



Planning Act 2008

2008 CHAPTER 29

PART 6

DECIDING APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 2

THE PANEL PROCEDURE

Panels

64 Panel for each application to be handled under this Chapter

- (1) This Chapter applies where—
 - (a) the [^{F1}Secretary of State] accepts an application for an order granting development consent, and
 - (b) under section 61(2) or 62(2), it is decided that the application is to be handled by a Panel under this Chapter.
- (2) There is to be a Panel (referred to in this Chapter as “the Panel”) to handle the application.

Textual Amendments

- F1** Words in s. 64(1)(a) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 21; S.I. 2012/628, art. 7\(a\)](#)

Commencement Information

- I1** S. 64 in force at 1.3.2010 by [S.I. 2010/101, art. 3\(d\)](#) (with [art. 6](#))

Status: Point in time view as at 31/01/2024.

Changes to legislation: Planning Act 2008, Chapter 2 is up to date with all changes known to be in force on or before 05 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)

65 Appointment of members, and lead member, of Panel

[^{F2}(1) The Secretary of State must appoint—

- (a) [^{F3}two,] three, four or five persons to be members of the Panel, and
- (b) one of those persons to chair the Panel.]

(2) In this Chapter “the lead member” means the person who for the time being is appointed to chair the Panel.

^{F4}(3)

^{F4}(4)

^{F4}(5)

Textual Amendments

- F2** S. 65(1) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 22\(2\)](#); S.I. 2012/628, art. 7(a)
- F3** Word in s. 65(1)(a) inserted (5.4.2017) by [Infrastructure Act 2015 \(c. 7\), ss. 27\(1\), 57\(5\)\(a\)](#); S.I. 2017/315, reg. 2
- F4** S. 65(3)-(5) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 22\(3\), Sch. 25 Pt. 20](#); S.I. 2012/628, art. 7

Commencement Information

- I2** S. 65 in force at 1.3.2010 by [S.I. 2010/101, art. 3\(d\)](#) (with art. 6)

66 Ceasing to be member, or lead member, of Panel

^{F5}(1)

(2) The person appointed to be the lead member ceases to hold that office if the person ceases to be a member of the Panel.

(3) A person may resign from membership of the Panel by giving notice in writing to the [^{F6}Secretary of State].

(4) The lead member may resign that office, without also resigning from membership of the Panel, by giving notice in writing to the [^{F7}Secretary of State].

(5) The [^{F8}Secretary of State]—

- (a) may remove a person (“the Panel member”) from membership of the Panel if the [^{F9}Secretary of State] is satisfied that the Panel member is unable, unwilling or unfit to perform the duties of Panel membership;
- (b) may remove the lead member from that office, without also removing the lead member from membership of the Panel, if the [^{F10}Secretary of State] is satisfied that the lead member is unable, unwilling or unfit to perform the duties of the office.

Textual Amendments

- F5** S. 66(1) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 23\(2\), Sch. 25 Pt. 20](#); S.I. 2012/628, art. 7

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- F6** Words in s. 66(3) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 23\(3\)](#); [S.I. 2012/628](#), art. 7(a)
- F7** Words in s. 66(4) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 23\(3\)](#); [S.I. 2012/628](#), art. 7(a)
- F8** Words in s. 66(5) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 23\(4\)\(a\)](#); [S.I. 2012/628](#), art. 7(a)
- F9** Words in s. 66(5)(a) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 23\(4\)\(b\)](#); [S.I. 2012/628](#), art. 7(a)
- F10** Words in s. 66(5)(b) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 23\(4\)\(b\)](#); [S.I. 2012/628](#), art. 7(a)

Commencement Information

- I3** S. 66 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(d\)](#) (with art. 6)

^{F11}67 Panel member continuing though ceasing to be Commissioner

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Textual Amendments

- F11** S. 67 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 24](#), [Sch. 25 Pt. 20](#); [S.I. 2012/628](#), art. 7

68 Additional appointments to Panel

- (1) Subsections (2) and (3) apply at any time after the initial members of the Panel have been appointed under section 65(1)(a).
- [^{F12}(2) The Secretary of State may appoint a person to be a member of the Panel, but this power may not be exercised so as to cause the Panel to have more than five members.]
- (3) If at any time the Panel has only ^{F13}... a single member, it is the duty of the [^{F14}Secretary of State] to ensure that the power under subsection (2) is exercised so as to secure that the Panel again has at least [^{F15}two] members.
- (4) A person appointed under subsection (2) becomes a member of the Panel in addition to any person who is otherwise a member of the Panel.
- ^{F16}(5)

