
STATUTORY INSTRUMENTS

1980 No. 2010

**TOWN AND COUNTRY PLANNING, ENGLAND AND
WALES**

**The Town and Country Planning (Prescription of County Mat-
ters) Regulations 1980**

Made - - - - - 19th December 1980

Coming into Operation 13th January 1981

The Secretary of State for the Environment, in exercise of the powers conferred by sections 266(1) and 270(1) of, and paragraph 32(f) of Schedule 16 to, the Local Government Act 1972(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1. These regulations may be cited as the Town and Country Planning (Prescription of County Matters) Regulations 1980 and shall come into operation on 13th January 1981.

2. The following classes of operations and uses of land are prescribed for the purposes of paragraph 32 of Schedule 16 to the Local Government Act 1972 as respects England:—

- (a) the use of land or the carrying out of operations in or on land for the deposit of refuse or waste materials;
- (b) the erection of any building, plant or machinery designed to be used wholly or mainly for purposes of treating, storing, processing or disposing of refuse or waste materials.

19th December 1980.

Michael R. D. Heseltine,
Secretary of State for the Environment.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which are made under paragraph 32(f) of Schedule 16 to the Local Government Act 1972, add (in relation to England) two classes of use of land and operations to the definition of "county matter" contained in that paragraph. The additional classes relate to waste disposal sites, and cover the use of land or the carrying out of operations for the deposit of refuse or waste materials and the erection of buildings, plant or machinery for the treatment, storage, processing or disposal of refuse or waste materials.

The effect of the regulations is to transfer to county planning authorities in England the functions of determining certain applications made under the Town and Country Planning Act 1971 (c.78) and to give county planning authorities power to make certain orders and serve certain notices under that Act where the application, order or notice relates to waste disposal. The regulations do not, however, affect the exercise of those functions in the National Parks (where county planning authorities are already the sole authorities exercising them): nor do they apply to Greater London, where the allocation of functions under the Act of 1971 is dealt with by means of regulations made under Schedule 3 to that Act.

The applications relating to waste disposal which will be transferred to county planning authorities by these regulations are those referred to in paragraph 15 of Schedule 16 to the Act of 1972, namely applications for planning permission, applications for a determination as to whether an application for planning permission is necessary and applications for an established use certificate. The orders and notices which county planning authorities will be able to make or serve in respect of waste disposal sites are those referred to in paragraph 24 of the Schedule. These are orders under section 45 of the Act of 1971, revoking or modifying planning permission, orders under section 51, requiring the discontinuance of a use or imposing conditions on its continuance, or requiring the alteration or removal of buildings or works (including deposits of refuse or waste materials), enforcement notices served under section 87 of the Act and stop notices. The power of district planning authorities to make such orders and serve such notices in respect of waste disposal sites will remain, but, by virtue of the provisions of subparagraph (2) of paragraph 24, the district planning authority will be required to consult the county planning authority before exercising the power in a particular case.

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