

Status: Point in time view as at 15/11/2011.

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SCHEDULES

SCHEDULE 1 **E+W**

Section 1.

LOCAL PLANNING AUTHORITIES: DISTRIBUTION OF FUNCTIONS

Preliminary

- 1 (1) In this Schedule “county matter” means in relation to any application, order or notice—
- (a) the winning and working of minerals in, on or under land (whether by surface or underground working) or the erection of any building, plant or machinery—
 - (i) which it is proposed to use in connection with the winning and working of minerals or with their treatment or disposal in or on land adjoining the site of the working; or
 - (ii) which a person engaged in mining operations proposes to use in connection with the grading, washing, grinding or crushing of minerals;
 - (b) the use of land, or the erection of any building, plant or machinery on land, for the carrying out of any process for the preparation or adaptation for sale of any mineral or the manufacture of any article from a mineral where—
 - (i) the land forms part of or adjoins a site used or proposed to be used for the winning and working of minerals; or
 - (ii) the mineral is, or is proposed to be, brought to the land from a site used, or proposed to be used, for the winning and working of minerals by means of a pipeline, conveyor belt, aerial ropeway, or similar plant or machinery, or by private road, private waterway or private railway;
 - (c) the carrying out of searches and tests of mineral deposits or the erection of any building, plant or machinery which it is proposed to use in connection with them;
 - (d) the [^{F1}depositing] of mineral waste;
 - (e) the use of land for any purpose required in connection with the transport by rail or water of aggregates (that is to say, any of the following, namely—
 - (i) sand and gravel;
 - (ii) crushed rock;
 - (iii) artificial materials of appearance similar to sand, gravel or crushed rock and manufactured or otherwise derived from iron or steel slags, pulverised fuel ash, clay or mineral waste),or the erection of any building, plant or machinery which it is proposed to use in connection with them;
 - (f) the erection of any building, plant or machinery which it is proposed to use for the coating of roadstone or the production of concrete or of concrete products or artificial aggregates, where the building, plant or machinery is to

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be erected in or on land which forms part of or adjoins a site used or proposed to be used—

- (i) for the winning and working of minerals; or
- (ii) for any of the purposes mentioned in paragraph (e) above;
- (g) the erection of any building, plant or machinery which it is proposed to use for the manufacture of cement;
- (h) the carrying out of operations in, on, over or under land, or a use of land, where the land is or forms part of a site used or formerly used for the winning and working of minerals and where the operations or use would conflict with or prejudice compliance with a restoration condition or an aftercare condition;
- (i) the carrying out of operations in, on, over or under land, or any use of land, which is situated partly in and partly outside a National Park;
- (j) the carrying out of any operation which is, as respects the area in question, a prescribed operation or an operation of a prescribed class or any use which is, as respects that area, a prescribed use or use of a prescribed class.

^{F2}(2)

Textual Amendments

F1 Words in Sch. 1 para. 1(1)(d) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 21, Sch. 1 para. 13\(a\)](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F2 Sch. 1 para. 1(2) repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), ss. 21, 84\(6\), Sch. 1 para. 13\(b\), Sch. 19 Pt.I](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

Development plans

2 ^{F3}

Textual Amendments

F3 Sch. 1 para. 2 repealed (6.8.2004 for certain purposes, 28.9.2004 for E. and otherwise prosp.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\), ss. 118, 120, 121, Sch. 6 para. 16\(2\), Sch. 9](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2004/2202, [art. 2, Sch. 1](#) (subject to transitional provisions and savings in art. 4)

Planning and special control

- 3 (1) The functions of a local planning authority of determining—
- (a) applications for planning permission;
 - ^{F4}(aa) applications for non-material changes to planning permission under section 96A;
 - ^{F5}[(b) applications for a certificate under section 191 or 192]
- shall, subject to sub-paragraph (2), be exercised by the district planning authority.
- (2) The functions of a local planning authority of determining any such application as is mentioned in sub-paragraph (1) which [^{F6}relates] to a county matter shall be exercised by the county planning authority.

