



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART XV

#### MISCELLANEOUS AND GENERAL PROVISIONS

##### *[<sup>F1</sup>Determination of procedure*

##### **[<sup>F1</sup>319A Determination of procedure for certain proceedings**

- (1) The Secretary of State must make a determination as to the procedure by which proceedings to which this section applies are to be considered.
- (2) A determination under subsection (1) must provide for the proceedings to be considered in whichever of the following ways appears to the Secretary of State to be most appropriate—
  - (a) at a local inquiry;
  - (b) at a hearing;
  - (c) on the basis of representations in writing.
- (3) The Secretary of State must make a determination under subsection (1) in respect of proceedings to which this section applies before the end of the prescribed period.
- (4) A determination under subsection (1) may be varied by a subsequent determination under that subsection at any time before the proceedings are determined.
- (5) The Secretary of State must notify the appellant or applicant (as the case may be) and the local planning authority of any determination made under subsection (1).
- (6) The Secretary of State must publish the criteria that are to be applied in making determinations under subsection (1).
- (7) This section applies to—
  - (a) an application referred to the Secretary of State under section 77 instead of being dealt with by a local planning authority in England;

*Status: Point in time view as at 25/04/2013. This version of this provision has been superseded.*

*Changes to legislation: Town and Country Planning Act 1990, Section 319A is up to date with all changes known to be in force on or before 21 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)*

- (b) an appeal under section 78 against a decision of a local planning authority in England;
  - [<sup>F2</sup>(ba) an appeal under section 106BC (appeals in relation to applications for modification or discharge of affordable housing requirements);]
  - (c) an appeal under section 174 against an enforcement notice issued by a local planning authority in England;
  - (d) an appeal under section 195 against a decision of a local planning authority in England; and
  - (e) an appeal under section 208 against a notice under section 207(1) issued by a local planning authority in England.
- (8) But this section does not apply to proceedings if they are referred to a Planning Inquiry Commission under section 101; and on proceedings being so referred, any determination made in relation to the proceedings under subsection (1) of this section ceases to have effect.
- (9) The Secretary of State may by order amend subsection (7) to—
- (a) add proceedings to, or remove proceedings from, the list of proceedings to which this section applies, or
  - (b) otherwise modify the descriptions of proceedings to which this section applies.
- (10) An order under subsection (9) may—
- (a) contain incidental, supplementary, consequential, transitional and transitory provision and savings;
  - (b) amend, repeal or revoke any provision made by or under this Act or by or under any other Act.]

#### **Textual Amendments**

- F1** S. 319A and preceding cross-heading inserted (6.4.2009 for certain purposes and otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), **ss. 196(1)**, 241 (with s. 226); [S.I. 2009/400](#), **art. 3** (with art. 6(2))
- F2** S. 319A(7)(ba) inserted (25.4.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), s. 35(2), **Sch. 2 para. 7**

**Status:**

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