



Town and Country Planning Act 1990

1990 CHAPTER 8

PART XV

MISCELLANEOUS AND GENERAL PROVISIONS

Local inquiries and other hearings

^{F1}322 Orders as to costs of parties where no local inquiry held.

(1) This section applies to proceedings under this Act where the Secretary of State is required, before reaching a decision, to give any person an opportunity of appearing before and being heard by a person appointed by him.

[^{F2}(1A) This section also applies to proceedings under this Act to which section 319A applies.]

[^{F3}(1AA) This section also applies to proceedings under this Act to which section 319B applies.]

[^{F4}(1B) Section 250(4) of the Local Government Act 1972 applies to costs incurred by the Secretary of State, or a person appointed by the Secretary of State, in relation to proceedings in England to which this section applies which do not give rise to a local inquiry as it applies to costs incurred in relation to a local inquiry.

(1C) In its application for that purpose, section 250(4) of that Act has effect as if—

- (a) after “the costs incurred by him in relation to the inquiry” there were inserted “, or such portion of those costs as he may direct, ”, and
- (b) after “the amount of the costs so incurred” there were inserted “ or, where he directs a portion of them to be paid, the amount of that portion ”.

(1D) Section 42 of the Housing and Planning Act 1986 (recovery of Minister's costs) applies to costs incurred in relation to proceedings in England to which this section applies which do not give rise to a local inquiry as it applies to costs incurred in relation to an inquiry.]

(2) The Secretary of State has the same power to make orders under section 250(5) of the ^{M1}Local Government Act 1972 (orders with respect to the costs of the parties) in

Status: Point in time view as at 11/11/2014. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning Act 1990, Section 322 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. (See end of Document for details)

relation to proceedings to which this section applies which do not give rise to a local inquiry as he has in relation to a local inquiry.

Textual Amendments

- F1** S. 322 omitted (temp.) by virtue of [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 6, Sch. 4 paras. 1, 6](#) (which temp. omission falls (2.1.1992 and 6.4.2009) for specified purposes only by virtue of [S.I. 1991/2698, art. 3](#) and [S.I. 2009/849, art. 2](#) (with [art. 3](#)))
- F2** S. 322(1A) inserted (6.4.2009 for certain purposes and otherwise prosp.) by [Planning Act 2008 \(c. 29\), ss. 196, 241, Sch. 10 para. 10](#) (with [s. 226](#)); [S.I. 2009/400, art. 3](#)
- F3** S. 322(1AA) inserted (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\), art. 1\(2\), Sch. 1 para. 9](#)
- F4** S. 322(1B)-(1D) inserted (1.10.2013) by [Growth and Infrastructure Act 2013 \(c. 27\), ss. 2\(2\), 35\(1\); S.I. 2013/2143, art. 2\(b\)](#)

Modifications etc. (not altering text)

- C1** S. 322 amendment to earlier affecting provision 1990 c. 10, s. 37 (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\), art. 1\(2\), Sch. 1 para. 28](#)
- C2** S. 322 amendment to earlier affecting provision 1990 c. 9, s. 89(1) (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\), art. 1\(2\), Sch. 1 para. 21](#)
- C3** S. 322 applied by [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c. 9, SIF 123:1\), s. 89\(1\)](#); applied (11.3.1992 so far as to confer on the Secretary of State a power to impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far as not already in force) by [Planning \(Hazardous Substances\) Act 1990 \(c. 10, SIF 123:1\), s. 37\(2\); S.I. 1992/725, arts. 2, 3](#)
S. 322 applied (27.7.1992) by [S.I. 1992/1562, reg. 2, Sch.](#)
S. 322: power to apply conferred (10.11.1993) by [1993 c. 28, s. 171\(4\)\(a\); S.I. 1993/2762, art. 3](#)

Commencement Information

- I1** S. 322 omitted (temp.) by virtue of [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 6, Sch. 4 paras. 1, 6](#) (which temp. omission falls (2.1.1992 and 6.4.2009) for specified purposes only by virtue of [S.I. 1991/2698, art. 3](#) and [S.I. 2009/849, art. 2](#) (with [art. 3](#)) thus bringing s. 322 partially into force)

Marginal Citations

- M1** 1972 c. 70.

Status:

Point in time view as at 11/11/2014. This version of this provision has been superseded.

Changes to legislation:

Town and Country Planning Act 1990, Section 322 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.