



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART XIV

#### FINANCIAL PROVISIONS

#### **[<sup>F1</sup>303 Fees for planning applications etc.**

- (1) The appropriate authority may by regulations make provision for the payment of a fee or charge to a local planning authority in respect of—
- the performance by the local planning authority of any function they have;
  - anything done by them which is calculated to facilitate or is conducive or incidental to the performance of any such function.

#### **[<sup>F2</sup>(1ZA) The Secretary of State may by regulations make provision for the payment of a fee to—**

- the Mayor of London in respect of an application for consent, agreement or approval as mentioned in section 61DB(2) or the giving of advice about such an application;
- a specified person in respect of an application for consent, agreement or approval for which provision is made under section 61DB(4) or the giving of advice about such an application.]

#### **[<sup>F3</sup>(1A) The Secretary of State may by regulations make provision for the payment of a fee to the Secretary of State in respect of—**

- any application made to the Secretary of State under section 62A;
- the giving of advice about applying under section 62A for any permission, approval or consent or for anything else for which an application may be made under that section.]

#### **[<sup>F4</sup>(1B) The Welsh Ministers may by regulations make provision for the payment of a fee or charge to the Welsh Ministers in respect of—**

- the performance by the Welsh Ministers of any function they have in respect of an application under section 62D (developments of national significance), section 62M (option to make application directly to Welsh Ministers) or section 62O (connected applications);

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- (b) anything done by the Welsh Ministers which is calculated to facilitate, or is conducive or incidental to, the performance of any such function.
- (1C) References in subsection (1B) to functions that the Welsh Ministers have in respect of an application include references—
- (a) in the case of an application under section 62D, to any functions that the Welsh Ministers have in respect of a secondary consent to which, by virtue of the connection between the consent and the application under section 62D, section 62F(2) applies;
  - (b) to any functions that the Welsh Ministers have, by virtue of provision under section 61Z1, in respect of an application proposed to be made to the Welsh Ministers under section 62D, 62F, 62M or 62O.]
- (2) The appropriate authority may by regulations make provision for the payment of a fee to the appropriate authority or the local planning authority (or of fees to both the appropriate authority and the local planning authority) in respect of any application for planning permission deemed to be made under section 177(5).
- (3) The appropriate authority may by regulations make provision for the payment of a fee to the appropriate authority in respect of any application for planning permission which is deemed to be made to the appropriate authority under—
- (a) any provision of this Act other than section 177(5), or
  - (b) any order or regulations made under this Act.
- (4) The [F5appropriate authority][F5Welsh Ministers] may by regulations make provision for the payment of a fee to the [F5appropriate authority][F5Welsh Ministers] in respect of an application for planning permission [F6or permission in principle] made under section 293A (urgent Crown development).
- [F7(4A) The Secretary of State may by regulations make provision for the payment of a fee to the Secretary of State in respect of an application under section 293B, 293D or 293E.]
- (5) Regulations under this section may in particular—
- (a) make provision as to when a fee or charge payable under the regulations is to be paid;
  - (b) make provision as to who is to pay a fee or charge payable under the regulations;
  - (c) make provision as to how a fee or charge payable under the regulations is to be calculated (including who is to make the calculation);
  - (d) prescribe circumstances in which a fee or charge payable under the regulations is to be remitted or refunded (wholly or in part);
  - (e) prescribe circumstances in which no fee or charge is to be paid;
  - (f) make provision as to the effect of paying or failing to pay a fee or charge in accordance with the regulations;
  - (g) prescribe circumstances in which a fee or charge payable under the regulations to one local planning authority is to be transferred to another local planning authority.
- (6) Regulations under this section may—
- F8(a) .....
  - (b) in the case of regulations made by virtue of subsection (5)(f) or paragraph (a) of this subsection, amend, repeal or revoke any provision made by or under this Act or by or under any other Act.

