



Planning Act 2008

CHAPTER 29

PLANNING ACT 2008

PART 1

THE INFRASTRUCTURE PLANNING COMMISSION

- 1 The Infrastructure Planning Commission
- 2 Code of conduct
- 3 Register of Commissioners' interests
- 4 Fees

PART 2

NATIONAL POLICY STATEMENTS

- 5 National policy statements
- 6 Review
- 7 Consultation and publicity
- 8 Consultation on publicity requirements
- 9 Parliamentary requirements
- 10 Sustainable development
- 11 Suspension pending review
- 12 Pre-commencement statements of policy, consultation etc.
- 13 Legal challenges relating to national policy statements

PART 3

NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS

General

- 14 Nationally significant infrastructure projects: general

Status: Point in time view as at 26/01/2009.

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Energy

- 15 Generating stations
- 16 Electric lines
- 17 Underground gas storage facilities
- 18 LNG facilities
- 19 Gas reception facilities
- 20 Gas transporter pipe-lines
- 21 Other pipe-lines

Transport

- 22 Highways
- 23 Airports
- 24 Harbour facilities
- 25 Railways
- 26 Rail freight interchanges

Water

- 27 Dams and reservoirs
- 28 Transfer of water resources

Waste water

- 29 Waste water treatment plants

Waste

- 30 Hazardous waste facilities

PART 4

REQUIREMENT FOR DEVELOPMENT CONSENT

- 31 When development consent is required
- 32 Meaning of “development”
- 33 Effect of requirement for development consent on other consent regimes
- 34 Welsh offshore generating stations
- 35 Directions in relation to projects of national significance
- 36 Amendments consequential on development consent regime

PART 5

APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 1

APPLICATIONS

- 37 Applications for orders granting development consent
- 38 Model provisions
- 39 Register of applications
- 40 Applications by the Crown for orders granting development consent

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CHAPTER 2

PRE-APPLICATION PROCEDURE

- 41 Chapter applies before application is made
- 42 Duty to consult
- 43 Local authorities for purposes of section 42(b)
- 44 Categories for purposes of section 42(d)
- 45 Timetable for consultation under section 42
- 46 Duty to notify Commission of proposed application
- 47 Duty to consult local community
- 48 Duty to publicise
- 49 Duty to take account of responses to consultation and publicity
- 50 Guidance about pre-application procedure

CHAPTER 3

ASSISTANCE FOR APPLICANTS AND OTHERS

- 51 Advice for potential applicants and others
- 52 Obtaining information about interests in land
- 53 Rights of entry
- 54 Rights of entry: Crown land

PART 6

DECIDING APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 1

HANDLING OF APPLICATION BY COMMISSION

- 55 Acceptance of applications
- 56 Notifying persons of accepted application
- 57 Categories for purposes of section 56(2)(d)
- 58 Certifying compliance with section 56
- 59 Notice of persons interested in land to which compulsory acquisition request relates
- 60 Local impact reports
- 61 Initial choice of Panel or single Commissioner
- 62 Switching from single Commissioner to Panel
- 63 Delegation of functions by person appointed to chair Commission

CHAPTER 2

THE PANEL PROCEDURE

Panels

- 64 Panel for each application to be handled under this Chapter
- 65 Appointment of members, and lead member, of Panel
- 66 Ceasing to be member, or lead member, of Panel
- 67 Panel member continuing though ceasing to be Commissioner
- 68 Additional appointments to Panel

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- 69 Replacement of lead member of Panel
- 70 Membership of Panel where application relates to land in Wales
- 71 Supplementary provision where Panel replaces single Commissioner
- 72 Panel ceasing to have any members
- 73 Consequences of changes in Panel

Panel's role in relation to application

- 74 Panel to decide, or make recommendation in respect of, application
- 75 Decision-making by the Panel
- 76 Allocation within Panel of Panel's functions
- 77 Exercise of Panel's powers for examining application

