



Town and Country Planning Act 1990

CHAPTER 8

TOWN AND COUNTRY PLANNING ACT 1990

PART I

PLANNING AUTHORITIES

- 1 Local planning authorities: general.
- 2 Joint planning boards.
- 2A The Mayor of London: applications of potential strategic importance
- 2B Section 2A: supplementary provisions
- 2C Matters reserved for subsequent approval
- 2D Further provision about orders under section 2A
- 2E Section 2A and planning obligations under section 106
- 2F Representation hearings
- 3 Joint planning committee for Greater London.
- 4 Planning Authorities
- 4A National Parks with National Park authorities.
- 5 The Broads.
- 6 Enterprise zones.
- 7 Urban development areas.
- 7A Mayoral development areas
- 8 Housing action areas.
- 8A The Homes and Communities Agency.
- 9 Power to make consequential and supplementary provision about authorities.

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PART II

CHAPTER I

UNITARY DEVELOPMENT PLANS: METROPOLITAN AREAS INCLUDING LONDON

Preliminary

- 10 Application of Chapter I to Greater London and metropolitan counties.
- 10A Application of Chapter I in relation to Wales.

Surveys etc.

- 11 Survey of planning areas.

Preparation and adoption of unitary development plans

- 12 Preparation of unitary development plan.
- 12A Urban development corporations.
- 13 Public participation.
- 14 Withdrawal of unitary development plan.
- 15 Adoption of unitary development plan by local planning authority.
- 16 Local inquiries.

Secretary of State's powers concerning plans

- 17 Direction to reconsider proposals.
- 18 Calling in of unitary development plan for approval by Secretary of State.
- 19 Approval of unitary development plan by Secretary of State.
- 20 Local inquiry, public examination and consultation by Secretary of State.

Alteration of plans

- 21 Alteration or replacement of unitary development plan.
- 22 Short procedure for certain alterations and replacements.

Greater London: conformity with spatial development strategy

- 21A "Greater London: conformity with spatial development strategy.

Joint plans

- 23 Joint unitary development plans.
- 23A Joint unitary development plans: Wales.
- 23B Unitary development plans for National Parks in Wales.
- 23C Joint unitary development plans for National Parks in Wales.

Supplementary

- 24 Disregard of certain representations.
- 25 Default powers.
- 26 Regulations and directions.
- 27 Meaning of "development plan" in Greater London and metropolitan counties.

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- 27A Meaning of “development plan” in relation to Wales.
- 28 Commencement of Chapter I: transitional provisions.
- 28A Application of Chapter I in relation to Wales: transitional provisions.

CHAPTER II

STRUCTURE AND LOCAL PLANS: NON-METROPOLITAN AREAS

Preliminary

- 29 Application of Chapter II to non-metropolitan areas in England.

Surveys, etc.

- 30 Survey of planning areas.

Structure plans

- 31 Structure plans: continuity, form and content.
- 32 Alteration and replacement of structure plans.
- 33 Public participation.
- 34 Withdrawal of proposals for alteration and replacement of structure plans.
- 35 Adoption of proposals.
- 35A Calling in of proposals for approval by Secretary of State.
- 35B Examination in public.
- 35C Duties to notify authorities responsible for local plans

Local plans

- 36 Local plans.
- 37 Minerals local plans.
- 38 Waste policies.
- 39 Alteration and replacement of local plans.
- 40 Public participation.
- 41 Powers of Secretary of State to secure adequate publicity and consultation.
- 42 Objections: local inquiry or other hearing.
- 43 Adoption of proposals.
- 44 Calling in of proposals for approval by Secretary of State.
- 45 Approval of proposals by Secretary of State.

Conformity between plans

- 46 Conformity between plans.
- 47 Alteration of structure plan.
- 48 Local plan to prevail in cases of conflict with structure plan.

Supplementary

- 49 Disregarding of representations with respect to development authorised by or under other enactments.
- 50 Joint structure and local plans.
- 51 Default powers.
- 51A Urban development corporations.
- 52 Reviews of plans in enterprise zones.

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- 53 Supplementary provisions as to structure and local plans.
- 54 Meaning of “development plan” outside Greater London and the metropolitan counties.

