

SCHEDULES

SCHEDULE 7

POWER TO DECLINE TO DETERMINE APPLICATIONS: AMENDMENTS

Town and Country Planning Act 1990 (c. 8)

- 3 (1) Section 70B (power of local planning authority to decline to determine overlapping application) is amended as follows.
- (2) In subsection (1) after “which is” insert “—
- (a) made on the same day as a similar application, or
 - (b)”.
- (3) After subsection (4) insert—
- “(4A) A local planning authority in England may also decline to determine an application for planning permission for the development of any land in England which is made at a time when the condition in subsection (4B) applies in relation to a similar application.
- (4B) The condition is that—
- (a) a similar application is under consideration by the Secretary of State,
 - (b) the similar application is an application deemed to have been made by section 177(5), and
 - (c) the Secretary of State has not issued his decision.”
- (4) After subsection (6) insert—
- “(7) If a local planning authority exercise their power under subsection (1)(a) to decline to determine an application made on the same day as a similar application, they may not also exercise that power to decline to determine the similar application.”