^{F7}(3)

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^{F7}(4)

^{F7}(5)

^{F7}(6)

(7) The previous provisions of this paragraph shall not apply to applications relating to land in a National Park ^{F8}

Textual Amendments

- F4** Sch. 1 para. 3(1)(aa) inserted (1.10.2009) by [Planning Act 2008 \(c. 29\)](#), **ss. 190(6)**, 241 (with s. 226); [S.I. 2009/2260](#), **art. 3**
- F5** Sch. 1 para. 3(1)(b) substituted (27.7.1992) for para. 3(1)(b)(c) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, **Sch. 7 para. 53(2)**(with s. 84(5)); [S.I. 1992/1630](#), **art. 2**, **Sch. 1** (with **art. 3(1)**)
- F6** Word in Sch. 1 para. 3(2) substituted (25.11.1991 for certain purposes and otherwise 2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **ss. 19(2)(a)**, 84(2)-(4)(with s. 84(5)); [S.I. 1991/2728](#), **art. 2**; [S.I. 1991/2905](#), **art. 3** (subject to **art. 4**)
- F7** Sch. 1 para. 3(3)-(6) omitted (25.11.1991 for certain purposes and otherwise 2.1.1992) by virtue of [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **ss. 19(2)(b)**, 84(2)-(4)(6), Sch. 19 Pt. I (with s. 84(5)); [S.I. 1991/2728](#), **art. 2**; [S.I. 1991/2905](#), **art. 3** (subject to **art. 4**)
- F8** Words in Sch. 1 para. 3(7) repealed (6.8.2004 for certain purposes, otherwise prosp .) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **ss. 118, 120, 121**, **Sch. 6 para. 16(3)**, **Sch. 9** (with s. 111); [S.I. 2004/2097](#), **art. 2**

4 ^{F9}(1)

(2) Where any [^{F10}application for planning permission, for a certificate under section 191 or 192 or for consent to the display of advertisements under section 220, relating in each case] to land in a National Park or an application so relating for approval of a matter reserved under an outline planning permission within the meaning of section 92 falls to be determined by a [^{F11}National Park authority]. . . , that authority shall before determining it consult with [^{F12}any authority which (but for section 4A) would be ^{F13} . . .] the district planning authority for the area in which the land to which the application relates is situated.

Textual Amendments

- F9** Sch. 1 para. 4(1) repealed (25.11.1991 for certain purposes, 2.1.1992 for other purposes and 6.4.1992 so far as not yet in force) by virtue of [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **ss. 19(2)(b)**, 84(6), **Sch. 19 Pt. 1** (with s. 84(5)); [S.I. 1991/2728](#), **art. 2**; [S.I. 1991/2905](#), **art. 3** (subject to **art. 5**); [S.I. 1992/665](#), **art. 2**
- F10** Words in Sch. 1 para. 4(2) substituted (2.1.1992 for certain purposes and 6.4.1992 otherwise) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, **Sch. 7 para. 53(3)** (with s. 84(5)); [S.I. 1991/2905](#), **art. 3**, **Sch. 1** (subject to **art. 5**); [S.I. 1992/665](#), **art. 2**
- F11** Words in Sch. 1 para. 4(2) inserted (1.4.1997) by [1995 c. 25, s. 78](#), **Sch. 10 para. 23(14)(a)(i)** (with **ss. 7(6)**, 115, 117, **Sch. 8 para. 7**); [S.I. 1996/2560](#), **art. 2**
- F12** Words in Sch. 1 para. 4(2) inserted (1.4.1997) by [1995 c. 25, s. 78](#), **Sch. 10 para. 32(14)(a)(ii)** (with **ss. 7(6)**, 115, 117, **Sch. 8 para. 7**); [S.I. 1996/2560](#), **art. 2**
- F13** Words in Sch. 1 para. 4(2) repealed (1.4.1997) by [1995 c. 25, s. 120\(3\)](#), **Sch. 24** (with **ss. 7(6)**, 115, 117); [S.I. 1996/2560](#), **art. 2**, **Sch.**