CHAPTER III

GENERAL

- 54A Status of development plans.

PART III

CONTROL OVER DEVELOPMENT

Meaning of development

- 55 Meaning of “development” and “new development”.
- 56 Time when development begun.

Requirement for planning permission

- 57 Planning permission required for development.
- 58 Granting of planning permission: general.

Permission in principle

- 58A Permission in principle: general

Development orders

- 59 Development orders: general.
- 59A Development orders: permission in principle
- 60 Permission granted by development order.
- 61 Development orders: supplementary provisions.

Local development orders

- 61A Local development orders
- 61B Intervention by Secretary of State or National Assembly
- 61C Permission granted by local development order
- 61D Effect of revision or revocation of development order on incomplete development

Mayoral development orders

- 61DA Mayoral development orders
- 61DB Permission granted by Mayoral development order
- 61DC Preparation and making of Mayoral development order
- 61DD Revision or revocation of Mayoral development order
- 61DE Effect of revision or revocation on incomplete development

Neighbourhood development orders

- 61E Neighbourhood development orders
- 61F Authorisation to act in relation to neighbourhood areas
- 61G Meaning of “neighbourhood area”
- 61H Neighbourhood areas designated as business areas

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- 61I Neighbourhood areas in areas of two or more local planning authorities
- 61J Provision that may be made by neighbourhood development order
- 61K Meaning of “excluded development”
- 61L Permission granted by neighbourhood development orders
- 61M Revocation or modification of neighbourhood development orders
- 61N Legal challenges in relation to neighbourhood development orders
- 61O Guidance
- 61P Provision as to the making of certain decisions by local planning authorities
- 61Q Community right to build orders

England: consultation before applying for planning permission or permission in principle

- 61W England: requirement to carry out pre-application consultation
- 61X Duty to take account of responses to consultation
- 61Y Power to make supplementary provision

Wales: pre-application procedure

- 61Z Wales: requirement to carry out pre-application consultation
- 61Z1 Wales: pre-application services
- 61Z2 Pre-application services: records and statement of services

Applications for planning permission or permission in principle

- 62 Applications for planning permission or permission in principle.

Wales: appeal against notice that application is not valid

- 62ZA Wales: notice that application is not valid
- 62ZB Right to appeal to Welsh Ministers against notice
- 62ZC Appeals under section 62ZB: determination by appointed person
- 62ZD Appeals under section 62ZB: determination by Welsh Ministers in place of appointed person

England: option to make application directly to Secretary of State

- 62A When application may be made directly to Secretary of State
- 62B Designation for the purposes of section 62A
- 62C Notifying parish councils of applications under section 62A(1)

Wales: developments of national significance

- 62D Developments of national significance: applications to be made to Welsh Ministers
- 62E Notification of proposed application under section 62D
- 62F Developments of national significance: secondary consents
- 62G Developments of national significance: supplementary provision about secondary consents
- 62H Developments of national significance: meaning of secondary consent
 - 62I Requirement to submit local impact report
 - 62J Duty to have regard to local impact report
 - 62K Local impact report: supplementary
 - 62L Timetable for determining applications

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Wales: option to make application to Welsh Ministers

- 62M Option to make application directly to Welsh Ministers
- 62N Designation for the purposes of section 62M
- 62O Option to make application to Welsh Ministers: connected applications

Applications made to Welsh Ministers: general

- 62P Applications to the Welsh Ministers: supplementary
- 62Q Notifying community councils of applications made to Welsh Ministers
- 62R Power to make provision by development order in respect of applications to Welsh Ministers
- 62S Exercise of functions by appointed person
 - 63 Control over development
 - 64 Control over development

Publicity for applications

- 65 Notice etc. of applications for planning permission or permission in principle.
- 66 Notification of applications to owners and agricultural tenants.
- 67 Notification of applications for planning permission for mineral working.
- 68 Further provisions as to certificates under sections 65 to 67.
- 69 Register of applications etc
- 69A The register: additional requirements in relation to England

