

Status: Point in time view as at 25/11/1991. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Town and Country Planning Act 1990, Cross Heading: Planning and special control is up to date with all changes known to be in force on or before 13 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)

SCHEDULES

SCHEDULE 1

LOCAL PLANNING AUTHORITIES: DISTRIBUTION OF FUNCTIONS

Planning and special control

- 3 (1) The functions of a local planning authority of determining—
- (a) applications for planning permission;
 - (b) applications for determining under section 64 whether an application for such permission is required;
 - (c) applications for an established use certificate under section 192;
- shall, subject to sub-paragraph (2), be exercised by the district planning authority.
- (2) The functions of a local planning authority of determining any such application as is mentioned in sub-paragraph (1) which [^{F1}relates] to a county matter shall be exercised by the county planning authority.
- [^{F2}(3) Every application mentioned in sub-paragraph (1) shall be made to the district planning authority.
- (4) The district planning authority shall send to the county planning authority, as soon as possible and in any case not later than seven days after they have received it, a copy of any application for planning permission which appears to them to relate to a county matter.
- (5) Subject to sub-paragraph (6), the district planning authority shall send to the local highway authority, as soon as may be after they have received it, a copy of any application for planning permission which does not appear to them to relate to a county matter.
- (6) If the local highway authority specify any case or class of case in which a copy of such an application as is mentioned in sub-paragraph (5) need not be sent to them, the duty imposed on the district planning authority by that sub-paragraph shall not extend to any application to which the direction relates.]
- (7) The previous provisions of this paragraph shall not apply to applications relating to land in a National Park, but paragraph 4 shall apply to such applications instead.

Textual Amendments

- F1** Word in [Sch. 1 para. 3\(2\)](#) substituted (25.11.1991 for certain purposes and otherwise *prosp.*) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [ss. 19\(2\)\(a\), 84\(2\)-\(4\)](#)(with s. 84(5)); [S.I. 1991/2728, art.2](#)

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F2 Sch. 1 para. 3(3)-(6) omitted (25.11.1991 for certain purposes and otherwise *prosp.*) by virtue of [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **ss. 19(2)(b), 84(2)-(4)(6)**, Sch. 19 Pt. I (with s. 84(5)); S.I. 1991/2728, **art.2**

- 4 ^{F3}(1) Each of the following applications, namely—
- (a) applications for planning permission;
 - (c) applications for an established use certificate under section 192; and
 - (d) applications for consent to the display of advertisements under section 220,
- shall, if relating to land in a National Park, be made to the district planning authority who shall, unless it falls to be determined by them, send it on to the county planning authority and, in the case of an application for planning permission, shall send a copy to the local highway authority, except where the local highway authority are a local planning authority and except in any case or class of case with respect to which the local highway authority otherwise direct].
- (2) Where any such application relating to land in a National Park or an application so relating for approval of a matter reserved under an outline planning permission within the meaning of section 92 falls to be determined by a county planning authority, that authority shall before determining it consult with the district planning authority for the area in which the land to which the application relates is situated.

Textual Amendments

F3 Sch. 1 para. 4(1) omitted (25.11.1991 for certain purposes and otherwise *prosp.*) and repealed (*prosp.*) by virtue of [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **ss. 19(2)(b), 84(2)-(4)(6)** (with s. 84(5)); S.I. 1991/2728, **art.2**

- 5 (1) The Secretary of State may include in a development order such provisions as he thinks fit enabling a local highway authority to impose restrictions on the grant by the local planning authority of planning permission for the following descriptions of development relating to land in the area of the local highway authority—
- (a) the formation, laying out or alteration of any means of access to a road classified under section 12(3) of the ^{M1}Highways Act 1980 or section 27 of the ^{M2}Local Government Act 1966 or to a proposed road the route of which has been adopted by resolution of the local highway authority and notified as such to the local planning authority;
 - (b) any other operations or use of land which appear to the local highway authority to be likely to result in a material increase in the volume of traffic entering or leaving such a classified or proposed road, to prejudice the improvement or construction of such a road or to result in a material change in the character of traffic entering, leaving or using such a road.
- (2) The reference to a local planning authority in sub-paragraph (1) shall not be construed as including a reference to an urban development corporation who are the local planning authority by virtue of an order under section 149 of the Local Government, ^{M3}Planning and Land Act 1980, and no provision of a development order which is included in it by virtue of that paragraph is to be construed as applying to such a corporation.

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- (3) The Secretary of State may include in a development order provision enabling a local highway authority to impose restrictions on the grant by an urban development corporation who are the local planning authority of planning permission for such descriptions of development as may be specified in the order.

Marginal Citations

- M1** 1980 c. 66.
M2 1966 c. 42.
M3 1980 c. 65.