CHAPTER 3

THE SINGLE-COMMISSIONER PROCEDURE

The single Commissioner

- 78 Single Commissioner to handle application
- 79 Appointment of single Commissioner
- 80 Ceasing to be the single Commissioner
- 81 Single Commissioner continuing though ceasing to be Commissioner
- 82 Appointment of replacement single Commissioner

Single Commissioner's role in relation to application

- 83 Single Commissioner to examine and report on application

Commission's role in respect of application

- 84 Report from single Commissioner to be referred to Council
- 85 Decisions made by the Council on the application

CHAPTER 4

EXAMINATION OF APPLICATIONS UNDER CHAPTER 2 OR 3

- 86 Chapter applies to examination by Panel or single Commissioner
- 87 Examining authority to control examination of application
- 88 Initial assessment of issues, and preliminary meeting
- 89 Examining authority's decisions about how application is to be examined
- 90 Written representations
- 91 Hearings about specific issues
- 92 Compulsory acquisition hearings
- 93 Open-floor hearings
- 94 Hearings: general provisions
- 95 Hearings: disruption, supervision and costs
- 96 Representations not made orally may be made in writing
- 97 Procedure rules
- 98 Timetable for examining, and reporting on, application
- 99 Completion of Examining authority's examination of application
- 100 Assessors
- 101 Legal advice and assistance

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102 Interpretation of Chapter 4: “interested party” and other expressions

CHAPTER 5

DECISIONS ON APPLICATIONS

103 Cases where Secretary of State is, and meaning of, decision-maker
104 Decisions of Panel and Council
105 Decisions of Secretary of State
106 Matters that may be disregarded when deciding application
107 Timetable for decisions

CHAPTER 6

SUSPENSION OF DECISION-MAKING PROCESS

108 Suspension during review of national policy statement

CHAPTER 7

INTERVENTION BY SECRETARY OF STATE

109 Intervention: significant change in circumstances
110 Intervention: defence and national security
111 Intervention: other circumstances
112 Power of Secretary of State to intervene
113 Effect of intervention

CHAPTER 8

GRANT OR REFUSAL

114 Grant or refusal of development consent
115 Development for which development consent may be granted
116 Reasons for decision to grant or refuse development consent
117 Orders granting development consent: formalities

CHAPTER 9

LEGAL CHALLENGES

118 Legal challenges relating to applications for orders granting development consent

CHAPTER 10

CORRECTION OF ERRORS

119 Correction of errors in development consent decisions

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PART 7

ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 1

CONTENT OF ORDERS

General

- 120 What may be included in order granting development consent
- 121 Proposed exercise of powers in relation to legislation

Compulsory acquisition

- 122 Purpose for which compulsory acquisition may be authorised
- 123 Land to which authorisation of compulsory acquisition can relate
- 124 Guidance about authorisation of compulsory acquisition
- 125 Application of compulsory acquisition provisions
- 126 Compensation for compulsory acquisition
- 127 Statutory undertakers' land
- 128 Local authority and statutory undertakers' land: general
- 129 Local authority and statutory undertakers' land: acquisition by public body
- 130 National Trust land
- 131 Commons, open spaces etc: compulsory acquisition of land
- 132 Commons, open spaces etc: compulsory acquisition of rights over land
- 133 Rights in connection with underground gas storage facilities
- 134 Notice of authorisation of compulsory acquisition

Miscellaneous

- 135 Orders: Crown land
- 136 Public rights of way
- 137 Public rights of way: statutory undertakers' apparatus etc.
- 138 Extinguishment of rights, and removal of apparatus, of statutory undertakers etc.
- 139 Common land and rights of common
- 140 Operation of generating stations
- 141 Keeping electric lines installed above ground
- 142 Use of underground gas storage facilities
- 143 Diversion of watercourses
- 144 Highways
- 145 Harbours
- 146 Discharge of water
- 147 Development of Green Belt land
- 148 Deemed consent under section 34 of the Coast Protection Act 1949
- 149 Deemed licences under Part 2 of the Food and Environment Protection Act 1985
- 150 Removal of consent requirements
- 151 Liability under existing regimes
- 152 Compensation in case where no right to claim in nuisance