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- 5 (1) The Secretary of State may include in a development order such provisions as he thinks fit enabling a local highway authority to impose restrictions on the grant by the local planning authority of planning permission for the following descriptions of development relating to land in the area of the local highway authority—
- (a) the formation, laying out or alteration of any means of access to a road classified under section 12(3) of the ^{M1}Highways Act 1980 or section 27 of the ^{M2}Local Government Act 1966 or to a proposed road the route of which has been adopted by resolution of the local highway authority and notified as such to the local planning authority;
 - (b) any other operations or use of land which appear to the local highway authority to be likely to result in a material increase in the volume of traffic entering or leaving such a classified or proposed road, to prejudice the improvement or construction of such a road or to result in a material change in the character of traffic entering, leaving or using such a road.
- (2) The reference to a local planning authority in sub-paragraph (1) shall not be construed as including a reference to an urban development corporation who are the local planning authority by virtue of an order under section 149 of the Local Government, ^{M3}Planning and Land Act 1980, and no provision of a development order which is included in it by virtue of that paragraph is to be construed as applying to such a corporation.
- (3) The Secretary of State may include in a development order provision enabling a local highway authority to impose restrictions on the grant by an urban development corporation who are the local planning authority of planning permission for such descriptions of development as may be specified in the order.

Marginal Citations

- M1** 1980 c. 66.
M2 1966 c. 42.
M3 1980 c. 65.

- 6 (1) A development order may also include provision requiring a county planning authority who are determining any application mentioned in paragraph 3 and relating to a county matter, or an application for approval of a matter reserved under an outline planning permission within the meaning of section 92 and so relating, to give the district planning authority for the area in which the land to which the application relates is situated an opportunity to make recommendations to the county planning authority as to the manner in which the application is determined, and to take into account any such recommendations.
- (2) It may also include provision requiring a county or district planning authority who have received any application so mentioned or any application for such approval ^{F14} . . .) to notify the district or, as the case may be, county planning authority of the terms of their decision, or, where the application is referred to the Secretary of State, the date when it was so referred and, when notified to them, the terms of his decision.

Textual Amendments

- F14** Words in Sch. 1 para. 6(2) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 3, **Sch.**

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- [^{F15}6A (1) This paragraph applies to the functions of local planning authorities under any of sections 61E to 61Q and Schedules 4B and 4C (neighbourhood development orders).
(2) Those functions are to be exercised by a district planning authority in any area of a non-metropolitan county.]

Textual Amendments

F15 Sch. 1 para. 6A inserted (15.11.2011 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\), s. 240\(5\) \(j\)](#), [Sch. 9 para. 4](#); [S.I. 2012/628, art. 8\(a\)](#) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by [S.I. 2012/2029, arts. 2, 4](#)); [S.I. 2012/2029, arts. 2, 3\(a\)](#) (with art. 5) (as amended (6.4.2013) by [S.I. 2013/797, art. 4](#)); [S.I. 2013/797, arts. 1\(2\), 2](#)

- [^{F167} (1) A local planning authority must not determine an application for planning permission to which the consultation requirements apply unless it complies with sub-paragraph (7).
(2) The consultation requirements are—
^{F17}(a)
(b) consultation by a district planning authority with the county planning authority for their area if the development is one to which sub-paragraph (4) applies.
^{F18}(3)
(4) This sub-paragraph applies to—
(a) a development which would materially conflict with or prejudice the implementation of a relevant county policy,
(b) a development in an area in relation to which the county planning authority have given notice in writing to the district planning authority that development is likely to affect or be affected by the winning and working of minerals, other than coal,
(c) a development of land in respect of which the county planning authority have given notice in writing to the district planning authority that they propose to carry out development,
(d) a development which would prejudice a proposed development mentioned in paragraph (c) in respect of which notice has been given as so mentioned,
(e) a development of land in relation to which the county planning authority have given notice in writing to the district planning authority that it is proposed to use the land for waste disposal, or
(f) a development which would prejudice a proposed use mentioned in paragraph (e) in respect of which notice has been given as so mentioned.
(5) The consultation requirements do not apply—
^{F19}(a)
(b) in respect of a development to which sub-paragraph (4) applies if the county planning authority gives a direction authorising the determination of the application without compliance with the requirements.
(6) A direction under sub-paragraph (5) may be given in respect of a particular application or a description of application.