Determination of applications

- 70 Determination of applications: general considerations.
- 70A Power of local planning authority to decline to determine applications. Power to decline to determine subsequent application.
- 70B Power to decline to determine overlapping application
- 70C Power to decline to determine retrospective application
- 71 Consultations in connection with determinations under s. 70.
- 71ZA Decision notices: Wales
- 71ZB Notification of initiation of development and display of notice: Wales
 - 71A Assessment of environmental effects.
 - 72 Conditional grant of planning permission.
 - 73 Determination of applications to develop land without compliance with conditions previously attached.
- 73A Planning permission for development already carried out.
- 74 Directions etc. as to method of dealing with applications.
- 74A Deemed discharge of planning conditions
- 74B Conditions relating to construction working hours
- 74C Effect of application under section 74B
- 74D Sections 74B and 74C: supplementary
- 75 Effect of planning permission or permission in principle.
- 75ZB Information about neighbourhood development plans

Applications made to the Welsh Ministers: applicable provisions

- 75A Provisions applying for purpose of applications made to the Welsh Ministers
 - 76 Duty to draw attention to certain provisions for benefit of disabled.

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Secretary of State's powers as respects planning applications and decisions

- 76A Major infrastructure projects
- 76B Major infrastructure projects: inspectors
- 76C Provisions applying to applications made under section 62A
- 76D Deciding applications made under section 62A
- 76E Applications under section 62A: determination by Secretary of State
- 77 Reference of applications to Secretary of State.
- 78 Right to appeal against planning decisions and failure to take such decisions.
- 78A Appeal made: functions of local planning authorities
- 79 Determination of appeals.
- 80 Control over development
- 81 Control over development

Simplified planning zones

- 82 Simplified planning zones.
- 83 Making of simplified planning zone schemes.
- 84 Simplified planning zone schemes: conditions and limitations on planning permission.
- 85 Duration of simplified planning zone scheme.
- 86 Alteration of simplified planning zone scheme.
- 87 Exclusion of certain descriptions of land or development.

Enterprise zone schemes

- 88 Planning permission for development in enterprise zones.
- 89 Effect on planning permission of modification or termination of scheme.

Deemed planning permission

- 90 Development with government authorisation.

Duration of planning permission

- 91 General condition limiting duration of planning permission.
- 92 Outline planning permission.
- 93 Provisions supplementary to ss. 91 and 92.
- 93A Extension of certain planning permissions: automatic extension
- 93B Extension of certain planning permissions: additional environmental approval
- 93C Interpretation of sections 93A and 93B
- 93D Outline planning permission: automatic extension of time limits for application for approval
- 93E Outline planning permission: automatic extension of certain time limits for beginning development
- 93F Outline planning permission: extension of limits for beginning development with additional environmental approval
- 94 Termination of planning permission by reference to time limit: completion notices.
- 95 Effect of completion notice.
- 96 Power of Secretary of State to serve completion notices.

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Non-material changes to planning permission

- 96A Power to make non-material changes to planning permission or permission in principle

Revocation and modification of planning permission or permission in principle

- 97 Power to revoke or modify planning permission or permission in principle.
98 Procedure for s. 97 orders: opposed cases.
99 Procedure for s. 97 orders: unopposed cases.
100 Revocation and modification of planning permission or permission in principle by the Secretary of State.

Power to impose conditions on grant of planning permission in England

- 100ZA Restrictions on power to impose planning conditions in England

Consultation etc in respect of certain applications relating to planning permission: Wales

- 100A Wales: consultation etc in respect of certain applications relating to planning permission

References to Planning Inquiry Commission

- 101 Power to refer certain planning questions to Planning Inquiry Commission.

Other controls over development

- 102 Orders requiring discontinuance of use or alteration or removal of buildings or works.
103 Confirmation by Secretary of State of s. 102 orders.
104 Power of the Secretary of State to make s. 102 orders.
105 Control over development
106 Planning obligations.
106A Modification and discharge of planning obligations.
106B Appeals in relation to applications under section 106A.
106BA Modification or discharge of affordable housing requirements
106BB Duty to notify the Mayor of London of certain applications under section 106BA
106BC Appeals in relation to applications under section 106BA
106C Legal challenges relating to development consent obligations

PART IV

COMPENSATION FOR EFFECTS OF CERTAIN ORDERS, NOTICES, ETC.

