

2003 No. 1033

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Prescription of County Matters) (England) Regulations 2003

Made - - - - - *7th April 2003*

Laid before Parliament *7th April 2003*

Coming into force *28th April 2003*

The First Secretary of State, in exercise of the powers conferred on him by paragraph 1(1)(j) of Schedule 1 to the Town and Country Planning Act 1990^(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Town and Country Planning (Prescription of County Matters) (England) Regulations 2003 and shall come into force on 28th April 2003.

(2) These Regulations apply in England only.

Operations and uses prescribed as county matters

2. The following classes of operations and uses of land are prescribed for the purposes of paragraph 1(1)(j) of Schedule 1 to the Town and Country Planning Act 1990:—

- (a) (i) the use of land;
- (ii) the carrying out of building, engineering or other operations; or
- (iii) the erection of plant or machinery used or proposed to be used, wholly or mainly for the purposes of recovering, treating, storing, processing, sorting, transferring or depositing of waste;
- (b) the use of land or the carrying out of operations for any purposes ancillary to any use or operations specified in paragraph (a) above, including the formation, laying out, construction or alteration of a vehicular access to any public highway.

Revocation and transitional provisions

3.—(1) Subject to paragraph (2), the Town and Country Planning (Prescription of County Matters) Regulations 1980^(b) (“the 1980 Regulations”) are hereby revoked, so far as they apply in England.

^(a) 1990 c.8: to which there are amendments not relevant to these Regulations. See section 336(1) for the definition of “prescribed”. The functions of the Secretary of State under paragraph 1(1)(j) of Schedule 1 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, see entry in Schedule 1 for the Town and Country Planning Act 1990 (c.8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253).

^(b) S.I. 1980/2010.

(2) Any application to which the 1980 Regulations applied which has been made but not determined on the date when these Regulations come into force shall continue to be dealt with in accordance with the 1980 Regulations.

Signed by authority of the First Secretary of State

7th April 2003

Tony McNulty
Parliamentary Under Secretary of State,
Office of the Deputy Prime Minister

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in England only, revoke and replace the Town and Country Planning (Prescription of County Matters) Regulations 1980, S.I. 1980/2010.

These Regulations prescribe classes of uses and operations which are to be “county matters” for the purposes of paragraph 1 of Schedule 1 to the Town and Country Planning Act 1990.

The following classes of operations and uses are prescribed as “county matters”:

(1) The use of land, the carrying out of building, engineering or other operations or the erection of plant or machinery for the purposes of recovering, treating, storing, processing, sorting, transferring, or depositing of waste;

(2) Operations and uses ancillary to the purposes in (1) above, including development relating to access to highways.

The effect of these Regulations are that the functions of a local planning authority of determining applications which relate to “county matters” as prescribed by these Regulations shall be exercised by the county planning authority.

There are revocation and transitional provisions.

These Regulations impose no additional costs on businesses.

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Matters) (England) Regulations 2003

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