

Status: Point in time view as at 15/11/2011. This version of this chapter contains provisions that are not valid for this point in time.

Changes to legislation: Localism Act 2011, CHAPTER 7 is up to date with all changes known to be in force on or before 25 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)



Localism Act 2011

2011 CHAPTER 20

PART 6

PLANNING

CHAPTER 7

OTHER PLANNING MATTERS

VALID FROM 15/01/2012

143 Applications for planning permission: local finance considerations

- (1) Section 70 of the Town and Country Planning Act 1990 (determination of applications for planning permission: general considerations) is amended as follows.
- (2) In subsection (2) (local planning authority to have regard to material considerations in dealing with applications) for the words from “to the provisions” to the end substitute “to—
 - (a) the provisions of the development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.”
- (3) After subsection (2) insert—

“(2A) Subsection (2)(b) does not apply in relation to Wales.”
- (4) After subsection (3) insert—

“(4) In this section—
“local finance consideration” means—

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- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy;
- “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;
- “relevant authority” means—
- (a) a district council;
 - (b) a county council in England;
 - (c) the Mayor of London;
 - (d) the council of a London borough;
 - (e) a Mayoral development corporation;
 - (f) an urban development corporation;
 - (g) a housing action trust;
 - (h) the Council of the Isles of Scilly;
 - (i) the Broads Authority;
 - (j) a National Park authority in England;
 - (k) the Homes and Communities Agency; or
 - (l) a joint committee established under section 29 of the Planning and Compulsory Purchase Act 2004.”

- (5) The amendments made by this section do not alter—
- (a) whether under subsection (2) of section 70 of the Town and Country Planning Act 1990 regard is to be had to any particular consideration, or
 - (b) the weight to be given to any consideration to which regard is had under that subsection.

144 Application of this Part to the Crown

An amendment made by this Part in—

- (a) the Town and Country Planning Act 1990,
- (b) the Planning (Listed Buildings and Conservation Areas) Act 1990,
- (c) the Planning and Compulsory Purchase Act 2004, or
- (d) the Planning Act 2008,

binds the Crown.

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