



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART I **E+W**

#### PLANNING AUTHORITIES

##### Modifications etc. (not altering text)

- C1** Pt. I (ss. 1–9) applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9, SIF 123:1), s. 81, **Sch. 4**  
PT. I (ss. 1-9) applied (23.11.1995) by 1961 c. 33, s. **39(1)** (as amended (23.11.1995) by 1995 c. 25, s. 78, Sch. 10 para. 4 (with ss. 7(6), 115, 117, **Sch. 8 para. 7**); S.I. 1995/2950, **art. 2(1)**)

#### **1 Local planning authorities: general. **E+W****

- (1) In a non-metropolitan county—
- (a) the council of a county is the county planning authority for the county, and
  - (b) the council of a district is the district planning authority for the district,
- and references in the planning Acts to a local planning authority in relation to a non-metropolitan county shall be construed, subject to any express provision to the contrary, as references to both the county planning authority and the district planning authorities.
- (2) The council of a metropolitan district is the local planning authority for the district and the council of a London borough is the local planning authority for the borough.
- (3) In England (exclusive of the metropolitan counties, Greater London and the Isles of Scilly) and in Wales all functions conferred on local planning authorities by or under the planning Acts shall be exercisable both by county planning authorities and district planning authorities.
- (4) In this Act “mineral planning authority” means—
- (a) in respect of a site in a non-metropolitan county, the county planning authority;
- and

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- (b) in respect of a site in a metropolitan district or London borough, the local planning authority.
- (5) This section has effect subject to any express provision to the contrary in the planning Acts and, in particular—
- (a) subsections (1) to (4) have effect subject to sections 5 to 8 of this Act and Part I of Schedule 17 to the <sup>M1</sup>Local Government Act 1972 (National Parks);
  - (b) subsections (1) and (2) have effect subject to sections 2 and 9; and
  - (c) subsection (3) has effect subject to section 4 and Schedule 1 (which contains provisions as to the exercise of certain functions under this Act by particular authorities and liaison between them).

#### Marginal Citations

**M1** 1972 c. 70.

## 2 Joint planning boards. **E+W**

- (1) If it appears to the Secretary of State that it is expedient that a joint board should be established as the county planning authority for the areas or parts of the areas of any two or more county councils or as the district planning authority for the areas or parts of the areas of any two or more district councils, he may by order—
- (a) constitute those areas or parts as a united district for the purposes of this Act; and
  - (b) constitute a joint board (in this Act referred to as a “joint planning board”) as the county planning authority or, as the case may be, the district planning authority for that united district.
- (2) The Secretary of State shall not make such an order except after holding a local inquiry unless all the councils concerned have consented to the making of the order.
- (3) Where a joint planning board is constituted for a united district, references in the planning Acts to the area of a local planning authority—
- (a) in relation to the board, shall be construed as references to that district; and
  - (b) in relation to any local planning authority being the council of a county or district of which part (but not the whole) is included in the united district, shall be construed as references to so much of the county or district as is not so included.
- (4) A joint planning board constituted by an order under subsection (1) shall consist of such number of members as may be determined by the order, to be appointed by the constituent councils.
- (5) A joint planning board so constituted shall be a body corporate, with perpetual succession and a common seal.
- (6) An order constituting a joint planning board and any order amending or revoking any order constituting a joint planning board—
- (a) may, without prejudice to the provisions of section 241 of the <sup>M2</sup>Local Government Act 1972 (which authorises the application of the provisions of that Act to joint boards), provide for regulating the appointment, tenure of office and vacation of office of members of the board, for regulating the

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- meetings and proceedings of the board, and for the payment of the expenses of the board by the constituent councils;
- (b) may provide for the transfer and compensation of officers, the transfer of property and liabilities, and the adjustment of accounts and apportionment of liabilities;
  - (c) may contain such other provisions as appear to the Secretary of State to be expedient for enabling the board to exercise their functions; and
  - (d) may apply to the board, with any necessary modifications and adaptations, any of the provisions of sections 102 and 103 of the Local Government Act 1972.
- (7) This section shall have effect subject to sections 5 to 9 of this Act and Part I of Schedule 17 to the Local Government Act 1972 (joint planning boards and special planning boards for National Parks).

#### Marginal Citations

M2 1972 c. 70.