Compensation for revocation of planning permission, etc.

- 107 Compensation where planning permission or permission in principle revoked or modified.
108 Compensation for refusal or conditional grant of planning permission etc formerly granted by development order, local development order or neighbourhood development order.
109 Apportionment of compensation for depreciation.
110 Registration of compensation for depreciation.

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- 111 Recovery of compensation under s. 107 on subsequent development.
- 112 Amount recoverable under s. 111 and provisions for payment or remission of it.
- 113 Contribution by Secretary of State towards compensation in certain cases.

Compensation for other planning decisions

- 114 Compensation for planning decisions restricting development other than new development.
- 115 Compensation in respect of orders under s. 102, etc.
- 116 Modification of compensation provisions in respect of mineral working etc.

General and supplemental provisions

- 117 General provisions as to compensation for depreciation under Part IV.
- 118 Determination of claims for compensation.

PART V

Preliminary

- 119 Scope of Part V.

Right to compensation

- 120 Right to compensation: general principles.
- 121 Planning decisions not ranking for compensation.
- 122 No compensation if certain other development permitted.
- 123 Further exclusions from compensation.
- 124 Grant of planning permission treated as subject to notional condition.

Amount of compensation

- 125 General provisions as to amount of compensation.
- 126 Assessment of depreciation.

Claims for and payment of compensation

- 127 General provisions as to claims for compensation.
- 128 Effect on claims of direction under s. 80.
- 129 Determination of claims.
- 130 Payment of compensation.

Recovery of compensation

- 131 Apportionment of compensation.
- 132 Registration of compensation.
- 133 Recovery of compensation on subsequent development.
- 134 Amount recoverable and provisions for payment or remission of it.

Supplementary provisions

- 135 Mortgages, rent-charges and settlements.
- 136 Calculation of value.

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PART VI

RIGHTS OF OWNERS ETC. TO REQUIRE PURCHASE OF INTERESTS

CHAPTER I

INTERESTS AFFECTED BY PLANNING DECISIONS OR ORDERS

Service of purchase notices

- 137 Circumstances in which purchase notices may be served.
- 137A Purchase notices: Crown land
- 138 Circumstances in which land incapable of reasonably beneficial use.

Duties of authorities on service of purchase notice

- 139 Action by council on whom purchase notice is served.
- 140 Procedure on reference of purchase notice to Secretary of State.
- 141 Action by Secretary of State in relation to purchase notice.
- 142 Power to refuse to confirm purchase notice where land has restricted use by virtue of previous planning permission.
- 143 Effect of Secretary of State's action in relation to purchase notice.

Compensation

- 144 Special provisions as to compensation where purchase notice served.

Special provisions for requiring purchase of whole of partially affected agricultural unit

- 145 Counter-notice requiring purchase of remainder of agricultural unit.
- 146 Effect of counter-notice under s. 145.
- 147 Provisions supplemental to ss. 145 and 146.

Supplemental

- 147A Application of Chapter I to National Parks.
- 148 Interpretation of Chapter I.

CHAPTER II

INTERESTS AFFECTED BY PLANNING PROPOSALS: BLIGHT

Preliminary

- 149 Scope of Chapter II.

Blight notices

- 150 Notices requiring purchase of blighted land.
- 151 Counter-notices objecting to blight notices.
- 152 Further counter-notices where certain proposals have come into force.
- 153 Reference of objection to Upper Tribunal: general.
- 154 Effect of valid blight notice.
- 155 Effect on powers of compulsory acquisition of counter-notice disclaiming intention to acquire.
- 156 Withdrawal of blight notice.

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Compensation

- 157 Special provisions as to compensation for acquisitions in pursuance of blight notices.

Special provisions for requiring purchase of whole of partially affected agricultural unit

- 158 Inclusion in blight notices of requirement to purchase parts of agricultural units unaffected by blight.
159 Objections to s. 158 notices.
160 Effect of notices served by virtue of s. 158.

Personal representatives, mortgagees and partnerships

- 161 Powers of personal representatives in respect of blight notice.
162 Power of mortgagees to serve blight notice.
163 Prohibition on service of simultaneous notices under ss. 150, 161 and 162.
164 Special provisions as to partnerships.

