

*Status: Point in time view as at 06/04/2009.*

*Changes to legislation: Planning Act 2008, Paragraph 3 is up to date with all changes known to be in force on or before 28 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)*

## SCHEDULES

### SCHEDULE 7

#### POWER TO DECLINE TO DETERMINE APPLICATIONS: AMENDMENTS

##### *Town and Country Planning Act 1990 (c. 8)*

- 3 (1) Section 70B (power of local planning authority to decline to determine overlapping application) is amended as follows.
- (2) In subsection (1) after “which is” insert “—
- (a) made on the same day as a similar application, or
- (b)”.
- (3) After subsection (4) insert—
- “(4A) A local planning authority in England may also decline to determine an application for planning permission for the development of any land in England which is made at a time when the condition in subsection (4B) applies in relation to a similar application.
- (4B) The condition is that—
- (a) a similar application is under consideration by the Secretary of State,
- (b) the similar application is an application deemed to have been made by section 177(5), and
- (c) the Secretary of State has not issued his decision.”
- (4) After subsection (6) insert—
- “(7) If a local planning authority exercise their power under subsection (1)(a) to decline to determine an application made on the same day as a similar application, they may not also exercise that power to decline to determine the similar application.”

#### **Commencement Information**

- 11** Sch. 7 para. 3(1)(2)(4) in force at 6.4.2009 for E. by S.I. 2009/400, art. 5(b)
- 12** Sch. 7 para. 3(3) in force at 6.4.2009 for E.W. by S.I. 2009/400, art. 3(n)

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