

**Changes to legislation:** Town and Country Planning Act 1990, PART 1A is up to date with all changes known to be in force on or before 02 July 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) View outstanding changes

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 7A E+W

#### BIODIVERSITY GAIN IN ENGLAND

##### Textual Amendments

- F1** Sch. 7A inserted (3.11.2023 for specified purposes, 12.2.2024 for specified purposes) by Environment Act 2021 (c. 30), s. 147(3), Sch. 14 para. 2 (with s. 144); S.I. 2023/1170, reg. 2(d); S.I. 2024/44, reg. 2(1)(d)(2) (with regs. 3, 4)

### [<sup>F2</sup>PART 1A E+W

#### LOCAL PLANNING AUTHORITY

##### Textual Amendments

- F2** Sch. 7A Pt. 1A inserted (12.2.2024) by The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 (S.I. 2024/49), regs. 1(2), 6; S.I. 2024/44, reg. 2(1)(e)

#### Introduction

- 12A. This Part sets out rules for determining the local planning authority for the purposes of this Schedule.

#### General Rule

- 12B. The general rule is that the local planning authority is—
- the local planning authority which granted the planning permission, or
  - the local planning authority which could have granted the planning permission had it not been granted by the Secretary of State or a person appointed by the Secretary of State.
- 12C. The general rule does not apply where—
- the Mayor of London has given a direction under section 2A (applications of strategic importance) (see instead paragraphs 12D and 12E);
  - a combined authority has granted planning permission in exercise of a power that corresponds to section 2A (see instead paragraph 12G);
  - an order is made under another Act providing for who is to be the local planning authority for the purposes of Schedule 7A (see instead paragraph 12H).

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*Rules in cases involving the Mayor of London*

- 12D. (1) This paragraph applies where the Mayor of London has—
- (a) given a direction under section 2A in relation to an application for planning permission, and
  - (b) granted the planning permission.
- (2) The local planning authority is—
- (a) in a case where the Mayor of London so directs, the local planning authority to whom the application was made;
  - (b) in any other case, the Mayor of London.
- 12E. (1) This paragraph applies where—
- (a) the Mayor of London has given a direction under section 2A in relation to an application for planning permission, and
  - (b) the Secretary of State has granted the planning permission under section 76A or 77.
- (2) The local planning authority is whichever of the following the Secretary of State determines is the local planning authority—
- (a) the Mayor of London;
  - (b) the local planning authority to whom the application was made.
- 12F. (1) This paragraph applies where—
- (a) the Mayor of London has given a direction under section 2A in relation to an application for planning permission, and
  - (b) the planning permission is granted on an appeal under section 78.
- (2) The local planning authority is whichever of the following the person determining the appeal directs is the local planning authority—
- (a) the Mayor of London;
  - (b) the local planning authority to whom the application was made.

*Rule in case involving combined authorities*

- 12G. (1) This paragraph applies where a combined authority has granted planning permission in exercise of a function that—
- (a) is conferred by an order made under section 105A of the Local Democracy, Economic Development and Construction Act 2009 (other public authority functions), and
  - (b) corresponds to the function of the Mayor of London under section 2A.
- (2) The local planning authority is—
- (a) in a case where the order mentioned in sub-paragraph (1)(a) provides for the combined authority to exercise the functions of the local planning authority for the purposes of Schedule 7A, the combined authority;
  - (b) in any other case, the local planning authority to whom the application for planning permission was made.

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*Rule in cases involving orders made under other Acts*

- 12H. (1) In cases where a relevant order provides for the local planning authority, for the purposes of Schedule 7A the local planning authority is the person specified in the order.
- (2) For the purposes of sub-paragraph (1), a “relevant order” means an order that is made under—
- (a) section 149(1) of the Local Government, Planning and Land Act 1980 (urban development corporation as local planning authority);
  - (b) paragraph 5 of Schedule 32 to the Local Government, Planning and Land Act 1980 (enterprise zone authority as local planning authority);
  - (c) section 67(1) of the Housing Act 1988 (housing action trust as local planning authority);
  - (d) section 13(1) of the Housing and Regeneration Act 2008 (Homes and Communities Agency as local planning authority);
  - (e) sections 91, 105 or 105A of the Local Democracy, Economic Development and Construction Act 2009 (local authority and public authority functions);
  - (f) section 198(2) of the Localism Act 2011 (mayoral development corporation as local planning authority).
- (3) This paragraph does not apply in relation to any case set out in paragraphs 12D to 12G (rules in cases involving the Mayor of London or combined authorities).