Miscellaneous and supplementary provisions

- 164A Power of Welsh Ministers to acquire land identified by National Development Framework for Wales where blight notice served
165 Power of Secretary of State to acquire land affected by orders relating to new towns etc. where blight notice served.
165ZA Power of Greater London Authority to acquire land affected by designation of Mayoral development area where blight notice served
165A Power of Secretary of State to acquire land identified in national policy statements where blight notice served
166 Saving for claimant's right to sell whole hereditament, etc.
167 No withdrawal of constructive notice to treat.
168 Meaning of "owner-occupier" and "resident owner-occupier".
169 "Appropriate authority" for purposes of Chapter II.
170 "Appropriate enactment" for purposes of Chapter II.
171 General interpretation of Chapter II.

PART VII

ENFORCEMENT

Introductory

- 171A Expressions used in connection with enforcement.
171B Time limits.
171BA Time limits in cases involving concealment
171BB Planning enforcement orders: procedure
171BC Making a planning enforcement order

Planning contravention notices

- 171C Power to require information about activities on land.
171D Penalties for non-compliance with planning contravention notice.

Temporary stop notices

- 171E Temporary stop notice

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- 171F Temporary stop notice: restrictions
- 171G Temporary stop notice: offences
- 171H Temporary stop notice: compensation

Enforcement notices

- 172 Issue of enforcement notice.
- 172A Assurance as regards prosecution for person served with notice
- 173 Contents and effect of notice.
- 173ZA Enforcement warning notice: Wales
- 173A Variation and withdrawal of enforcement notices.
- 174 Appeal against enforcement notice.
- 175 Appeals: supplementary provisions.
- 176 General provisions relating to determination of appeals.
- 177 Grant or modification of planning permission on appeals against enforcement notices.
- 178 Execution and cost of works required by enforcement notice.
- 179 Offence where enforcement notice not complied with.
- 180 Effect of planning permission, etc., on enforcement or breach of condition notice.
- 181 Enforcement notice to have effect against subsequent development.
- 182 Enforcement by the Secretary of State.

Stop notices

- 183 Stop notices.
- 184 Stop notices: supplementary provisions.
- 185 Service of stop notices by Secretary of State.
- 186 Compensation for loss due to stop notice.
- 187 Penalties for contravention of stop notice.

Breach of condition

- 187A Enforcement of conditions.

Injunctions

- 187B Injunctions restraining breaches of planning control.

Registers

- 188 Register of enforcement and stop notices and other enforcement action .

Enforcement of orders for discontinuance of use, etc.

- 189 Penalties for contravention of orders under s. 102 and Schedule 9.
- 190 Enforcement of orders under s. 102 and Schedule 9.

Certificate of lawful use or development

- 191 Certificate of lawfulness of existing use or development.
- 192 Certificate of lawfulness of proposed use or development.
- 193 Certificates under sections 191 and 192: supplementary provisions.
- 194 Offences.
- 195 Appeals against refusal or failure to give decision on application.
- 196 Further provisions as to references and appeals to the Secretary of State.

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Rights of entry for enforcement purposes

- 196A Rights to enter without warrant.
- 196B Right to enter under warrant.
- 196C Rights of entry: supplementary provisions.

Conservation areas

- 196D Offence of failing to obtain planning permission for demolition of unlisted etc buildings in conservation areas in England

PART VIII

SPECIAL CONTROLS

CHAPTER I

TREES

General duty of planning authorities as respects trees

- 197 Planning permission to include appropriate provision for preservation and planting of trees.

Tree preservation orders

- 198 Power to make tree preservation orders.
- 199 Form of and procedure applicable to orders.
- 200 Tree preservation orders: Forestry Commissioners and Natural Resources Body for Wales
- 201 Provisional tree preservation orders.
- 202 Power for Secretary of State to make tree preservation orders.
- 202A Tree preservation regulations: general
- 202B Tree preservation regulations: making of tree preservation orders
- 202C Tree preservation regulations: prohibited activities
- 202D Tree preservation regulations: consent for prohibited activities
- 202E Tree preservation regulations: compensation
- 202F Tree preservation regulations: registers
- 202G Tree preservation regulations: supplementary

Compensation for loss or damage caused by orders, etc.