VALID FROM 06/04/2008

#### [<sup>F1</sup>2A The Mayor of London: applications of potential strategic importance **E+W**

- (1) Where an application to which this section applies is made to a local planning authority—
  - (a) for planning permission (see section 70), or
  - (b) for planning permission without complying with conditions subject to which a previous planning permission was granted (see section 73),
 the Mayor of London may direct that he is to be the local planning authority for the purposes of determining the application.
- (2) The circumstances in which, and the conditions subject to which, the Mayor may give a direction under subsection (1) may be prescribed by, or by directions given under, an order under this section.
- (3) This section applies to an application if—
  - (a) the land to which the application relates is in Greater London (but is not in an area of Greater London prescribed by an order under this section), and
  - (b) the application is an application of potential strategic importance.
- (4) For the purposes of this section “application of potential strategic importance” is to be construed in accordance with an order under this section.
- (5) So far as the context requires, in relation to—
  - (a) the determination of an application by virtue of this section, or
  - (b) the determination of a connected application by virtue of section 2B,
 any reference in an enactment to a local planning authority or a hazardous substances authority includes a reference to the Mayor of London.

This subsection is subject to any provision made by an order under this section by virtue of section 2D(2).

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- (6) An order under this section—
- (a) may make different provision for different cases or different areas, and
  - (b) may make provision for exceptions or exclusions.
- (7) Sections 2B to 2D and 2F contain provisions supplementing this section.

#### Textual Amendments

- F1** Ss. 2A-2D inserted (6.4.2008) by [Greater London Authority Act 2007 \(c. 24\)](#), ss. **31(2)**, 59; S.I. 2008/582, art. **2(a)**

#### Modifications etc. (not altering text)

- C2** S. 2A excluded (6.4.2008) by [The Town and Country Planning \(Mayor of London\) Order 2008 \(S.I. 2008/580\)](#), art. **3**

VALID FROM 06/04/2008

### 2B Section 2A: supplementary provisions **E+W**

- (1) In deciding whether to give a direction under section 2A, the Mayor of London is to have regard to guidance issued by the Secretary of State.
- (2) A direction under section 2A must include the Mayor of London's reasons for giving it.
- (3) If the Mayor of London gives a direction under section 2A, he must at that time send a copy of the direction to the applicant and to the Secretary of State.
- (4) Subsection (5) applies where the Mayor of London—
  - (a) gives a direction under section 2A in the case of any application, and
  - (b) considers that an application falling within subsection (6) (the “connected application”) is connected with that application.
- (5) Where this subsection applies, the Mayor of London is to be—
  - (a) the local planning authority for the purposes of determining the connected application (in the case of an application falling within subsection (6)(a) or (b)), or
  - (b) the hazardous substances authority for the purposes of determining the connected application (in the case of an application falling within subsection (6)(c)).
- (6) The applications are—
  - (a) an application for listed building consent under the Planning (Listed Buildings and Conservation Areas) Act 1990,
  - (b) an application for conservation area consent under that Act,
  - (c) an application for hazardous substances consent under the Planning (Hazardous Substances) Act 1990.
- (7) In subsection (6)—

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- (a) the reference to an application for listed building consent includes a reference to an application for the variation or discharge of conditions subject to which listed building consent has been granted, and
  - (b) the reference to an application for hazardous substances consent includes a reference to an application for hazardous substances consent without a condition subject to which a previous hazardous substances consent was granted.
- (8) Section 38(1) of the Greater London Authority Act 1999 (delegation of functions by the Mayor) does not apply to—
- (a) the function of giving a direction under section 2A(1),
  - (b) the function of determining an application by virtue of section 2A or this section.

#### Textual Amendments

**F1** Ss. 2A-2D inserted (6.4.2008) by [Greater London Authority Act 2007 \(c. 24\), ss. 31\(2\), 59; S.I. 2008/582, art. 2\(a\)](#)

VALID FROM 06/04/2008

## 2C Matters reserved for subsequent approval **E+W**

- (1) If the Mayor of London has—
- (a) given a direction under section 2A in relation to an application (“the original application”), and
  - (b) granted outline planning permission,
- he may, on an application for subsequent approval of reserved matters, direct that the application is to be decided by the local planning authority to whom the original application was made.
- (2) “Outline planning permission” has the meaning given by section 92(1).
- (3) If the Mayor of London has—
- (a) granted an application for listed building consent which is a connected application for the purposes of section 2B, and
  - (b) imposed conditions requiring specified details to be approved subsequently,
- he may, on an application for subsequent approval, direct that the application is to be decided by the local planning authority to whom the connected application was made.