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- (7) If the consultation requirements apply the local planning authority—
 - (a) must give notice to [^{F20}the county planning authority] that they propose to consider the application,
 - (b) must send a copy of the application to [^{F21}the county planning authority] , and
 - (c) must not determine the application until the end of such period as is prescribed by development order beginning with the date of the giving of notice under paragraph (a).
- (8) Sub-paragraph (7)(c) does not apply if before the end of the period mentioned in that sub-paragraph—
 - (a) the local planning authority have received representations concerning the application from [^{F22}the county planning authority] , or
 - (b) [^{F22}the county planning authority] gives notice that it does not intend to make representations.

^{F23}(9)

- (10) A relevant county policy is—
 - (a) a policy contained in a local development document which has been prepared in accordance with a minerals and waste scheme and submitted to the Secretary of State in pursuance of section 20(1) of the 2004 Act or adopted by the county planning authority in pursuance of section 23 of that Act, ^{F24}...

^{F25}(b)

^{F26}(11)

(12) The 2004 Act is the Planning and Compulsory Purchase Act 2004.]

Textual Amendments

- F16** Sch. 1 para. 7 substituted (6.8.2004 for certain purposes and 24.8.2005 for E. and otherwise prosp.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 120, 121, **Sch. 6 para. 16(4)** (with s. 111); [S.I. 2004/2097, art. 2](#); [S.I. 2005/2081, art. 2](#) (subject to savings in art. 4)
- F17** Sch. 1 para. 7(2)(a) repealed (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), Sch. 8 para. 1(a), **Sch. 25 Pt. 15**
- F18** Sch. 1 para. 7(3) repealed (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), Sch. 8 para. 1(a), **Sch. 25 Pt. 15**
- F19** Sch. 1 para. 7(5)(a) repealed (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), Sch. 8 para. 1(a), **Sch. 25 Pt. 15**
- F20** Words in Sch. 1 para. 7(7)(a) substituted (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), **Sch. 8 para. 1(b)**
- F21** Words in Sch. 1 para. 7(7)(b) substituted (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), **Sch. 8 para. 1(c)**
- F22** Words in Sch. 1 para. 7(8) substituted (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), **Sch. 8 para. 1(c)**
- F23** Sch. 1 para. 7(9) repealed (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), Sch. 8 para. 1(d), **Sch. 25 Pt. 15**
- F24** Word in Sch. 1 para. 7(10) repealed (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(q), **Sch. 25 Pt. 15**
- F25** Sch. 1 para. 7(10)(b) repealed (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), Sch. 8 para. 1(d), **Sch. 25 Pt. 15**

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F26 Sch. 1 para. 7(11) repealed (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), Sch. 8 para. 1(d), [Sch. 25 Pt. 15](#)

- F27** [8 (1) A local planning authority who have the function of determining applications for planning permission shall, if requested to do so by the council of any parish ^{F28} . . . situated in their area, notify the council of—
- (a) any relevant planning application; and
 - (b) any alteration to that application accepted by the authority.
- (2) In sub-paragraph (1) “ a relevant planning application ” means an application which—
- (a) relates to land in the parish ^{F28} . . . ; and
 - (b) is an application for—
 - (i) planning permission; or
 - (ii) approval of a matter reserved under an outline planning permission within the meaning of section 92.
- (3) Any request made for the purposes of sub-paragraph (1) shall be in writing and state that the council wishes to be notified of all relevant applications or all applications of a description specified in the request.
- (4) An authority shall comply with the duty to notify a council of an application by—
- (a) sending the council a copy of the application; or
 - (b) indicating to the council the nature of the development which is the subject of the application and identifying the land to which it relates,
- and any notification falling within paragraph (b) shall be in writing.
- (5) An authority shall comply with their duty to notify a council of an alteration by—
- (a) sending a copy of the alteration to the council; or
 - (b) informing the council in writing of its general effect,
- but they need not notify a council of an alteration which in their opinion is trivial.
- (6) A development order may require a local planning authority which is dealing with an application of which a council is entitled to be notified—
- (a) to give the council an opportunity to make representations to them as to the manner in which the application should be determined;
 - (b) to take into account any such representations;
 - (c) to notify the council of the terms of their decision or, where the application is referred to the Secretary of State, the date when it was so referred and, when notified to them, the terms of his decision.]

