



# Town and Country Planning Act 1990

## CHAPTER 8

### TOWN AND COUNTRY PLANNING ACT 1990

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- 331 Offences by corporations.
- 332 Combined applications.
- 333 Regulations and orders.
- 334 Licensing planning areas.
- 335 Act not excluded by special enactments.
- 336 Interpretation.
- 337 Short title, commencement and extent.

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## SCHEDULES

### SCHEDULE 1 — Local Planning Authorities: Distribution of Functions

#### *Preliminary*

- 1 (1) In this Schedule “county matter” means in relation to...

#### *Development plans*

- 2 The functions of a local planning authority—

#### *Planning and special control*

- 3 (1) The functions of a local planning authority of determining—...
- 4 (1) Each of the following applications, namely—
- 5 (1) The Secretary of State may include in a development...
- 6 (1) A development order may also include provision requiring a...



*Status: Point in time view as at 31/03/2003.*

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- 7 (1) It shall be the duty of a local planning...
- 8 (1) A local planning authority who have the function of...
- 9 (1) The functions of local planning authorities under the provisions...
- 10 Elsewhere than in a National Park, the functions of a...
- 11 (1) The functions of a local planning authority of—
- 12 In sections 178(1), 181(4)(b) and 190(2) to (5) any reference...
- 12A The functions of a local planning authority under section 187B...
- 13 (1) In the case of any area for which there...
- 14 The functions of local planning authorities under sections 69, 211,...
- 15 (1) The copy of the notice required to be served...

#### *Compensation*

- 16 (1) Claims for payment of compensation under section 107 (including...
- 17 Claims for payment of compensation under a tree preservation order...
- 18 The local planning authority by whom compensation is to be...

#### *The Crown*

- 19 (1) Elsewhere than in a metropolitan county or a National...

#### *Miscellaneous*

- 20 (1) The local planning authority whom the Secretary of State...
- 21 (1) Subject to sub-paragraph (2), the provisions of this Schedule...

#### SCHEDULE 1A — Distribution of Local Planning Authority Functions: Wales

- 1 (1) Where a local planning authority are not the local...
- 2 (1) A local planning authority who have the function of...
- 3 Paragraphs 4 to 10 apply only in relation to any...
- 4 In sections 178(1), 181(4)(b) and 190(2), (3) and (5) any...
- 5 The functions of a local planning authority under section 187B...
- 6 Where a local planning authority have made a tree preservation...
- 7 (1) The copy of the notice required to be served...

#### *Compensation*

- 8 (1) Claims for payment of compensation under section 107 (including...
- 9 Claims for payment of compensation under a tree preservation order...
- 10 The local planning authority by whom compensation is to be...

#### *Miscellaneous*

- 11 In relation to land in the area of a joint...

#### SCHEDULE 2 — Development Plans: Transitional Provisions Part I — THE METROPOLITAN COUNTIES

##### *Continuation of structure plans, local plans and old development plans*

- 1 (1) Subject to paragraphs 2 and 3—

##### *Revocation of structure plan*

- 2 (1) Where under Chapter I of Part II of this...

*Status: Point in time view as at 31/03/2003.*

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*Local plans until commencement of Chapter I of Part II*

3 .....

*Incorporation of current local plan in unitary development plan*

4 (1) Sub - paragraph (2) applies where -.

*Publicity in connection with local plan*

5 .....

*Pending proposals by metropolitan county council*

6 .....

Part IA — WALES

*Continuation of structure, local and old development plans*

1 (1) Every existing plan which relates to any part of...

*Revocation of structure plan*

2 (1) Where under Chapter I of Part II of this...

*Incorporation of current policy in unitary development plan*

3 (1) This paragraph applies where— (a) a unitary development plan...