*Supplementary*

- 12I. In a case where a direction has been given under section 266(1A) (application for planning permission by the statutory undertaker to be dealt with by the Secretary of State and appropriate Minister) and not been revoked, references to the Secretary of State are to be read as references to the Secretary of State and the appropriate Minister.
- 12J. References in this Part of this Schedule to the local planning authority to whom an application for planning permission was made include references to the local planning authority to whom such an application would have been made had it not been made to the Secretary of State under section 62A.]]

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied by 2023 asc 3 s. 79(2)
- Act applied by 2023 asc 3 s. 83(4)
- Act excluded by 2023 asc 3 s. 140(4)(b)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 165B inserted by 2024 asc 3 s. 99(5)
- s. 7(3) inserted by 2023 c. 55 Sch. 17 para. 2(2)
- s. 7A(6) inserted by 2023 c. 55 Sch. 17 para. 2(4)
- s. 7ZA inserted by 2023 c. 55 Sch. 17 para. 2(3)
- s. 58B and cross-heading inserted by 2023 c. 55 s. 102(1)
- s. 59A(3)(ba) inserted by 2023 c. 55 Sch. 8 para. 4(b)
- s. 62B(5)(ca) inserted by 2023 c. 55 Sch. 17 para. 2(5)
- s. 70(2)(azb) inserted by 2023 c. 55 Sch. 6 para. 3(a)
- s. 70(3)(ca) inserted in earlier affecting provision 2016 c. 22, s. 5(8) by 2023 asc 3 Sch. 13 para. 194
- s. 70(3A) inserted by 2017 c. 20 Sch. 3 para. 2
- s. 70A(5A) inserted by 2023 c. 55 Sch. 6 para. 4(a)
- s. 70A(10)(11) inserted by 2023 c. 55 s. 110(4)(b)
- s. 70B(5A)(5B) inserted by 2023 c. 55 s. 110(5)(b)
- s. 73B inserted by 2023 c. 55 s. 110(2)
- s. 74(1C)(aa) inserted by 2023 c. 55 Sch. 6 para. 5(b)
- s. 75ZA and cross-heading inserted by 2016 c. 22 s. 155
- s. 83(1A)-(1C) amendment to earlier affecting provision 2004 c. 5, s. 45(2) by 2011 c. 20 Sch. 8 para. 14(4)(5) Sch. 25 Pt. 16
- s. 83(1A)-(1C) inserted by 2004 c. 5 s. 45(2)
- s. 83(2)-(2B) amendment to earlier affecting provision 2004 c. 5, s. 45(3) by 2011 c. 20 Sch. 8 para. 14(4)(5) Sch. 25 Pt. 16
- s. 83(2)-(2B) substituted for s. 83(2) by 2004 c. 5 s. 45(3)
- s. 83(4) inserted by 2004 c. 5 s. 45(4)
- s. 85(1A) inserted by 2004 c. 5 s. 45(6)
- s. 93(5)(6) inserted by 2017 c. 20 Sch. 3 para. 6
- s. 94(1)(e) and word inserted by 2023 c. 55 Sch. 9 para. 1(15)
- s. 102(1A) inserted by 2023 c. 55 Sch. 6 para. 9(b)
- s. 106(1B) inserted by 2024 asc 3 s. 98(2)(a)
- s. 106(9)(ab) inserted by 2024 asc 3 s. 98(2)(b)
- s. 106(15) inserted by 2024 asc 3 s. 98(2)(c)
- s. 106A(9A) inserted by 2023 c. 55 s. 125
- s. 106A(11)(zaa) inserted by 2024 asc 3 s. 98(3)
- s. 106D inserted by 2024 asc 3 s. 98(5)
- s. 106ZA inserted by 2016 c. 22 s. 158(1)
- s. 106ZB inserted by 2016 c. 22 s. 159(1)
- s. 106ZB(2)(a) omitted by 2023 c. 55 s. 130(3)(b)
- s. 108(1A)(1B) inserted by 2015 c. 7 Sch. 4 para. 15(4)
- s. 108(3A) inserted by 2004 c. 5 Sch. 6 para. 6
- s. 108(3B)(ba) inserted by 2015 c. 7 Sch. 4 para. 15(6)
- s. 108(3B)(ba) word omitted by 2023 c. 55 Sch. 9 para. 1(16)(d)(i)
- s. 108(3B)(bb) inserted by 2023 c. 55 Sch. 9 para. 1(16)(d)(ii)
- s. 108(3DA) inserted by 2015 c. 7 Sch. 4 para. 15(7)
- s. 108(3DB) inserted by 2023 c. 55 Sch. 9 para. 1(16)(e)