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CHAPTER 2

CHANGES TO, AND REVOCATION OF, ORDERS

- 153 Changes to, and revocation of, orders granting development consent

CHAPTER 3

GENERAL

- 154 Duration of order granting development consent
155 When development begins
156 Benefit of order granting development consent
157 Use of buildings in respect of which development consent granted
158 Nuisance: statutory authority
159 Interpretation: land and rights over land

PART 8

ENFORCEMENT

Offences

- 160 Development without development consent
161 Breach of terms of order granting development consent
162 Time limits

Rights of entry

- 163 Right to enter without warrant
164 Right to enter under warrant
165 Rights of entry: supplementary provisions
166 Rights of entry: Crown land

Information notices

- 167 Power to require information
168 Offences relating to information notices

Notices of unauthorised development

- 169 Notice of unauthorised development
170 Execution of works required by notice of unauthorised development

Injunctions

- 171 Injunctions

Isles of Scilly

- 172 Isles of Scilly

The relevant local planning authority

- 173 The relevant local planning authority

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PART 9

CHANGES TO EXISTING PLANNING REGIMES

CHAPTER 1

CHANGES RELATED TO DEVELOPMENT CONSENT REGIME

Planning obligations

174 Planning obligations

Blighted land

175 Blighted land: England and Wales

176 Blighted land: Scotland

Grants

177 Grants for advice and assistance: England and Wales

178 Grants for advice and assistance: Scotland

CHAPTER 2

OTHER CHANGES TO EXISTING PLANNING REGIMES

Regional functions

179 Delegation of functions of regional planning bodies

Local development

180 Local development documents

Climate change

181 Regional spatial strategies: climate change policies

182 Development plan documents: climate change policies

Good design

183 Good design

Correction of errors

184 Correction of errors in decisions

Validity of strategies, plans and documents

185 Power of High Court to remit strategies, plans and documents

186 Power of High Court to remit unitary development plans in Wales

Determination of applications

187 Power to decline to determine applications: amendments

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Planning permission

- 188 Local development orders: removal of requirement to implement policies
- 189 Compensation where development order or local development order withdrawn
- 190 Power to make non-material changes to planning permission

Validity of planning decisions

- 191 Validity of orders, decisions and directions

Trees

- 192 Tree preservation orders
- 193 Existing tree preservation orders: transitional provision

Use of land

- 194 Use of land: power to override easements and other rights

Statutory undertakers

- 195 Applications and appeals by statutory undertakers

Determination of procedure

- 196 Determination of procedure for certain proceedings

Appeals

- 197 Appeals: miscellaneous amendments
- 198 Appeals relating to old mining permissions

Fees

- 199 Fees for planning applications
- 200 Fees for appeals

Meaning of “local authority”

- 201 Meaning of “local authority” in planning Acts

PART 10

WALES

- 202 Powers of National Assembly for Wales
- 203 Power to make provision in relation to Wales
- 204 Wales: transitional provision in relation to blighted land

PART 11

COMMUNITY INFRASTRUCTURE LEVY

- 205 The levy
- 206 The charge
- 207 Joint committees
- 208 Liability

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- 209 Liability: interpretation of key terms
- 210 Charities
- 211 Amount
- 212 Charging schedule: examination
- 213 Charging schedule: approval
- 214 Charging schedule: effect
- 215 Appeals
- 216 Application
- 217 Collection
- 218 Enforcement
- 219 Compensation
- 220 Community Infrastructure Levy: procedure
- 221 Secretary of State
- 222 Regulations and orders: general
- 223 Relationship with other powers
- 224 Community Infrastructure Levy: amendments
- 225 Community Infrastructure Levy: repeals

PART 12

FINAL PROVISIONS

The Crown and Parliament

- 226 The Crown
- 227 “Crown land” and “the appropriate Crown authority”
- 228 Enforcement in relation to the Crown and Parliament