- 6 (1) A development order may also include provision requiring a county planning authority who are determining any application mentioned in paragraph 3 and relating to a county matter, or an application for approval of a matter reserved under an outline planning permission within the meaning of section 92 and so relating, to give the district planning authority for the area in which the land to which the application relates is situated an opportunity to make recommendations to the county planning authority as to the manner in which the application is determined, and to take into account any such recommendations.
- (2) It may also include provision requiring a county or district planning authority who have received any application so mentioned or any application for such approval (including any such application relating to land in a National Park) to notify the district or, as the case may be, county planning authority of the terms of their decision, or, where the application is referred to the Secretary of State, the date when it was so referred and, when notified to them, the terms of his decision.
- 7 (1) It shall be the duty of a local planning authority in a non-metropolitan county when exercising their functions under sections 70 and 71 to seek the achievement of the general objectives of the structure plan for the time being in force in their area.
- (2) Subject to sub-paragraph (4), the district planning authority shall consult the county planning authority for their area before determining any application to which this sub-paragraph applies.
- (3) Sub-paragraph (2) applies to any application for planning permission for the carrying out—
- (a) of any development of land which would materially conflict with or prejudice the implementation—
- [^{F4}(i) of any policy contained in a structure plan which has been adopted or approved;
- (ii) of any policy contained in proposals made available for inspection under section 33(2);]
- (iv) of a fundamental provision of a development plan to which paragraph 2 of Part III of Schedule 2 applies, so far as the development plan is in force in the district planning authority's area;
- [^{F5}(v) of any policy contained in a minerals local plan or a waste local plan which has been adopted or approved;

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- (vi) of any policy contained in proposals for the making, alteration or replacement of a minerals local plan or a waste local plan which have been made available for inspection under section 40(2);
 - (vii) of any proposal contained in a local plan which was prepared by the county planning authority and continued in operation by virtue of paragraph 44 of Schedule 4 to the ^{M4}Planning and Compensation Act 1991;
 - (viii) of any proposal contained in proposals in respect of a local plan which have been prepared by the county planning authority and are adopted or approved by virtue of paragraph 43 of that Schedule or made available for inspection in pursuance of that paragraph;]
- (b) of any development of land which would, by reason of its scale or nature or the location of the land, be of major importance for the implementation of a structure plan;
 - (c) of any development of land in an area which the county planning authority have notified to the district planning authority, in writing, as an area in which development is likely to affect or be affected by the winning and working of minerals, other than coal;
 - (d) of any development of land which the county planning authority have notified the district planning authority, in writing, that they themselves propose to develop;
 - (e) of any development of land which would prejudice the carrying out of development proposed by the county planning authority and notified to the district planning authority under paragraph (d);
 - (f) of any development of land in England in respect of which the county planning authority have notified the district planning authority, in writing, that it is proposed that it shall be used for waste disposal;
 - (g) of any development of land which would prejudice a proposed use of land for waste disposal notified to the district planning authority under paragraph (f).
- (4) The district planning authority may determine any application to which sub-paragraph (2) applies without the consultation required by that sub-paragraph if the county planning authority have given them directions authorising them to do so.
- (5) A direction under sub-paragraph (4) may relate to a class of applications or to a particular application.
- (6) Subject to sub-paragraph (7), where the district planning authority are required to consult the county planning authority before determining an application for planning permission—
- (a) they shall give the county planning authority notice that they propose to consider the application and send them a copy of it; and
 - (b) they shall not determine it until the expiration of such period from the date of the notice as a development order may provide.
- (7) A district planning authority may determine an application for planning permission before the expiration of such a period as is mentioned in sub-paragraph (6)(b)—
- (a) if they have received representations concerning the application from the county planning authority before the expiration of that period; or
 - (b) if the county planning authority have notified them that they do not wish to make representations.

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- (8) Where a district planning authority are required to consult the county planning authority before determining an application for planning permission, they shall in determining it take into account any representations relating to it which they have received from the county planning authority before the expiration of the period mentioned in sub-paragraph (6)(b).

Textual Amendments

- F4** Sch. 1 para. 7(3)(a)(i)-(ii) substituted for para. 7(3)(a)(i)-(iii) (25.11.1991 for certain purposes and otherwise 10.2.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 27, [Sch. 4 Pt. II para. 35\(2\)\(a\)](#)(with s. 84(5)); [S.I. 1991/2728, art.2](#); [S.I. 1991/2905, art.4](#)
- F5** Sch.1 para. 7(3)(a)(v)-(viii) substituted for para. 7(3)(a)(v)-(vii) (25.11.1991 for certain purposes and otherwise 10.2.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 27, [Sch. 4 Pt. II para. 35\(2\)\(b\)](#)(with s. 84(5)); [S.I. 1991/2728, art.2](#); [S.I. 1991/2905, art.4](#)

Marginal Citations

- M4** 1991 c. 34.

