

SCHEDULES

SCHEDULE 16

PROCEDURE FOR CERTAIN PLANNING CHALLENGES

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

- 6 (1) Section 63 of that Act (proceedings for questioning validity of other orders, decisions and directions) is amended as follows.
- (2) In subsection (1), for “section 62(1)” substitute “section 62(1)(a) or (b)”.
- (3) After subsection (1) insert—
- “(1A) If a person is aggrieved by a relevant costs order made in connection with an order or decision mentioned in section 62(1)(a) or (b) and wishes to question its validity, the person may make an application to the High Court under this section (whether or not as part of an application made by virtue of subsection (1)) on the grounds—
- (a) that the relevant costs order is not within the powers of this Act, or
- (b) that any of the relevant requirements have not been complied with in relation to the order.”
- (4) In subsection (2)—
- (a) after “subsection (1)” insert “or (1A)”,
- (b) for “such order or decision” substitute “order or decision mentioned in section 62(1)”, and
- (c) for “those grounds” substitute “the grounds mentioned in subsection (1) or (1A) (as the case may be)”.
- (5) For subsection (3) substitute—
- “(3) An application under this section may not be made without the leave of the High Court.
- (3A) An application for leave for the purposes of subsection (3) must be made before the end of the period of six weeks beginning with the day after—
- (a) in the case of an application relating to an order under section 23 that takes effect under section 25 without confirmation, the date on which the order takes effect;
- (b) in the case of an application relating to any other order mentioned in section 62(1)(a), the date on which the order is confirmed;
- (c) in the case of an application relating to a decision mentioned in section 62(1)(b) or a relevant costs order, the date on which the decision or order is made.
- (3B) When considering whether to grant leave for the purposes of subsection (3), the High Court may make an interim order suspending the operation of any

Status: This is the original version (as it was originally enacted).

order or decision the validity of which the person or authority concerned wishes to question, until the final determination of—

- (a) the question of whether leave should be granted, or
- (b) where leave is granted, the proceedings on any application under this section made with such leave.”

(6) In subsection (4)—

- (a) after “this section” insert “(other than an application for leave)”,
- (b) in paragraph (a), for “the order or decision” substitute “any order or decision”, and
- (c) in paragraph (b)(i), for “the order or decision” substitute “any such order or decision”.

(7) For subsection (6) substitute—

“(6) In this section—

“relevant costs order” has the same meaning as in section 62;
“the relevant requirements”—

- (a) in relation to an order or decision mentioned in section 62(1)(a) or (b), means any requirements of this Act or of the Tribunals and Inquiries Act 1992, or of any order, regulations or rules made under either of those Acts, which are applicable to the order or decision;
- (b) in relation to a relevant costs order, means any requirements of this Act, of the Local Government Act 1972 or of the Tribunals and Inquiries Act 1992, or of any order, regulations or rules made under any of those Acts, which are applicable to the order.”