



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART III

#### CONTROL OVER DEVELOPMENT

##### *Determination of applications*

#### **71 Consultations in connection with determinations under s. 70.**

<sup>F1</sup>(1) A development order may provide that a local planning authority shall not determine an application for planning permission [<sup>F2</sup>or permission in principle] before the end of such period as may be prescribed.

(2) A development order may require a local planning authority—

- (a) to take into account in determining such an application such representations, made within such period, as may be prescribed; and
- (b) to give to any person whose representations have been taken into account such notice as may be prescribed of their decision.

[ In subsections (1) and (2) references to [<sup>F4</sup>—

- <sup>F3</sup>(2ZA) (a) an application for consent, agreement or approval as mentioned in section 61DB(2), [<sup>F5</sup>and]
- (b)] an application for planning permission include references to an application for approval under section 61L(2) [<sup>F6</sup>, and
- (c) an application for consent, agreement or approval where that consent, agreement or approval is required by a condition or limitation imposed under section 61QI(1).]]

(2A) A development order making any provision by virtue of this section may make different provision for different cases or different classes of development.]

(3) Before a local planning authority grant planning permission for the use of land as a caravan site, they shall, unless they are also the authority with power to issue a site licence for that land, consult the local authority with that power.

*Status: Point in time view as at 25/04/2024.*

*Changes to legislation: Town and Country Planning Act 1990, Section 71 is up to date with all changes known to be in force on or before 15 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)*

[<sup>F7</sup>(3A) Subsection (3) does not apply in relation to planning permission granted by [<sup>F8</sup>a Mayoral development order or] a neighbourhood development order.]

(4) In this section—

[<sup>F9</sup>“prescribed” means prescribed by a development order ]

“site licence” means a licence under Part 1 of the <sup>M1</sup>Caravan Sites and Control of Development Act 1960 authorising the use of land as a caravan site [<sup>F10</sup>or under Part 2 of the Mobile Homes (Wales) Act 2013 authorising the use of the land as a site for mobile homes (within the meaning of that Act)].

### Textual Amendments

- F1** S. 71(1)(2)(2A) substituted for s. 71(1)(2) (25.11.1991 for certain purposes and otherwise 17.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **s. 16(2)** (with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1992/1491, **art. 2**
- F2** Words in s. 71(1) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 12 para. 15**; S.I. 2016/733, **reg. 3(d)**
- F3** S. 71(2ZA) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(j), **Sch. 12 para. 8(2)**; S.I. 2012/57, **art. 4(1)(h)** (with arts. 6, 7, 9-11); S.I. 2012/628, **art. 8(a)** (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, **3(a)** (with **art. 5**) (as amended (6.4.2013) by S.I. 2013/797, **art. 4**)
- F4** Words in s. 71(2ZA) inserted (12.2.2015 for specified purposes, otherwise prosp.) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(5)(d), **Sch. 4 para. 9(2)**
- F5** Word in s. 71(2ZA)(a) omitted (31.1.2024 for specified purposes) by virtue of [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(3)(b), **Sch. 9 para. 1(9)(a)** (with s. 247); S.I. 2024/92, **reg. 2(q)**
- F6** S. 71(2ZA)(c) and word inserted (31.1.2024 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(3)(b), **Sch. 9 para. 1(9)(b)** (with s. 247); S.I. 2024/92, **reg. 2(q)**
- F7** S. 71(3A) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(j), **Sch. 12 para. 8(3)**; S.I. 2012/57, **art. 4(1)(h)** (with arts. 6, 7, 9-11); S.I. 2012/628, **art. 8(a)** (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, **3(a)** (with **art. 5**) (as amended (6.4.2013) by S.I. 2013/797, **art. 4**)
- F8** Words in s. 71(3A) inserted (12.2.2015 for specified purposes, otherwise prosp.) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(5)(d), **Sch. 4 para. 9(3)**
- F9** S. 71(4) definition of “prescribed” substituted (17.7.1992) for definitions of “agricultural holding” and “owner” by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, **Sch. 7 para. 15** (with s. 84(5)); S.I. 1992/1491, **art. 2**
- F10** Words in s. 71(4) inserted (5.11.2013) by [Mobile Homes \(Wales\) Act 2013 \(anaw 6\)](#), s. 64(1), **Sch. 4 para. 6(2)** (with **Sch. 5 para. 7**) (this amendment is to be treated as not having effect until 1.10.2014 by virtue of S.I. 2014/11, **art. 3(2)**)

### Modifications etc. (not altering text)

- C1** S. 71(1) applied (with modifications) (W.) (1.3.2016) by [The Developments of National Significance \(Wales\) Regulations 2016 \(S.I. 2016/56\)](#), **reg. 1(2)**, **Sch. 7 para. 1(1)(h)** (with regs. 1(3), 47)
- C2** S. 71(1)(2) applied (with modifications) (W.) (1.3.2016) by [The Developments of National Significance \(Application of Enactments\) \(Wales\) Order 2016 \(S.I. 2016/54\)](#), arts. 1, **3(1)(h)(i)**
- C3** S. 71(2) applied (with modifications) (W.) (1.3.2016) by [The Developments of National Significance \(Wales\) Regulations 2016 \(S.I. 2016/56\)](#), **reg. 1(2)**, **Sch. 7 para. 1(1)(i)** (with regs. 1(3), 47)

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**Marginal Citations**

**M1** 1960 c. 62.

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