Service of notices and other documents

- 229 Service of notices: general
- 230 Service of documents to persons interested in or occupying premises
- 231 Service of notices on the Crown and Parliament

General

- 232 Orders and regulations
- 233 Directions
- 234 Abbreviated references to Acts
- 235 Interpretation
- 236 Application of Act to Scotland: modifications
- 237 Supplementary and consequential provision
- 238 Repeals
- 239 Financial provisions
- 240 Extent
- 241 Commencement
- 242 Short title

SCHEDULES

SCHEDULE 1 — The Infrastructure Planning Commission

Membership, chair and deputies

- 1 (1) The members of the Commission (“Commissioners”) are to be—...

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Terms of appointment

- 2 Subject to the other provisions of this Schedule, the chair,...

Tenure

- 3 (1) The chair, or a deputy or other Commissioner, must...
4 (1) A person may resign as the chair, or as...

Remuneration etc. of Commissioners

- 5 (1) The Commission must pay the Commissioners such remuneration and...

Council

- 6 (1) There is to be a body of Commissioners to...
7 (1) The chair may appoint a Commissioner not within paragraph...
8 (1) Sub-paragraphs (2) and (3) apply to any function conferred...
9 (1) Before making or ending an appointment under paragraph 7,...
10 (1) This paragraph applies where an application referred to the...

Chief executive and staff

- 11 (1) The Secretary of State must appoint a person as...
12 (1) The Commission may appoint such other staff as it...
13 The terms and conditions of service of the chief executive...

Arrangements for assistance

- 14 (1) The Commission may make arrangements with such persons as...

Delegation

- 15 (1) The Commission may delegate, to any one or more...
16 (1) The chief executive may authorise (generally or specifically) any...

Reports

- 17 (1) In respect of each financial year the Commission must...
18 (1) Sub-paragraph (2) applies if the Secretary of State asks...

Funding

- 19 (1) The Secretary of State may make such payments to...

Accounts

- 20 (1) The Commission must keep accounts in such form as...

Status

- 21 (1) The Commission is not to be regarded—

Validity of proceedings

- 22 The validity of proceedings of the Commission or the Council...

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Application of seal and proof of instruments

- 23 (1) The application of the Commission's seal is authenticated by...

Parliamentary Commissioner

- 24 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c....

Disqualification

- 25 (1) In Part 2 of Schedule 1 to the House...

Public records

- 26 In Schedule 1 to the Public Records Act 1958 (c....

Freedom of information

- 27 In Part 6 of Schedule 1 to the Freedom of...

SCHEDULE 2 — Amendments consequential on development consent regime

Green Belt (London and Home Counties) Act 1938 (c. xciii)

- 1 The Green Belt (London and Home Counties) Act 1938 is...
2 In section 10 (restriction on erection of buildings) after subsection...
3 In section 11 (saving for lines, pipes, sewers etc.) after...
4 In section 12 (erection of buildings for certain statutory purposes)...

Pipe-lines Act 1962 (c. 58)

- 5 The Pipe-lines Act 1962 is amended as follows.
6 (1) Section 1 (cross-country pipe-lines not to be constructed without...
7 In section 66(1) (general interpretation provisions) in the definition of...

Harbours Act 1964 (c. 40)

- 8 The Harbours Act 1964 is amended as follows.
9 In section 14 (harbour revision orders) after subsection (1) insert—...
10 In section 16 (harbour empowerment orders) after subsection (3) insert
—...

Gas Act 1965 (c. 36)

- 11 The Gas Act 1965 is amended as follows.
12 In section 4 (storage authorisation orders) after subsection (2) insert—...
13 In section 5 (control of mining and other operations in...
14 (1) Section 6 (controlled operations: carrying out of works to...

Energy Act 1976 (c. 76)

- 15 In section 14 of the Energy Act 1976 (fuelling of...

Ancient Monuments and Archaeological Areas Act 1979 (c. 46)

- 16 The Ancient Monuments and Archaeological Areas Act 1979 is amended...

