



Town and Country Planning Act 1990

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TOWN AND COUNTRY PLANNING ACT 1990

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PART XV

MISCELLANEOUS AND GENERAL PROVISIONS

Application of Act in special cases

- 315 Power to modify Act in relation to minerals.
- 316 Land of interested planning authorities and development by them.
- 316A Local planning authorities as statutory undertakers.
- 317 The British Coal Corporation.
- 318 Ecclesiastical property.
- 319 The Isles of Scilly.

Determination of procedure

- 319A Determination of procedure for certain proceedings

Local inquiries and other hearings

- 320 Local inquiries.
- 321 Planning inquiries to be held in public subject to certain exceptions.
- 321A Appointed representative: no inquiry
- 321B Special provision in relation to planning inquiries: Wales
- 322 Orders as to costs of parties where no local inquiry held.
- 322A Orders as to costs: supplementary.
- 322B Local inquiries in London: special provision as to costs in certain cases.
- 323 Procedure on certain appeals and applications.

Rights of entry

- 324 Rights of entry.
- 325 Supplementary provisions as to rights of entry.
- 325A Rights of entry: Crown land

Miscellaneous and general provisions

- 326 Assumptions as to planning permission in determining value of interests in land.
- 327 Recovery on subsequent development of payments in respect of war-damaged land.
- 327A Applications: compliance with requirements
- 328 Settled land and land of universities and colleges.
- 329 Service of notices.
- 329A Service of notices on the Crown
- 330 Power to require information as to interests in land.
- 330A Information as to interests in Crown land
- 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 Local Planning Authorities: Distribution of Functions

Planning and special control

- 3 (1) The functions of a local planning authority of determining—...
 4 Local Planning Authorities: Distribution of Functions
 5 (1) The Secretary of State may include in a development...
 6 (1) A development order may also include provision requiring a...
 6A (1) This paragraph applies to the functions of local planning...
 7 (1) A local planning authority must not determine an application...
 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...

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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

Publicity in connection with local plan

- 5 Development Plans: Transitional Provisions

Pending proposals by metropolitan county council

- 6 Development Plans: Transitional Provisions
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

Surveys and local plans

- 5 Development Plans: Transitional Provisions
- 6 Development Plans: Transitional Provisions
- 7 Development Plans: Transitional Provisions
- 8 Development Plans: Transitional Provisions
- 9 Development Plans: Transitional Provisions
- 10 Development Plans: Transitional Provisions
- 11 Development Plans: Transitional Provisions
- 12 Development Plans: Transitional Provisions

Joint plans

- 13 Development Plans: Transitional Provisions
- 14 Development Plans: Transitional Provisions
- 15 Development Plans: Transitional Provisions
- 16 Development Plans: Transitional Provisions

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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 Development Plans: Transitional Provisions
Part III — OLD DEVELOPMENT PLANS

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 Development Not Constituting New Development
4 Development Not Constituting New Development
5 Development Not Constituting New Development
6 Development Not Constituting New Development
7 Development Not Constituting New Development
8 Development Not Constituting New Development
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 Development Not Constituting New Development
12 (1) In this Schedule “at a material date” means at...
13 (1) In relation to a building erected after 1st July...
14 Development Not Constituting New Development

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...

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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 4B — Process for making of neighbourhood development orders

Proposals for neighbourhood development orders

- 1 (1) A qualifying body is entitled to submit a proposal...
2 (1) A qualifying body may withdraw a proposal at any...

Advice and assistance in connection with proposals

- 3 (1) A local planning authority must give such advice or...

Requirements to be complied with before proposals made or considered

- 4 (1) Regulations may make provision as to requirements that must...

Consideration of proposals by authority

- 5 (1) A local planning authority may decline to consider a...
6 (1) This paragraph applies if— (a) a proposal has been...

Independent examination

- 7 (1) This paragraph applies if— (a) a local planning authority...
8 (1) The examiner must consider the following—
9 (1) The general rule is that the examination of the...
10 (1) The examiner must make a report on the draft...
11 (1) Regulations may make provision in connection with examinations under...

