

SCHEDULE 4

WASTE FRAMEWORK DIRECTIVE etc.

PART I

GENERAL

Interpretation of Schedule 4

1. In this Schedule, unless the context otherwise requires—
 - “competent authority” has the meaning given by paragraph 3;
 - “development”, “development plan”, “government department” and “planning permission” have the same meaning as in the Town and Country Planning Act 1990⁽¹⁾ or, in Scotland, as in the Town and Country Planning (Scotland) Act 1972⁽²⁾;
 - “licensing authority” and “the Ministers” have the meaning given by section 24(1) of the Food and Environment Protection Act 1985⁽³⁾;
 - “local planning authority” and “the planning Acts” have the same meaning as in the Town and Country Planning Act 1990⁽¹⁾;
 - “permit” means a waste management licence, a disposal licence, an authorisation under Part I of the 1990 Act, a resolution under section 54 of the 1990 Act, a licence under Part II of the Food and Environment Protection Act 1985 or a consent under Chapter II of Part III of the Water Resources Act 1991⁽⁴⁾ or under Part II of the Control of Pollution Act 1974 (and, in relation to a permit, “grant” includes give, issue or pass, “modify” includes vary, and cognate expressions shall be construed accordingly);
 - “plan-making provisions” means paragraph 5 below, section 50 of the 1990 Act and Part II of the Town and Country Planning Act 1990 or, in Scotland, Part II of the Town and Country Planning (Scotland) Act 1972;
 - “planning authority” means the local planning authority, the person appointed under paragraph 1 of Schedule 6 to the Town and Country Planning Act 1990 or, as the case may be, the government department responsible for discharging a function under the planning Acts or, in Scotland, the planning authority (as defined in section 172 of the Local Government (Scotland) Act 1973)⁽⁵⁾, the person appointed under paragraph 1 of Schedule 7 to the Town and Country Planning (Scotland) Act 1972, or, as the case may be, the government department responsible for discharging a function under the Town and Country Planning (Scotland) Act 1972⁽⁶⁾, and the Secretary of State shall be treated as a planning authority in respect of his functions under the planning Acts or, in Scotland, the Town and Country Planning (Scotland) Act 1972;
 - “pollution control authority” means any competent authority other than a planning authority;

(1) 1990 c. 8; see section 336(1).

(2) 1972 c. 52; see section 275(1).

(3) 1985 c. 48.

(1) 1990 c. 8; see section 336(1).

(4) 1991 c. 57.

(5) 1973 c. 65; section 172(3) is amended by paragraph 22 of Schedule 3 to the Local Government and Planning (Scotland) Act 1982 (c. 43).

(6) 1972 c. 52.

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“river purification authority” has the meaning given by section 17 of the Rivers (Prevention of Pollution) (Scotland) Act 1951(7);

“specified action” means any of the following—

- (a) determining—
 - (i) an application for planning permission; or
 - (ii) an appeal made under section 78 of the Town and Country Planning Act 1990(8) or, in Scotland, under section 33 of the Town and Country Planning (Scotland) Act 1972(9), in respect of such an application;
- (b) deciding whether to take any action under section 141(2) or (3) or 177(1)(a) or (b)(10) of the Town and Country Planning Act 1990, or under section 196(5) of that Act(11) as originally enacted, or under section 35(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990(12) or, in Scotland, under section 85(5)(a), (b) or (c)(13), 91(3) (as enacted prior to its repeal)(14) or 172(2) or (3) of, or paragraph 2(6) of Schedule 17 to, the Town and Country Planning (Scotland) Act 1972;
- (c) deciding whether to direct under section 90(1), (2) or (2A) of the Town and Country Planning Act 1990(15) or, in Scotland, section 37(1) of the Town and Country Planning (Scotland) Act 1972(16) or paragraph 7(1) of Schedule 8 to the Electricity Act 1989(17), that planning permission shall be deemed to be granted;
- (d) deciding whether—
 - (i) in making or confirming a discontinuance order, to include in the order any grant of planning permission; or
 - (ii) to confirm (with or without modifications) a discontinuance order insofar as it grants planning permission,

and, for the purposes of this sub-paragraph, “discontinuance order” means an order under section 102 of the Town and Country Planning Act 1990(18) (including an order made under that section by virtue of section 104 of that Act), or under paragraph 1 of Schedule 9 to that Act(19) (including an order made under that paragraph by virtue of paragraph 11 of that Schedule), or, in Scotland, an order under section 49 of the Town and Country