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- (7) In this section “the appropriate authority” means—
- (a) the Secretary of State in relation to England;
  - (b) the Welsh Ministers in relation to Wales.
- (8) No regulations shall be made under this section [<sup>F9</sup>by the Secretary of State] unless a draft of the regulations has been laid before and approved by resolution of—
- (a) each House of Parliament<sup>F10</sup> ...
  - <sup>F10</sup>(b) .....
- [<sup>F11</sup>(8A) If a draft of regulations of the Secretary of State under this section would, apart from this subsection, be treated as a hybrid instrument for the purposes of the standing orders of either House of Parliament, it is to proceed in that House as if it were not a hybrid instrument.]
- <sup>F12</sup>(9) .....
- (10) If a local planning authority calculate the amount of fees or charges in pursuance of provision made by regulations under subsection (1) the authority must secure that, taking one financial year with another, the income from the fees or charges does not exceed the cost of performing the function or doing the thing (as the case may be).
- (11) A financial year is the period of 12 months beginning with 1 April.]

#### Textual Amendments

- F1** S. 303 substituted (6.4.2009 for E., 8.8.2014 for W.) by [Planning Act 2008 \(c. 29\)](#), **ss. 199**, 241(3)(4) (with [s. 226](#)); [S.I. 2009/400](#), [art. 5\(f\)](#); [S.I. 2014/1769](#), [art. 2\(b\)](#)
- F2** S. 303(1ZA) inserted (12.2.2015 for specified purposes) by [Infrastructure Act 2015 \(c. 7\)](#), [s. 57\(5\)\(d\)](#), [Sch. 4 para. 19\(2\)](#)
- F3** S. 303(1A) inserted (9.5.2013 for E. for specified purposes, 1.10.2013 for specified purposes, 1.10.2014 in so far as not already in force) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), [s. 35\(1\)](#), [Sch. 1 para. 10](#); [S.I. 2013/1124](#), [art. 2](#); [S.I. 2013/2143](#), [art. 2\(1\)\(a\)](#); [S.I. 2014/1531](#), [art. 2](#)
- F4** S. 303(1B)(1C) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [s. 58\(2\)\(b\)\(4\)\(b\)](#), [Sch. 4 para. 18](#); [S.I. 2016/52](#), [art. 3\(e\)](#)
- F5** Words in [s. 303\(4\)](#) substituted (26.12.2023 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [s. 255\(3\)](#), [Sch. 10 para. 8\(a\)](#) (with [s. 247](#))
- F6** Words in [s. 303\(4\)](#) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), [s. 216\(3\)](#), [Sch. 12 para. 36](#); [S.I. 2016/733](#), [reg. 3\(d\)](#)
- F7** S. 303(4A) inserted (26.12.2023 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [s. 255\(3\)](#), [Sch. 10 para. 8\(b\)](#) (with [s. 247](#))
- F8** S. 303(6)(a) omitted (26.12.2023) by virtue of [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 130(3)(e)**, [255\(3\)\(a\)](#) (with [s. 247](#))
- F9** Words in [s. 303\(8\)](#) inserted (6.9.2015) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [s. 58\(2\)\(a\)](#), [Sch. 7 para. 4\(5\)\(a\)\(i\)](#)
- F10** Words in [s. 303\(8\)](#) omitted (6.9.2015) by virtue of [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [s. 58\(2\)\(a\)](#), [Sch. 7 para. 4\(5\)\(a\)\(ii\)](#)
- F11** S. 303(8A) inserted (12.5.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 157**, [216\(1\)\(d\)](#)
- F12** S. 303(9) omitted (6.9.2015) by virtue of [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [s. 58\(2\)\(a\)](#), [Sch. 7 para. 4\(5\)\(b\)](#)

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

- C1** S. 303 restricted (18.12.1996) by [1996 c. 61](#), [s. 11\(5\)](#)

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**C2** S. 303 restricted (22.7.2008) by [Crossrail Act 2008 \(c. 18\), s. 12\(5\)](#)