Consideration by authority of recommendations made by examiner etc

- 12 (1) This paragraph applies if an examiner has made a...
13 (1) If— (a) the local planning authority propose to make...

Referendum

- 14 (1) This paragraph makes provision in relation to a referendum...
15 (1) The additional referendum mentioned in paragraph 12(4) must be...
16 (1) The Secretary of State or the Lord President of...

Interpretation

- 17 In this Schedule— “ the Convention rights ” has the...

SCHEDULE 4C — Community right to build orders

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Introduction

- 1 (1) This Schedule makes special provision about a particular type...

Meaning of “community right to build order”

- 2 (1) A neighbourhood development order is a community right to...

Meaning of “community organisation”

- 3 (1) For the purposes of this Schedule a “community organisation”...

Proposals by community organisations for community right to build orders

- 4 (1) A community organisation is authorised for the purposes of...
5 (1) A community organisation is to be regarded as a...

Development likely to have significant effects on environment etc

- 6 (1) A local planning authority must decline to consider a...

Examination of proposals for community right to build orders etc

- 7 The provisions of Schedule 4B have effect in relation to...
8 Any reference in that Schedule to section 61E(2) includes a...
9 Any reference in that Schedule to section 61F includes a...
10 (1) The provision made by sub-paragraphs (2) to (5) of...

Use of land

- 11 (1) Regulations may make provision for securing that in prescribed...

Different provision made by regulations for community right to build orders

- 12 (1) The provision that may be made by regulations under...

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...

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Certificate of compliance

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

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—

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Steps to be taken before depositing proposals

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

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...

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

SCHEDULE 9 — Requirements relating to Discontinuance of Mineral Working

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 —

...

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SCHEDULE 12 —

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SCHEDULE 13 — Blighted Land

Land allocated for public authority functions in development plans etc.

- 1 Blighted Land
- 1A Land which is identified for the purposes of relevant public...
- 1B Land in Wales which is identified for the purposes of...
- 2 Blighted Land

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- 3 Blighted Land
- 4 Blighted Land
- 5 Land indicated in a plan (other than a development plan)...
- 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...
- 9A Land which is within an area designated under section 197...

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

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- 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

- 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

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Sections 30 to 49.
Section 50(5).
Section 51.
Sections 53 and 54.
Section 56(2) to (6) with the omission in subsection (3)...
Section 65.
Section 69(3) and (4).
Section 79(6) to (7).
Sections 91 to 93.
Section 94(1)(a) and (2) to (6).
Section 95.
Section 99.
Section 101.
Section 137(6) and (7).
Section 142.
Section 157(1) and (2).
Sections 162 and 163.
Section 166.Sections 171A to 171D.
Sections 172 to 174.
Section 175(1) to (4) and (6).
Sections 176 and 177.
Sections 183 and 184.
Section 186(1) to (5).
Sections 187 to 187B.
Sections 191 to 196.
Section 208(9).
Section 226.
Section 228(1), (3), (4) and (7).
Sections 248, 249 and 250.
Section 253.
Section 257.
Section 258(1).
Section 259.
Section 261.
Section 264(1) to (6).
Section 273.
Section 279(4).
Section 280(6) and (8)(b).
Section 304.
Section 307.
Section 331.
Paragraphs 3 to 12 of Part II of Schedule 2,...
Part III
Sections 109 to 112.
Section 298.
Sections 308 to 310.
...
Section 318(4) and (5).
...
Section 328.
...
Any other provisions of the planning Acts in so far...
Part IV

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Part V

Part VI

- Section 60(4).
- Section 65.
- Section 71(1) (2) and (2A).
- Sections 149 to 151.
- Section 153(1) to (7).
- Sections 154 to 156.
- Section 161(1) in so far as it relates to provisions...
- Section 164.
- Sections 168 to 171.
- Section 284 except subsection (1)(a) to (d).
- Section 285(5) and (6).
- Section 288.
- Section 291.
- Section 292(2).
- Section 296(1) (construed as if the reference to Part III...
- Section 318(2) except paragraph (b).
- ...
- In Schedule 13, paragraphs 1 to 4, 12 to 16...
- Any other provisions of this Act in so far as...

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 —

Notes:

- 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...

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