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- 17 In section 2(1) (offence of executing works affecting scheduled monuments...
- 18 In section 28(2) (offence of damaging ancient monuments: exception for...
- 19 In section 37 (exemptions from offence under section 35) after...
- 20 In section 61(1) (interpretation of Act) at the appropriate place...

Highways Act 1980 (c. 66)

- 21 The Highways Act 1980 is amended as follows.
- 22 In section 10 (general provision as to trunk roads) after...
- 23 In section 14 (powers as respects roads that cross or...
- 24 In section 16 (general provision as to special roads) after...
- 25 In section 18 (supplementary orders relating to special roads) after...
- 26 In section 106 (orders and schemes providing for construction of...
- 27 In section 108 (power to divert navigable watercourses) after subsection...
- 28 In section 110 (power to divert non-navigable watercourses and to...
- 29 (1) Section 329(1) (further provision as to interpretation of Act)...
- 30 For section 337 (saving for obligation to obtain planning permission)...

Electricity Act 1989 (c. 29)

- 31 The Electricity Act 1989 is amended as follows.
- 32 (1) Section 36 (consent for construction etc. of generating stations)...
- 33 (1) Section 37 (consent for overhead lines) is amended as...

Town and Country Planning Act 1990 (c. 8)

- 34 TCPA 1990 is amended as follows.
- 35 In section 57 (planning permission required for development) after subsection...
- 36 (1) Section 211 (preservation of trees in conservation areas) is...
- 37 In section 336(1) (interpretation) at the appropriate place insert—
“development...

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

- 38 The Listed Buildings Act is amended as follows.
- 39 (1) Section 7 (restriction on works affecting listed buildings) is...
- 40 In section 59(3) (offence relating to acts causing or likely...
- 41 In section 74 (control of demolition in conservation areas) after...

Planning (Hazardous Substances) Act 1990 (c. 10)

- 42 The Hazardous Substances Act is amended as follows.
- 43 In section 9(2)(c) (determination of applications for hazardous substances consent:...
- 44 In section 10(1) (conditions on grant of hazardous substances consent)...
- 45 (1) Section 12 (deemed hazardous substances consent: government authorisation) is...
- 46 In section 14(2)(b) (power to revoke or modify hazardous substances...
- 47 In section 39(1) (interpretation) at the appropriate place insert—
“development...

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New Roads and Street Works Act 1991 (c. 22)

- 48 The New Roads and Street Works Act 1991 is amended...
49 In section 6 (toll orders) after subsection (1) insert—

Water Industry Act 1991 (c. 56)

- 50 In section 167(1) of the Water Industry Act 1991 (compulsory...

Transport and Works Act 1992 (c. 42)

- 51 The Transport and Works Act 1992 is amended as follows....
52 In section 1 (orders as to railways, tramways etc.) after...
53 In section 3 (orders as to inland waterways etc.) after...

Town and Country Planning (Scotland) Act 1997 (c. 8)

- 54 The Town and Country Planning (Scotland) Act 1997 is amended...
55 In section 28 (planning permission required for development) after subsection...
56 In section 160(6) (tree preservation orders: exemptions) after paragraph (b)...
57 (1) Section 172 (preservation of trees in conservation areas) is...
58 In section 277(1) (interpretation) at the appropriate place insert—
“development...”

Planning (Hazardous Substances) (Scotland) Act 1997 (c. 10)

- 59 The Planning (Hazardous Substances) (Scotland) Act 1997 is amended as...
60 In section 7(2)(c) (determination of applications for hazardous substances consent)...
61 In section 8(1) (conditions on grant of hazardous substances consent)...
62 (1) Section 10 (deemed hazardous substances consent: government authorisation) is...
63 In section 12(2)(b) (power to revoke or modify hazardous substances...
64 In section 38(1) (interpretation) at the appropriate place insert—
“development...”

Housing and Regeneration Act 2008 (c. 17)

- 65 In section 13(5) of the Housing and Regeneration Act 2008...