**[<sup>F13</sup>303Z Fees for appeals**

- (1) The appropriate authority may by regulations make provision for the payment of a fee to the appropriate authority in respect of an appeal to the appropriate authority under any provision made by or under—
  - (a) this Act;
  - (b) the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (2) The regulations may in particular—
  - (a) make provision as to when a fee payable under the regulations is to be paid;
  - (b) make provision as to how such a fee is to be calculated (including who is to make the calculation);
  - (c) prescribe circumstances in which such a fee is to be remitted or refunded (wholly or in part);
  - (d) prescribe circumstances in which no fee is to be paid;
  - (e) make provision as to the effect of paying or failing to pay a fee in accordance with the regulations.
- (3) A fee payable to the appropriate authority under regulations made under this section is payable—
  - (a) by the appellant;
  - (b) in addition to any fee payable to the appropriate authority under regulations made under section 303.
- (4) Regulations under this section may—
  - <sup>F14</sup>(a) .....
  - (b) in the case of regulations made by virtue of subsection (2)(e) or paragraph (a) of this subsection, amend, repeal or revoke any provision made by or under this Act or by or under any other Act.
- (5) In this section “the appropriate authority” means—
  - (a) the Secretary of State in relation to England;
  - (b) the Welsh Ministers in relation to Wales.
- (6) No regulations shall be made under this section [<sup>F15</sup>by the Secretary of State] unless a draft of the regulations has been laid before and approved by resolution of—
  - (a) each House of Parliament<sup>F16</sup>...
  - <sup>F16</sup>(b) .....
- <sup>F17</sup>(7) ..... ]

**Textual Amendments**

- F13** S. 303ZA inserted (1.10.2009 for E. and otherwise prosp.) by [Planning Act 2008 \(c. 29\), ss. 200, 241](#) (with s. 226); [S.I. 2009/2260, art. 4](#)
- F14** S. 303ZA(4)(a) omitted (26.12.2023) by virtue of [Levelling-up and Regeneration Act 2023 \(c. 55\), ss. 130\(3\)\(f\), 255\(3\)\(a\)](#) (with s. 247)
- F15** Words in s. 303ZA(6) inserted (6.9.2015) by [Planning \(Wales\) Act 2015 \(anaw 4\), s. 58\(2\)\(a\), Sch. 7 para. 4\(6\)\(a\)\(i\)](#)

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- F16** Words in s. 303ZA(6) omitted (6.9.2015) by virtue of [Planning \(Wales\) Act 2015 \(anaw 4\), s. 58\(2\)\(a\), Sch. 7 para. 4\(6\)\(a\)\(ii\)](#)
- F17** S. 303ZA(7) omitted (6.9.2015) by virtue of [Planning \(Wales\) Act 2015 \(anaw 4\), s. 58\(2\)\(a\), Sch. 7 para. 4\(6\)\(b\)](#)

### **[<sup>F18</sup>303A Responsibility of local planning authorities for costs of holding certain inquiries etc.**

[<sup>F19</sup>(1) This section applies if the appropriate authority appoints a person to carry out or hold a qualifying procedure.

(1A) A qualifying procedure is—

- (a) an independent examination under section 20[<sup>F20</sup>, 21(5)(b), 27(3)(a)] or 64 of the Planning and Compulsory Purchase Act 2004;
- (b) a local inquiry or other hearing under paragraph 8(1)(a) of Schedule 7;
- (c) the consideration of objections under paragraph 8(1)(b) of that Schedule.

(1B) [<sup>F21</sup>Where a local planning authority cause a qualifying procedure to be carried out or held, 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;
- (b) the National Assembly for Wales if the local planning authority causing the procedure to be carried out or held is in Wales.]

[ Where the qualifying procedure is an independent examination of a strategic  
<sup>F22</sup>(1C) development plan under section 64 of the Planning and Compulsory Purchase Act 2004, the appropriate authority is the Welsh Ministers.]

(2) The [<sup>F23</sup>appropriate authority] may require the whole or any part of the costs borne by [<sup>F24</sup>it] in relation to the qualifying [<sup>F25</sup>procedure] to be paid by the local planning authority [<sup>F26</sup>or corporate joint committee] causing the qualifying [<sup>F25</sup>procedure] to be held.