*Meaning of "local plan"*

4 In this Part of this Schedule, " local plan "...

Part II — GREATER LONDON

*Continuation of Greater London Development Plan, local plans and old development plans*

1 (1) Subject to paragraphs 2 and 3—

*Revocation of Greater London Development Plan*

2 (1) Where under Chapter I of Part II of this...

*Surveys and local plans*

- 3 .....
- 4 .....
- 5 .....
- 6 .....
- 7 .....
- 8 .....
- 9 .....
- 10 .....
- 11 .....
- 12 .....

*Joint plans*

- 13 .....
- 14 .....

*Status: Point in time view as at 31/03/2003.*

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15 .....  
16 .....

*Incorporation of current local plan in unitary development plan*

17 (1) Sub-paragraph (2) applies where— (a) a local plan is...

*Publicity in connection with local plan*

18 .....

Part III — OLD DEVELOPMENT PLANS

*Preliminary*

1 In this Part of this Schedule “old development plan” means...

*Continuation in force of old development plans*

2 Any old development plan which immediately before the commencement of...

*Other plans to prevail over old development plans*

3 Subject to the following provisions of this Part of this...

*Street authorisation maps*

4 Where immediately before the commencement of this Act a street...

*Development plans for compensation purposes*

5 Where there is no local plan in force in a...

*Discontinuance of old development plan on adoption of local plan*

6 Subject to paragraph 8, on the adoption or approval of...

7 The Secretary of State may by order direct that any...

8 If the Secretary of State makes an order under paragraph...

9 Subject to paragraph 10, the Secretary of State may by...

10 Before making an order with respect to a development plan...

SCHEDULE 3 — Development Not Constituting New Development

Part I — DEVELOPMENT NOT RANKING FOR COMPENSATION UNDER S. 114

1 The carrying out of— (a) the rebuilding, as often as...

2 The use as two or more separate dwellinghouses of any...

Part II — DEVELOPMENT RANKING FOR COMPENSATION UNDER S. 114

3 .....

4 .....

5 .....

6 .....

7 .....

8 .....

Part III — SUPPLEMENTARY PROVISIONS

9 Where after 1st July 1948— (a) any buildings or works...

10 (1) Any reference in this Schedule to the cubic content...

11 .....

*Status: Point in time view as at 31/03/2003.*

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- 12 (1) In this Schedule “at a material date” means at...
- 13 (1) In relation to a building erected after 1st July...
- 14 .....

SCHEDULE 4 — Special provisions as to land use in 1948

- 1 Where on 1st July 1948 land was being temporarily used...
- 2 Where on 1st July 1948 land was normally used for...
- 3 Where land was unoccupied on 1st July 1948, but had...
- 4 Notwithstanding anything in paragraphs 1 to 3, the use of...

SCHEDULE 4A — Local development orders: procedure

*Preparation*

- 1 (1) A local development order must be prepared in accordance...

*Revision*

- 2 (1) The local planning authority may at any time prepare...

*Order to be adopted*

- 3 A local development order is of no effect unless it...

*Annual report*

- 4 (1) The report made under section 35 of the Planning...

*Annual report*

- 5 (1) The report made under section 76 of the Planning...

SCHEDULE 5 — Conditions relating to Mineral Working  
 Part I — CONDITIONS IMPOSED ON GRANT OF PERMISSION

*Duration of development*

- 1 (1) Every planning permission for development —

*Power to impose aftercare conditions*

- 2 (1) Where— (a) planning permission for development consisting of the...

*Meaning of “required standard”*

- 3 (1) In a case where— (a) the use specified in...

*Consultations*

- 4 (1) Before imposing an aftercare condition, the mineral planning authority...

*Certificate of compliance*

- 5 If, on the application of any person with an interest...

*Status: Point in time view as at 31/03/2003.*

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*Recovery of expenses of compliance*

- 6 A person who has complied with an aftercare condition but...  
Part II — CONDITIONS IMPOSED ON REVOCATION OR MODIFICATION OF  
PERMISSION  
7 An order under section 97 may in relation to planning...  
8 Paragraphs 2(3) to (9) and 3 to 6 shall apply...