Crossrail Act 2008 (c. 18)

- 66 (1) Section 48 of the Crossrail Act 2008 (application of...

SCHEDULE 3 — Examination of applications by Secretary of State

Examination of matters by Commission: procedure

- 1 (1) This paragraph applies if— (a) the Secretary of State...

Examination of matters by Secretary of State: procedure

- 2 (1) This paragraph applies if— (a) the Secretary of State...

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Rules

- 3 (1) The Lord Chancellor or (if sub-paragraph (2) applies) the...

Appointed representatives

- 4 (1) Sub-paragraph (2) applies if the Secretary of State gives...

SCHEDULE 4 — Correction of errors in development consent decisions

Correction of errors

- 1 (1) This paragraph applies if— (a) the decision-maker makes an...

Correction notice

- 2 (1) If paragraph 1(5)(a) or (b) applies the appropriate authority...

Effect of a correction

- 3 (1) If a correction is made in pursuance of paragraph...

Interpretation

- 4 In this Schedule— “the applicant” means the person who made...

SCHEDULE 5 — Provision relating to, or to matters ancillary to, development

Part 1 — THE MATTERS

- 1 The acquisition of land, compulsorily or by agreement.
- 2 The creation, suspension or extinguishment of, or interference with, interests...
- 3 The abrogation or modification of agreements relating to land.
- 4 Carrying out specified excavation, mining, quarrying or boring operations in...
- 5 The operation of a generating station.
- 6 Keeping electric lines installed above ground.
- 7 The use of underground gas storage facilities.
- 8 The sale, exchange or appropriation of Green Belt land.
- 9 Freeing land from any restriction imposed on it by or...
- 10 The protection of the property or interests of any person....
- 11 The imposition or exclusion of obligations or liability in respect...
- 12 Carrying out surveys or taking soil samples.
- 13 Cutting down, uprooting, topping or lopping trees or shrubs or...
- 14 The removal, disposal or re-siting of apparatus.
- 15 Carrying out civil engineering or other works.
- 16 The diversion of navigable or non-navigable watercourses.
- 17 The stopping up or diversion of highways.
- 18 Charging tolls, fares and other charges.
- 19 The designation of a highway as a trunk road or...
- 20 The specification of the classes of traffic authorised to use...
- 21 The appropriation of a highway for which the person proposing...
- 22 The transfer to the person proposing to construct or improve...
- 23 The specification of the highway authority for a highway.
- 24 The operation and maintenance of a transport system.
- 25 Entering into an agreement for the provision of police services....
- 26 The discharge of water into inland waters or underground strata....

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- 27 Deeming consent under section 34 of the Coast Protection Act...
- 28 Deeming any such conditions to have been imposed by the...
- 29 Deeming a licence under Part 2 of the Food and...
- 30 Deeming any such provisions to have been included in the...
- 31 The creation of a harbour authority.
- 32 Changing the powers and duties of a harbour authority.
- 33 The transfer of property, rights, liabilities, or functions.
- 34 The transfer, leasing, suspension, discontinuance and revival of undertakings.
- 35 The payment of contributions.
- 36 The payment of compensation.
- 37 The submission of disputes to arbitration.
- 38 The alteration of borrowing limits.
- Part 2 — INTERPRETATION
- 39 (1) This paragraph applies for the purposes of this Schedule....

SCHEDULE 6 — Changes to, and revocation of, orders granting development consent

Preliminary

- 1 (1) This paragraph applies for the purposes of this Schedule....

Non-material changes

- 2 (1) The appropriate authority may make a change to a...

Changes to, and revocation of, orders granting development consent

- 3 (1) The appropriate authority may by order make a change...

Changes to, and revocation of, orders: supplementary

- 4 (1) An application under paragraph 3 must be—
- 5 (1) This paragraph applies in relation to the power conferred...

Compensation

- 6 (1) This paragraph applies if— (a) in exercise of the...
- 7 (1) In this paragraph “compensation for depreciation” means compensation payable...