(3) The [<sup>F23</sup>appropriate authority] may cause the amount of any such costs to be certified; and any amount so certified and required by [<sup>F24</sup>it] to be paid by a local planning authority [<sup>F27</sup>or corporate joint committee] shall be recoverable from that authority [<sup>F28</sup>or committee] as a civil debt.

(4) What may be recovered under this section by the [<sup>F23</sup>appropriate authority] is the entire administrative cost of, or incidental to, the qualifying [<sup>F25</sup>procedure] , so far as borne by [<sup>F24</sup>it] , including, in particular, such reasonable amount or element as [<sup>F29</sup>it] may determine in respect of the general staff costs and overheads of his department.

(5) For the purposes of subsection (4), the [<sup>F23</sup>appropriate authority] may by regulations prescribe a standard daily amount in relation to any description of qualifying [<sup>F25</sup>procedure] and any description of person appointed to hold it, <sup>F30</sup> . . . and where, in relation to a qualifying [<sup>F25</sup>procedure] of that description, a person of that description is or has been so appointed, what may be recovered in respect of that qualifying [<sup>F25</sup>procedure] by virtue of the appointment of that person <sup>F30</sup> . . . is—

- (a) the prescribed standard amount from time to time applicable in the case of that qualifying [<sup>F25</sup>procedure] and that person in respect of each day, or an appropriate proportion of that amount in respect of a part of a day, on which

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- that person is engaged in the holding of, or is otherwise engaged on work connected with, the qualifying [<sup>F25</sup>procedure] ;
- (b) any costs actually incurred on travelling or subsistence allowances payable to that person in connection with the qualifying [<sup>F25</sup>procedure] ;
- (c) any costs attributable to the appointment of an assessor to assist that person <sup>F31</sup> . . . and
- (d) any other costs attributable to the appointment of that person.
- (6) The cost of, or incidental to, a qualifying [<sup>F25</sup>procedure] which does not take place may be recovered by the [<sup>F23</sup>appropriate authority] from the local planning authority [<sup>F32</sup>or corporate joint committee] from which it would have been recoverable, had the qualifying [<sup>F25</sup>procedure] taken place, to the same extent, and in the same way, as the cost of, or incidental to, a qualifying [<sup>F25</sup>procedure] which does take place.
- (7) <sup>F33</sup> . . . . .
- (8) <sup>F33</sup> . . . . .
- (9) <sup>F33</sup> . . . . .
- [<sup>F34</sup>(9A) A reference to a local planning authority [<sup>F35</sup>or corporate joint committee] causing a qualifying procedure to be carried out includes a reference to the case where under the Planning and Compulsory Purchase Act 2004—
- (a) the local planning authority [<sup>F36</sup>or corporate joint committee] are required to submit a document to the appropriate authority for independent examination, or
- (b) the Secretary of State holds an independent examination in relation to a document prepared by the local planning authority, or by the Secretary of State under section 27(2)(a) of that Act.]
- (10) In this section—
- (a) any reference to costs borne by the [<sup>F37</sup>appropriate authority] includes a reference to costs which, apart from this section, would fall, or would have fallen, to be borne by [<sup>F38</sup>it] ; and
- (b) any reference to any remuneration or allowance being paid or payable to a person includes a reference to its being paid or payable for him.
- (11) This section applies in relation to costs arising before, as well as costs arising after, its coming into force.]

#### Textual Amendments

- F18** S. 303A inserted (8.11.1995) by 1995 c. 49, s. 1(1)
- F19** S. 303A(1)-(1B) substituted (28.9.2004 (E.), 15.10.2005 (W.)) by Planning and Compulsory Purchase Act 2004 (c. 5), s. 118, Sch. 6 para. 11(2), (with s. 111); S.I. 2004/2202, art. 2; S.I. 2005/2847, art. 2
- F20** Words in s. 303A(1A) inserted (1.10.2016) by Housing and Planning Act 2016 (c. 22), ss. 148(2), 216(3); S.I. 2016/733, reg. 4(1)(f)
- F21** Words in s. 303A(1B) substituted (6.9.2015 for specified purposes, 7.1.2021 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), Sch. 2 para. 10(2); S.I. 2021/7, reg. 2(c)
- F22** S. 303A(1C) inserted (6.9.2015 for specified purposes, 7.1.2021 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), Sch. 2 para. 10(3); S.I. 2021/7, reg. 2(c)
- F23** Words in s. 303A(2)-(6) substituted (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 121, Sch. 6 para. 11(3) (with s. 111); S.I. 2004/2202,

