Core Document
A06



Town and Country Planning Act 1990

1990 CHAPTER 8

An Act to consolidate certain enactments relating to town and country planning (excluding special controls in respect of buildings and areas of special architectural or historic interest and in respect of hazardous substances) with amendments to give effect to recommendations of the Law Commission. [24th May 1990]

[X1]Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Editorial Information

X1 [A Table showing the derivation of the provisions of this consolidation Act will be found at the end of the Act. The Table has no official status.]

Modifications etc. (not altering text)

C1 Act excluded by Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9, SIF 123:1), **s. 50(4)(a)**

C2 Act amended by Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9, SIF 123:1), **ss. 72(2)**, 91(4)

C3 Act modified by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 5, Sch. 3 paras. 13, **14**

C4 Act modified (10.2.1992) by Planning and Compensation Act 1991 (c. 34), s. 27, **Sch. 4 Pt. III paras.40-51**; S.I. 1991/2905, **art.4**
Act: certain functions transferred to the Council of the Isles (Isles of Scilly) (27.7.1992) by S.I. 1992/1620, **art. 2** (with arts. 3, 4(a), Sch. Pt. I)
Act modified (27.7.1992) by S.I. 1992/1620, art.4(a)(b), **Sch.**
Act modified (17.7.1992) by S.I. 1992/1732, **art. 2(1)**
Act restricted (13.2.1992) by Severn Bridges Act 1992 (c. 3), **s. 35**.
Act modified (26.11.1992) by S.I. 1992/2683, reg. 2, **Sch.**
Act applied (with modifications) (13.5.1993) by S.I. 1993/1075, **art. 4**
Act extended (1.11.1993) by 1993 c. 28, **s. 70(14)(a)**; S.I. 1993/2134, **arts. 2**, 5
Act extended (1.5.1994) by S.I. 1994/1056, regs. 1(3), 19, **Sch. 4 Pt. I para. 11**

Changes to legislation: *Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Act extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 2(2)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
Act modified (18.10.2000) by S.I. 2000/2615, **art. 5**
Act restricted (19.9.1995) by 1995 c. 25, **ss. 71(7)**, 125(2) (with ss. 7(6), 115, 117, Sch. 8 para. 7)
Act amended (1.4.1996) by S.I. 1996/593, reg. 2, **Sch. 1**
Act applied in part (with modifications) (11.11.1996) by S.I. 1996/2714, art. 48, **Sch. 9 para. 1**
Act amended (18.12.1996) by 1996 c. 61, **s. 8(4)**
Act applied in part (with modifications) (21.5.1997) by S.I. 1997/1266, art. 36, **Sch. 10 para. 1**
Act applied in part (with modifications) (27.8.1998) by S.I. 1998/1936, art. 41, **Sch. 10 para. 1**
Act (except ss. 90(2), 325(9)): certain functions transferred subject to qualifications (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
Act applied (23.6.1999) by S.I. 1999/1736, **art. 11(1)**
Act applied (24.7.2001) by S.I. 2001/3627, arts. 63, 64, Sch. 11 paras. 1, 2, **Sch. 12 para. 5(3)**

C5 Act restricted (15.6.2002) by The Landfill (England and Wales) Regulations 2002 (S.I. 2002/1559), **reg. 5**

C6 Act modified (28.9.2004 (E.), 15.10.2005 (W.)) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 38**, 121 (with s. 111); S.I. 2004/2202, **art. 2** (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2** (subject to transitional provisions and savings in art. 3)
Act modified (24.8.2005) by The Town and Country Planning (Isles of Scilly) Order 2005 (S.I. 2005/2085), **art. 4(1)**
Act applied (with modifications) (12.10.2005) by The Thurrock Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2572), **art. 5**
Act applied (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 89, 121, **Sch. 4 para. 6(2)** (with s. 111); S.I. 2006/1281, **art. 2**
Act modified (25.4.2006) by The Associated British Ports (Hull) Harbour Revision Order 2006 (S.I. 2006/1135), art. 14, **Sch. 1 para. 2(4)**
Act modified (30.5.2007) byThe National Assembly for Wales Commission (Crown Status) (No. 2) Order 2007 (S.I. 2007/1353, **art. 4**
Act modified (temp.) (30.5.2007) by The St Mary's (Isles of Scilly) Harbour Revision Order 2007 (S.I. 2007/1554), **art. 17**

C7 Act modified (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 57(4)(b)**
Act construed as one with the amending S.I. regs. 54-67 (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 68**

C8 Act modified (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 9(4)**

C9 Act construed as one with S.I. 1994/2716, regs. 54-67 (1.10.2009) by virtue of S.I. 1994/2716, reg. 68(a) (as substituted by The Conservation (Natural Habitats, &c.) (Amendment) (No. 2) Regulations 2009 (S.I. 2009/2438), **reg. 6(2)**)

C10 Act modified (17.3.2010) by The Harwich Parkeston Quay Harbour Revision Order 2010 (S.I. 2010/626), **art. 10** (with art. 20)

C11 Act modified (7.4.2011) by The Associated British Ports (Grimsby Riverside Ro-Ro Terminal) Harbour Revision Order 2011 (S.I. 2011/950), art. 22, Sch. paras. 1(2), **2-6**

C12 Act applied in part (Isles of Scilly) (with modifications) (2.10.2013) by The Town and Country Planning (Isles of Scilly) Order 2013 (S.I. 2013/2148), arts. 1(1), 3, **Sch. 1** (with art. 1(2))

C13 Act applied (with modifications) (21.4.2015) by The Network Rail (Ordsall Chord) Order 2015 (S.I. 2015/780), **Sch. 11 para. 1** (with art. 36(2))

C14 Act modified (W.) (1.3.2016) by The Developments of National Significance (Wales) Regulations 2016 (S.I. 2016/56), reg. 1(2), **Sch. 7 para. 1(2)** (with regs. 1(3), 47)

C15 Act modified (W.) (1.3.2016) by The Developments of National Significance (Application of Enactments) (Wales) Order 2016 (S.I. 2016/54), art. 1, **art. 3(2)**

C16 Act modified in part (2.8.2016) by The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684), art. 1, **Sch. 8 para. 1** (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))

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C17 Act applied in part (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 22(7)(8)**, **50(6)(7)**, 70(1)
C18 Act construed as one with S.I. 2017/1012, Pt. 6 Ch. 2 (except regs. 84, 85) (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), **86**
C19 Act modified (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), **78(3)(a)**
C20 Act modified (4.1.2018) by The Blackpool Tramway (Blackpool North Extension) Order 2017 (S.I. 2017/1214), **Sch. 7 para. 1** (with arts. 58, 59)
C21 Act applied in part (with modifications) (7.5.2019) by The Midland Metro (Birmingham City Centre Extension, etc.) (Edgbaston Extension Land Acquisition) Order 2019 (S.I. 2019/882), **Sch. 4 para. 1** (with art. 18)
C22 Act modified in part (4.3.2020) by The Midland Metro (Birmingham Eastside Extension) Order 2020 (S.I. 2020/141), art. 1, **Sch. 9 para. 1** (with arts. 47, 48, Sch. 10 para. 19)
C23 Act restricted (25.5.2020) by The West Midlands Rail Freight Interchange Order 2020 (S.I. 2020/511), art. 1, **Sch. 14 para. 5**
C24 S. 153(4A) excluded (3.12.2020) by The A303 (Amesbury to Berwick Down) Development Consent Order 2020 (S.I. 2020/1297), **art. 27(4)(c)** (with arts. 6(2), 27(5))
C25 Act applied in part (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 47(4)**, 64(1)
C26 Act: power to amend conferred (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 132**, 255(3)(a) (with s. 247)
C27 Act applied (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), **ss. 79(2)**, 212(2) (with s. 79(7), Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(b)
C28 Act applied (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), **ss. 83(4)**, 212(2) (with s. 83(6), Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(b)
C29 Act excluded (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), **ss. 140(4)(b)**, 212(2) (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(b)
C30 Act modified (15.12.2025) by The Portsmouth International Port and Camber Harbour Revision Order 2025 (S.I. 2025/1223), arts. 1(1), **4(5)** (with arts. 31, 59-61)

PART I

PLANNING AUTHORITIES

Modifications etc. (not altering text)
C31 Pt. 1 applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9, SIF 123:1), s. 81, **Sch. 4**
Pt. 1 applied (23.11.1995) by 1961 c. 33, **s. 39(1)** (as amended (23.11.1995) by 1995 c. 25, s. 78, Sch. 10 para. 4 (with ss. 7(6), 115, 117, **Sch. 8 para. 7**); S.I. 1995/2950, **art. 2(1)**)
C32 Pt. 1 applied (with modifications) (4.11.2024) by 1993 c. 28, **s. 70(15)** (as inserted by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), Sch. 13 para. 166(b) (with **Sch. 14 paras. 1-3**); S.I. 2024/860, **art. 3(d)**)

1 Local planning authorities: general.

(1) In a non-metropolitan county—
(a) the council of a county is the county planning authority for the county, and
(b) the council of a district is the district planning authority for the district,

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and references in the planning Acts to a local planning authority in relation to a non-metropolitan county shall be construed, subject to any express provision to the contrary, as references to both the county planning authority and the district planning authorities.

[F1(1A) Subsection (1) does not apply in relation to Wales.

F1(1B) In Wales—

(a) the local planning authority for a county is the county council; and

(b) the local planning authority for a county borough is the county borough council.**]**

(2) The council of a metropolitan district is the local planning authority for the district and the council of a London borough is the local planning authority for the borough. **[**F2 But, in the case of a London borough, see also sections 2A to 2E (Mayor of London).**]**

(3) In England (exclusive of the metropolitan counties, Greater London and the Isles of Scilly) F3. . . all functions conferred on local planning authorities by or under the planning Acts shall be exercisable both by county planning authorities and district planning authorities.