- 203 Compensation in respect of tree preservation orders.
- 204 Compensation in respect of requirement as to replanting of trees.
- 205 Determination of compensation claims.

Consequences of tree removal, etc.

- 206 Replacement of trees.
- 207 Enforcement of duties as to replacement of trees.
- 208 Appeals against s. 207 notices.
- 209 Execution and cost of works required by s. 207 notice.
- 210 Penalties for non-compliance with tree preservation regulations .

Trees in conservation areas

- 211 Preservation of trees in conservation areas.

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- 212 Power to disapply s. 211.
- 213 Enforcement of controls as respects trees in conservation areas.
- 214 Registers of s. 211 notices.

Injunctions

- 214A Injunctions.

Rights of entry

- 214B Rights to enter without warrant.
- 214C Right to enter under warrant.
- 214D Rights of entry: supplementary provisions.

CHAPTER II

LAND ADVERSELY AFFECTING AMENITY OF NEIGHBOURHOOD

- 215 Power to require proper maintenance of land.
- 216 Penalty for non-compliance with s. 215 notice.
- 217 Appeal against a section 215 notice.
- 218 Further appeal to the Crown Court: England
- 219 Execution and cost of works required by s. 215 notice.

CHAPTER III

ADVERTISEMENTS

Advertisement regulations

- 220 Regulations controlling display of advertisements.
- 221 Power to make different advertisement regulations for different areas.
- 222 Planning permission not needed for advertisements complying with regulations.

Repayment of expense of removing prohibited advertisements

- 223 Repayment of expense of removing prohibited advertisements.

Enforcement of control over advertisements

- 224 Enforcement of control as to advertisements.
- 225 Power to remove or obliterate placards and posters.
- 225A Power to remove structures used for unauthorised display
- 225B Appeal against notice under section 225A
- 225C Remedying persistent problems with unauthorised advertisements
- 225D Right to appeal against notice under section 225C
- 225E Applying section 225C to statutory undertakers' operational land

CHAPTER 4

REMEDYING DEFACEMENT OF PREMISES

- 225F Power to remedy defacement of premises
- 225G Notices under section 225F in respect of post boxes

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- 225H Section 225F powers as respects bus shelters and other street furniture
- 225I Right to appeal against notice under section 225F
- 225J Remedying defacement at owner or occupier's request

CHAPTER 5

APPLICATION OF PROVISIONS OF CHAPTERS 3 AND 4 TO STATUTORY UNDERTAKERS

- 225K Action under sections 225A, 225C and 225F: operational land

PART IX

ACQUISITION AND APPROPRIATION OF LAND FOR PLANNING PURPOSES, ETC.

Acquisition for planning and public purposes

- 226 Compulsory acquisition of land for development and other planning purposes.
- 227 Acquisition of land by agreement.
- 228 Compulsory acquisition of land by the Secretary of State for Levelling Up, Housing and Communities.
- 229 Appropriation of land forming part of common, etc.
- 230 Acquisition of land for purposes of exchange.
- 231 Power of Secretary of State to require acquisition or development of land.

Appropriation, disposal and development of land held for planning purposes, etc.

- 232 Appropriation of land held for planning purposes.
- 233 Disposal by local authorities of land held for planning purposes.
- 234 Disposal by Secretary of State of land acquired under s. 228.
- 235 Development of land held for planning purposes.

Extinguishment of certain rights affecting acquired or appropriated land

- 236 Extinguishment of rights over land compulsorily acquired.
- 237 Power to override easements and other rights.
- 238 Use and development of consecrated land.
- 239 Use and development of burial grounds.
- 240 Provisions supplemental to ss. 238 and 239.
- 241 Use and development of open spaces.
- 242 Overriding of rights of possession.

Constitution of joint body to hold land for planning purposes

- 243 Constitution of joint body to hold land for planning purposes.

