
STATUTORY INSTRUMENTS

2018 No. 785

**The Airports (Noise-related Operating Restrictions)
(England and Wales) Regulations 2018**

Competent authority: Town and Country Planning Act 1990

3.—(1) Except in the circumstances specified in paragraph (2), the local planning authority is the competent authority for the purposes of the 2014 Regulation in relation to—

- (a) a proposal for it to impose, modify or discharge an operating restriction under the 1990 Act;
- (b) an operating restriction imposed or modified under the 1990 Act.

(2) The circumstances specified are when any of the matters referred to in sub-paragraph (a) or (b) of paragraph (1) are considered by virtue of—

- (a) an application referred to the Secretary of State or the Welsh Ministers⁽¹⁾ under section 77⁽²⁾ of the 1990 Act; or
- (b) an appeal to the Secretary of State or the Welsh Ministers under section 78⁽³⁾, 106B⁽⁴⁾ or 174⁽⁵⁾ of the 1990 Act.

(3) Where an application or appeal mentioned in paragraph (2) is considered by the Secretary of State or, as the case may be, the Welsh Ministers, the Secretary of State or, as the case may be, the Welsh Ministers are the competent authority for the purposes of the 2014 Regulation, in relation to those matters which are subject to the application or appeal.

(4) In this regulation—

“the 1990 Act” means the Town and Country Planning Act 1990⁽⁶⁾;

“local planning authority” has the same meaning as in Part 1 of the 1990 Act.

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- (1) The functions of the Secretary of State under the Town and Country Planning Act 1990 (c. 8) (“the 1990 Act”) referred to in regulation 3 of these Regulations, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
 - (2) Section 77 of the 1990 Act was amended by: paragraphs 1 and 20 of Schedule 12 to the Housing and Planning Act 2016 (c. 22); paragraphs 2 and 11 of Schedule 4 to the Infrastructure Act 2015 (c. 7); paragraphs 1 and 10 of Schedule 12 to the Localism Act 2011 (c. 20); paragraph 18 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34); and, by S.I. 2014/2773 (W. 280).
 - (3) Section 78 of the 1990 Act was amended by: paragraphs 1 and 21 of Schedule 12 to the Housing and Planning Act 2016; section 123(1) and (3) of, and paragraphs 1 and 11 of Schedule 12 to, the Localism Act 2011; paragraphs 2 and 12 of Schedule 4 to the Infrastructure Act 2015; paragraphs 1 and 8 of Schedule 1 to the Growth and Infrastructure Act 2013 (c. 27); section 17(2) of the Planning and Compensation Act 1991; section 43(2) of the Planning and Compulsory Purchase Act 2004 (c. 5); paragraphs 1 and 3 of Schedule 10, and paragraphs 1 and 2 of Schedule 11, to the Planning Act 2008 (c. 29); and, sections 45 and 47(1) of, and paragraph 7(1) and (3) of Schedule 7 to, the Planning (Wales) Act 2015 (2015 anaw 4).
 - (4) Section 106B of the 1990 Act was inserted by section 12(1) of the Planning and Compensation Act 1991 and amended by: paragraphs 1 and 5 of Schedule 2 to the Growth and Infrastructure Act 2013; section 34(5) to (7) of the Greater London Authority Act 2007 (c. 24); section 174(1) and (4) of the Planning Act 2008; and, paragraph 77(1) and (3) of Schedule 13, and Part 20 of Schedule 25, to the Localism Act 2011.
 - (5) Section 174 of the 1990 Act was amended by: section 6(1) of, and paragraph 2 of Schedule 7 to, the Planning and Compensation Act 1991; paragraphs 2 and 5 of Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24); section 46 of the Planning (Wales) Act 2015; and, S.I. 2003/956 and 2004/3156 (W. 273).
 - (6) 1990 c. 8.

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