



Planning Act 2008

2008 CHAPTER 29

PART 6

DECIDING APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 2

THE PANEL PROCEDURE

Panel's role in relation to application

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

- (1) Where a national policy statement has effect in relation to development of the description to which the application relates, the Panel has the functions of—
 - (a) examining the application, and
 - (b) deciding the application.
- (2) In any other case, 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.
- (4) The staff of the Commission have the function of providing or procuring support for members of the Panel undertaking the Panel's functions under this section.

75 Decision-making by the Panel

- (1) The making of a decision by the Panel 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.

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.

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.
- (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).