Textual Amendments

- F12** S. 68(2) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 25\(2\)](#); [S.I. 2012/628](#), art. 7(a)
- F13** Words in s. 68(3) omitted (5.4.2017) by virtue of [Infrastructure Act 2015 \(c. 7\)](#), [ss. 27\(2\)\(a\)](#), 57(5)(a); [S.I. 2017/315](#), [reg. 2](#)
- F14** Words in s. 68(3) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 25\(3\)](#); [S.I. 2012/628](#), art. 7(a)
- F15** Word in s. 68(3) substituted (5.4.2017) by [Infrastructure Act 2015 \(c. 7\)](#), [ss. 27\(2\)\(b\)](#), 57(5)(a); [S.I. 2017/315](#), [reg. 2](#)
- F16** S. 68(5) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 25\(4\)](#), [Sch. 25 Pt. 20](#); [S.I. 2012/628](#), art. 7

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Commencement Information

I4 S. 68 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(d\)](#) (with [art. 6](#))

69 Replacement of lead member of Panel

- (1) Subsection (2) applies where a person ceases to hold the office of lead member.
- (2) The [^{F17}Secretary of State] must appoint a member of the Panel to chair the Panel.
- (3) A person may be appointed under subsection (2) even though that person was not a member of the Panel when the vacancy arose.

^{F18}(4)

Textual Amendments

F17 Words in s. 69(2) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 26\(2\)](#); [S.I. 2012/628](#), art. 7(a)

F18 S. 69(4) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 26\(3\)](#), [Sch. 25 Pt. 20](#); [S.I. 2012/628](#), art. 7

Commencement Information

I5 S. 69 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(d\)](#) (with [art. 6](#))

^{F19}70 Membership of Panel where application relates to land in Wales

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Textual Amendments

F19 S. 70 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 27](#), [Sch. 25 Pt. 20](#); [S.I. 2012/628](#), art. 7

71 Supplementary provision where Panel replaces single [^{F20}appointed person]

- (1) Subsections (2) and (3) apply where this Chapter applies as the result of a decision under section 62(2).
- (2) [^{F21}An appointed person] —
 - (a) may be appointed under section 65(1)(a) or 68(2) as a member of the Panel, and
 - (b) if a member of the Panel, may be appointed under section 65(1)(b) or 69(2) to chair the Panel.
- (3) The Panel may, so far as it thinks appropriate, decide to treat things done by or in relation to [^{F22}an appointed person] in proceedings under Chapter 3 on the application as done by or in relation to the Panel.
- (4) Where the Panel makes a decision under subsection (3), the lead member is under a duty to ensure that the membership of the Panel has the necessary knowledge of the proceedings under Chapter 3 on the application.

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[^{F23}(5) In this section “appointed person” means a person appointed to handle the application under Chapter 3.]

Textual Amendments

- F20** Words in s. 71 heading substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 28\(5\)](#); [S.I. 2012/628](#), art. 7(a)
- F21** Words in s. 71(2) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 28\(2\)](#); [S.I. 2012/628](#), art. 7(a)
- F22** Words in s. 71(3) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 28\(3\)](#); [S.I. 2012/628](#), art. 7(a)
- F23** [S. 71\(5\)](#) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 28\(4\)](#); [S.I. 2012/628](#), art. 7(a)

Commencement Information

- I6** S. 71 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(d\)](#) (with [art. 6](#))

72 Panel ceasing to have any members

- (1) If the Panel ceases to have any members, a new Panel must be constituted under section 65(1).
- (2) At times after the new Panel has been constituted (but subject to the further application of this subsection in the event that the new Panel ceases to have any members), references in this Chapter to the Panel are to be read as references to the new Panel.
- (3) The new Panel may, so far as it thinks appropriate, decide to treat things—
 - (a) done by or in relation to a previous Panel appointed to handle the application, or
 - (b) treated under section 71(3) as done by or in relation to a previous Panel appointed to handle the application,as done by or in relation to the new Panel.
- (4) Where the Panel makes a decision under subsection (3), the lead member is under a duty to ensure that the membership of the Panel has the necessary knowledge of the proceedings on the application up until the reconstitution of the Panel.
- (5) The power under section 68(2) is not exercisable at times when the Panel has no members.