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- (7) 1951 c. 66; section 17 is amended by paragraph 5 of Schedule 16 to the Local Government (Scotland) Act 1973 (c. 65), paragraph 13 of Schedule 3 to the Control of Pollution Act 1974 (c. 40) and paragraph 1 of Schedule 10 to the Natural Heritage (Scotland) Act 1991 (c. 28).
 - (8) 1990 c. 8; section 78 is amended by section 17(2) of the Planning and Compensation Act 1991 (c. 34).
 - (9) Section 33 is amended by section 172(2) of the Local Government (Scotland) Act 1973 (c. 65), by paragraph 11 of Schedule 2 to the Local Government and Planning (Scotland) Act 1982 (c. 43), by paragraphs 55 and 56 of Schedule 11 to the Housing and Planning Act 1986 (c. 63) and by paragraph 11 of Schedule 13 to the Planning and Compensation Act 1991 (c. 34).
 - (10) Section 177(1)(a) is substituted by paragraph 24(1)(a) of Schedule 7 to the Planning and Compensation Act 1991 (c. 34).
 - (11) Section 196(5) is repealed by paragraph 33(e) of Schedule 7 to the Planning and Compensation Act 1991 (c. 34), but that repeal does not apply to appeals arising out of applications made under section 192(1) (as originally enacted) before 27th July 1992.
 - (12) 1990 c. 9.
 - (13) Section 85(5) is amended by paragraph 20(c) of Schedule 2 to the Local Government and Planning (Scotland) Act 1982 (c. 43); extended by section 3(9) of the Town and Country Planning Act 1984 (c. 10); and amended by paragraph 20(c) of Schedule 13, and Part IV of Schedule 19, to the Planning and Compensation Act 1991 (c. 34).
 - (14) Section 91(3) is amended by section 172(2) of the Local Government (Scotland) Act 1973 (c. 65) and by Schedule 4 to the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23); section 91(3) is repealed by paragraph 26 of Schedule 13, and Part IV of Schedule 19, to the Planning and Compensation Act 1991 (c. 34), but that repeal does not apply to appeals arising out of applications made under section 90(2) before 25th September 1992.
 - (15) Section 90(2A) is inserted by section 16(1) of the Transport and Works Act 1992 (c. 42).
 - (16) Section 37(1) is amended by Part I of Schedule 4 to the Local Government and Planning (Scotland) Act 1982 (c. 43) and extended by paragraph 2(1)(xxv) of Schedule 7 to the Gas Act 1986 (c. 44).
 - (17) 1989 c. 29; paragraph 7 of Schedule 8 is repealed in England and Wales by Part II of Schedule 1 to the Planning (Consequential Provisions) Act 1990 (c. 11), and repealed (in part) in Scotland by Part III of that Schedule.
 - (18) Section 102 is amended by paragraph 6 of Schedule 1, and paragraph 21 of Schedule 7, to the Planning and Compensation Act 1991 (c. 34).
 - (19) Paragraph 1 of Schedule 9 is amended by paragraph 15 of Schedule 1 to the Planning and Compensation Act 1991 (c. 34).

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- Planning (Scotland) Act 1972**(20)** (including an order made under that section by virtue of section 260 of that Act**(21)**);
- (e) discharging functions under Part II of the Town and Country Planning Act 1990 or, in Scotland, Part II of the Town and Country Planning (Scotland) Act 1972.

(20) Section 49 is amended by section 172(2) of the Local Government (Scotland) Act 1973 (c. 65), section 26 of the Town and Country Planning (Minerals) Act 1981 (c. 36), and paragraph 5 of Schedule 8, and paragraph 16 of Schedule 13, to the Planning and Compensation Act 1991 (c. 34).

(21) Section 260 is amended by section 172(2) of, paragraph 31 of Schedule 23, paragraph 48 of Schedule 25 and Schedule 29 to the Local Government (Scotland) Act 1973 (c. 65), by Schedule 4 of the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23), by paragraph 10 of Schedule 2 to the Town and Country Planning (Minerals) Act 1981 (c. 36) and by paragraph 51 of Schedule 11 to the Housing and Planning Act 1986 (c. 63).