*Interpretation*

- 9 In this Schedule any reference to a mineral planning authority...

SCHEDULE 6 — Determination of Certain Appeals by Person Appointed by  
Secretary of State

*Determination of appeals by appointed person*

- 1 (1) The Secretary of State may by regulations prescribe classes...

*Powers and duties of appointed person*

- 2 (1) An appointed person shall have the same powers and...

*Determination of appeals by Secretary of State*

- 3 (1) The Secretary of State may, if he thinks fit,...  
4 (1) The Secretary of State may by a further direction...

*Appointment of another person to determine appeal*

- 5 (1) At any time before the appointed person has determined...

*Local inquiries and hearings*

- 6 (1) Whether or not the parties to an appeal have...

*Supplementary provisions*

- 7 If before or during the determination of an appeal under...  
8 (1) The Tribunals and Inquiries Act 1992 shall apply to...

SCHEDULE 7 — Simplified Planning Zones

*General*

- 1 (1) A simplified planning zone scheme shall consist of a...

*Notification of proposals to make or alter scheme*

- 2 An authority who decide under section 83(2) to make or...

*Power of Secretary of State to direct making or alteration of scheme*

- 3 (1) If a person requests a local planning authority to...  
4 (1) A simplified planning zone direction is—

*Steps to be taken before depositing proposals*

- 5 (1) A local planning authority proposing to make or alter...

*Status: Point in time view as at 31/03/2003.*

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*Procedure after deposit of proposals*

6 Where a local planning authority have prepared a proposed simplified...

*Powers of Secretary of State to secure adequate publicity and consultations*

7 (1) The documents sent by the local planning authority to...

*Procedure for dealing with objections*

8 (1) Where objections to the proposed scheme or alterations are...

*Adoption of proposals by local planning authority*

9 (1) After the expiry of the period for making objections...

*Calling in of proposals for approval by Secretary of State*

10 (1) Before the proposals have been adopted by the local...

*Approval of proposals by Secretary of State*

11 (1) The Secretary of State may after considering proposals submitted...

*Default powers*

12 (1) Where — (a) a local planning authority are directed...

*Regulations and directions*

13 (1) Without prejudice to the previous provisions of this Schedule,...

SCHEDULE 8 — Planning Inquiry Commissions

Part I — CONSTITUTION AND PROCEDURE ON REFERENCES

*Constitution of Commissions*

1 (1) A Planning Inquiry Commission shall consist of a chairman...

*Reference to a Planning Inquiry Commission*

2 (1) Two or more of the matters mentioned in section...

*Functions of Planning Inquiry Commission on reference*

3 (1) A commission inquiring into a matter referred to them...

*Procedure on reference to a Planning Inquiry Commission*

4 (1) A reference to a Planning Inquiry Commission of a...

*Local inquiries held by Planning Inquiry Commission*

5 (1) A Planning Inquiry Commission shall, for the purpose of...

Part II — MEANING OF “THE RESPONSIBLE MINISTER OR MINISTERS”

6 In relation to the matters specified in the first column...

7 Where an entry in the second, third or fourth columns...

SCHEDULE 9 — Requirements relating to Discontinuance of Mineral Working

*Status: Point in time view as at 31/03/2003.*

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*Orders requiring discontinuance of mineral working*

- 1 (1) If, having regard to the development plan and to...
- 2 (1) An order under paragraph 1 may impose a restoration...

*Prohibition of resumption of mineral working*

- 3 (1) Where it appears to the mineral planning authority—
- 4 (1) An order under paragraph 3 shall not take effect...

*Orders after suspension of winning and working of minerals*

- 5 (1) Where it appears to the mineral planning authority—

*Supplementary suspension orders*

- 6 (1) At any time when a suspension order is in...

