WELSH STATUTORY INSTRUMENTS

2005 No. 2722 (W.193) (C.110)

TOWN AND COUNTRY PLANNING, WALES

Planning and Compulsory Purchase Act 2004 (Commencement No. 4 and Consequential, Transitional and Savings Provisions) (Wales) Order 2005

Made - - - -	*4 October 2005*
Coming into force - -	*5 October 2005*

The National Assembly for Wales ("the National Assembly"), in exercise of the powers conferred upon it by sections 121(5) and 122(3)(b) of the Planning and Compulsory Purchase Act 2004 ("the Act")(**1**), hereby makes the following Order:

Title

1. The title of this Order is the Planning and Compulsory Purchase Act 2004 (Commencement No. 4 and Consequential, Transitional and Savings Provisions) (Wales) Order 2005.

Appointed Day

2.—(1) The appointed day for the coming into force of the following provisions of the Act, namely—

(a) section 61 (survey);

(b) section 64 (independent examination);

(c) section 65 (intervention by Assembly);

(d) section 66 (withdrawal of local development plan);

(e) section 67 (adoption of local development plan);

(f) section 68 (revocation of local development plan);

(g) section 69 (review of local development plan);

(h) section 70 (revision of local development plan);

(i) section 71 (Assembly's default power);

(j) section 74 (urban development corporations); and

(**1**) 2004 c. 5.

(k) section 76 (annual monitoring report), in so far as it is not already in force,

is for the purpose of making regulations, 5 October 2005, and in all other respects, 15 October 2005.

(2) The appointed day for the coming into force of articles 3 to 7 of this Order is 15 October 2005.

Consequential Amendment of the Town and Country Planning Act 1990

3.—(1) The Town and Country Planning Act 1990(**2**) is amended as follows.

(2) Schedule 13 (blighted land) is amended as follows.

(3) After paragraph 1A insert—

"**1B.** Land in Wales which is identified for the purposes of relevant public functions by a local development plan for the area in which the land is situated.

Notes

(1) Relevant public functions are—

(a) the functions of the National Assembly for Wales, a government department, local authority, National Park authority or statutory undertakers;

(b) the establishment or running by a public telecommunications operator of a telecommunications system.

(2) For the purposes of this paragraph a local development plan is—

(a) a local development plan which is adopted or approved for the purposes of Part 6 of the Planning and Compulsory Act 2004 (in this paragraph, the 2004 Act);

(b) a revision of a local development plan in pursuance of section 70 of the 2004 Act which is adopted or approved for purposes of Part 6 of the 2004 Act;

(c) a local development plan which has been submitted to the National Assembly for independent examination under section 64(1) of the 2004 Act;

(d) a revision of a local development plan in pursuance of section 70 of the 2004 Act if the plan has been submitted to the National Assembly for independent examination under section 64(1) of that Act.

(3) But Note (2)(c) and (d) does not apply if the plan is withdrawn under section 66 of the 2004 Act at any time after it has been submitted for independent examination.

(4) In Note (2)(c) and (d) the submission of a local development plan to the National Assembly for independent examination is to be taken to include the holding of an independent examination by the National Assembly under section 65 or section 71 of the 2004 Act."

(4) In paragraph 5, for "any such functions as are mentioned in paragraph 1(a)(i) or (ii)" there is substituted "relevant public functions (within the meaning of paragraph 1A or 1B)".

(5) In paragraph 6, for "any such functions as are mentioned in paragraph 5" there is substituted "relevant public functions (within the meaning of paragraph 1A or 1B)".

(6) In paragraph 13, for "paragraphs 1, 2, 3 and 4" there is substituted "paragraph 1A or 1B".

(**2**) 1990 c. 8.