#### Textual Amendments

**F1** Ss. 2A-2D inserted (6.4.2008) by [Greater London Authority Act 2007 \(c. 24\), ss. 31\(2\), 59; S.I. 2008/582, art. 2\(a\)](#)

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VALID FROM 06/04/2008

## 2D Further provision about orders under section 2A **E+W**

- (1) An order under section 2A may make provision—
  - (a) in relation to applications to which section 2A applies,
  - (b) in relation to applications which are connected applications by virtue of section 2B,
  - (c) in relation to the procedures to be followed for or in connection with applications mentioned in paragraph (a) or (b),
  - (d) otherwise for the purpose of implementing or supplementing section 2A, 2B or 2C.
- (2) The provision which may be made by virtue of subsection (1) includes the application of any enactment (with or without modification) in relation to cases where, by virtue of section 2A or 2B or an order under section 2A, the Mayor of London exercises a function that would otherwise have been exercisable by another body or person.
- (3) Such provision may include, in particular, provision for the Mayor of London to exercise functions in relation to enforcement (instead of, or as well as, a local planning authority).]

### Textual Amendments

- F1** Ss. 2A-2D inserted (6.4.2008) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 31(2)**, 59; S.I. 2008/582, **art. 2(a)**

VALID FROM 06/04/2008

## **[<sup>F2</sup>2E** Section 2A and planning obligations under section 106 **E+W**

- (1) This section applies where the Mayor of London has given a direction under section 2A in relation to a planning application.
- (2) Where this section applies, the function of agreeing a planning obligation related to the application is a function of the Mayor of London instead of a function of the local planning authority.
- (3) In this section “planning obligation” means a planning obligation under section 106.
- (4) The Mayor of London must consult the local planning authority before agreeing any planning obligation by virtue of this section.
- (5) Any planning obligation entered into in relation to the application—
  - (a) is enforceable by the Mayor of London, and
  - (b) is also enforceable by the local planning authority.]

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### Textual Amendments

**F2** S. 2E inserted (6.4.2008) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 32, 59**; S.I. 2008/582, **art. 2(a)**

VALID FROM 06/04/2008

### [<sup>F3</sup>2F Representation hearings **E+W**

- (1) This section applies to—
  - (a) an application in relation to which a direction has been given under section 2A, and
  - (b) an application which is a connected application for the purposes of section 2B.
- (2) Before determining an application to which this section applies, the Mayor of London must give—
  - (a) the applicant, and
  - (b) the local planning authority to whom the application was made, an opportunity to make oral representations at a hearing (“a representation hearing”).
- (3) The Mayor of London must prepare and publish a document setting out—
  - (a) the persons, in addition to the applicant and the local planning authority, who may make oral representations at a representation hearing,
  - (b) the procedures to be followed at a representation hearing,
  - (c) arrangements for identifying information which must be agreed by persons making oral representations at a representation hearing.
- (4) Each person who may make oral representations at a representation hearing must be given at least 14 days' notice of the hearing.
- (5) The Secretary of State must by order make provision for Part 5A of the Local Government Act 1972 (public admission to meetings of principal councils, public access to documents, etc) to apply to—
  - (a) a representation hearing as it applies to a meeting of a principal council, and
  - (b) the Mayor of London in the conduct of a representation hearing as it applies to a principal council in the conduct of a meeting of that council.
- (6) The application of Part 5A may be with such modifications as the Secretary of State considers necessary or expedient.]

### Textual Amendments

**F3** S. 2F inserted (6.4.2008) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 35, 59**; S.I. 2008/582, **art. 2(a)**

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### 3 Joint planning committee for Greater London. **E+W**

- (1) The joint planning committee for Greater London established under section 5 of the <sup>M3</sup>Local Government Act 1985 shall continue to discharge the functions mentioned in subsection (2).
- (2) The joint planning committee shall—
  - (a) consider and advise the local planning authorities in Greater London on matters of common interest relating to the planning and development of Greater London;
  - (b) inform the Secretary of State of the views of those authorities concerning such matters including any such matters as to which he has requested their advice;
  - (c) inform the local planning authorities for areas in the vicinity of Greater London, or any body on which those authorities and the local planning authorities in Greater London are represented, of the views of the local planning authorities in Greater London concerning any matters of common interest relating to the planning and development of Greater London and those areas;

and the committee may, if it thinks fit, contribute towards the expenses of any such body as is mentioned in paragraph (c).
- (3) The expenses of the joint planning committee which have been incurred with the approval of at least two-thirds of the local planning authorities in Greater London shall be defrayed by those authorities in such proportions as they may decide or, in default of a decision by them, as the Secretary of State may determine.
- (4) References in this section to the local planning authorities in Greater London are to the authorities which are local planning authorities for the purposes of Part II.