(4) In this Act "mineral planning authority" means—

(a) in respect of a site in a non-metropolitan county, the county planning authority; and

(b) in respect of a site in a metropolitan district or London borough, the local planning authority.

[F4(4A) Subsection (4) does not apply in relation to Wales.

F4(4B) As to any site in Wales, the local planning authority is also the mineral planning authority.**]**

(5) This section has effect subject to any express provision to the contrary in the planning Acts and, in particular—

(a) **[**F5this section has**]** effect subject to **[**F6sections 4Ato**][**F7 8A**]** of this Act F8. . .; **[**F9and**]**

(b) subsections **[**F10(1) to (2)**]** have effect subject to sections 2 and 9; and

(c) subsection (3) has effect subject to F11. . . Schedule 1 (which contains provisions as to the exercise of certain functions under this Act by particular authorities and liaison between them) **[**F12and Part 1A of Schedule 7A (Biodiversity Gain in England: Local Planning Authority)**]**.

[F13(6) The exercise, in relation to Wales, of functions conferred on local planning authorities is subject to F14. . . Schedule 1A.**]**

Textual Amendments

F1 S. 1(1A)(1B) inserted (3.4.1995 for specified purposes and otherwise 1.4.1996) by 1994 c. 19, **s. 18(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 4(1)-(3), **Sch. 2**

F2 Words in s. 1(2) inserted (6.4.2008) by Greater London Authority Act 2007 (c. 24), **ss. 31(1)**, 59; S.I. 2008/582, **art. 2(a)**

F3 Words in s. 1(3) repealed (3.4.1995) by 1994 c. 19, ss. 18(6), 66(8), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, arts. 4(1), 9(1), Sch. 2, **Sch. 5**

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F4 S. 1(4A)(4B) inserted (3.4.1995 for specified purposes and otherwise 1.4.1996) by 1994 c. 19, **s. 18(4)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 4(1)-(3), **Sch. 2**

F5 Words in s. 1(5)(a) substituted (3.4.1995 for specified purposes and otherwise 1.4.1996) by 1994 c. 19, **s. 18(6)(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 4(1)-(3), **Sch. 2**

F6 Words in s. 1(5)(a) substituted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(1)(a)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

F7 Word in s. 1(5)(a) substituted (10.11.1993) by 1993 c. 28, s. 187(1), **Sch. 21 para. 28**; S.I. 1993/2762, **art. 3**

F8 Words in s. 1(5)(a) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

F9 Word in s. 1(5)(a) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(1)(b)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

F10 Words in s. 1(5)(b) substituted (3.4.1995 for specified purposes and otherwise 1.4.1996) by 1994 c. 19, **s. 18(6)(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 4(1)-(3), **Sch. 2**

F11 Words in s. 1(5)(c) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

F12 Words in s. 1(5)(c) inserted (12.2.2024) by The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 (S.I. 2024/49), regs. 1(2), **4**; S.I. 2024/44, reg. 2(1)(e)

F13 S. 1(6) added (3.4.1995 for specified purposes and otherwise 1.4.1996) by 1994 c. 19, **s. 18(5)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 4(1)-(3), **Sch. 2**

F14 Words in s. 1(6) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

Modifications etc. (not altering text)

C33 S. 1 excluded (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **44(1)** (with arts. 51, 53)

2 Joint planning boards.

(1) If it appears to the Secretary of State that it is expedient that a joint board should be established as the county planning authority for the areas or parts of the areas of any two or more county councils or as the district planning authority for the areas or parts of the areas of any two or more district councils, he may by order—

(a) constitute those areas or parts as a united district for the purposes of this Act; and

(b) constitute a joint board **F15**. . . as the county planning authority or, as the case may be, the district planning authority for that united district.

[F16(1A) Subsection (1) does not apply in relation to Wales.

F16(1B) If it appears to the Secretary of State that it is expedient that a joint board should be established as the local planning authority for two or more areas, each of which is the whole or part of a Welsh county or county borough, he may by order—

(a) constitute those areas or parts as a united district for the purposes of this Act; and

(b) constitute a joint board as the local planning authority for that united district.

F16(1C) A joint board constituted under subsection (1) or (1B) shall be known as a "joint planning board".**]**

[F17(1D) The areas that may be constituted as a united district for the purposes of this section shall not include the whole or any part of an area which is comprised in a National Park for which there is a National Park authority.**]**

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(2) The Secretary of State shall not make **[**F18an order under subsection (1) or (1B)**]** except after holding a local inquiry unless all the councils concerned have consented to the making of the order.

(3) Where a joint planning board is constituted for a united district, references in the planning Acts to the area of a local planning authority—

(a) in relation to the board, shall be construed as references to that district; and

(b) in relation to any local planning authority being the council of a county **[**F19or county borough**]** or district of which part (but not the whole) is included in the united district, shall be construed as references to so much of the county **[**F19or county borough**]** or district as is not so included.

(4) A joint planning board constituted by an order under subsection (1) **[**F20or (1B)**]** shall consist of such number of members as may be determined by the order, to be appointed by the constituent councils.

(5) A joint planning board so constituted shall be a body corporate, with perpetual succession and a common seal.

(6) An order constituting a joint planning board and any order amending or revoking any order constituting a joint planning board—

(a) may, without prejudice to the provisions of section 241 of the M1Local Government Act 1972 (which authorises the application of the provisions of that Act to joint boards), provide for regulating the appointment, tenure of office and vacation of office of members of the board, for regulating the meetings and proceedings of the board, and for the payment of the expenses of the board by the constituent councils;

(b) may provide for the transfer and compensation of officers, the transfer of property and liabilities, and the adjustment of accounts and apportionment of liabilities;

(c) may contain such other provisions as appear to the Secretary of State to be expedient for enabling the board to exercise their functions; and

(d) may apply to the board, with any necessary modifications and adaptations, any of the provisions of sections 102 and 103 of the Local Government Act 1972.

[F21**[**F22(6A) Section 241 of the Local Government Act 1972 shall be taken to authorise the application to a joint planning board, by such an order as is mentioned in subsection (6) above, of any provisions mentioned in subsection (6B) below (as well as any provisions of the Local Government Act 1972), subject to any necessary modifications.

(6B) The provisions referred to in subsection (6A) above are—

F23(a) . . . . . .

(b) Part 2 of the Public Audit (Wales) Act 2004, except sections 25, 26, 46 to 49 and 56.**]]**

(7) This section shall have effect subject to sections 5 to 9 of this Act F24. . ..

Textual Amendments

F15 Words in s. 2(1) repealed (3.4.1995) by 1994 c. 19, ss. 19(4)(a), 66(7)(8), Sch. 17 para. 13, **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, arts. 4(1), 9(1), Sch. 2, **Sch. 5**

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F16 S. 2(1A)-(1C) inserted (3.4.1995 for specified purposes and otherwise 1.4.1996) by 1994 c. 19, ss. 19(1), 66(7), **Sch. 17 para. 13** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 4(1), **Sch. 2**

F17 S. 2(1D) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(2)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)** (with art. 2(2))

F18 Words in s. 2(2) substituted (3.4.1995 for specified purposes and otherwise 1.4.1996) by 1994 c. 19, ss. 19(4)(b), 66(7), **Sch. 17 para. 13** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 4(1), **Sch. 2**

F19 Words in s. 2(3) inserted (3.4.1995 for specified purposes and otherwise 1.4.1996) by 1994 c. 19, ss. 19(4)(c), 66(7), **Sch. 17 para. 13** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 4(1), **Sch. 2**

F20 Words in s. 2(4)(d) inserted (3.4.1995 for specified purposes and otherwise 1.4.1996) by 1994 c. 19, ss. 19(4)(d), 66(7), **Sch. 17 para. 13** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 4(1), **Sch. 2**

F21 S. 2(6A) inserted (28.7.1995) by 1995 c. 25, s. 120(1), **Sch. 22 para. 42** (with ss. 7(6), 115, 117); S.I. 1995/1983, **art. 2**

F22 S. 2(6A)(6B) substituted for s. 2(6A) (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 66, 73, **Sch. 2 para. 13**; S.I. 2005/558, **art. 2** (with art. 3)

F23 S. 2(6B)(a) omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 25**; S.I. 2015/841, art. 3(x)

F24 Words in s. 2(7) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

Marginal Citations

M1 1972 c. 70.

[F25 2A The Mayor of London: applications of potential strategic importance

(1) Where an application to which this section applies is made to a local planning authority—

(a) for planning permission **[**F26or permission in principle**]** (see section 70), or

(b) for planning permission without complying with conditions subject to which a previous planning permission was granted (see section 73),

the Mayor of London may direct that he is to be the local planning authority for the purposes of determining the application.

[F27(1A) Subsection (1) does not apply if the local planning authority is a Mayoral development corporation.**]**

[F28(1B) Where this section applies to an application for planning permission **[**F29or permission in principle**]** made to the Secretary of State under section 62A, the Mayor of London may direct—

(a) that the application is to be treated as having been made to the local planning authority (and not to the Secretary of State under section 62A), and

(b) that the Mayor of London is to be the local planning authority for the purposes of determining the application.**]**

(2) The circumstances in which, and the conditions subject to which, the Mayor may give a direction under subsection (1) **[**F30or (1B)**]** may be prescribed by, or by directions given under, an order under this section.

(3) This section applies to an application if—

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(a) the land to which the application relates is in Greater London (but is not in an area of Greater London prescribed by an order under this section), and

(b) the application is an application of potential strategic importance.

(4) For the purposes of this section "application of potential strategic importance" is to be construed in accordance with an order under this section.