- 8 (1) Where a district planning authority or, in a metropolitan county, a local planning authority have been notified in writing by the council of a parish or community wholly or partly situated in the area of that authority that the council wish to be informed—
- (a) of every application for planning permission relating to land in the parish or community,
 - (b) of every application so relating for approval of a matter reserved under an outline planning permission within the meaning of section 92, or
 - (c) of any description of such applications,
- if the authority receive any such application or, as the case may be, an application of any such description they shall inform the council in writing of the application, indicating the nature of the development to which the application relates and identifying the land to which it relates.
- (2) The provisions which may be contained in a development order shall include provision requiring—
- (a) a local planning authority, who are determining any application of which the council of a parish or community are entitled to be informed, to give that council an opportunity to make representations to the local planning authority as to the manner in which the application should be determined and to take into account any such representations;
 - (b) the district planning authority or, in a metropolitan county, a local planning authority to notify that council of the terms of their or, in a non-metropolitan county, the county planning authority’s decision on any such application or, where the application is referred to the Secretary of State, the date when it was so referred and, when notified to them, the terms of his decision.
- 9 (1) The functions of local planning authorities under the provisions of this Act relating to simplified planning zone schemes shall be exercised in non-metropolitan counties by the district planning authorities.

^{F6}(2)

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^{F6}(3)

Textual Amendments

F6 Sch. 1 para. 9(2)(3) repealed (25.11.1991 for certain purposes and otherwise 9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 28, 84(6), Sch. 5 Pt. II para.3, [Sch. 19 Pt.I](#) (with s. 84(5)); S.I. 1991/2728, [art.2](#); S.I. 1992/2413, [art. 2](#) (with art. 3); S.I. 1992/2831, art. 2, [Sch.](#)

10 Elsewhere than in a National Park, the functions of a local planning authority under section 94 shall be exercisable by the district planning authority, except that where the relevant planning permission was granted by the county planning authority, those functions, so far as relating to that permission, shall be exercisable by the county planning authority and also by the district planning authority after consulting the county planning authority.

- 11 (1) The functions of a local planning authority of—
 - (a) making orders under section 97 revoking or modifying planning permission, or under section 102 requiring discontinuance of use, imposing conditions on continuance of use or requiring the alteration or removal of buildings or works, or
 - (b) issuing enforcement notices under section 172 or serving stop notices under section 183,
 shall, subject to sub-paragraphs (2) to (4), be exercisable by the district planning authority.
- (2) In a case where it appears to the district planning authority of a district in a non-metropolitan county that the functions mentioned in sub-paragraph (1) relate to county matters, they shall not exercise those functions without first consulting the county planning authority.
- (3) Subject to sub-paragraph (4), in a non-metropolitan county those functions shall also be exercisable by a county planning authority in a case where it appears to that authority that they relate to a matter which should properly be considered a county matter.
- (4) In relation to a matter which is a county matter by virtue of any of the provisions of paragraph 1(1)(a) to (h) the functions of a local planning authority specified in sub-paragraph (1)(b) shall only be exercisable by the county planning authority in their capacity as mineral planning authority.

12 In sections 178(1), 181(4)(b) and 190(2) to (5) any reference to the local planning authority shall be construed as a reference to the authority who issued the notice or made the order in question or, in the case of an notice issued or an order made by the Secretary of State, the authority named in the notice or order.

VALID FROM 02/01/1992

^{F7}12A The functions of a local planning authority under section 187B are exercisable by any body having the function of taking enforcement action in respect of the breach in question]

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Textual Amendments

F7 Sch. 1 para. 12A inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, Sch. 7 para. 53(7) (with s. 84(5)); S.I. 1991/2905, art. 3, Sch.1 (subject to art. 5)

- 13 (1) A county planning authority may only make a tree preservation order—
- (a) if they make it in pursuance of section 197(b);
 - (b) if it relates to land which does not lie wholly within the area of a single district planning authority;
 - (c) if it relates to land in which the county planning authority hold an interest; or
 - (d) if it relates to land in a National Park.
- (2) Where a local planning authority have made a tree preservation order under section 198 or the Secretary of State has made such an order by virtue of section 202, the powers of varying or revoking the order and the powers of dispensing with section 206 or serving, or appearing on an appeal relating to, a notice under section 207 shall be exercisable only by the authority who made the order or, in the case of an order made by the Secretary of State, the authority named in the order.
- 14 The functions of local planning authorities under sections 69, 211, 214, 220, 221, 224 and 225, and in non-metropolitan counties the functions under section 215, are exercisable by district planning authorities.
- 15 (1) The copy of the notice required to be served by paragraph 4(5) of Schedule 8 on a local planning authority shall, in the case of a proposal that a government department should give a direction under section 90(1) or that development should be carried out by or on behalf of a government department, be served on the local planning authority who, in the opinion of the Secretary of State, would have been responsible for dealing with an application for planning permission for the development in question if such an application had fallen to be made.
- (2) References in paragraphs 3(2) and 5(1) of that Schedule to the local planning authority shall be construed as references to the local planning authority on whom that copy is required to be served.

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