SCHEDULE 7 — Power to decline to determine applications: amendments

Town and Country Planning Act 1990 (c. 8)

- 1 TCPA 1990 is amended as follows.
- 2 (1) Section 70A (power of local planning authority to decline...
- 3 (1) Section 70B (power of local planning authority to decline...

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

- 4 The Listed Buildings Act is amended as follows.
- 5 In section 81A (power of local planning authority to decline...
- 6 (1) Section 81B (power of local planning authority to decline...

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Planning and Compulsory Purchase Act 2004 (c. 5)

7 In section 121 of PCPA 2004 (commencement) after subsection (3)...

SCHEDULE 8 — Tree preservation orders: further amendments

Forestry Act 1967 (c. 10)

- 1 The Forestry Act 1967 is amended as follows.
- 2 (1) Section 15 (trees subject to preservation orders under Planning...
- 3 In section 18 (felling directions), in subsection (5) for the...
- 4 In section 21 (courses open to person adversely affected by...
- 5 In section 35 (interpretation of Part 2) at the appropriate...
- 6 (1) Schedule 3 (proceedings under Town and Country Planning Acts...

Town and Country Planning Act 1990 (c. 8)

- 7 TCPA 1990 is amended as follows.
- 8 In section 198(7) (provisions subject to which section has effect),...
- 9 In section 200(1) (tree preservation orders do not affect things...
- 10 In section 202(2) (effect of order made by Secretary of...
- 11 In section 206(1) (duty to plant replacement tree)—
- 12 In section 207(1) (enforcement of duties to replace trees), in...
- 13 (1) Section 210 (penalties for non-compliance with tree preservation order)...
- 14 In section 211 (preservation of trees in conservation areas)—
- 15 In section 212 (power to disapply section 211) omit subsection...
- 16 In section 213(1)(b) (duty to plant replacement tree in conservation...
- 17 In section 284(3)(h)(i) (decision relating to an application for consent...
- 18 In section 329(3B)(i) (section 329(1)(cc) does not apply to things...
- 19 In section 336(1) (interpretation) at the appropriate place insert—
“tree...

Planning and Compensation Act 1991 (c. 34)

20 (1) Part 1 of Schedule 18 to the Planning and...

SCHEDULE 9 — Use of land: power to override easements and other rights

Local Government, Planning and Land Act 1980 (c. 65)

1 (1) Paragraph 6 of Schedule 28 to the Local Government,...

New Towns Act 1981 (c. 64)

2 (1) Section 19 of the New Towns Act 1981 (power...

Housing Act 1988 (c. 50)

3 (1) Paragraph 5 of Schedule 10 to the Housing Act...

Town and Country Planning Act 1990 (c. 8)

4 (1) Section 237 of TCPA 1990 (power to override easements...

Status: Point in time view as at 26/01/2009.

Changes to legislation: Planning Act 2008 is up to date with all changes known to be in force on or before 11 June 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)

Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)

- 5 (1) Paragraph 5 of Schedule 20 to the Leasehold Reform,...

Regional Development Agencies Act 1998 (c. 45)

- 6 (1) Paragraph 2 of Schedule 6 to the Regional Development...

SCHEDULE 10 — Further provisions as to the procedure for certain proceedings

Town and Country Planning Act 1990 (c. 8)

- 1 TCPA 1990 is amended as follows.
 2 In section 77 (reference of applications to Secretary of State)...
 3 In section 78(5) (appeals against failure to take planning decisions)—...
 4 In section 79 (determination of appeals under section 78) for...
 5 In section 175 (supplementary provisions about appeals against enforcement notices)...
 6 In section 176(4) (determination of appeals: disapplication of section 175(3))—...
 7 In section 195(5) (appeals against failure to give decision on...
 8 (1) Amend section 196 (further provision as to appeals to...
 9 (1) Amend section 208 (appeals against notices under section 207)...
 10 In section 322 (orders as to costs of parties where...
 11 In section 322A (orders as to costs: supplementary) after subsection...
 12 (1) Amend section 323 (procedure on certain appeals and applications)...
 13 (1) Amend section 333 (regulations and orders) as follows.
 14 (1) Amend Schedule 6 (determination of certain appeals by person...