(5) So far as the context requires, in relation to—

(a) the determination of an application by virtue of this section, or

(b) the determination of a connected application by virtue of section 2B,

any reference in an enactment to a local planning authority or a hazardous substances authority includes a reference to the Mayor of London.

This subsection is subject to any provision made by an order under this section by virtue of section 2D(2).

(6) An order under this section—

(a) may make different provision for different cases or different **[**F31areas;

(aa) may prescribe matters by reference to the spatial development strategy, or a **[**F32local plan, document which is or forms part of a minerals and waste plan or supplementary plan**]** (within the meaning of Part 2 of the Planning and Compulsory Purchase Act 2004), as it has effect from time to time;**]**

(b) may make provision for exceptions or exclusions.

(7) Sections 2B to 2D and 2F contain provisions supplementing this section.

Textual Amendments

F25 Ss. 2A-2D inserted (6.4.2008) by Greater London Authority Act 2007 (c. 24), **ss. 31(2)**, 59; S.I. 2008/582, **art. 2(a)**

F26 Words in s. 2A(1)(a) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 2**; S.I. 2016/733, reg. 3(d)

F27 S. 2A(1A) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 31**

F28 S. 2A(1B) inserted (9.5.2013 for E. for specified purposes, 1.10.2013 for specified purposes, 1.10.2014 in so far as not already in force) by Growth and Infrastructure Act 2013 (c. 27), s. 35(1), **Sch. 1 para. 2(1)**; S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2

F29 Words in s. 2A(1B) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 2**; S.I. 2016/733, reg. 3(d)

F30 Words in s. 2A(2) inserted (9.5.2013 for E. for specified purposes, 1.10.2013 for specified purposes, 1.10.2014 in so far as not already in force) by Growth and Infrastructure Act 2013 (c. 27), s. 35(1), **Sch. 1 para. 2(2)(a)**; S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2

F31 S. 2A(6)(aa) and word substituted for words (12.5.2016) by Housing and Planning Act 2016 (c. 22), **ss. 149(1)**, 216(1)(d)

F32 Words in s. 2A(6)(aa) substituted (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 3** (with s. 247); S.I. 2026/169, reg. 3(f)(i) (with Sch. 1)

Modifications etc. (not altering text)

C34 S. 2A excluded (6.4.2008) by The Town and Country Planning (Mayor of London) Order 2008 (S.I. 2008/580), **art. 3**

C35 S. 2A applied (8.5.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(3), **5(2)**

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

C36 S. 2A applied (with modifications) (8.5.2018) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(5), **12(2)**(3)

2B Section 2A: supplementary provisions

(1) In deciding whether to give a direction under section 2A, the Mayor of London is to have regard to guidance issued by the Secretary of State.

(2) A direction under section 2A must include the Mayor of London's reasons for giving it.

(3) If the Mayor of London gives a direction under section 2A, he must at that time send a copy of the direction to the applicant and to the Secretary of State.

(4) Subsection (5) applies where the Mayor of London—

(a) gives a direction under section 2A in the case of any application, and

(b) considers that an application falling within subsection (6) (the "connected application") is connected with that application.

(5) Where this subsection applies, the Mayor of London is to be—

(a) the local planning authority for the purposes of determining the connected application (in the case of an application falling within subsection (6)(a) or (b)), or

(b) the hazardous substances authority for the purposes of determining the connected application (in the case of an application falling within subsection (6)(c)).

(6) The applications are—

(a) an application for listed building consent under the Planning (Listed Buildings and Conservation Areas) Act 1990,

(b) an application for conservation area consent under that Act,

(c) an application for hazardous substances consent under the Planning (Hazardous Substances) Act 1990.

(7) In subsection (6)—

(a) the reference to an application for listed building consent includes a reference to an application for the variation or discharge of conditions subject to which listed building consent has been granted, and

(b) the reference to an application for hazardous substances consent includes a reference to an application for hazardous substances consent without a condition subject to which a previous hazardous substances consent was granted.

F33(8) . . . . . .

Textual Amendments

F25 Ss. 2A-2D inserted (6.4.2008) by Greater London Authority Act 2007 (c. 24), **ss. 31(2)**, 59; S.I. 2008/582, **art. 2(a)**

F33 S. 2B(8) omitted (1.10.2013) by virtue of Growth and Infrastructure Act 2013 (c. 27), **ss. 28(2)**, 35(1); S.I. 2013/2143, art. 2(c)

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Modifications etc. (not altering text)

C37 S. 2B applied (8.5.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(3), **5(2)**

C38 S. 2B applied (8.5.2018) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(5), **12(2)**

2C Matters reserved for subsequent approval

(1) If the Mayor of London has—

(a) given a direction under section 2A in relation to an application ("the original application"), and

(b) granted outline planning permission,

he may, on an application for subsequent approval of reserved matters, direct that the application is to be decided by the local planning authority to whom the original application was made **[**F34or to whom the original application would have been made had it not been made to the Secretary of State under section 62A**]**.

(2) "Outline planning permission" has the meaning given by section 92(1).

(3) If the Mayor of London has—

(a) granted an application for listed building consent which is a connected application for the purposes of section 2B, and

(b) imposed conditions requiring specified details to be approved subsequently,

he may, on an application for subsequent approval, direct that the application is to be decided by the local planning authority to whom the connected application was made.

Textual Amendments

F25 Ss. 2A-2D inserted (6.4.2008) by Greater London Authority Act 2007 (c. 24), **ss. 31(2)**, 59; S.I. 2008/582, **art. 2(a)**

F34 Words in s. 2C(1) inserted (9.5.2013 for E. for specified purposes, 1.10.2013 for specified purposes, 1.10.2014 in so far as not already in force) by Growth and Infrastructure Act 2013 (c. 27), s. 35(1), **Sch. 1 para. 2(2)(b)**; S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2

Modifications etc. (not altering text)

C39 S. 2C applied (8.5.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(3), **5(2)**

C40 S. 2C applied (8.5.2018) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(5), **12(2)**

2D Further provision about orders under section 2A

(1) An order under section 2A may make provision—

(a) in relation to applications to which section 2A applies,

(b) in relation to applications which are connected applications by virtue of section 2B,

(c) in relation to the procedures to be followed for or in connection with applications mentioned in paragraph (a) or (b),

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(d) otherwise for the purpose of implementing or supplementing section 2A, 2B or 2C.

(2) The provision which may be made by virtue of subsection (1) includes the application of any enactment (with or without modification) in relation to cases where, by virtue of section 2A or 2B or an order under section 2A, the Mayor of London exercises a function that would otherwise have been exercisable by another body or person.

(3) Such provision may include, in particular, provision for the Mayor of London to exercise functions in relation to enforcement (instead of, or as well as, a local planning authority).**]**

Textual Amendments

F25 Ss. 2A-2D inserted (6.4.2008) by Greater London Authority Act 2007 (c. 24), **ss. 31(2)**, 59; S.I. 2008/582, **art. 2(a)**

Modifications etc. (not altering text)

C41 S. 2D applied (8.5.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(3), **5(2)**

C42 S. 2D applied (8.5.2018) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(5), **12(2)**

[F35 2E Section 2A and planning obligations under section 106

(1) This section applies where the Mayor of London has given a direction under section 2A in relation to a planning application.

(2) Where this section applies, the function of agreeing a planning obligation related to the application is a function of the Mayor of London instead of a function of the local planning authority.

(3) In this section "planning obligation" means a planning obligation under section 106.

(4) The Mayor of London must consult the local planning authority before agreeing any planning obligation by virtue of this section.

(5) Any planning obligation entered into in relation to the application—

(a) is enforceable by the Mayor of London, and

(b) is also enforceable by the local planning authority.**]**

Textual Amendments

F35 S. 2E inserted (6.4.2008) by Greater London Authority Act 2007 (c. 24), **ss. 32**, 59; S.I. 2008/582, **art. 2(a)**

Modifications etc. (not altering text)

C43 S. 2E applied (8.5.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(3), **5(2)**

C44 S. 2E applied (8.5.2018) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(5), **12(2)**

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[F36 2F Representation hearings

(1) This section applies to—

(a) an application in relation to which a direction has been given under section 2A, and

(b) an application which is a connected application for the purposes of section 2B.

(2) Before determining an application to which this section applies, the Mayor of London must give—

(a) the applicant, and

(b) the local planning authority to whom the application was made,

an opportunity to make oral representations at a hearing ("a representation hearing").

(3) The Mayor of London must prepare and publish a document setting out—

(a) the persons, in addition to the applicant and the local planning authority, who may make oral representations at a representation hearing,

(b) the procedures to be followed at a representation hearing,

(c) arrangements for identifying information which must be agreed by persons making oral representations at a representation hearing.

(4) Each person who may make oral representations at a representation hearing must be given at least 14 days' notice of the hearing.

(5) The Secretary of State must by order make provision for Part 5A of the Local Government Act 1972 (public admission to meetings of principal councils, public access to documents, etc) to apply to—

(a) a representation hearing as it applies to a meeting of a principal council, and

(b) the Mayor of London in the conduct of a representation hearing as it applies to a principal council in the conduct of a meeting of that council.

(6) The application of Part 5A may be with such modifications as the Secretary of State considers necessary or expedient.**]**

Textual Amendments

F36 S. 2F inserted (6.4.2008) by Greater London Authority Act 2007 (c. 24), **ss. 35**, 59; S.I. 2008/582, **art. 2(a)**

Modifications etc. (not altering text)

C45 S. 2F applied (8.5.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(3), **5(2)**

C46 S. 2F applied (8.5.2018) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(5), **12(2)**

3 Joint planning committee for Greater London.

(1) The joint planning committee for Greater London established under section 5 of the [M2]Local Government Act 1985 shall continue to discharge the functions mentioned in subsection (2).

