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STATUTORY INSTRUMENTS

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**2005 No. 2847 (C.118)**

**TOWN AND COUNTRY PLANNING, WALES**

**The Planning and Compulsory Purchase Act  
2004 (Commencement No.6, Transitional  
Provisions and Savings) Order 2005**

*Made - - - - 12th October 2005*

The First Secretary of State, in exercise of the powers conferred upon him by section 121(1) and (2) and section 122(3) of the Planning and Compulsory Purchase Act 2004<sup>(1)</sup>, and after consultation<sup>(2)</sup> with the National Assembly for Wales, makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Planning and Compulsory Purchase Act 2004 (Commencement No. 6, Transitional Provisions and Savings) Order 2005.

(2) In this Order—

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

“the 1990 Act” means the Town and Country Planning Act 1990<sup>(3)</sup>.

**Provisions coming into force on 15th October 2005 in relation to Wales**

2. Subject to article 3, the following provisions of the 2004 Act shall come into force in relation to Wales on 15th October 2005—

- (a) section 38;
- (b) section 39;
- (c) section 113;
- (d) section 114;
- (e) in Schedule 6, paragraphs 1, 8 to 13, 15, 17, 18 and 19 (so far as it is not yet in force), 21, 22 and 25;
- (f) in Schedule 7, paragraphs 2, 3, 11(1) to (3), 16, 17, 19(2) (so far as it is not yet in force) and 23; and

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(1) 2004 c. 5.

(2) As to consultation with the National Assembly for Wales, *see* section 121(2).

(3) 1990 c. 8.

(g) Schedule 9, so far as it gives effect to the repeals specified in Schedule 1 to this Order.

### **Transitional provisions and savings**

**3.**—(1) During the transitional period a reference in an enactment mentioned in section 38(7) of the 2004 Act to the development plan for an area in Wales is a reference to the development plan for that area for the purposes of section 27A of the 1990 Act<sup>(4)</sup>.

(2) The transitional period is the period starting on 15th October 2005 and ending for each area on the date that a local development plan is adopted or approved for that area.

(3) The provisions set out in Schedule 2 to this Order shall continue to have effect on and after 15th October 2005 for the purposes of the transitional arrangements contained in articles 5 and 7 of the Planning and Compulsory Purchase Act 2004 (Commencement No.4 and Consequential and Transitional Provisions)(Wales) Order 2005<sup>(5)</sup> as if those provisions had not been amended or repealed by the 2004 Act.

Signed by the authority of the First Secretary of State

12th October 2005

*Yvette Cooper*  
Minister of Housing and Planning  
Office of the Deputy Prime Minister

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(4) Inserted by the Local Government (Wales) Act 1994 (c. 19) section 20(3)

(5) SI 2005/2722 (w.193)

SCHEDULE 1

Article 2

REPEALS

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*Repeals*

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Town and Country Planning Act 1990 (c. 8)

Part 2

Section 284(1), paragraph (a)

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)

Section 303(6)

Section 303A to the extent set out in Schedule 9 to the 2004 Act

Schedule 2, Part 3

Schedule 13, paragraphs 1 to 4

Planning and Compensation Act 1991 (c. 34)

Schedule 4, Part 3

Local Government Act 1992 (c. 19)

Section 14(5), paragraph (d)

Environment Act 1995 (c. 25)

Section 67, subsections (2) to (4)

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

In section 86(4) “II”.

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SCHEDULE 2

Article 3(3)

SAVINGS

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*Savings*

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Town and Country Planning Act 1990 (c. 8)

Part 2

Section 284

Section 287

Section 296(1)(a)

Section 303A.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

Article 2 of this Order brings into force on 15th October 2005, in relation to Wales, the following provisions of the Planning and Compulsory Purchase Act 2004 (“the Act”)–

Section 38 (development plan);

Section 39 (sustainable development));

Section 113 (validity of strategies, plans and documents);

Section 114 (examinations);

Schedule 6, paragraphs 1, 8 to 13, 15, 17, 18, 19 (so far as it is not yet in force), 21, 22 and 25 (amendments of the planning Acts);

Schedule 7, paragraphs 2, 3, 11(1) to (3), 16, 17, 19(2) (so far as it is not yet in force) and 23 (amendments of other enactments); and

Schedule 9, so far as it gives effect to the repeals specified in Schedule 1 to this Order.

This Order is connected with the Planning and Compulsory Purchase Act 2004 (Commencement No. 4 and Consequential and Transitional Provisions) (Wales) Order 2005 which brings the remaining provisions of Part 6 of the Act into force. Part 6 of the Act applies only in relation to Wales and establishes a system of local development plans in place of unitary development plans required under Chapter 1 of Part 2 of the Town and Country Planning Act 1990.