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- art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3)
- F24** Word in s. 303A(2)-(6) substituted (28.9.2004 for E. and 15.10.2005 for W.) by **Planning and Compulsory Purchase Act 2004 (c. 5)**, ss. 118, 121, **Sch. 6 para. 11(3)** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3)
- F25** Word in s. 303A(2)(4)(5)(6) substituted (28.9.2004 for E. and 15.10.2005 for W.) by **Planning and Compulsory Purchase Act 2004 (c. 5)**, ss. 118, 121, **Sch. 6 para. 11(4)** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3)
- F26** Words in s. 303A(2) substituted (21.1.2021) by **Local Government and Elections (Wales) Act 2021 (asc 1)**, s. 175(1)(e), **Sch. 9 para. 26(2)**
- F27** Words in s. 303A(3) substituted (21.1.2021) by **Local Government and Elections (Wales) Act 2021 (asc 1)**, s. 175(1)(e), **Sch. 9 para. 26(3)(a)**
- F28** Words in s. 303A(3) substituted (21.1.2021) by **Local Government and Elections (Wales) Act 2021 (asc 1)**, s. 175(1)(e), **Sch. 9 para. 26(3)(b)**
- F29** Word in s. 303A(2)-(6) substituted (28.9.2004 for E. and 15.10.2005 for W.) by **Planning and Compulsory Purchase Act 2004 (c. 5)**, ss. 118, 121, **Sch. 6 para. 11(3)** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3)
- F30** Words in s. 303A(5) repealed (28.9.2004 for E. and 15.10.2005 for W.) by **Planning and Compulsory Purchase Act 2004 (c. 5)**, ss. 118, 121, **Sch. 6 para. 11(5)** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3)
- F31** Words in s. 303A(5)(c) repealed (28.9.2004 for E. and 15.10.2005 for W.) by **Planning and Compulsory Purchase Act 2004 (c. 5)**, ss. 118, 121, **Sch. 6 para. 11(5)(c)** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3)
- F32** Words in s. 303A(6) substituted (21.1.2021) by **Local Government and Elections (Wales) Act 2021 (asc 1)**, s. 175(1)(e), **Sch. 9 para. 26(4)**
- F33** S. 303A(7)-(9) substituted (28.9.2004 for E. and 15.10.2005 for W.) by **Planning and Compulsory Purchase Act 2004 (c. 5)**, ss. 118, 121, **Sch. 6 para. 11(6)** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3)
- F34** S. 303A(9A) substituted (1.10.2016) by **Housing and Planning Act 2016 (c. 22)**, ss. 148(3), 216(3); S.I. 2016/733, reg. 4(1)(f)
- F35** Words in s. 303A(9A) inserted (21.1.2021) by **Local Government and Elections (Wales) Act 2021 (asc 1)**, s. 175(1)(e), **Sch. 9 para. 26(5)(a)**
- F36** Words in s. 303A(9A)(a) inserted (21.1.2021) by **Local Government and Elections (Wales) Act 2021 (asc 1)**, s. 175(1)(e), **Sch. 9 para. 26(5)(b)**
- F37** Words in s. 303A(10)(a) substituted (28.9.2004 for E. and 15.10.2005 for W.) by **Planning and Compulsory Purchase Act 2004 (c. 5)**, ss. 118, 121, **Sch. 6 para. 11(3)** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3)
- F38** Word in s. 303A(10)(a) substituted (28.9.2004 for E. and 15.10.2005 for W.) by **Planning and Compulsory Purchase Act 2004 (c. 5)**, ss. 118, 121, **Sch. 6 para. 11(3)** (with s. 111); S.I. 2004/2202, **art. 2**, Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2**, Sch. 1 (subject to transitional provisions and savings in art. 3)

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

- C3** S. 303A modified (8.11.1995) by 1995 c. 49, s. 1(2)(3)(4)  
S. 303A restricted (8.11.1995) by 1995 c. 49, s. 2(14)

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### 304 Grants for research and education.