(2) The joint planning committee shall—

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(a) consider and advise the local planning authorities in Greater London on matters of common interest relating to the planning and development of Greater London;

(b) inform the Secretary of State of the views of those authorities concerning such matters including any such matters as to which he has requested their advice;

(c) inform the local planning authorities for areas in the vicinity of Greater London, or any body on which those authorities and the local planning authorities in Greater London are represented, of the views of the local planning authorities in Greater London concerning any matters of common interest relating to the planning and development of Greater London and those areas;

and the committee may, if it thinks fit, contribute towards the expenses of any such body as is mentioned in paragraph (c).

(3) The expenses of the joint planning committee which have been incurred with the approval of at least two-thirds of the local planning authorities in Greater London shall be defrayed by those authorities in such proportions as they may decide or, in default of a decision by them, as the Secretary of State may determine.

(4) References in this section to the local planning authorities in Greater London are to the authorities which are local planning authorities for the purposes of Part II.

Marginal Citations

M2 1985 c. 51.

F37 4 . . . . . .

Textual Amendments

F37 S. 4 repealed (1.4.1997) by 1995 c. 21, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

[F38 4A National Parks with National Park authorities.

(1) Where a National Park authority has been established for any area, this section, F39. . ., shall apply, as from such time as may be specified for the purposes of this section in the order establishing that authority, in relation to the Park for which it is the authority.

(2) Subject to subsections (4) and (5) below, the National Park authority for the Park shall be the sole local planning authority for the area of the Park and, accordingly—

(a) functions conferred by or under the planning Acts on a planning authority of any description (including the functions of a mineral planning authority under those Acts and under the M3Planning and Compensation Act 1991) shall, in relation to the Park, be functions of the National Park authority, and not of any other authority; and

(b) so much of the area of any other authority as is included in the Park shall be treated as excluded from any area for which that other authority is a planning authority of any description.

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(3) For the purposes of subsection (2) above functions under the planning Acts which (apart from this section) are conferred—

(a) in relation to some areas on the county or district planning authorities for those areas, and

(b) in relation to other areas on the councils for those areas,

shall be treated, in relation to those other areas, as conferred on each of those councils as the local planning authority for their area.

(4) The functions of a local planning authority by virtue of sections 198 to 201, 206 to 209 and 211 to 215, so far as they are functions of a National Park authority by virtue of this section, shall be exercisable as respects any area which is or is included in an area for which there is a district council, concurrently with the National Park authority, by that council.

(5) For the purposes of any enactment relating to the functions of a district planning authority, the functions of a district council by virtue of subsection (4) above shall be deemed to be conferred on them as a district planning authority and as if the district were the area for which they are such an authority.**]**

Textual Amendments

F38 S. 4A inserted (19.9.1995) by 1995 c. 25, **ss. 67(1)**, 125(2) (with ss. 7(6), 115, 117, Sch. 8 para. 7)

F39 Words in s. 4A repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

Modifications etc. (not altering text)

C47 S. 4A applied (1.7.2015) by The National Park Authorities (England) Order 2015 (S.I. 2015/770), arts. 1, **3**

Marginal Citations

M3 1991 c. 34.

5 The Broads.

(1) For the purposes of Chapter I of Part VIII **[**F40, and sections 90A, 249, 250 **[**F41, 293B to 293J**]** and 300, and Schedule 7A**]** and any other provision of this Act so far as it has effect for the purposes of those provisions, "local planning authority", in relation to land in the Broads, includes the Broads Authority.

(2) For the purposes of the provisions mentioned in subsection (3) the Broads Authority shall be the sole district planning authority for the Broads.

(3) The provisions referred to in subsection (2) are **[**F42Part II, sections**][**F43**]** 61E to 61Q,**]** 62, **[**F44**]** 65, 69 to 72**]**, 76 to **[**F45**]** 79**]**, 91 to 95, **[**F46**]** 96A**]** to 99, 102, 103, 106 to **[**F47**]** 106BC**]**, 171C, 172, 173, **[**F48**]** 173A**]** 178, 183, 184, **[**F49**]** 187A, 187B**]** 188, 191 to 197, 211 to **[**F50**]** 214, 215**]**, 219 to 221, 224, 294, 295, 297, 299, **[**F51**]** 299A**]** 301, **[**F52**]** 316 and 324(1) and (7)**][**F53**]**and Schedules 4B and 4C**]**.

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Textual Amendments

F40 Words in s. 5(1) substituted (12.2.2024) by The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 (S.I. 2024/49), regs. 1(2), **5**; S.I. 2024/44, reg. 2(1)(e)

F41 Words in s. 5(1) inserted (1.5.2025) by The Town and Country Planning (Fees and Consequential Amendments) Regulations 2025 (S.I. 2025/418), regs. 1(3), **13(2)**

F42 Words in s. 5(3) substituted (10.2.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 9(2)(a)**; S.I. 1991/2905, **art. 4**

F43 Words in s. 5(3) inserted (15.11.2011 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 9 para. 3(a)**; S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2

F44 Words in s. 5(3) substituted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 9(2)(b)**; S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

F45 Word in s. 5(3) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 9(2)(c)**; S.I. 1991/2067, **art. 3** (subject to savings in art. 4)

F46 Words in s. 5(3) substituted (1.10.2009) by Planning Act 2008 (c. 29), **ss. 190(3)**, 241 (with s. 226); S.I. 2009/2260, **art. 3**

F47 Word in s. 5(3) substituted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27), s. 35(2), **Sch. 2 para. 2**

F48 Word in s. 5(3) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 9(2)(e)**; S.I. 1992/2905, **art. 4** (with saving in art. 5)

F49 Words in s. 5(3) inserted (2.1.1992 so far as relating to the reference to s. 187B otherwise 27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 9(2)(f)**; S.I. 1991/2905, art. 3, **Sch. 1** (with savings in art. 5) S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

F50 Words in s. 5(3) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 9(2)(g)**; S.I. 1991/2905, art. 3, **Sch. 1** (with savings in art. 5)

F51 Word in s. 5(3) inserted (25.10.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 9(2)(h)**; S.I. 1991/2272, **art. 3(1)(c)**

F52 Words in 5(3) substituted (2.1.1992 for certain purposes otherwise 17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 9(2)(i)**; S.I. 1991/2905, art. 3, **Sch. 1** (with savings in art. 5); S.I. 1992/1491, **art. 2**

F53 Words in s. 5(3) inserted (15.11.2011 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 9 para. 3(b)**; S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2

6 Enterprise zones.

(1) An order under paragraph 5 of Schedule 32 to the [M4]Local Government, Planning and Land Act 1980 (designation of enterprise zone) may provide that the enterprise zone authority shall be the local planning authority for the zone for such purposes of the planning Acts and in relation to such kinds of development as may be specified in the order.

(2) Without prejudice to the generality of paragraph 15(1) of that Schedule (modification of orders by the Secretary of State), an order under that paragraph may provide that the enterprise zone authority shall be the local planning authority for the zone for different purposes of the planning Acts or in relation to different kinds of development.

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(3) Where such provision as is mentioned in subsection (1) or (2) is made by an order designating an enterprise zone or, as the case may be, an order modifying such an order, while the zone subsists the enterprise zone authority shall be, to the extent mentioned in the order (as it has effect subject to any such modifications) and to the extent that it is not already, the local planning authority for the zone in place of any authority who would otherwise be the local planning authority for the zone.

(4) The Secretary of State may by regulations make transitional and supplementary provision in relation to a provision of an order under paragraph 5 of that Schedule made by virtue of subsection (1).

(5) Such regulations may modify any provision of the planning Acts or any instrument made under any of them or may apply any such enactment or instrument (with or without modification) in making such transitional or supplementary provision.

Marginal Citations

M4 1980 c. 65.

7 Urban development areas.

(1) Where an order is made under subsection (1) of section 149 of the [M5]Local Government, Planning and Land Act 1980 (urban development corporation as planning authority), the urban development corporation specified in the order shall be the local planning authority for such area as may be so specified in place of any authority who would otherwise be the local planning authority for that area for such purposes and in relation to such kinds of development as may be so specified.

(2) Where an order under subsection (3)(a) of that section confers any functions on an urban development corporation in relation to any area the corporation shall have those functions in place of any authority (except the Secretary of State) who would otherwise have them in that area.

[[F54](3) This section is subject to section 8A.**]**

Textual Amendments

F54 S. 7(3) inserted (14.4.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 17 para. 2(2)** (with s. 247); S.I. 2026/168, reg. 2(g)

Modifications etc. (not altering text)

C48 S. 7 modified (30.3.2006) by London Olympic Games and Paralympic Games Act 2006 (c. 12), **ss. 5(3)(b)**, 40

Marginal Citations

M5 1980 c. 65.

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[F55 7ZA New towns

(1) This section applies where an order is made under section 7A(2)(a) or (4)(a) of the New Towns Act 1981 (powers to confer functions under the planning Acts) in respect of a development corporation established under section 3 of that Act.

(2) If the order is made under section 7A(2)(a), the corporation is the local planning authority for the specified area, for the specified purposes and in relation to the specified kinds of development, in place of the authority which would otherwise be the local planning authority for that area.

(3) If the order is made under section 7A(4)(a), the corporation has the functions under the specified enactments in the specified area, in place of any authority (except the Secretary of State) which would otherwise have them in that area.

(4) In this section "specified" means specified in the order.

(5) This section is subject to section 8A.**]**

Textual Amendments

F55 S. 7ZA inserted (14.4.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 17 para. 2(3)** (with s. 247); S.I. 2026/168, reg. 2(g)

[F56 7A Mayoral development areas

(1) Subsection (2) applies where an order under section 198(2) of the Localism Act 2011 gives effect to any decision under section 202(2) or (6) of that Act as a result of which a Mayoral development corporation is for any area to be the local planning authority for the purposes of Part 3 of this Act.