Textual Amendments

- F27** Sch. 1 para. 8 substituted (2.1.1992 for certain purposes and otherwise 9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 53\(5\)](#)(with s. 84(5)); S.I. 1991/2905, art. 3, [Sch. 1](#) (subject to art. 5); S.I. 1992/2831, [art. 2](#) (with art. 3)
- F28** Words in Sch. 1 para. 8(1)(2)(a) repealed (1.4.1996) by 1994 c. 19, ss. 20(4), 66(8), Sch. 6 Pt. II para. 24(15), [Sch. 18](#) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, [Sch. 1](#)

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- 9 (1) The functions of local planning authorities under the provisions of this Act relating to simplified planning zone schemes shall be exercised in non-metropolitan counties by the district planning authorities.

F29(2)

F29(3)

Textual Amendments

F29 Sch. 1 para. 9(2)(3) repealed (25.11.1991 for certain purposes and otherwise 9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 28, 84(6), Sch. 5 Pt. II para.3, **Sch. 19 Pt.1** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/2413, **art. 2** (with art. 3); S.I. 1992/2831, art. 2, **Sch.**

- 10 Elsewhere than in a National Park, the functions of a local planning authority under section 94 shall be exercisable by the district planning authority, except that where the relevant planning permission was granted by the county planning authority, those functions, so far as relating to that permission, shall be exercisable by the county planning authority and also by the district planning authority after consulting the county planning authority.

- 11 (1) The functions of a local planning authority of—
- (a) making orders under section 97 revoking or modifying planning permission, or under section 102 requiring discontinuance of use, imposing conditions on continuance of use or requiring the alteration or removal of buildings or works, or
 - (b) issuing enforcement notices under section 172 or serving [^{F30}planning contravention notices under section 171C or] stop notices under section 183 [^{F31}or breach of condition notices under section 187A],

shall, subject to sub-paragraphs (2) to (4), be exercisable by the district planning authority.

- (2) In a case where it appears to the district planning authority of a district in a non-metropolitan county that the functions mentioned in sub-paragraph (1) relate to county matters, they shall not exercise those functions without first consulting the county planning authority.
- (3) Subject to sub-paragraph (4), in a non-metropolitan county those functions shall also be exercisable by a county planning authority in a case where it appears to that authority that they relate to a matter which should properly be considered a county matter.
- (4) In relation to a matter which is a county matter by virtue of any of the provisions of paragraph 1(1)(a) to (h) the functions of a local planning authority specified in sub-paragraph (1)(b) shall only be exercisable by the county planning authority in their capacity as mineral planning authority.

Textual Amendments

F30 Words in Sch. 1 para. 11(1)(b) inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, **Sch. 7 para. 53(6)** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5)

F31 Words in Sch. 1 para. 11(1)(b) inserted (27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, **Sch. 7 para. 53(6)**(with s. 84(5)); S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

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- 12 In sections 178(1), 181(4)(b) and 190(2) to (5) any reference to the local planning authority shall be construed as a reference to the authority who issued the notice or made the order in question or, in the case of an notice issued or an order made by the Secretary of State, the authority named in the notice or order.
- ^{F32} [12A The functions of a local planning authority under section 187B are exercisable by any body having the function of taking enforcement action in respect of the breach in question]

Textual Amendments

F32 Sch. 1 para. 12A inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 53\(7\)](#) (with s. 84(5)); S.I. 1991/2905, art. 3, [Sch.1](#) (subject to art. 5)

- 13 (1) [^{F33}In the case of any area for which there is both a district planning authority and a county planning authority, the county planning authority] may only make a tree preservation order—
- (a) if they make it in pursuance of section 197(b);
 - (b) if it relates to land which does not lie wholly within the area of a single district planning authority;
 - (c) if it relates to land in which the county planning authority hold an interest;
^{F34}
 - (d)
- (2) Where a local planning authority have made a tree preservation order under section 198 or the Secretary of State has made such an order by virtue of section 202, the powers of varying or revoking the order and the powers of dispensing with section 206 or serving, or appearing on an appeal relating to, a notice under section 207 shall be exercisable only by the authority who made the order or, in the case of an order made by the Secretary of State, the authority named in the order.

