 42 (partially)	6th August 2004	2004/2097
Sections 40 and 41 as to England	10th May 2006	2006/1061
Section 42(1) and (5) to (9) as to England	10th August 2006	2006/1061
Section 43 (partially)	24th August 2005	2005/2081
Section 44 (partially)	6th August 2004	2004/2097
Section 44 (in so far as not already in force)	24th August 2005	2005/2081
Sections 46 to 50 (partially)	6th August 2004	2004/2097
Section 49 as to England	10th May 2006	2006/1061
Section 51	24th August 2005	2005/2081
Sections 52 to 54 (partially)	6th August 2004	2004/2097
Sections 52 and 53 as to England (in so far as not already in force)	7th March 2005	2005/204
Section 53 as to Wales (in so far as not already in force)	27th March 2006	2006/931
Section 54 (in so far as not already in force)	25th August 2005	2005/2081
Sections 55 as to England (in so far as not already in force)	1st April 2005	2005/204
Section 56 as to England and Wales	28th September 2004	2004/2202
Section 57 (partially)	6th August 2004	2004/2097
Section 57 as to England and Wales (in so far as not already in force)	28th September 2004	2004/2202

Section 58 as to England and Wales	28th September 2004	2004/2202
Section 59 (partially)	6th August 2004	2004/2097
Section 59 as to England and Wales (in so far as not already in force)	28th September 2004	2004/2202
Sections 79 to 83 (partially)	6th August 2004	2004/2097
Section 88 (partially)	6th August 2004	2004/2097
Section 91 (partially)	6th August 2004	2004/2097
Sections 100 and 101 (partially)	6th August 2004	2004/2097
Sections 99 to 110 as to England and Wales (in so far as not already in force)	31st October 2004	2004/2593
Section 111(2) as to England and Wales	31st October 2004	2004/2593
Section 113 as to England	28th September 2004	2004/2202
Section 114 as to England (partially)	28th September 2004	2004/2202
Section 116 (partially)	6th August 2004	2004/2097
Section 116 (in so far as not already in force)	25th August 2005	2005/2081
Section 117(1) to (7) (partially)	6th August 2004	2004/2097
Section 117(1) to (7) as to England and Wales (in so far as not already in force)	28th September 2004	2004/2202
Section 118 except subsection (2) in so far as it relates to the Town and Country Planning (Scotland) Act 1997 (partially)	6th August 2004	2004/2097
Section 118 except subsection (2) in so far as it relates to the Town and Country Planning (Scotland) Act 1997 (in so far as not already in force)	28th September 2004	2004/2202
Section 119 (1) (partially)	6th August 2004	2004/2097
Section 119(1) as to England (in so far as not already in force)	28th September 2004	2004/2202
Section 120 except in so far as it relates to the Town and Country Planning (Scotland) Act 1997, to the Planning (Hazardous Substances) (Scotland) Act 1997 or to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (partially)	6th August 2004	2004/2097
Section 120 except in so far as it relates to the Town and Country Planning (Scotland) Act 1997, to the Planning (Hazardous Substances) (Scotland) Act 1997 or to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997	28th September 2004	2004/2202
Schedule 1 (partially)	6th August 2004	2004/2097
Schedule 1 as to England (in so far as not already in force)	10th May 2006	2006/1061
Schedule 2 paragraph 3 (partially)	6th August 2004	2004/2097
Schedule 2 as to England (in so far as not already in force)	1st April 2005	2005/204
Schedule 3 paragraph 6 to 8 and 10 to 12 (partially)	6th August 2004	2004/2097
Schedule 6 paragraphs 1, 3, 14, 16, 19, 20, 23, 24, 26 and 27 (partially)	6th August 2004	2004/2097
Schedule 6 paragraphs 1, 8 to 13, 15, 16(1) and (2), 17 to 19, 21, 22 and 25 as to England (in so far as not already in force)	28th September 2004	2004/2202

Schedule 6 paragraph 7 as to England and Wales	31st October 2004	2004/2593
Schedule 6 paragraph 16(4) (in so far as not already in force)	25th July 2005	2004/2081
Schedule 6 paragraphs 20, 23, 24 and 26 as to England and Wales (in so far as not already in force)	28th September 2004	2004/2202
Schedule 7 paragraph 19 (partially)	6th August 2004	2004/2097
Schedule 7 paragraphs 2, 3, 6, 8, 11(1) to (3), 16, 17, 19(2), 22 and 23 as to England (in so far as not already in force)	28th September 2004	2004/2202
Schedule 7 paragraphs 4, 5, 7, 9, 10(1) to (6), 11(4) and (5), 12 to 15, 18 and 21 as to England and Wales	31st October 2004	2004/2593
Schedule 8 paragraph 4,9,17 and 18 (partially)	6th August 2004	2004/2097
Schedule 8 as to England (in so far as not already in force)	28th September 2004	2004/2202
Schedule 9 as to England (partially)	28th September 2004	2004/2202
Schedule 9 as to England and Wales (partially)	28th September 2004	2004/2202
Schedule 9 as to England and Wales (partially)	31st October 2004	2004/2593
Schedule 9 as to England (partially)	10th August 2006	2006/1061

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