

Status: Point in time view as at 22/02/2002.

Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, Paragraph 53. (See end of Document for details)

SCHEDULES

SCHEDULE 7

PLANNING IN ENGLAND AND WALES: MINOR AND CONSEQUENTIAL AMENDMENTS

Schedules

- 53 (1) Schedule 1 is amended as follows.
- (2) For paragraph 3(1)(b) and (c) there is substituted—
“ (b) applications for a certificate under section 191 or 192 ”.
- (3) In paragraph 4(2) for “such application relating” there is substituted “ 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 ”.
- (4) In paragraph 7(1) for “sections 70 and 71” there is substituted “ section 70 ”.
- (5) For paragraph 8 there is substituted—
- “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 or community 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 or community; 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

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- (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.”
- (6) In paragraph 11(1)(b), after “serving” there is inserted “ planning contravention notices under section 171C or ” and after “section 183” there is inserted “ or breach of condition notices under section 187A ”.
- (7) After paragraph 12 there is inserted—
- “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”.
- (8) In paragraph 20, in sub-paragraph (1), for “100(3), 104(3) or 202(1)” there is substituted “ 100(3), 104(3), 196A(3), 202(1) or 214B(6) ”.
- (9) For sub-paragraph (3) of that paragraph there is substituted—
- “(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.”

Commencement Information

- II** Sch. 7 para. 53 wholly in force; para. 53 not in force at Royal Assent see s. 84(2); para. 53(9) wholly in force at 25.10.1991 by S.I. 1991/2272, art. 3(1)(c); para. 53(3)(5)(6) in force at 2.1.1992 to a certain extent and para. 53(7)(8) wholly in force at 2.1.1992 by S.I. 1991/2905, art. 3, Sch. 1 (subject to art. 5 of that S.I.); para. 53(3) in force at 6.4.1992 in so far as not already in force by S.I. 1992/665, art. 2; para. 53(4) wholly in force at 17.7.1992 by S.I. 1992/1491, art. 2, Sch. 1; para. 53(2) wholly in force and para. 53(6) in force insofar as not already in force at 27.7.1992 by S.I. 1992/1630, art. 2, Sch. 1; para. 53(5) in force at 9.11.1991 in so far as not already in force by S.I. 1992/2831, art. 2 (subject to art. 3 of that S.I.).

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