General and supplementary provisions

- 244 Powers of joint planning boards under Part IX.
- 244A Powers of National Park authorities under Part IX.
- 245 Modification of incorporated enactments for purposes of this Part.
- 246 Interpretation of Part IX.

PART X

HIGHWAYS

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Orders made by Secretary of State

- 247 Highways affected by development: orders by Secretary of State.
- 248 Highways crossing or entering route of proposed new highway, etc.
- 249 Order extinguishing right to use vehicles on highway.
- 250 Compensation for orders under s. 249.
- 251 Extinguishment of public rights of way over land held for planning purposes.
- 252 Procedure for making of orders.
- 253 Procedure in anticipation of planning permission.
- 254 Compulsory acquisition of land in connection with highways.
- 255 Concurrent proceedings in connection with highways.
- 256 Telecommunication apparatus: orders by Secretary of State.

Orders by other authorities

- 257 Footpaths, bridleways and restricted byways affected by development: orders by other authorities.
- 258 Extinguishment of public rights of way over land held for planning purposes.
- 259 Confirmation of orders made by other authorities.
- 260 Telecommunication apparatus: orders by or on application of other authorities.

Temporary highway orders: mineral workings

- 261 Temporary stopping up of highways for mineral workings.

PART XI

STATUTORY UNDERTAKERS

Preliminary

- 262 Meaning of “statutory undertakers”.
- 263 Meaning of “operational land”.
- 264 Cases in which land is to be treated as not being operational land.
- 265 Meaning of “the appropriate Minister”.

Application of Part III to statutory undertakers

- 266 Applications for planning permission by statutory undertakers.
- 267 Conditional grants of planning permission.
- 268 Development requiring authorisation of government department.
- 269 Revocation or modification of permission to develop operational land.
- 270 Order requiring discontinuance of use etc. of operational land.

Extinguishment of rights of statutory undertakers, etc.

- 271 Extinguishment of rights of statutory undertakers: preliminary notices.
- 272 Extinguishment of rights of telecommunications code system operators: preliminary notices.
- 273 Notice for same purposes as ss. 271 and 272 but given by undertakers to developing authority.
- 274 Orders under ss. 271 and 272.

Status: Point in time view as at 10/03/2023.

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Extension or modification of statutory undertakers' functions

- 275 Extension or modification of functions of statutory undertakers.
- 276 Procedure in relation to orders under s. 275.
- 277 Relief of statutory undertakers from obligations rendered impracticable.
- 278 Objections to orders under ss. 275 and 277.

Compensation

- 279 Right to compensation in respect of certain decisions and orders.
- 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

Status: Point in time view as at 10/03/2023.

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Provisions relating to anticipated disposal of Crown land

- 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.

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.

PART XIV

FINANCIAL PROVISIONS

- 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.

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.

Wales: discharge of functions of local planning authority relating to applications

- 319ZA Requirement for functions to be discharged by committee, sub-committee or officer

Status: Point in time view as at 10/03/2023.

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- 319ZB Size and composition of committee discharging functions
- 319ZC Sections 319ZA and 319ZB: supplementary
- 319ZD Interpretation of sections 319ZA to 319ZC

Determination of procedure

- 319A Determination of procedure for certain proceedings: England
- 319B Determination of procedure for certain proceedings: Wales

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.
- 322C Costs: Wales
- 323 Procedure on certain appeals and applications: England.
- 323A Procedure for certain proceedings: Wales

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.

SCHEDULES

SCHEDULE 1 — Local Planning Authorities: Distribution of Functions

Status: Point in time view as at 10/03/2023.

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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)
- 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...

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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

Incorporation of current local plan in unitary development plan

17

Publicity in connection with local plan

18 Development Plans: Transitional Provisions

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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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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...

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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...
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

Status: Point in time view as at 10/03/2023.

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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 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...

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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...
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

Status: Point in time view as at 10/03/2023.

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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...

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...

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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

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—

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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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Status: Point in time view as at 10/03/2023.

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SCHEDULE 12 —		
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Status: Point in time view as at 10/03/2023.

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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...

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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

- 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...

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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

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...

Status: Point in time view as at 10/03/2023.

Changes to legislation: Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 17 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)

- 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 10/03/2023.

Changes to legislation:

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