Article 3 of this Order makes a transitional provision and the savings specified in Schedule 2 to this Order for the purposes of the transitional provisions contained in the Planning and Compulsory Purchase Act 2004 (Commencement No.4 and Consequential and Transitional Provisions)(Wales) Order 2005 .

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order:

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 8 (partially)	6th August	<a href="#">2004/2097</a>
Section 8 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 9 as to England	28th September 2004	<a href="#">2004/2202</a>
Sections 10 to 15 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 10 to 15 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 16 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 16 as to England (in so far as not already in force)	28th September	<a href="#">2004/2202</a>
Section 17 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 17 as to England (in so far as not yet already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 18 as to England	28th September 2004	<a href="#">2004/2202</a>
Sections 19 to 22 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 19 to 22 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 23 as to England	28th September 2004	<a href="#">2004/2202</a>
Sections 24 to 26 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 24 to 26 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 27 as to England	28th September 2004	<a href="#">2004/2202</a>
Sections 28 and 29 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 28 and 29 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 30 as to England	28th September 2004	<a href="#">2004/2202</a>
Section 31 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 31 as to England (in so far as not yet already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 32 to 34 as to England	28th September 2004	<a href="#">2004/2202</a>
Sections 35 and 36 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 35 and 36 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Sections 37 to 39 as to England	28th September 2004	<a href="#">2004/2202</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 40 to 42 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 43 (partially)	24th August 2005	<a href="#">2005/2081</a>
Section 44 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 44 (in so far as not already in force)	24th August 2005	<a href="#">2005/2081</a>
Sections 46 to 50 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 51	24th August 2005	<a href="#">2005/2081</a>
Sections 52 to 54 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 52 and 53 as to England (in so far as not already in force)	7th March 2005	<a href="#">2005/204</a>
Section 54 (in so far as not already in force)	25th August 2005	<a href="#">2005/2081</a>
Sections 55 as to England (in so far as not already in force)	1st April 2005	<a href="#">2005/204</a>
Section 56 as to England and Wales	28th September 2004	<a href="#">2004/2202</a>
Section 57 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 57 as to England and Wales (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 58 as to England and Wales	28th September 2004	<a href="#">2004/2202</a>
Section 59 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 59 as to England and Wales (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Sections 79 to 83 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 88 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 91 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 100 and 101 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 99 to 110 as to England and Wales (in so far as not already in force)	31st October 2004	<a href="#">2004/2593</a>
Section 111(2) as to England and Wales	31st October 2004	<a href="#">2004/2593</a>
Section 113 as to England	28th September 2004	<a href="#">2004/2202</a>
Section 114 as to England (partially)	28th September 2004	<a href="#">2004/2202</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 116 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 116 (in so far as not already in force)	25th August 2005	<a href="#">2005/2081</a>
Section 117(1) to (7) (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 117(1) to (7) as to England and Wales (in so far as not in force)	28th September 2004	<a href="#">2004/2202</a>
Section 118 except subsection (2) in so far as it relates to the Town and Country Planning (Scotland) Act 1997 (partially)	6th August 2004	<a href="#">2004/2097</a>
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	<a href="#">2004/2202</a>
Section 119 (1) (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 119(1) as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
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	<a href="#">2004/2097</a>
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	<a href="#">2004/2202</a>
Schedule 1 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 2 paragraph 3 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 2 as to England (in so far as not already in force)	1st April 2005	<a href="#">2005/204</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 3 paragraph 6 to 8 and 10 to 12 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 6 paragraphs 1, 3, 14, 16, 19, 20, 23, 24, 26 and 27 (partially)	6th August 2004	<a href="#">2004/2097</a>
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	<a href="#">2004/2202</a>
Schedule 6 paragraph 7 as to England and Wales	31st October 2004	<a href="#">2004/2593</a>
Schedule 6 paragraph 16(4) (in so far as not already in force)	25th July 2005	<a href="#">2004/2081</a>
Schedule 6 paragraphs 20, 23, 24 and 26 as to England and Wales (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Schedule 7 paragraph 19 (partially)	6th August 2004	<a href="#">2004/2097</a>
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	<a href="#">2004/2202</a>
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	<a href="#">2004/2593</a>
Schedule 8 paragraph 4,9,17 and 18 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 8 as to England (so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Schedule 9 as to England (partially)	28th September 2004	<a href="#">2004/2202</a>
Schedule 9 as to England and Wales (partially)	28th September 2004	<a href="#">2004/2202</a>
Schedule 9 as to England and Wales (partially)	31st October 2004	<a href="#">2004/2593</a>