



Town and Country Planning Act 1990

CHAPTER 8

TOWN AND COUNTRY PLANNING ACT 1990

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- 280 Measure of compensation to statutory undertakers, etc.
- 281 Exclusion of s. 280 at option of statutory undertakers.
- 282 Procedure for assessing compensation.

Advertisements

- 283 Display of advertisements on operational land.

PART XII

VALIDITY

- 284 Validity of development plans and certain orders, decisions and directions.
- 285 Validity of enforcement notices and similar notices.
- 286 Challenges to validity on ground of authority's powers.
- 287 Proceedings for questioning validity of development plans and certain schemes and orders.
- 288 Proceedings for questioning the validity of other orders, decisions and directions.
- 289 Appeals to High Court relating to enforcement notices and notices under sections 207 and 215.
- 290 Appeals to High Court against decisions under s. 64.
- 291 Special provisions as to decisions relating to statutory undertakers.
- 292 Special provisions as to orders subject to special parliamentary procedure.

PART XIII

APPLICATION OF ACT TO CROWN LAND

Preliminary

- 292A Application to the Crown
- 293 Preliminary definitions.

Application of Act as respects Crown land

- 293A Urgent Crown development: application
- 294 Control of development on Crown land: special enforcement notices.
- 295 Supplementary provisions as to special enforcement notices.
- 296 Exercise of powers in relation to Crown land.
- 296A Enforcement in relation to the Crown
- 296B References to an interest in land
- 297 Agreements relating to Crown land.
- 298 Supplementary provisions as to Crown and Duchy interests.
- 298A Applications for planning permission etc by Crown

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- 299 Application for planning permission etc. in anticipation of disposal of Crown land.
- 299A Crown planning obligations.
- 300 Tree preservation orders in anticipation of disposal of Crown land.
- 301 Requirement of planning permission for continuance of use instituted by the Crown.

Status: Point in time view as at 18/06/2020.

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Enforcement in respect of war-time breaches of planning control by Crown

- 302 Enforcement in respect of war-time breaches of planning control by the Crown.

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- 303 Fees for planning applications etc.
303ZA Fees for appeals
303A Responsibility of local planning authorities for costs of holding certain inquiries etc.
304 Grants for research and education.
304A Grants for advice and assistance
305 Contributions by Ministers towards compensation paid by local authorities.
306 Contributions by local authorities and statutory undertakers.
307 Assistance for acquisition of property where objection made to blight notice in certain cases.
308 Recovery from acquiring authorities of sums paid by way of compensation.
309 Recovery from acquiring authorities of sums paid in respect of war-damaged land.
310 Sums recoverable from acquiring authorities reckonable for purposes of grant.
311 Expenses of government departments.
312 Payments under s. 59 of 1947 Act and Parts I and V of 1954 Act.
313 General provision as to receipts of Secretary of State.
314 Expenses of county councils.

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- 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.

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- 319ZA Requirement for functions to be discharged by committee, sub-committee or officer
319ZB Size and composition of committee discharging functions
319ZC Sections 319ZA and 319ZB: supplementary
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Determination of procedure

- 319A Determination of procedure for certain proceedings: England
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Status: Point in time view as at 18/06/2020.

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- 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.
- 322C Costs: Wales
- 323 Procedure on certain appeals and applications: England.
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- 324 Rights of entry.
- 325 Supplementary provisions as to rights of entry.
- 325A Rights of entry: Crown land

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- 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.
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- 330 Power to require information as to interests in land.
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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.

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 (1)

Status: Point in time view as at 18/06/2020.

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- 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...
- 8A (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

Publicity in connection with local plan

- 5 Development Plans: Transitional Provisions

Status: Point in time view as at 18/06/2020.

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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

Incorporation of current local plan in unitary development plan

17

Publicity in connection with local plan

- 18 Development Plans: Transitional Provisions
Part III — OLD DEVELOPMENT PLANS

Development plans for compensation purposes

5

Discontinuance of old development plan on adoption of local plan

6

7

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Status: Point in time view as at 18/06/2020.

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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...

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 by a local planning authority under...

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...

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- 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...

- 13A Regulations may make provision— (a) requiring any prescribed action falling...

Referendum

- 13B Intervention powers of Secretary of State

- 13C Regulations may make provision supplementing that made by paragraph 13B;...

- 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 Minister for the...

Interpretation

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

SCHEDULE 4C — Community right to build orders

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”...

Status: Point in time view as at 18/06/2020.

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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 4D — EXERCISE OF FUNCTIONS BY APPOINTED PERSON IN CONNECTION WITH DEVELOPMENTS OF NATIONAL SIGNIFICANCE AND APPLICATIONS MADE TO THE WELSH MINISTERS

Exercise of functions in respect of development of national significance and connected applications

- 1 (1) Unless a direction otherwise is given under paragraph 9,...

Applications under section 62M or 62O: exercise of functions

- 2 Unless a direction otherwise is given under paragraph 9—

Revocation of appointments

- 3 Where a person has been appointed under paragraph 1 or...

Exercise of functions by appointed person

- 4 (1) This paragraph applies for the purposes of paragraphs 5...
5 A person appointed under paragraph 2 to determine an application...
6 (1) Sub-paragraph (2) applies where any enactment (other than this...

Determination by appointed person

- 7 Where a decision on a relevant application or consent is...
8 (1) It is not a ground of application to the...

Power of Welsh Ministers to exercise functions in place of appointed person

- 9 The Welsh Ministers may direct that functions specified in the...
10 A copy of a direction given under paragraph 9 in...
11 (1) Sub-paragraph (2) applies where, in consequence of a direction...

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- 12 Subject to that, for the purpose of the exercise of...
13 (1) The Welsh Ministers may by a further direction revoke...

Power of Welsh Ministers to appoint assessor

- 14 Where an appointed person holds a hearing or inquiry in...

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...

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,...

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- 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...

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

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...

Status: Point in time view as at 18/06/2020.

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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

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...

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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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Status: Point in time view as at 18/06/2020.

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| SCHEDULE 12 — | | |
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| 19 | | ... |
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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...
- 1C Land in Wales which is identified for the purposes of...
- 2 Blighted Land
- 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...

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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

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...

Status: Point in time view as at 18/06/2020.

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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

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 18/06/2020.

Changes to legislation:

Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 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.