The Secretary of State may, with the consent of the Treasury, make grants for assisting establishments engaged in promoting or assisting research relating to, and education with respect to, the planning and design of the physical environment.

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

**C4** S. 304 functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), [Sch. 4 para. 1](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(p))

### [<sup>F39</sup>304A Grants for advice and assistance

- (1) The appropriate authority may make grants for the purpose of assisting any person to provide advice and assistance in connection with any matter which is related to—
  - (a) the planning Acts;
  - (b) the Planning and Compulsory Purchase Act 2004;
  - [ the Planning Act 2008;]
  - <sup>F40</sup>(ba)
  - (c) the enactments mentioned in subsection (2).
- (2) The enactments are enactments which relate to planning contained in the following Acts—
  - (a) the Planning and Compensation Act 1991;
  - (b) the Transport and Works Act 1992;
  - (c) the Environment Act 1995.
- (3) The appropriate authority may make a grant subject to such terms and conditions as it thinks appropriate.
- (4) Person includes a body whether or not incorporated.
- (5) The appropriate authority is—
  - (a) the Secretary of State in relation to England;
  - (b) the National Assembly for Wales in relation to Wales.]

#### Textual Amendments

**F39** S. 304A inserted (13.5.2004) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 115, 121](#) (with [s. 111](#))

**F40** S. 304A(1)(ba) inserted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), [ss. 177, 241](#) (with [s. 226](#)); [S.I. 2009/400](#), [art. 3](#)

### 305 Contributions by Ministers towards compensation paid by local authorities.

- (1) Where—
  - (a) compensation is payable by a local authority [<sup>F41</sup>or National Park authority] under this Act in consequence of any decision or order to which this section applies, and



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- (b) that decision or order was given or made wholly or partly in the interest of a service which is provided by a government department and the cost of which is defrayed out of money provided by Parliament,  
the Minister responsible for the administration of that service may pay to that authority a contribution of such amount as he may with the consent of the Treasury determine.
- (2) This section applies to any decision or order given or made under Part III, the provisions of Part VI relating to purchase notices, Part VII, Part VIII or Schedule 5, 6 or 9.

#### Textual Amendments

**F41** Words in s. 305(1)(a) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(9)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

### 306 Contributions by local authorities and statutory undertakers.

- (1) Without prejudice to section 274 of the <sup>M1</sup>Highways Act 1980 (contributions by local authorities to expenses of highway authorities), any local authority may contribute towards any expenses incurred by a local highway authority—
- (a) in the acquisition of land under Part IX of this Act or Chapter V of Part I of the <sup>M2</sup>Planning (Listed Buildings and Conservation Areas) Act 1990,
  - (b) in the construction or improvement of roads on land so acquired, or
  - (c) in connection with any development required in the interests of the proper planning of the area of the local authority.
- (2) Any local authority and any statutory undertakers may contribute towards—
- <sup>F42</sup>(a) any expenses incurred by a local planning authority for the purposes of carrying out a review under section 13 or 61 of the Planning and Compulsory Purchase Act 2004 (duty of local planning authority to keep under review certain matters affecting development);
  - (ab) any expenses incurred by a county council for the purposes of carrying out a review under section 14 of that Act (duty of county council to keep under review certain matters affecting development);]
  - (b) any expenses incurred by a local planning authority or a mineral planning authority in or in connection with the performance of any of their functions under Part III, the provisions of Part VI relating to purchase notices, Part VII <sup>F43</sup>[except sections 196A and 196B], Part VIII (except section 207), Part IX or Schedule 5 or 9.
- <sup>F44</sup>(2A) Each of the persons specified in subsection (2B) may contribute towards any expenses incurred by a <sup>F45</sup>[corporate joint committee] for the purposes of carrying out a review under section <sup>F46</sup>[60L of the Planning and Compulsory Purchase Act 2004 (corporate joint committees: area survey)].
- (2B) The persons are—
- (a) a local authority in Wales;
  - (b) a statutory undertaker authorised to carry on an undertaking in Wales.]
- (3) Where any expenses are incurred by a local authority in the payment of compensation payable in consequence of anything done under Part III, the provisions of Part VI relating to purchase notices, Part VII <sup>F43</sup>[except sections 196A and 196B], Part VIII,

