



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART XIV

#### FINANCIAL PROVISIONS

#### **[<sup>F1</sup>303A Responsibility of local planning authorities for costs of holding certain inquiries etc.**

[<sup>F2</sup>(1) This section applies if the appropriate authority appoints a person to carry out or hold a qualifying procedure.

(1A) A qualifying procedure is—

- (a) an independent examination under section 20 or 64 of the Planning and Compulsory Purchase Act 2004;
- (b) a local inquiry or other hearing under paragraph 8(1)(a) of Schedule 7;
- (c) the consideration of objections under paragraph 8(1)(b) of that Schedule.

(1B) The appropriate authority is—

- (a) the Secretary of State if the local planning authority causing the procedure to be carried out or held is in England;
- (b) the National Assembly for Wales if the local planning authority causing the procedure to be carried out or held is in Wales.]

(2) The [<sup>F3</sup>appropriate authority] may require the whole or any part of the costs borne by [<sup>F4</sup>it] in relation to the qualifying [<sup>F5</sup>procedure] to be paid by the local planning authority causing the qualifying [<sup>F5</sup>procedure] to be held.

(3) The [<sup>F3</sup>appropriate authority] may cause the amount of any such costs to be certified; and any amount so certified and required by [<sup>F4</sup>it] to be paid by a local planning authority shall be recoverable from that authority as a civil debt.

(4) What may be recovered under this section by the [<sup>F3</sup>appropriate authority] is the entire administrative cost of, or incidental to, the qualifying [<sup>F5</sup>procedure] , so far as borne by [<sup>F4</sup>it] , including, in particular, such reasonable amount or element as [<sup>F6</sup>it] may determine in respect of the general staff costs and overheads of his department.

*Status: Point in time view as at 02/05/2006. This version of this provision has been superseded.*

*Changes to legislation: Town and Country Planning Act 1990, Section 303A is up to date with all changes known to be in force on or before 18 August 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)*

(5) For the purposes of subsection (4), the [<sup>F3</sup>appropriate authority] may by regulations prescribe a standard daily amount in relation to any description of qualifying [<sup>F5</sup>procedure] and any description of person appointed to hold it,<sup>F7</sup> . . . and where, in relation to a qualifying [<sup>F5</sup>procedure] of that description, a person of that description is or has been so appointed, what may be recovered in respect of that qualifying [<sup>F5</sup>procedure] by virtue of the appointment of that person<sup>F7</sup> . . . is—

- (a) the prescribed standard amount from time to time applicable in the case of that qualifying [<sup>F5</sup>procedure] and that person in respect of each day, or an appropriate proportion of that amount in respect of a part of a day, on which that person is engaged in the holding of, or is otherwise engaged on work connected with, the qualifying [<sup>F5</sup>procedure] ;
- (b) any costs actually incurred on travelling or subsistence allowances payable to that person in connection with the qualifying [<sup>F5</sup>procedure] ;
- (c) any costs attributable to the appointment of an assessor to assist that person<sup>F8</sup> . . . and
- (d) any other costs attributable to the appointment of that person.

(6) The cost of, or incidental to, a qualifying [<sup>F5</sup>procedure] which does not take place may be recovered by the [<sup>F3</sup>appropriate authority] from the local planning authority from which it would have been recoverable, had the qualifying [<sup>F5</sup>procedure] taken place, to the same extent, and in the same way, as the cost of, or incidental to, a qualifying [<sup>F5</sup>procedure] which does take place.

- (7)<sup>F9</sup> . . . . .
- (8)<sup>F9</sup> . . . . .
- (9)<sup>F9</sup> . . . . .

[References to a local planning authority causing a qualifying inquiry to be held<sup>F10</sup>(9A) include references to a requirement under the Planning and Compulsory Purchase Act 2004 on the authority to submit a plan to the appropriate authority for independent examination.]