#### Marginal Citations

M3 1985 c. 51.

### 4 National Parks. **E+W**

- (1) As respects an area in a National Park outside a metropolitan county all functions conferred by or under the planning Acts on a local planning authority or district planning authority shall, subject to subsections (2) and (3), be functions of the county planning authority and no other authority, and references in those Acts in their application to a National Park outside a metropolitan county to a local planning authority or district planning authority shall be construed accordingly.
- (2) The functions conferred on a local planning authority by sections 198 to 201, 206 to 209 and 211 to 215 shall as respects any part of a National Park outside a metropolitan county be exercisable concurrently with the county planning authority by the district planning authority whose area includes that part of the Park.
- (3) Where an order is made under section 7 of the National Parks and Access to the <sup>M4</sup>Countryside Act 1949 designating or extending the area of a National Park, the functions exercisable by a local planning authority immediately before the coming into force of the order for any area which under the order becomes part of the Park shall continue to be exercisable by that authority as respects that area unless and until a joint planning board is constituted under section 2 or a National Park Committee



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is appointed under Part I of Schedule 17 to the <sup>M5</sup>Local Government Act 1972 for an area co-terminous with or including that area or, as the case may be, is authorised to exercise those functions.

- (4) Where a joint planning board for a National Park situated partly in one or more metropolitan counties is the local planning authority as respects the part of the Park situated in that county or those counties, it shall continue to be so.

#### Marginal Citations

**M4** 1949 c. 97.

**M5** 1972 c. 70.

VALID FROM 19/09/1995

#### **[<sup>F4</sup>4A National Parks with National Park authorities. E+W**

- (1) Where a National Park authority has been established for any area, this section, instead of section 4(1) to (4), shall apply, as from such time as may be specified for the purposes of this section in the order establishing that authority, in relation to the Park for which it is the authority.
- (2) Subject to subsections (4) and (5) below, the National Park authority for the Park shall be the sole local planning authority for the area of the Park and, accordingly—
- functions conferred by or under the planning Acts on a planning authority of any description (including the functions of a mineral planning authority under those Acts and under the <sup>M6</sup>Planning and Compensation Act 1991) shall, in relation to the Park, be functions of the National Park authority, and not of any other authority; and
  - so much of the area of any other authority as is included in the Park shall be treated as excluded from any area for which that other authority is a planning authority of any description.
- (3) For the purposes of subsection (2) above functions under the planning Acts which (apart from this section) are conferred—
- in relation to some areas on the county or district planning authorities for those areas, and
  - in relation to other areas on the councils for those areas,
- shall be treated, in relation to those other areas, as conferred on each of those councils as the local planning authority for their area.
- (4) The functions of a local planning authority by virtue of sections 198 to 201, 206 to 209 and 211 to 215, so far as they are functions of a National Park authority by virtue of this section, shall be exercisable as respects any area which is or is included in an area for which there is a district council, concurrently with the National Park authority, by that council.
- (5) For the purposes of any enactment relating to the functions of a district planning authority, the functions of a district council by virtue of subsection (4) above shall be deemed to be conferred on them as a district planning authority and as if the district were the area for which they are such an authority.]

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#### Textual Amendments

**F4** S. 4A inserted (19.9.1995) by 1995 c. 25, ss. 67(1), 125(2) (with ss. 7(6), 115, 117, Sch. 8 para. 7)

#### Marginal Citations

**M6** 1991 c. 34.

## 5 The Broads. **E+W**

- (1) For the purposes of Chapter I of Part VIII and sections 249, 250, 300 and 324(1)(b) and (c) and (7) and any other provision of this Act so far as it has effect for the purposes of those provisions, “local planning authority”, in relation to land in the Broads, includes the Broads Authority.
- (2) For the purposes of the provisions mentioned in subsection (3) the Broads Authority shall be the sole district planning authority for the Broads.
- (3) The provisions referred to in subsection (2) are sections 36 to 49, 50(6) to (9), 51, 62, 64 to 72, 76 to [F579], 91 to 95, 97 to 99, 102, 103, 106, 172, 173, 178, 183, 184, 188, 191 to 197, 211 to 215, 219 to 221, 224, 294, 295, 297, 299, 301, 316(1) to (3) and 324(1)(a).