- s. 141(6) inserted by 2017 c. 20 Sch. 3 para. 7
- s. 151(7B) inserted by 2024 asc 3 s. 99(4)
- s. 169(1)(a) words renumbered as s. 169(1)(a) by 2017 c. 20 s. 26(5)(a)
- s. 169(1)(b) inserted by 2017 c. 20 s. 26(5)(b)
- s. 169(7A)(7B) inserted by 2024 asc 3 s. 99(6)(a)
- s. 170(8D)-(8F) inserted by 2024 asc 3 s. 99(7)
- s. 170(8BA) inserted by 2017 c. 20 s. 26(6)
- s. 174(2AA)(b) words substituted by 2023 c. 55 s. 113(6)
- s. 208(5A) inserted by 2008 c. 29 Sch. 10 para. 9(2)
- s. 303(1ZZA) inserted by 2023 asc 3 Sch. 13 para. 87
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
- s. 303(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
- s. 303A(1A)(za) inserted by 2023 c. 55 Sch. 8 para. 7(2)(a)
- s. 303A(9B) inserted by 2023 c. 55 Sch. 8 para. 7(4)
- s. 303A(10)(za) inserted by 2023 c. 55 Sch. 8 para. 7(5)
- s. 303A(12) inserted by 2023 c. 55 Sch. 8 para. 7(6)
- s. 303ZB inserted by 2023 c. 55 s. 134
- s. 314A inserted by 2023 asc 3 Sch. 13 para. 90
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by 2023 c. 55 Sch. 9 para. 1(20)(a)
- s. 324(1A)(b) and word inserted by 2023 c. 55 Sch. 9 para. 1(20)(b)
- s. 333(3ZZAA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(b)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(3ZZA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(a)
- Sch. 1 para. 5(4) inserted by 2023 c. 55 Sch. 17 para. 2(7)(c)
- Sch. 1 para. 7(10)(10A) substituted for Sch. 1 para. 7(10) by 2023 c. 55 Sch. 8 para. 11(2)
- Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
- Sch. 4B para. 8(2)(fa) inserted by 2023 c. 55 s. 99(1)(b)
- Sch. 4B para. 8(2)(ca) inserted by 2023 c. 55 s. 102(2)(a)(ii)
- Sch. 4B para. 8(4A)(4B) inserted by 2023 c. 55 s. 102(2)(b)
- Sch. 4B para. 5(5)(za) inserted by 2023 c. 55 Sch. 6 para. 12(a)
- Sch. 4B para. 8(2)(da) inserted by 2023 c. 55 Sch. 6 para. 12(b)
- Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) by 2023 c. 55 s. 99(1)(a)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 9 para. 1(1A) inserted by 2023 c. 55 Sch. 6 para. 13(b)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24ZA inserted by 2024 asc 3 s. 99(2)(a)
- Sch. 13 para. 26 and cross-heading inserted by 2024 asc 3 s. 99(2)(b)
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)