- (10) In this section—
  - (a) any reference to costs borne by the [<sup>F11</sup>appropriate authority] includes a reference to costs which, apart from this section, would fall, or would have fallen, to be borne by [<sup>F12</sup>it] ; and
  - (b) any reference to any remuneration or allowance being paid or payable to a person includes a reference to its being paid or payable for him.

(11) This section applies in relation to costs arising before, as well as costs arising after, its coming into force.]

**Textual Amendments**

**F1** S. 303A inserted (8.11.1995) by [1995 c. 49, s. 1\(1\)](#)

**F2** S. 303A(1)-(1B) substituted (28.9.2004 (E.), 15.10.2005 (W.)) by [Planning and Compulsory Purchase Act 2004 \(c. 5\), s. 118, Sch. 6 para. 11\(2\)](#), (with s. 111); [S.I. 2004/2202, art. 2](#); [S.I. 2005/2847, art. 2](#)

**F3** Words in s. 303A(2)-(6) substituted (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\), ss. 118, 121, Sch. 6 para. 11\(3\)](#) (with s. 111); [S.I. 2004/2202, art. 2](#) Sch. 1 (subject to transitional provisions and savings in art. 4); [S.I. 2005/2847, art. 2](#) Sch. 1 (subject to transitional provisions and savings in art. 3)

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- F4** Word in s. 303A(2)-(6) substituted (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 121, [Sch. 6 para. 11\(3\)](#) (with s. 111); S.I. 2004/2202, [art. 2](#) Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, [art. 2](#) Sch. 1 (subject to transitional provisions and savings in art. 3)
- F5** Word in s. 303A(2)(4)(5)(6) substituted (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 121, [Sch. 6 para. 11\(4\)](#) (with s. 111); S.I. 2004/2202, [art. 2](#) Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, [art. 2](#) Sch. 1 (subject to transitional provisions and savings in art. 3)
- F6** Word in s. 303A(2)-(6) substituted (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 121, [Sch. 6 para. 11\(3\)](#) (with s. 111); S.I. 2004/2202, [art. 2](#) Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, [art. 2](#) Sch. 1 (subject to transitional provisions and savings in art. 3)
- F7** Words in s. 303A(5) repealed (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 121, [Sch. 6 para. 11\(5\)](#) (with s. 111); S.I. 2004/2202, [art. 2](#) Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, [art. 2](#) Sch. 1 (subject to transitional provisions and savings in art. 3)
- F8** Words in s. 303A(5)(c) repealed (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 121, [Sch. 6 para. 11\(5\)\(c\)](#) (with s. 111); S.I. 2004/2202, [art. 2](#) Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, [art. 2](#) Sch. 1 (subject to transitional provisions and savings in art. 3)
- F9** S. 303A(7)-(9) substituted (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 121, [Sch. 6 para. 11\(6\)](#) (with s. 111); S.I. 2004/2202, [art. 2](#) Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, [art. 2](#) Sch. 1 (subject to transitional provisions and savings in art. 3)
- F10** S. 303A(9A) inserted (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 121, [Sch. 6 para. 11\(7\)](#) (with s. 111); S.I. 2004/2202, [art. 2](#) Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, [art. 2](#) Sch. 1 (subject to transitional provisions and savings in art. 3)
- F11** Words in s. 303A(10)(a) substituted (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 121, [Sch. 6 para. 11\(3\)](#) (with s. 111); S.I. 2004/2202, [art. 2](#) Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, [art. 2](#) Sch. 1 (subject to transitional provisions and savings in art. 3)
- F12** Word in s. 303A(10)(a) substituted (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 121, [Sch. 6 para. 11\(3\)](#) (with s. 111); S.I. 2004/2202, [art. 2](#), [Sch. 1](#) (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, [art. 2](#), [Sch. 1](#) (subject to transitional provisions and savings in art. 3)

**Modifications etc. (not altering text)**

- C1** S. 303A modified (8.11.1995) by [1995 c. 49, s. 1\(2\)\(3\)\(4\)](#)  
S. 303A restricted (8.11.1995) by [1995 c. 49, s. 2\(14\)](#)

**Status:**

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