#### Textual Amendments

**F5** Word in s. 5(3) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, Sch. 7 para. 9(2)(c); S.I. 1991/2067, art.3 (subject to savings in art. 4)

## 6 Enterprise zones. **E+W**

- (1) An order under paragraph 5 of Schedule 32 to the <sup>M7</sup>Local Government, Planning and Land Act 1980 (designation of enterprise zone) may provide that the enterprise zone authority shall be the local planning authority for the zone for such purposes of the planning Acts and in relation to such kinds of development as may be specified in the order.
- (2) Without prejudice to the generality of paragraph 15(1) of that Schedule (modification of orders by the Secretary of State), an order under that paragraph may provide that the enterprise zone authority shall be the local planning authority for the zone for different purposes of the planning Acts or in relation to different kinds of development.
- (3) Where such provision as is mentioned in subsection (1) or (2) is made by an order designating an enterprise zone or, as the case may be, an order modifying such an order, while the zone subsists the enterprise zone authority shall be, to the extent mentioned in the order (as it has effect subject to any such modifications) and to the extent that it is not already, the local planning authority for the zone in place of any authority who would otherwise be the local planning authority for the zone.
- (4) The Secretary of State may by regulations make transitional and supplementary provision in relation to a provision of an order under paragraph 5 of that Schedule made by virtue of subsection (1).

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- (5) Such regulations may modify any provision of the planning Acts or any instrument made under any of them or may apply any such enactment or instrument (with or without modification) in making such transitional or supplementary provision.

**Marginal Citations**

M7 1980 c. 65.

**7 Urban development areas. E+W**

- (1) Where an order is made under subsection (1) of section 149 of the <sup>M8</sup>Local Government, Planning and Land Act 1980 (urban development corporation as planning authority), the urban development corporation specified in the order shall be the local planning authority for such area as may be so specified in place of any authority who would otherwise be the local planning authority for that area for such purposes and in relation to such kinds of development as may be so specified.
- (2) Where an order under subsection (3)(a) of that section confers any functions on an urban development corporation in relation to any area the corporation shall have those functions in place of any authority (except the Secretary of State) who would otherwise have them in that area.

**Modifications etc. (not altering text)**

C3 S. 7 modified (30.3.2006) by London Olympic Games and Paralympic Games Act 2006 (c. 12), ss. 5(3)(b), 40

**Marginal Citations**

M8 1980 c. 65.

**8 Housing action areas. E+W**

- (1) Where an order is made under subsection (1) of section 67 of the <sup>M9</sup>Housing Act 1988 (housing action trust as planning authority), the housing action trust specified in the order shall be the local planning authority for such area as may be so specified in place of any authority who would otherwise be the local planning authority for that area for such purposes and in relation to such kinds of development as may be so specified.
- (2) Where an order under subsection (3)(a) of that section confers any functions on a housing action trust in relation to any area the trust shall have those functions in place of any authority (except the Secretary of State) who would otherwise have them in that area.

**Marginal Citations**

M9 1988 c. 50.

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VALID FROM 10/11/1993

**[<sup>F6</sup>8A The Urban Regeneration Agency. E+W**

- (1) Where a designation order under section 170 of the Leasehold Reform, Housing and Urban Development Act 1993 (power to make designation orders) makes such provision as is mentioned in subsection (1) of section 171 of that Act (Agency as local planning authority), the Urban Regeneration Agency shall be the local planning authority for such area as may be specified in the order in place of any authority who would otherwise be the local planning authority for that area for such purposes and in relation to such kinds of development as may be so specified.
- (2) Where such an order makes such provision as is mentioned in subsection (3)(a) of section 171 of that Act, the Urban Regeneration Agency shall have the functions specified in the order for such area as may be so specified in place of any authority (except the Secretary of State) who would otherwise have them in that area.]

**Textual Amendments**

**F6** S. 8A inserted (10.11.1993) by 1993 c. 28, s. 187(1), **Sch. 21 para. 29**; S.I. 1993/2762, **art. 3**

**9 Power to make consequential and supplementary provision about authorities. E+W**

Regulations under this Act may make such provision consequential upon or supplementary to the provisions of sections 1 and 2 as appears to the Secretary of State to be necessary or expedient.

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