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

- 15 The Listed Buildings Act is amended as follows.
 16 In section 12 (reference of applications to Secretary of State)...
 17 In section 20(4) (right of appeal in case of failure...
 18 (1) Amend section 22 (determination of appeals under section 20)...
 19 In section 40 (supplementary provisions about appeals against listed building...
 20 In section 41(4) (determination of appeals: disapplication of section 40(2))—...
 21 In section 74(3) (application of certain provisions in relation to...
 22 In section 89 (application of certain general provisions of TCPA...
 23 (1) Amend section 93 (regulations and orders) as follows.
 24 (1) Amend Schedule 3 (determination of certain appeals by person...

Planning (Hazardous Substances) Act 1990 (c. 10)

- 25 The Hazardous Substances Act is amended as follows.
 26 In section 20 (reference of applications to Secretary of State)...
 27 In section 21 (appeals against decisions or failure to take...
 28 In section 25(1) (appeals against hazardous substances contravention notices)—
 29 In section 37 (application of certain general provisions of TCPA...
 30 (1) Amend the Schedule (determination of appeals by person appointed...

Status: Point in time view as at 26/01/2009.

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SCHEDULE 11 — Appeals: miscellaneous amendments

Town and Country Planning Act 1990 (c. 8)

- 1 TCPA 1990 is amended as follows.
- 2 In section 78 (appeals against planning decisions and failure to...
- 3 In section 195 (appeals against refusal or failure to give...
- 4 (1) Section 208 (appeals against notices under section 207) is...

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

- 5 In section 21 of the Listed Buildings Act (appeals: supplementary...

Planning (Hazardous Substances) Act 1990 (c. 10)

- 6 In section 21 of the Hazardous Substances Act (appeals against...

SCHEDULE 12 — Application of Act to Scotland: modifications

- 1 Section 5(10) applies as if the reference to Part 11...
- 2 Section 14 applies as if— (a) in subsection (1)—
- 3 Section 32 applies as if— (a) in subsection (1)—
- 4 Section 33 applies as if— (a) in subsection (1)—
- 5 Section 44 applies as if— (a) in subsection (2)(b), the...
- 6 Section 52 applies as if— (a) in subsection (2)(c), the...
- 7 Section 53 applies as if— (a) in subsection (7), the...
- 8 Section 57 applies as if— (a) in subsection (2)(b), the...
- 9 Section 58 applies as if— (a) for subsection (6) there...
- 10 Section 120(6) applies as if the references to an Act...
- 11 Section 127(8) applies as if, for the definition of “statutory...
- 12 Section 128(5) applies as if— (a) in the definition of...
- 13 Section 129(2) applies as if— (a) in the definition of...
- 14 Section 130 applies as if— (a) in subsection (4), the...
- 15 Section 131 applies as if— (a) in subsection (1), for...
- 16 Section 132 applies as if— (a) in subsection (1), for...
- 17 Section 134 applies as if— (a) for subsection (4) there...
- 18 Section 137(7) applies as if the reference to Part 11...
- 19 Section 151 applies as if— (a) for paragraph (c), there...
- 20 Section 152 applies as if— (a) in subsection (4), the...
- 21 Section 164 applies as if the references to a justice...
- 22 Section 165 applies as if— (a) in subsection (4), the...
- 23 Section 170 applies as if— (a) in subsection (3)—
- 24 Section 171 applies as if— (a) the references to an...
- 25 Section 229(5) applies as if the reference to section 233...
- 26 Section 235 applies as if— (a) for the definition of...
- 27 Part 1 of Schedule 5 applies as if paragraphs 4...

SCHEDULE 13 — Repeals

Status:

Point in time view as at 26/01/2009.

Changes to legislation:

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