*Confirmation and coming into operation of suspension orders*

- 7 (1) Subject to sub-paragraph (2), a suspension order or a...

*Registration of suspension orders as local land charges*

- 8 A suspension order or a supplementary suspension order shall be...

*Review of suspension orders*

- 9 (1) It shall be the duty of a mineral planning...

*Resumption of mineral working after suspension order*

- 10 (1) Subject to sub-paragraph (2), nothing in a suspension order...

*Default powers of Secretary of State*

- 11 (1) If it appears to the Secretary of State to...

*Interpretation*

- 12 In this Schedule any reference to a mineral planning authority...

SCHEDULE 10 — Condition treated as applicable to rebuilding and alterations

- 1 Where the building to be rebuilt or altered is the...
- 2 Where the building to be rebuilt or altered is not...
- 3 In determining under this Schedule the purpose for which floor...
- 4 (1) For the purposes of this Schedule gross floor space...
- 5 In relation to a building erected after 1st July 1948...

SCHEDULE 11 —

*Power to modify compensation provisions*

- 1 .....

*Circumstances in which mineral compensation modifications apply*

- 2 .....
- 3 .....

*Status: Point in time view as at 31/03/2003.*

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*Mineral compensation requirements*

- 4 .....
- 5 .....
- 6 .....
- 7 .....
- 8 .....
- 9 .....

*Restriction on the winning and working of minerals*

- 10 .....

*Relevant order*

- 11 .....

*Special consultations*

- 12 .....

*Determination of claims*

- 13 .....

SCHEDULE 12 —

*Derivation of unexpended balance from claims under Part VI of 1947 Act*

- 1 .....

*Original unexpended balance of established development value*

- 2 .....

*Claim holdings: their areas and values*

- 3 .....

*Adjustment of claim holdings: preliminary*

- 4 .....

*Adjustment of claim holdings pledged to Central  
Land Board as security for development charges*

- 5 .....
- 6 .....

*Adjustment by reference to payments in respect of war-damaged land*

- 7 .....

*Adjustment in cases of partial disposition of claim holdings*

- 8 .....



*Status: Point in time view as at 31/03/2003.*

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	<i>Adjustment in respect of payments under Part I of 1954 Act</i>
9	.....
	<i>Adjustment in respect of compensation under Part V of 1954 Act</i>
10	.....
	<i>Adjustment of claim holdings: supplementary provisions</i>
11	.....
	<i>General provision for continuance of original unexpended balance</i>
12	.....
	<i>Reduction or extinguishment of balance in consequence of compensation</i>
13	.....
	<i>Reduction or extinguishment of balance on initiation of new development</i>
14	.....
	<i>Calculation of value of previous development of land</i>
15	.....
	<i>Reduction or extinguishment of balance on acquisition under compulsory powers</i>
16	.....
	<i>Apportionment of unexpended balance of established development value</i>
17	.....
	<i>Reduction or extinguishment of balance in consequence of severance or injurious affection</i>
18	.....
	<i>Supplementary provisions as to deductions from original balance</i>
19	.....
	<i>Provision of information relating to unexpended balance</i>
20	.....

SCHEDULE 13 — Blighted Land

*Land allocated for public authority functions in development plans etc.*

- 1 Land indicated in a structure plan in force for the...
- 1A Land which is identified for the purposes of relevant public...
- 1B Land in Wales which is identified for the purposes of...
- 2 Land which— (a) is allocated for the purposes of any...
- 3 Land indicated in a unitary development plan in force where...
- 4 Land which by a unitary development plan is allocated for...
- 5 Land indicated in a plan (other than a development plan)...

*Status: Point in time view as at 31/03/2003.*

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6 Land in respect of which a local planning authority—

*New towns and urban development areas*

- 7 Land within an area described as the site of a...
- 8 Land within an area designated as the site of a...
- 9 Land which is— (a) within an area intended to be...