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or Schedule 5 or 9, the Secretary of State may, if it appears to him to be expedient to do so, require any other local authority to contribute towards those expenses such sum as appears to him to be reasonable, having regard to any benefit accruing to that authority by reason of the proceeding giving rise to the compensation.

- (4) Subsection (3) shall apply in relation to payments made by a local authority to any statutory undertakers in accordance with financial arrangements to which effect is given under section 275(5)(c), as it applies in relation to compensation payable by such an authority in consequence of anything done under Part III, Part VIII or Schedule 5 or 9, and the reference in that subsection to the proceeding giving rise to the compensation shall be construed accordingly.
- (5) For the purposes of this section, contributions made by a local planning authority towards the expenditure of a joint advisory committee shall be deemed to be expenses incurred by that authority for the purposes for which that expenditure is incurred by the committee.
- [<sup>F47</sup>(6) This section shall have effect as if the references to a local authority included references to a National Park authority.]

#### Textual Amendments

- F42** S. 306(2)(a)(ab) substituted for s. 306(2)(a) (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 121, **Sch. 6 para. 12** (with s. 111); S.I. 2004/2202, **art. 2** (subject to transitional provisions and savings in **art. 4**); S.I. 2005/2847, **art. 2** (subject to transitional provisions and savings in **art. 3**)
- F43** Words in s. 306(2)(b)(3) inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, 84(2)-(4), **Sch. 7 para. 47** (with s. 84(5)); S.I. 1991/2905, **art. 3**, **Sch. 1** (subject to **art. 4**)
- F44** S. 306(2A)(2B) inserted (6.9.2015 for specified purposes, 7.1.2021 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 2 para. 11**; S.I. 2021/7, reg. 2(c)
- F45** Words in s. 306(2A) substituted (21.1.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(1)(e), **Sch. 9 para. 27(a)**
- F46** Words in s. 306(2A) substituted (21.1.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(1)(e), **Sch. 9 para. 27(b)**
- F47** S. 306(6) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(10)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**); S.I. 1995/2950, **art. 2(1)**

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

- C5** S. 306(2)(a) applied (with modifications) (1.4.1996) by 1994 c. 19, s. 66(7), **Sch. 17 Pt. II para. 17(1)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1995/3198, **art. 6(3)**, **Sch. 5**

#### Marginal Citations

- M1** 1980 c. 66.  
**M2** 1990 c. 9.

### 307 Assistance for acquisition of property where objection made to blight notice in certain cases.

- (1) The council of a county, [<sup>F48</sup>county borough,] district or London borough may advance money to any person for the purposes of enabling him to acquire a hereditament or agricultural unit in respect of which a counter-notice has been served under section 151 specifying the grounds mentioned in subsection (4)(d) of that section as, or as one of, the grounds of objection.

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- (2) No advance may be made under subsection (1) in the case of a hereditament if its annual value exceeds such amount as may be prescribed for the purposes of section 149(3)(a).
- (3) An advance under subsection (1) may be made subject to such conditions as the council may think fit.

