



# Planning Act 2008

## 2008 CHAPTER 29

### PART 5

#### APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

#### CHAPTER 2

##### PRE-APPLICATION PROCEDURE

#### 43 [F<sup>1</sup>Local authorities for purposes of section 42(1)(b)]

- (1) A local authority is within this section if the land is in the authority's area.
- (2) A local authority ("A") is within this section if—
  - (a) the land is in the area of another local authority ("B"),
  - [F<sup>2</sup>(aa) B is a unitary council or a lower-tier district council,] and
  - (b) any part of the boundary of A's area is also a part of the boundary of B's area.

[F<sup>3</sup>(2A) If the land is in the area of an upper-tier county council ("C"), a local authority ("D") is within this section if—

- (a) D is not a lower-tier district council, and
- (b) any part of the boundary of D's area is also part of the boundary of C's area.]

[F<sup>4</sup>(3) In this section—

"local authority" means—

- (a) a county council, or district council, in England;
- (b) a London borough council;
- (c) the Common Council of the City of London;
- (d) the Council of the Isles of Scilly;
- (e) a county council, or county borough council, in Wales;
- (f) a council constituted under section 2 of the Local Government etc (Scotland) Act 1994;

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*Changes to legislation: Planning Act 2008, Section 43 is up to date with all changes known to be in force on or before 04 September 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*

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- (g) a National Park authority;
- (h) the Broads Authority;

“lower-tier district council” means a district council in England for an area for which there is a county council;

“unitary council” means a local authority that is not an upper-tier county council, a lower-tier district council, a National Park authority or the Broads Authority;

“upper-tier county council” means a county council in England for each part of whose area there is a district council.]

#### Textual Amendments

- F1** S. 43 heading substituted (1.4.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 23\(3\)\(a\)](#), [324\(3\)](#); [S.I. 2010/298](#), [art. 2](#), [Sch. para. 6](#)
- F2** S. 43(2)(aa) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 133\(2\)](#), [240\(2\)](#) (with [s. 144](#)); [S.I. 2012/628](#), [art. 7\(a\)](#)
- F3** S. 43(2A) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 133\(3\)](#), [240\(2\)](#) (with [s. 144](#)); [S.I. 2012/628](#), [art. 7\(a\)](#)
- F4** S. 43(3) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 133\(4\)](#), [240\(2\)](#) (with [s. 144](#)); [S.I. 2012/628](#), [art. 7\(a\)](#)

#### Commencement Information

- I1** S. 43 in force at 1.10.2009 by [S.I. 2009/2260](#), [art. 2\(b\)](#)

**Changes to legislation:**

Planning Act 2008, Section 43 is up to date with all changes known to be in force on or before 04 September 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.

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

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

- Pt. 10A inserted by [2023 c. 55 Sch. 12 para. 1](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 223(1)(za) inserted by [2023 c. 55 s. 139\(6\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)