Textual Amendments

F33 Words in Sch. 1 para. 13(1) substituted (1.4.1997) by [1995 c. 25, s. 78, Sch. 10 para. 32\(14\)\(b\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#)); S.I. 1996/2560, art. 2

F34 Sch. 1 para. 13(d) and word “or” preceding it repealed (1.4.1997) by [1995 c. 25, s. 120\(3\), Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, [Sch.](#)

- 14 The functions of local planning authorities under sections 69, 211, 214, 220, 221, 224 and 225, and in non-metropolitan counties the functions under section 215, are exercisable by district planning authorities.
- 15 (1) The copy of the notice required to be served by paragraph 4(5) of Schedule 8 on a local planning authority shall, in the case of a proposal that a government department should give a direction under section 90(1) or that development should be carried out by or on behalf of a government department, be served on the local planning authority who, in the opinion of the Secretary of State, would have been responsible for dealing with an application for planning permission for the development in question if such an application had fallen to be made.
- (2) References in paragraphs 3(2) and 5(1) of that Schedule to the local planning authority shall be construed as references to the local planning authority on whom that copy is required to be served.

Status: Point in time view as at 15/11/2011.

Changes to legislation: Town and Country Planning Act 1990, SCHEDULE 1 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Compensation

- 16 (1) Claims for payment of compensation under section 107 (including that section as applied by section 108) and sections ^{F35} . . . 115(1) to (4), 186 and 223 shall, subject to sub-paragraph (3), be made to and paid by the local planning authority who took the action by virtue of which the claim arose or, where that action was taken by the Secretary of State, the local planning authority from whom the appeal was made to him or who referred the matter to him or, in the case of an order made or notice served by him by virtue of section 100, 104 or 185, the appropriate authority, and references in those sections to a local planning authority shall be construed accordingly.
- (2) In this paragraph “appropriate authority” means—
- (a) in the case of a claim for compensation under section 107 or 108, the local planning authority who granted, or are to be treated for the purposes of section 107 as having granted, the planning permission the revocation or modification of which gave rise to the claim;
 - (b) in the case of a claim for compensation under section 115(1) to (4) or 186, the local planning authority named in the relevant order or stop notice of the Secretary of State;
 - (c) in the case of a claim for compensation under section 223, the district planning authority.
- (3) The Secretary of State may after consultation with all the authorities concerned direct that where a local planning authority is liable to pay compensation under any of the provisions mentioned in sub-paragraph (1) in any particular case or class of case they shall be entitled to be reimbursed the whole of the compensation or such proportion of it as he may direct from one or more authorities specified in the direction.
- (4) The local planning authority by whom compensation is to be paid and to whom claims for compensation are to be made under section 144(2) shall be the district planning authority.

Textual Amendments

F35 Word in Sch. 1 para. 16(1) repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(4), 84(6), Sch. 6 para. 39, [Sch. 19 Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to [art. 4](#))

- 17 Claims for payment of compensation under a tree preservation order by virtue of section 203, and claims for payment of compensation under section 204 by virtue of directions given in pursuance of such an order, shall be made to and paid by the local planning authority who made the order or, in the case of an order made by the Secretary of State, the authority named in the order; and the reference in section 204(2) to the authority exercising functions under the tree preservation order shall have effect subject to the provisions of this paragraph.
- 18 The local planning authority by whom compensation is to be paid under section 279(1)(a) to statutory undertakers shall be the authority who referred the application for planning permission to the Secretary of State and the appropriate Minister, or from whose decision the appeal was made to them or who served the enforcement notice appealed against, as the case may be.