#### Textual Amendments

**F48** Words in s. 307(1) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(12)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

### 308 Recovery from acquiring authorities of sums paid by way of compensation.

- (1) This section applies where—
  - (a) an interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers, and
  - (b) a notice is registered under section 110(2)<sup>F49</sup> . . . in respect of any of the land acquired or sold (whether before or after the completion of the acquisition or sale) in consequence of a planning decision or order made before the service of the notice to treat, or the making of the contract, in pursuance of which the acquisition or sale is effected.
- (2) Where this section applies the Secretary of State shall, subject to the following provisions of this section, be entitled to recover from the acquiring authority a sum equal to so much of the amount of the compensation specified in the notice as (in accordance with section 110(5)<sup>F49</sup> . . .) is to be treated as attributable to that land.
- (3) If, immediately after the completion of the acquisition or sale, there is outstanding some interest in the land acquired or sold to which a person other than the acquiring authority is entitled, the sum referred to in subsection (2) shall not accrue due until that interest either ceases to exist or becomes vested in the acquiring authority.
- (4) No sum shall be recoverable under this section in the case of a compulsory acquisition or sale where the Secretary of State is satisfied that the interest in question is being acquired for the purposes of the use of the land as a public open space.
- (5) Where the Secretary of State recovers a sum under this section in respect of any land by reason that it is land in respect of which a notice is registered under the provisions of section 110, section 112(11) to (13) shall have effect in relation to that sum as if it were a sum recovered as mentioned in section 112(11).
- (6) In this section<sup>F49</sup> . . . “interest” (where the reference is to an interest in land) means the fee simple or a tenancy of the land and does not include any other interest in it.

#### Textual Amendments

**F49** Words in s. 308(1)(b)(2)(6) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 26(1)(a)(b)(c), **Sch. 19 Pt. II** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

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<sup>F50</sup>309 .....

#### Textual Amendments

**F50** S. 309 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 31, 84(6), Sch. 6 para. 27, [Sch. 19 Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

### 310 Sums recoverable from acquiring authorities reckonable for purposes of grant.

Where—

- (a) a sum is recoverable from any authority under section 308 <sup>F51</sup> . . . by reference to an acquisition or purchase of an interest in land, and
- (b) a grant became or becomes payable to that or some other authority under an enactment in respect of that acquisition or purchase or of a subsequent appropriation of the land,

the power conferred by that enactment to pay the grant shall include, and shall be deemed always to have included, power to pay a grant in respect of that sum as if it had been expenditure incurred by the acquiring authority in connection with the acquisition or purchase.

#### Textual Amendments

**F51** Words in s. 310 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31, 84(6), Sch. 6 para. 28, [Sch. 19 Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

### 311 Expenses of government departments.

- (1) The following expenses of the Secretary of State shall be paid out of money provided by Parliament—
  - (a) any expenses incurred by the Secretary of State under subsection (5) of section 220 or in the payment of expenses of any committee established under that section;
  - (b) any sums necessary to enable the Secretary of State to make any payments becoming payable by him under Part IV <sup>F52</sup> . . . ;
  - (c) any expenses incurred by the Secretary of State under Part X;
  - (d) any expenses incurred by the Secretary of State in the making of grants under section 304;
  - (e) any administrative expenses incurred by the Secretary of State for the purposes of this Act.
- (2) There shall be paid out of money provided by Parliament any expenses incurred by any government department (including the Secretary of State)—
  - (a) in the acquisition of land under Part IX;
  - (b) in the payment of compensation under section 236(4), 279(2) or 325;
  - (c) under section 240(1)(b); or
  - (d) under section 305.

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**Textual Amendments**

**F52** Words in s. 311(1)(b) repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31, 84(6), Sch. 6 para. 29, [Sch. 19 Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

<sup>F53</sup>**312** .....

**Textual Amendments**

**F53** S. 312 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31, 84(6), Sch. 6 para. 30, [Sch. 19 Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

**313 General provision as to receipts of Secretary of State.**

<sup>F54</sup> . . . Subject to the provisions of section 112, any sums received by the Secretary of State under any provision of this Act shall be paid into the Consolidated Fund.

**Textual Amendments**

**F54** Words in s. 313 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31, 84(6), Sch. 6 para. 31, [Sch. 19 Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

**314 Expenses of county councils.**

The council of a county may direct that any expenses incurred by them under the provisions specified in Parts I and II of Schedule 16 shall be treated as special expenses of a county council chargeable upon such part of the county as may be specified in the directions.

**Status:**

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**Changes to legislation:**

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