(2) The Mayoral development corporation is the local planning authority for that area for those purposes in place of any authority who would otherwise be the local planning authority for that area for those purposes.

(3) Subsection (4) applies where an order under section 198(2) of that Act gives effect to any decision under section 202(3) or (6) of that Act as a result of which a Mayoral development corporation is for any area to have the functions referred to in section 202(3) of that Act.

(4) The Mayoral development corporation has those functions in place of any authority (except the Secretary of State) who would otherwise have them in that area.

(5) If an order under section 198(2) of that Act is amended to give effect to a decision under section 204(2) of that Act that limits the effect of a decision under section 202 of that Act, subsection (2) or (4), or each of them, applies accordingly.

[This section is subject to section 8A.**]]**
F57(6)

Textual Amendments

F56 S. 7A inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 32**

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F57 S. 7A(6) inserted (14.4.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 17 para. 2(4)** (with s. 247); S.I. 2026/168, reg. 2(g)

8 Housing action areas.

(1) Where an order is made under subsection (1) of section 67 of the [M6]Housing Act 1988 (housing action trust as planning authority), the housing action trust specified in the order shall be the local planning authority for such area as may be so specified in place of any authority who would otherwise be the local planning authority for that area for such purposes and in relation to such kinds of development as may be so specified.

(2) Where an order under subsection (3)(a) of that section confers any functions on a housing action trust in relation to any area the trust shall have those functions in place of any authority (except the Secretary of State) who would otherwise have them in that area.

Marginal Citations

M6 1988 c. 50.

[F58 8A The [F59 Homes and Communities] Agency.

(1) Where a designation order under **[**F60 section 13 of the Housing and Regeneration Act 2008**]** power to make designation orders) makes such provision as is mentioned in **[**F61 section 14(2)**]** of that Act (Agency as local planning authority), the **[**F62 Homes and Communities**]** Agency shall be the local planning authority for such area as may be specified in the order in place of any authority who would otherwise be the local planning authority for that area for such purposes and in relation to such kinds of development as may be so specified.

(2) **[**F63 . . . . . .**]**

Textual Amendments

F58 S. 8A inserted (10.11.1993) by 1993 c. 28, s. 187(1), **Sch. 21 para. 29**; S.I. 1993/2762, **art. 3**

F59 Words in s. 8A heading substituted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 56, 324, **Sch. 8 para. 52(2)**; S.I. 2008/3068, **art. 2(1)(w)** (with arts. 6-13)

F60 Words in s. 8A(1) substituted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 56, 324, **Sch. 8 para. 52(3)(a)**; S.I. 2008/3068, **art. 2(1)(w)** (with arts. 6-13)

F61 Words in s. 8A substituted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 56, 324, **Sch. 8 para. 52(3)(b)**; S.I. 2008/3068, **art. 2(1)(w)** (with arts. 6-13)

F62 Words in s. 8A substituted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 56, 324, **Sch. 8 para. 52(3)(c)**; S.I. 2008/3068, **art. 2(1)(w)** (with arts. 6-13)

F63 S. 8A(2) repealed (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 56, 321(1), 324, Sch. 8 para. 52(4), **Sch. 16**; S.I. 2008/3068, **art. 2**, 5, Sch. (with arts. 6-13)

9 Power to make consequential and supplementary provision about authorities.

[F64(1)**]** Regulations under this Act may make such provision consequential upon or supplementary to the provisions of sections 1 and 2 as appears to the Secretary of State to be necessary or expedient.

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[F65(2) The provision consequential upon or supplementary to section 2 that may be made by the Welsh Ministers under this section includes provision amending or otherwise modifying—

(a) any enactment contained in, or made under, the planning Acts or the Planning and Compulsory Purchase Act 2004;

(b) any other enactment relating to functions exercisable by or in relation to local planning authorities;

(c) any other enactment relating to functions exercisable by local authorities of any description in connection with the development of land.**]**

Textual Amendments

F64 S. 9(1): s. 9 renumbered as s. 9(1) (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 42(2)**, 58(2)(b)(4)(b); S.I. 2015/1987, art. 4(d)

F65 S. 9(2) inserted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 42(3)**, 58(2)(b)(4)(b); S.I. 2015/1987, art. 4(d)

F66F66PART II

Textual Amendments

F66 Pt. 2 (ss. 10-54A) repealed (6.8.2004 for certain purposes, 28.9.2004 for. E and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 120, 121, **Sch. 9** (with s. 111); S.I. 2004/2097, **art. 2**, S.I. 2004/2202, {art. 2(k)}, Sch. 1 Pt. 1 (subject to transitional provisions and savings in art. 4, Sch. 2); S.I. 2005/2847, **art. 2(g)**, Sch. 1 (subject to transitional provisions and savings in art. 3, Sch. 2); and ss. 12(3A), 31(3), 36(3) modified (1.4.2010) by S.I. 2010/490, **reg. 39(2)**

CHAPTER I

UNITARY DEVELOPMENT PLANS: METROPOLITAN AREAS INCLUDING LONDON

Modifications etc. (not altering text)

C49 Pt. II Ch. I (ss. 10-28): power to apply conferred (19.9.1995) by 1995 c. 25, **ss. 67(2)(a)(4)**, 125(2) (with ss. 7(6), 115, 117, Sch. 8 para. 7)
Pt. II Ch. 1 (ss. 10-28) amended (1.5.1994) by S.I. 1994/1210, **art. 6(2)**

Preliminary

Changes to legislation: *Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Surveys etc.

11 Survey of planning areas.

(1) The local planning authority—

(a) shall keep under review the matters which may be expected to affect the development of their area or the planning of its development; and

(b) may, if they think fit, institute a survey or surveys of their area or any part of their area for examining those matters.

(2) Without prejudice to the generality of subsection (1), the matters to be kept under review or examined under that subsection shall include—

(a) the principal physical and economic characteristics of the area of the authority (including the principal purposes for which land is used) and, so far as they may be expected to affect that area, of any neighbouring areas;

(b) the size, composition and distribution of the population of that area (whether resident or otherwise);

(c) without prejudice to paragraph (a), the communications, transport system and traffic of that area and, so far as they may be expected to affect that area, of any neighbouring areas;

(d) any considerations not mentioned in paragraphs (a), (b) and (c) which may be expected to affect any matters mentioned in them;

(e) such other matters as may be prescribed or as the Secretary of State may in a particular case direct;

(f) any changes already projected in any of the matters mentioned in any of paragraphs (a) to (e) and the effect which those changes are likely to have on the development of that area or the planning of such development.

(3) A local planning authority shall, for the purpose of discharging their functions under this section of keeping under review and examining any matters relating to the area of another such authority, consult with that other authority about those matters.

Preparation and adoption of unitary development plans

Secretary of State's powers concerning plans

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Alteration of plans

21 Alteration or replacement of unitary development plan.

[[F97]**[**[F98](1) A local planning authority may at any time prepare proposals—

(a) for alterations to the unitary development plan for their area; or

(b) for its replacement.

(1A) If the Secretary of State directs them to do so, the authority shall prepare, within such time as he may direct, proposals for—

(a) such alterations to the unitary development plan as he directs; or

(b) its replacement.

(1B) An authority shall not, without the consent of the Secretary of State, prepare proposals in respect of a unitary development plan if the plan or any part of it has been approved by the Secretary of State.**]**

(2) [F99]. . .Sections 12 to 20 (other than subsection (1) of section 12) shall apply in relation to the making of proposals under this section and to any alteration or replacement so proposed as they apply to the preparation of a unitary development plan under section 12 and to a plan prepared under that section.

(3) As soon as practicable after—

(a) an order has been made under paragraph 5 of Schedule 32 to the [M11]Local Government, Planning and Land Act 1980 (designation of enterprise zone); or

(b) a notification has been given under paragraph 11(1) of that Schedule (approval of modification of enterprise zone scheme),

the local planning authority for an area in which the zone is wholly or partly situated shall review any unitary development plan for that area in the light of the provisions of the scheme or modified scheme under that Schedule and prepare proposals under this section for any consequential alterations to the plan which they consider necessary.**]**

Textual Amendments

F97 S. 21 ceased to have effect (W.) (30.4.2005) by virtue of The Planning and Compulsory Purchase Act 2004 (Commencement No. 3 and Consequential and Transitional Provisions) (Wales) Order 2005 (S.I. 2005/1229), **art. 3(b)** (with art. 4) (which savings were revoked in part by S.I. 2005/2722, arts. 4, 5(2), Sch. (as amended by S.I. 2006/842, art. 2))

F98 S. 21(1)-(1B) substituted for s. 21(1) (25.11.1991 for certain purposes and otherwise 10.2.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 27, **Sch. 4 Pt. I para. 12(1)**(with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1991/2905, **art.4**

F99 Words in s. 21(2) omitted (25.11.1991 for certain purposes) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 27, **Sch. 4 Pt. I para. 12(2)**(with s. 84(1)); S.I. 1991/2728, **art. 2** and repealed (25.11.1991 for certain purposes and otherwise 10.2.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 27, 84, Sch. 4 Pt. I para. 12(2), **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1991/2905, art. 4, **Sch.3**

Marginal Citations

M11 1980 c. 65.

