



# Planning Act 2008

## CHAPTER 29

### PLANNING ACT 2008

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*Status: Point in time view as at 18/02/2016.*

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## SCHEDULES

### SCHEDULE 1 — The Infrastructure Planning Commission

#### *Membership, chair and deputies*

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

#### *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...

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### *Status*

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

#### *Validity of proceedings*

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

#### *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...

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#### *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...

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*Energy Act 1976 (c. 76)*

15 . . . . .

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

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

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- 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...

*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

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*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...

*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 Secretary of State...

*Correction notice*

- 2 (1) If paragraph 1(5)(a) or (b) applies the Secretary of...

*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 (including penalty fares) and other charges.
- 19 The designation of a highway as a trunk road or...

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- 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....
- 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...
- 30A Deeming a marine licence under Part 4 of the Marine...
- 30B Deeming any such conditions to have been attached to the...
- 31 The creation of a harbour authority.
- 32 Changing the powers and duties of a harbour authority.
- 32A The making of byelaws by any person and their enforcement....
- 32B (1) The creation of offences within sub-paragraph (2) in connection...
- 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 Secretary of State may make a change to...

##### *Changes to, and revocation of, orders granting development consent*

- 3 (1) The Secretary of State may by order make a...

##### *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



*Status: Point in time view as at 18/02/2016.*

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*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...

*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,...

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*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...

*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 . . . . .

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...

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*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...

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— (za) in subsection (1A), the...
- 8 Section 57 applies as if— (a) in subsection (2)(b), the...
- 9 Section 58 applies as if— (a) for subsection (6) there...
- 9A Section 102B applies as if— (a) in subsection (2)(b), the...
- 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 . . . . .
- 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 138(4A) 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...

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- 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:**

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