Commencement Information

- I7** S. 72 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(d\)](#) (with [art. 6](#))

73 Consequences of changes in Panel

- (1) The Panel's continuing identity is to be taken not to be affected by—
 - (a) any change in the membership of the Panel;
 - (b) the Panel's coming to have only ^{F24}... a single member;
 - (c) any change in the lead member;

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- (d) a vacancy in that office.
- (2) When there is a change in the membership of the Panel, the lead member is under a duty to ensure that the membership of the Panel after the change has the necessary knowledge of the proceedings on the application up until the change.
- (3) Subsection (2) does not apply where the change occurs as a result of the Panel being reconstituted as required by section 72(1).

Textual Amendments

F24 Words in s. 73(1)(b) omitted (5.4.2017) by virtue of [Infrastructure Act 2015 \(c. 7\)](#), **ss. 27(3)**, 57(5)(a); [S.I. 2017/315](#), reg. 2

Commencement Information

I8 S. 73 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(d)** (with **art. 6**)

Panel's role in relation to application

74 Panel to decide, or make recommendation in respect of, application

- ^{F25}(1)
- (2) [^{F26}The Panel] has the functions of—
- (a) examining the application, and
 - (b) making a report to the Secretary of State on the application setting out—
 - (i) the Panel's findings and conclusions in respect of the application, and
 - (ii) the Panel's recommendation as to the decision to be made on the application.
- (3) The Panel's functions under this section are to be carried out in accordance with Chapter 4.
- ^{F27}(4)

Textual Amendments

F25 S. 74(1) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 13 para. 29(2), **Sch. 25 Pt. 20**; [S.I. 2012/628](#), art. 7

F26 Words in s. 74(2) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 29(3)**; [S.I. 2012/628](#), art. 7(a)

F27 S. 74(4) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 13 para. 29(4), **Sch. 25 Pt. 20**; [S.I. 2012/628](#), art. 7

Commencement Information

I9 S. 74 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(d)** (with **art. 6**)

75 Decision-making by the Panel

- [^{F28}(A1) If the members of a Panel with two members disagree as to a proposed decision by the Panel, the view of the lead member is to prevail.]

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- (1) The making of a decision by [^{F29}a Panel with three or more members] requires the agreement of a majority of its members.
- (2) The lead member has a second (or casting) vote in the event that the number of members of the Panel agreeing to a proposed decision is the same as the number of members not so agreeing.

Textual Amendments

- F28** S. 75(A1) inserted (5.4.2017) by [Infrastructure Act 2015 \(c. 7\)](#), [ss. 27\(4\)\(a\)](#), [57\(5\)\(a\)](#); S.I. 2017/315, [reg. 2](#)
- F29** Words in [s. 75\(1\)](#) substituted (5.4.2017) by [Infrastructure Act 2015 \(c. 7\)](#), [ss. 27\(4\)\(b\)](#), [57\(5\)\(a\)](#); S.I. 2017/315, [reg. 2](#)

Commencement Information

- I10** S. 75 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(d\)](#) (with [art. 6](#))

76 Allocation within Panel of Panel's functions

- (1) This section applies in relation to the Panel's examination of the application.
- (2) The Panel, as an alternative to itself undertaking a part of the examination, may allocate the undertaking of that part to any one or more of the members of the Panel.
- (3) Where there is an allocation under subsection (2)—
 - (a) anything that under Chapter 4 is required or authorised to be done by or to the Panel in connection with the allocated part of the examination may be done by or to the member or members concerned (or by or to the Panel), and
 - (b) findings and conclusions of the member or members concerned in respect of the matters allocated are to be taken to be the Panel's.
- (4) Subsection (3)(b) has effect subject to any decision of the Panel, made on the occasion of making the allocation or earlier, as to the status of any such findings or conclusions.
- (5) Where there is an allocation under subsection (2) to two or more of the members of the Panel, the making of a decision by the members concerned requires the agreement of all of them.

Commencement Information

- I11** S. 76 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(d\)](#) (with [art. 6](#))

77 Exercise of Panel's powers for examining application

- (1) In this section “procedural power” means any power conferred on the Panel for the purposes of its examination of the application.
- (2) A procedural power, as well as being exercisable by the Panel itself, is also (subject to subsection (3)) exercisable by any one or more of the members of the Panel.
- (3) The Panel may decide to restrict or prohibit the exercise of a procedural power otherwise than by the Panel itself.

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(4) Subsection (2)—

- (a) applies whether or not there is an allocation under section 76(2), and
- (b) where there is such an allocation, is in addition to section 76(3)(a).

(5) Subsection (3) does not authorise curtailment of a power conferred by section 76(3)(a).

Commencement Information

I12 S. 77 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(d\)](#) (with [art. 6](#))

Status:

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Changes to legislation:

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