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F101 Greater London: conformity with spatial development strategy

Joint plans

Supplementary

24 Disregard of certain representations.

Notwithstanding anything in the previous provisions of this Chapter, neither the Secretary of State nor a local planning authority shall be required to consider representations or objections with respect to a unitary development plan or any proposals for the alteration or replacement of such a plan if it appears to the Secretary of State or, as the case may be, the authority that those representations or objections are in substance representations or objections with respect to things done or proposed to be done in pursuance of—

(a) an order or scheme under section 10, 14, 16, 18, 106(1) or (3) or 108(1) of the Highways Act 1980;

(b) an order or scheme under any provision replaced by the provisions mentioned in paragraph (a), namely, an order or scheme under section 7, 9, 11, 13 or 20 of the Highways Act 1959, section 3 of the Highways (Miscellaneous Provisions) Act 1961 or section 1 or 10 of the Highways Act 1971; or

(c) an order under section 1 of the New Towns Act 1981.

25 Default powers.

(1) Where, by virtue of any of the previous provisions of this Chapter, any unitary development plan or proposals for the alteration or replacement of such a plan are required to be prepared, or steps are required to be taken for the adoption of any such plan or proposals, then—

(a) if at any time the Secretary of State is satisfied, after holding a local inquiry or other hearing, that the local planning authority are not taking the steps necessary to enable them to prepare or adopt such a plan or proposals within a reasonable period; or

(b) in a case where a period is specified for the preparation or adoption of any such plan or proposals, if no such plan or proposals have been prepared or adopted by the local planning authority within that period,

the Secretary of State may prepare and make the plan or any part of it or, as the case may be, alter or replace it, as he thinks fit.

(2) The previous provisions of this Chapter shall, so far as practicable, apply with any necessary modifications in relation to the doing of anything under this section by the Secretary of State and the thing so done.

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(3) The authority mentioned in subsection (1) shall on demand repay to the Secretary of State so much of any expenses incurred by him in connection with the doing of anything which should have been done by them as he certifies to have been incurred in the performance of their functions.

27 Meaning of "development plan" in Greater London and metropolitan counties.

For the purposes of this Act and any other enactment relating to town and country planning, the [M17]Land Compensation Act 1961 and the [M18]Highways Act 1980, the development plan for any district in Greater London or a metropolitan county (whether the whole or part of the area of a local planning authority) shall be taken as consisting of—

(a) the provisions of the unitary development plan for the time being in force for that area or the relevant part of it, together with a copy of the local planning authority's resolution of adoption or the Secretary of State's notice of approval or, where part of the plan has been adopted and the remainder approved, copies of the resolution and the notice; and

(b) any alteration to that plan, together with a copy of the authority's resolution of adoption, or the Secretary of State's notice of approval, of the alteration or, where part of the alteration has been adopted and the remainder approved, copies of the resolution and the notice.

Modifications etc. (not altering text)

C54 S. 27 modified (1.5.1994) by S.I. 1994/1210, **art. 7(1)**
S. 27 applied (with modifications) (1.4.1998) by S.I. 1996/1863, **art. 4(3)(a)**
S. 27 applied (with modifications) (1.4.1998) by S.I. 1996/1867, **art. 13(3)(a)**
S. 27 applied (with modifications) (1.4.1998) by S.I. 1996/1875, **art. 5(5)(a)**

C55 S. 27: functions of local authority not to be sole responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 4(1), **Sch. 3**

C56 S. 27 restricted (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), art. 1, **Sch. 12 para. 4(3)** (with arts. 12, 13, Sch. 12)

Marginal Citations

M17 1961 c. 33.

M18 1980 c. 66.

28 Commencement of Chapter I: transitional provisions.

(1) Subject to subsection (2), the provisions of this Chapter shall come into force in the area of any local planning authority in Greater London or a metropolitan county (other than any area in that county which is part of a National Park) on such day as may be appointed in relation to that area by an order made by the Secretary of State.

(2) Subsection (1) does not apply in any area in relation to which an order has been made before the commencement of this Act under section 4(1) of the Local Government Act 1985 (commencement of Part I of Schedule 1 to that Act) and in any such area the

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provisions of this Chapter shall come into force at the commencement of this Act or, if later, on the day appointed by the order.

(3) Until a unitary development plan becomes operative under this Chapter for such an area as is mentioned in subsection (1) (or where parts of such a plan become operative on different dates until every part has become operative)—

(a) if it is the area of a local planning authority in a metropolitan county, Part I of Schedule 2 (which provides for existing plans to continue in force and applies some of the provisions of Chapter II) shall apply in relation to it;

(b) if it is the area of a local planning authority in Greater London, Part II of that Schedule (which makes similar provision) shall apply in relation to it; and

(c) Part III of that Schedule shall apply in relation to it for the purpose of making continuing provision for the transitional matters for which provision was made immediately before the commencement of this Act by Schedule 7 to the 1971 Act (old development plans etc.).

(4) The power to make orders under this section may be exercised so as to make different provision for different cases, including different provision for different areas.

CHAPTER II

STRUCTURE AND LOCAL PLANS: NON-METROPOLITAN AREAS

Preliminary

Surveys, etc.

30 Survey of planning areas.

(1) The local planning authority—

(a) shall keep under review the matters which may be expected to affect the development of their area or the planning of its development; and

(b) may, if they think fit, at any time institute a fresh survey of their area examining those matters.

(2) Without prejudice to the generality of subsection (1), the matters to be kept under review and examined under that subsection shall include—

(a) the principal physical and economic characteristics of the area of the authority (including the principal purposes for which land is used) and, so far as they may be expected to affect that area, of any neighbouring areas;

(b) the size, composition and distribution of the population of that area (whether resident or otherwise);

(c) without prejudice to paragraph (a), the communications, transport system and traffic of that area and, so far as they may be expected to affect that area, of any neighbouring areas;

(d) any considerations not mentioned in paragraph (a), (b) or (c) which may be expected to affect any matters so mentioned;

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(e) such other matters as may be prescribed or as the Secretary of State may in any particular case direct;

(f) any changes already projected in any of the matters mentioned in any of the previous paragraphs and the effect which those changes are likely to have on the development of that area or the planning of such development.

(3) A survey under subsection (1)(b) may relate to only part of the area of an authority; and references in subsection (2) to the area of an authority or any neighbouring areas shall be construed accordingly.

(4) A local planning authority shall, for the purpose of discharging their functions under this section of examining and keeping under review any matters relating to the area of another such authority, consult with that other authority about those matters.

Structure plans

Local plans

Conformity between plans

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Supplementary

F174 CHAPTER III

GENERAL

PART III

CONTROL OVER DEVELOPMENT

Modifications etc. (not altering text)

C68 Pt. 3 (ss. 55-106) except ss. 76, 90(2)(5) applied (with modifications) (17.7.1992) by S.I. 1992/1492, **regs. 2(1)(b)**, 3-11
Pt. 3 (ss. 55-106): power to modify conferred (10.11.1993) by 1993 c. 28, **s. 171(1)(a)**; S.I. 1993/2762, **art. 3**
Pt. 3 (ss. 55-106) applied (5.11.1993) by 1993 c. 42, **s. 24(1)** (with ss. 2, 30(1), Sch. 2 para.9)
Pt. 3 (ss. 55-106) extended (1.11.1995) by 1995 c. 25, **s. 96(2)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**
Pt. 3 (ss. 55-106) modified (1.4.1996) by 1994 c. 19, s. 20(3), Sch. 5 Pt. III paras. 15(1), **20** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 4, **Sch. 2**
Pt. 3 (ss. 55-106) modified (18.12.1996) by 1996 c. 61, **s. 9(1)(2)**
Pt. 3 (ss. 55-106) modified (18.12.1996) by 1996 c. 61, **s. 51**
Pt. 3 (ss. 55-106) modified (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), **art. 20(1)**
Pt. 3 (ss. 55-106) modified (31.10.2005) by The London Thames Gateway Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2721), **art. 4**
Pt. 3 (ss. 55-106) modified (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), **art. 21(1)** (with arts. 3(5), 15(3))
Pt. 3 (ss. 55-106) applied (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 89, 121, **Sch. 4 para. 3(2)** (with s. 111); S.I. 2006/1281, **art. 2**
Pt. 3 (ss. 55-106) modified (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), **art. 17(1)** (with art. 43)
Pt. 3 (ss. 55-106) modified (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), **art. 18(1)**

C69 Pt. 3 (ss. 55-106) modified (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), **art. 25(2)** (with art. 30)
Pt. 3 modified (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), **art. 17(1)** (with arts. 3(6), 12(3))

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C70 Pt. 3 modified (28.9.2007) by The London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), **art. 27(1)** (with art. 19, Sch. 3 para. 13(2))
C71 Pt. 3 modified (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 10(1)**
C72 Pt. 3 modified (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), **art. 34(1)** (with art. 36(3))
C73 Pt. 3 modified (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), **art. 28(1)**
C74 Pt. 3 modified (27.8.2010) by The Llangollen and Corwen Railway Order 2010 (S.I. 2010/2136), **art. 11(1)**
C75 Pt. 3 applied (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **47(1)** (with art. 51, Sch. 10 paras. 68, 85)
C76 Pt. 3 modified (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), arts. 1, **36(2)**
C77 Pt. 3 applied (5.4.2017) by The Keuper Underground Gas Storage Facility Order 2017 (S.I. 2017/433), arts. 1, **38(2)**
C78 Pt. 3 modified (11.1.2023) by The Network Rail (Cambridge South Infrastructure Enhancements) Order 2022 (S.I. 2022/1406), arts. 1, **35(2)** (with art. 34(2), Sch. 12 paras. 5, 47, 79)

Meaning of development

55 Meaning of "development" and "new development".

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

F176[(1A) For the purposes of this Act " building operations " includes—

(a) demolition of buildings;
(b) rebuilding;
(c) structural alterations of or additions to buildings; and
(d) other operations normally undertaken by a person carrying on business as a builder.]