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The Crown

- 19 (1) Elsewhere than in a metropolitan county or a National Park the functions conferred by section 302 and Schedule 15 on the authority responsible for enforcing planning control shall, subject to sub-paragraph (3)—
- (a) in the case of works on or a use of land which in the opinion of the district planning authority relates to a county matter, be exercised by the county planning authority;
 - (b) in any other case be exercised by the district planning authority.

^{F36}(2)

[^{F37}(2A) As respects the area of any National Park for which a National Park authority is the local planning authority those functions shall be exercised by that authority.]

- (3) Every application made under subsection (3) of that section to an authority responsible for enforcing planning control shall be made to the district planning authority who, in the case of an application falling to be determined by the county planning authority, shall send it on to the latter.
- (4) A county planning authority determining any such application shall give the district planning authority for the area in which the land to which the application relates is situated an opportunity to make recommendations to the county planning authority as to the manner in which the application should be determined and shall take any such recommendations into account.
- (5) A county or district planning authority who have dealt with any such application shall notify the district or, as the case may be, the county planning authority of the terms of their determination or, in a case where the application has been referred to the Secretary of State, the date when it was so referred.

Textual Amendments

F36 Sch. 1 para. 19(2) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

F37 Sch. 1 para. 19(2A) inserted (1.4.1997) by 1995 c. 25, s. 78, **Sch. 10 para. 32(14)(c)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/2560, art. 2

Miscellaneous

- 20 (1) The local planning authority whom the Secretary of State is required to consult under section [^{F38}100(3), 104(3), 196A(3), 202(1) or 214B(6)] or serve with a notice of his proposals under section 100(4) or 104(4) shall be the county planning authority or the district planning authority, as he thinks appropriate, and references in sections 100(2), (3) and (4) and 104(2), (3) and (4) and 202 to the local planning authority shall be construed accordingly.
- (2) In sections 96, 182 and 185 any reference to the local planning authority shall be construed as a reference to the county planning authority or the district planning authority, as the Secretary of State thinks appropriate.
- ^{F39}[(3) In relation to land in the area of a joint planning board, a person entering into a planning obligation under section 106 or 299A may identify the council of the county in which the land is situated as the authority by whom the obligation is enforceable.]

Status: Point in time view as at 15/11/2011.

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(4) In paragraph 16 of Schedule 13 the reference to the local planning authority shall be construed—

^{F40}(a)

(b) in relation to land ^{F41}[^{F42} . . . land in an area the local planning authority for which comprises both a county planning authority and a district planning authority], as a reference to the district planning authority.

Textual Amendments

- F38** Words in Sch. 1 para. 20(1) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 53\(8\)](#)(with s. 84(5)); S.I. 1991/2905, art. 3, [Sch. 1](#) (subject to art. 5)
- F39** Sch. 1 para. 20(3) substituted (25.10.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 53\(9\)](#)(with s. 84(5)); S.I. 1991/2272, [art. 3](#)
- F40** Sch. 1 para. 20(4)(a) repealed (1.4.1997) by [1995 c. 25, s. 120\(3\)](#), [Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, [Sch.](#)
- F41** By [1995 c. 25, s. 120\(3\)](#), [Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, [Sch.](#) it is provided (1.4.1997) that the word “other” in Sch. 1 para. 20(4)(b) shall be repealed
- F42** Words in Sch. 1 para. 20(4)(b) substituted (1.4.1997) by [1995 c. 25, s. 78](#), [Sch. 10 para. 32\(14\)\(d\)\(ii\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#)); S.I. 1996/2560, [art. 2](#)

- 21 (1) Subject to sub-paragraph (2), the provisions of this Schedule do not apply in Greater London.
- (2) Paragraph 5(3) of this Schedule applies in Greater London and paragraph 2(3) of Part I and of Part II of Schedule 2 shall apply as respects the temporary application of paragraph 7(1) of this Schedule in the metropolitan counties and in Greater London respectively.

Status:

Point in time view as at 15/11/2011.

Changes to legislation:

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