*Clearance and renewal areas*

- 10 Land within an area declared to be a clearance area...
- 11 Land which— (a) is surrounded by or adjoining an area...
- 12 Land indicated by information published in pursuance of section 92...

*Highways*

- 13 Land indicated in a development plan (otherwise than by being...
- 14 Land on or adjacent to the line of a highway...
- 15 Land shown on plans approved by a resolution of a...
- 16 Land comprised in the site of a highway as proposed...
- 17 Land shown on plans approved by a resolution of a...
- 18 Land shown in a written notice given by the Secretary...

*New streets*

- 19 Land which— (a) either— (i) is within the outer lines...

*General improvement areas*

- 20 Land indicated by information published in pursuance of section 257...

*Compulsory purchase*

- 21 Land authorised by a special enactment to be compulsorily acquired,...
- 22 Land in respect of which— (a) a compulsory purchase order...
- 23 Land— (a) the compulsory acquisition of which is authorised by...
- 24 Land falls within this paragraph if— (a) the compulsory acquisition...

*Land identified in national policy statements*

- 25 Land falls within this paragraph if the land is in...

SCHEDULE 14 — Procedure for footpaths and bridleways orders

Part I — CONFIRMATION OF ORDERS

- 1 (1) Before an order under section 257 or 258 is...
- 2 If no representations or objections are duly made, or if...
- 3 (1) This paragraph applies where any representation or objection which...
- 4 (1) A decision of the Secretary of State under paragraph...
- 5 (1) The Secretary of State shall not confirm an order...
- 6 Regulations under this Act may, subject to this Part of...

Part II — PUBLICITY FOR ORDERS AFTER CONFIRMATION

- 7 (1) As soon as possible after an order under section...
- 8 Where an order under section 257 or 258 has come...

SCHEDULE 15 — Preliminary

*Status: Point in time view as at 31/03/2003.*

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1 In this Schedule an application under section 302(3) and a...

*Making of compliance determination applications*

2 (1) A compliance determination application may be made with respect...

3 A compliance determination application shall be accompanied by such plans...

4 (1) The authority to whom a compliance determination application is...

*Determination of applications*

5 (1) Where a compliance determination application is made to an...

*Appeals against compliance determinations or failure to make such determinations*

6 (1) Where the applicant is aggrieved by a compliance determination,...

7 (1) On such an appeal the Secretary of State may...

8 Subject to paragraph 9 and to any determination or decision...

*Fresh applications where alteration in circumstances*

9 Where a compliance determination has been given that works on...

*References of application to Secretary of State*

10 (1) If it appears to the Secretary of State that...

*Information*

11 The Secretary of State may give directions to any authority...

*Opportunity for hearing*

12 On any compliance determination application or any appeal under this...

*Notice of proposed enforcement*

13 (1) This paragraph applies where before the relevant date any...

*Power of entry*

14 (1) At any time before the relevant date any officer...

*Service of notices*

15 (1) Any notice or other document required or authorised to...

*Supplementary provisions*

16 Parts XIV and XV do not apply to section 302...

SCHEDULE 16 — Provisions of the Planning Acts referred to in Sections 314 to 319

Part I

Part II

Part III

Part IV

Part V

Part VI

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#### SCHEDULE 17 — Enactments Exempted from Section 333(6)

- 1
- 2 The following provisions of the Highways Act 1980— section 73(1)...
- 3 The following further provisions of the Highways Act 1980—
- 4 Section 279 of the Highways Act 1980 so far as...
- 5 Any enactment making such provision as might by virtue of...
- 6 Any enactment which has been previously excluded or modified by...

#### Table of Derivations —

- 1 The following abbreviations are used in this Table:— 1946 c....
- 2 The Table does not show the effect of transfer of...
- 3 The letter R followed by a number indicates that the...
- 4 The entry “drafting” indicates a provision of a mechanical or...

**Status:**

Point in time view as at 31/03/2003.

**Changes to legislation:**

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