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building,

and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;

(b) the carrying out on land within the boundaries of a road by a F177. . . highway authority of any works required for the maintenance or improvement of the road [F178but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment];

(c) the carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes,

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cables or other apparatus, including the breaking open of any street or other land for that purpose;

(d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;

(e) the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.

F179[(g) the demolition of any description of building specified in a direction given by the Secretary of State to local planning authorities generally or to a particular local planning authority.]

[F180(2A) The Secretary of State may in a development order specify any circumstances or description of circumstances in which subsection (2) does not apply to operations mentioned in paragraph (a) of that subsection which have the effect of increasing the gross floor space of the building by such amount or percentage amount as is so specified.

(2B) The development order may make different provision for different purposes.]

(3) For the avoidance of doubt it is hereby declared that for the purposes of this section—

(a) the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part of it which is so used;

(b) the deposit of refuse or waste materials on land involves a material change in its use, notwithstanding that the land is comprised in a site already used for that purpose, if—

(i) the superficial area of the deposit is extended, or

(ii) the height of the deposit is extended and exceeds the level of the land adjoining the site.

(4) For the purposes of this Act mining operations include—

(a) the removal of material of any description—

(i) from a mineral-working deposit;

(ii) from a deposit of pulverised fuel ash or other furnace ash or clinker; or

(iii) from a deposit of iron, steel or other metallic slags; and

(b) the extraction of minerals from a disused railway embankment.

F181[(4A) Where the placing or assembly of any tank in any part of any inland waters for the purpose of fish farming there would not, apart from this subsection, involve development of the land below, this Act shall have effect as if the tank resulted from carrying out engineering operations over that land; and in this subsection—

" fish farming " means the breeding, rearing or keeping of fish or shellfish (which includes any kind of crustacean and mollusc);

" inland waters " means waters which do not form part of the sea or of any creek, bay or estuary or of any river as far as the tide flows; and

" tank " includes any cage and any other structure for use in fish farming.]

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(5) Without prejudice to any regulations made under the provisions of this Act relating to the control of advertisements, the use for the display of advertisements of any external part of a building which is not normally used for that purpose shall be treated for the purposes of this section as involving a material change in the use of that part of the building.

F182(6) . . . . . .

Subordinate Legislation Made

P1 S. 55(2)(f); s. 55(2)(f) (with s. 333(7)) power exercised (5.7.1991) by S.I. 1991/1567

Textual Amendments

F176 S. 55(1A) inserted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 13(1)** (with s. 84(5)); S.I. 1992/1279, **art. 2** (with art. 3)

F177 Word in s. 55(2)(b) repealed (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 120, 121, Sch. 6 para. 1, **Sch. 9**{with s. 111}; S.I. 2006/1281, **art. 2**

F178 Words in s. 55(2)(b) inserted (14.3.1999) by S.I. 1999/293, **reg. 35(1)**7

F179 S. 55(2)(g) inserted (25.11.1991 for certain purposes and otherwise 27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 13(2)** (with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1992/1279, **art. 2** (with art. 3)

F180 S. 55(2A)(2B) inserted (6.8.2004 for specified purposes, 10.5.2006 for E. so far as not already in force, 22.6.2015 for W. so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 49(1)**, **121(1)-(3)** (with ss. 49(4), 111); S.I. 2004/2097, art. 2; S.I. 2006/1061, art. 2(b); S.I. 2015/340, art. 2(a)

F181 S. 55(4A) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 14(1)(2)** (with s. 84(5)); S.I. 1991/2905, **art. 3** (subject to art. 4)

F182 S. 55(6) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(4), 84(6), Sch. 6 para. 9, **Sch. 19**, Pts. I, II (with s. 84(5)); S.I. 1991/2067, art. 3, **Sch. 1**

Modifications etc. (not altering text)

C79 S. 55(2) excluded by S.I. 2012/801, art. 2A (as inserted (W.) (22.6.2015) by The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 (S.I. 2015/1330), arts. 1(1), **4** (with art. 12))

C80 S. 55(2)(b) modified (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), **arts. 1**, 51(2)

56 Time when development begun.

(1) Subject to the following provisions of this section, for the purposes of this Act development of land shall be taken to be initiated—

(a) if the development consists of the carrying out of operations, at the time when those operations are begun;

(b) if the development consists of a change in use, at the time when the new use is instituted;

(c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in paragraphs (a) and (b).

(2) For the purposes of the provisions of this Part mentioned in subsection (3) development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out.

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(3) The provisions referred to in subsection (2) are sections **[**F183 61L(5) and (7),**][**F184 70D,**]** 85(2), 86(6), 87(4), **[**F185 89**]**, **[**F186 90B,**]** 91, 92, **[**F187 93G,**][**F188 93H,**][**F189 94 and 108(3E)(c)(i)**][**F190 and paragraph 13 of Schedule 7A**]**.

(4) In subsection (2) "material operation" means—

(a) any work of construction in the course of the erection of a building;

[F191 (aa) any work of demolition of a building;**]**

(b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;

(c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);

(d) any operation in the course of laying out or constructing a road or part of a road;

(e) any change in the use of any land which constitutes material development.

(5) In subsection (4)(e) "material development" means any development other than—

(a) development for which planning permission is granted by a general development order **[**F192, a local development order or a Mayoral development order**]** for the time being in force and which is carried out so as to comply with any condition or limitation subject to which planning permission is so granted;

[F193 (b) development of a class specified in paragraph 1 or 2 of Schedule 3;**]** and

(c) development of any class prescribed for the purposes of this subsection.

(6) In subsection (5) "general development order" means a development order (within the meaning of section 59) made as a general order applicable (subject to such exceptions as may be specified in it) to all land in England and Wales.

Textual Amendments

F183 Words in s. 56(3) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 2(a)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2

F184 Word in s. 56(3) inserted (26.12.2023 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 113(3)**, 255(3) (with s. 247)

F185 Word in s. 56(3) inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(2)-(4), **Sch. 7 para. 10(1)** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F186 Word in s. 56(3) inserted (26.12.2023 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 114(2)**, 255(3) (with s. 247)

F187 Word in s. 56(3) inserted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 111(3)**, 255(3)(b) (with s. 247); S.I. 2024/389, reg. 2(g)

F188 Word in s. 56(3) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 11 para. 2** (with s. 247)

F189 Words in s. 56(3) substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 2(b)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by

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S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2

F190 Words in s. 56(3) inserted (12.2.2024) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 14 para. 3(2)** (with s. 144); S.I. 2024/44, reg. 2(1)(e) (with reg. 4)

F191 S. 56(4)(aa) inserted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 10(2)** (with s. 84(5)); S.I. 1992/1279, **art. 2** (with art. 3)

F192 Words in s. 56(5)(a) substituted (12.2.2015 for specified purposes, otherwise prosp.) by Infrastructure Act 2015 (c. 7), s. 57(5)(d), **Sch. 4 para. 3**

F193 S. 56(5)(b) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(4), 84(2)-(4), **Sch. 6 para. 10**; S.I. 1991/2067, **art. 3** (subject to art. 4)

Modifications etc. (not altering text)

C81 S. 56 applied (with modifications) (3.11.1995) by S.I. 1995/2863, reg. 3, **Sch.**

Requirement for planning permission

57 Planning permission required for development.

(1) Subject to the following provisions of this section, planning permission is required for the carrying out of any development of land.

[[F194](1A) Subsection (1) is subject to section 33(1) of the Planning Act 2008 (exclusion of requirement for planning permission etc. for development for which development consent required) **[**[F195]and section 20(1) of the Infrastructure (Wales) Act 2024 (exclusion of requirement for planning permission etc. for development for which infrastructure consent is required)**].]**

(2) Where planning permission to develop land has been granted for a limited period, planning permission is not required for the resumption, at the end of that period, of its use for the purpose for which it was normally used before the permission was granted.

(3) Where by a development order **[**[F196], a local development order or a neighbourhood development order**]** planning permission to develop land has been granted subject to limitations, planning permission is not required for the use of that land which (apart from its use in accordance with that permission) is its normal use.

(4) Where an enforcement notice has been issued in respect of any development of land, planning permission is not required for its use for the purpose for which (in accordance with the provisions of this Part of this Act) it could lawfully have been used if that development had not been carried out.

(5) In determining for the purposes of subsections (2) and (3) what is or was the normal use of land, no account shall be taken of any use begun in contravention of this Part or of previous planning control.

(6) For the purposes of this section a use of land shall be taken to have been begun in contravention of previous planning control if it was begun in contravention of Part III of the 1947 Act, Part III of the 1962 Act or Part III of the 1971 Act.

(7) Subsection (1) has effect subject to Schedule 4 (which makes special provision about use of land on 1st July 1948).

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Textual Amendments

F194 S. 57(1A) inserted (1.3.2010) by Planning Act 2008 (c. 29), ss. 36, 241, **Sch. 2 para. 35** (with s. 226); S.I. 2010/101, **art. 2** (with art. 6)

F195 Words in s. 57(1A) inserted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(2)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F196 Words in s. 57(3) substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 3**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4)

Modifications etc. (not altering text)

C82 S. 57(2) applied (with modifications) (9.4.2013) by The Hinkley Point C (Nuclear Generating Station) Order 2013 (S.I. 2013/648), arts. 1, **10(2)** (with arts. 48, 68, 79)

C83 S. 57(2) applied (with modifications) (9.2.2016) by The National Grid (Hinkley Point C Connection Project) Order 2016 (S.I. 2016/49), arts. 1, **8** (with art. 32)

C84 S. 57(2) applied (24.8.2017) by The National Grid (Richborough Connection Project) Development Consent Order 2017 (S.I. 2017/817), arts. 1, **8(2)** (with art. 22)

C85 S. 57(2) applied (with modifications) (11.6.2020) by The M42 Junction 6 Development Consent Order 2020 (S.I. 2020/528), arts. 1, **9(1)** (with art. 37)

C86 S. 57(2) excluded (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 58(4)**, 64(1)

C87 S. 57(2) applied (11.8.2022) by The Sizewell C (Nuclear Generating Station) Order 2022 (S.I. 2022/853), art. 1, **Sch. 25 para. 4(1)** (with arts. 62, 76, 87)

C88 S. 57(2) applied (8.9.2022) by The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (S.I. 2022/934), arts. 1, **6**

C89 S. 57(2) applied (9.2.2024) by The A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024/60), arts. 1, **7** (with arts. 4, 52, Sch. 11 paras. 6, 24, 39(1), 55(1), 84)

C90 S. 57(2) applied (5.4.2024) by The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 (S.I. 2024/393), arts. 1, **9(1)** (with art. 44, Sch. 15)

C91 S. 57(2) applied (4.10.2024) by The National Grid (Bramford to Twinstead Reinforcement) Order 2024 (S.I. 2024/958), arts. 1, **8(1)** (with art. 40, Sch. 14)

C92 S. 57(2) applied (22.10.2025) by The A46 Newark Bypass Development Consent Order 2025 (S.I. 2025/1090), arts. 1, **7(2)** (with arts. 4, 9, 51, Sch. 9)

58 Granting of planning permission: general.

(1) Planning permission may be granted—

(a) by a development order **[**F197, a local development order or a neighbourhood development order**]**;

(b) by the local planning authority (or, in the cases provided in this Part, by the Secretary of State **[**F198or the Welsh Ministers**]**) on application to the authority **[**F199(or, in the cases provided in this Part, on application to the Secretary of State **[**F200or the Welsh Ministers**])]** in accordance with a development order;

(c) on the adoption or approval of a simplified planning zone scheme or alterations to such a scheme in accordance with section 82 or, as the case may be, section 86; or

(d) on the designation of an enterprise zone or the approval of a modified scheme under Schedule 32 to the M33Local Government, Planning and Land Act 1980 in accordance with section 88 of this Act.

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[[F201](e) by the Secretary of State in accordance with the provisions of sections 293B to 293J.**]**

(2) Planning permission may also be deemed to be granted under section 90 (development with government authorisation).

(3) This section is without prejudice to any other provisions of this Act providing for the granting of permission.

Textual Amendments

F197 Words in s. 58(1)(a) substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 4**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2

F198 Words in s. 58(1)(b) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 2(a)**; S.I. 2016/52, art. 3(e)

F199 Words in s. 58(1)(b) inserted (9.5.2013 for E. for specified purposes, 1.10.2013 for specified purposes, 1.10.2014 in so far as not already in force) by Growth and Infrastructure Act 2013 (c. 27), s. 35(1), **Sch. 1 para. 3**; S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2

F200 Words in s. 58(1)(b) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 2(b)**; S.I. 2016/52, art. 3(e)

F201 S. 58(1)(e) inserted (1.5.2025) by The Town and Country Planning (Fees and Consequential Amendments) Regulations 2025 (S.I. 2025/418), regs. 1(3), **13(3)**

Modifications etc. (not altering text)

C93 S. 58(1)(b) excluded (17.12.1996) by 1996 c. ix, **s. 10(d)**

Marginal Citations

M33 1980 c. 65.

I[F202]*Permission in principle*

Textual Amendments

F202 S. 58A and cross-heading inserted (12.7.2016) by Housing and Planning Act 2016 (c. 22), **ss. 150(1)**, 216(2)(c)

58A Permission in principle: general

(1) Permission in principle may be granted for housing-led development of land in England as provided in section 59A.

(2) Permission in principle may not be granted for development consisting of the winning and working of minerals.

(3) For the effect of permission in principle, see section 70(2ZZA) to (2ZZC) (application for technical details consent must be determined in accordance with permission in principle, except after a prescribed period).

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(4) A reference to permission in principle in any provision of this Act in its application to land in Wales, or in its application to functions of the Welsh Ministers or other authorities in Wales, is to be ignored.**]**

Development orders

59 Development orders: general.

(1) The Secretary of State shall by order (in this Act referred to as a "development order") provide for the granting of planning permission.

(2) A development order may either—

(a) itself grant planning permission for development specified in the order or for development of any class specified; or

(b) in respect of development for which planning permission is not granted by the order itself, provide for the granting of planning permission by the local planning authority (or, in the cases provided in the following provisions, by the Secretary of State **[**F203or the Welsh Ministers**]**) on application to the authority **[**F204(or, in the cases provided in the following provisions, on application to the Secretary of State **[**F205or the Welsh Ministers**])]** in accordance with the provisions of the order.

(3) A development order may be made either—

(a) as a general order applicable, except so far as the order otherwise provides, to all land, or

(b) as a special order applicable only to such land or descriptions of land as may be specified in the order.

[F206(4) In this Act, references to a development order are—

(a) in relation to England, references to a development order made by the Secretary of State;

(b) in relation to Wales, references to a development order made by the Welsh Ministers.**]**

Subordinate Legislation Made

P2 S. 59: power previously exercised by S.I. 1990/2032

P3 S. 59: s. 59 (with ss. 60(1), 61(1) and 333(7)) power exercised by S.I. 1991/1536

Textual Amendments

F203 Words in s. 59(2)(b) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 3(a)**; S.I. 2016/52, art. 3(e)

F204 Words in s. 59(2)(b) inserted (9.5.2013 for E. for specified purposes, 1.10.2013 for specified purposes, 1.10.2014 in so far as not already in force) by Growth and Infrastructure Act 2013 (c. 27), s. 35(1), **Sch. 1 para. 4**; S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2

F205 Words in s. 59(2)(b) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 3(b)**; S.I. 2016/52, art. 3(e)

F206 S. 59(4) inserted (6.9.2015) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 5**

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[F207 59A Development orders: permission in principle

(1) A development order may either—

(a) itself grant permission in principle, in relation to land in England that is allocated for development in a qualifying document (whether or not in existence when the order is made) for development of a prescribed description; or

(b) provide for the granting by a local planning authority in England, on application to the authority in accordance with the provisions of the order, of permission in principle for development of a prescribed description.

(2) In this section—

"prescribed" means prescribed in a development order;

"qualifying document" means a document, as it has effect from time to time, which—

(a) falls within subsection (3),

(b) indicates that the land in question is allocated for development for the purposes of this section, and

(c) contains prescribed particulars in relation to the land allocated and the kind of development for which it is allocated.

(3) The following documents fall within this subsection—

(a) a register maintained in pursuance of regulations under section 14A of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act");

(b) a **[**F208local plan or supplementary plan**]** within the meaning of Part 2 of the 2004 Act (see **[**F209section 15LH**]** of that Act);

[F210(ba) a document which is, or forms part of, a minerals and waste plan within the meaning of Part 2 of the 2004 Act ("a minerals and waste plan document");**]**

(c) a neighbourhood development plan within the meaning given by section 38A of the 2004 Act.

(4) Permission in principle granted by a development order takes effect—

(a) when the qualifying document takes effect, if the land in question is allocated for development in the document at that time;

(b) otherwise, when the qualifying document is revised so that the land in question is allocated for development.

But a development order may provide that, if the local planning authority so directs, permission in principle does not take effect until the date specified by the local planning authority in the direction.

(5) For the purposes of subsection (4)(a)—

(a) a register maintained in pursuance of regulations under section 14A of the 2004 Act takes effect when it is first published;

(b) a **[**F211local plan, minerals and waste plan document or supplementary plan**]** takes effect when it is adopted or approved under Part 2 of the 2004 Act;

(c) a neighbourhood development plan takes effect when it is made by the local planning authority.

(6) Permission in principle granted by a development order is not brought to an end by the qualifying document ceasing to have effect or being revised.

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(7) Permission in principle granted by a development order ceases to have effect on the expiration of—

(a) five years beginning with the date on which it takes effect; or

(b) such other period (whether longer or shorter) beginning with that date as the local planning authority may direct.

(8) Permission in principle granted by a local planning authority ceases to have effect on the expiration of—

(a) three years beginning with the date on which it takes effect; or

(b) such other period (whether longer or shorter) beginning with that date as the local planning authority may direct.

(9) The Secretary of State may by regulations amend subsection (7)(a) or (8)(a) by substituting a shorter period for the period for the time being specified there.

(10) A development order—

(a) may make provision in relation to an application for planning permission for development of land in respect of which permission in principle has been granted;

(b) may require the local planning authority to prepare, maintain and publish a register containing prescribed information as to permissions in principle granted by a development order.

(11) In exercising a power of direction conferred by virtue of subsection (4), or conferred by subsection (7)(b) or (8)(b), a local planning authority must have regard to the provisions of the development plan and any other material considerations.

(12) In exercising any other function exercisable by virtue of this section, or in exercising any function in relation to an application for planning permission for development of land in respect of which permission in principle has been granted, a local planning authority must have regard to any guidance issued by the Secretary of State.

(13) In relation to an application for permission in principle which under any provision of this Part **[**F212, or under section 293D,**]** is made to, or determined by, the Secretary of State instead of the local planning authority, a reference in subsection (1) or (8) to a local planning authority has effect (as necessary) as a reference to the Secretary of State.**]**

Textual Amendments

F207 S. 59A inserted (12.7.2016) by Housing and Planning Act 2016 (c. 22), **ss. 150(2)**, 216(2)(c)

F208 Words in s. 59A(3)(b) substituted (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 4(a)(i)** (with s. 247); S.I. 2026/169, reg. 3(f)(i) (with Sch. 1)

F209 Words in s. 59A(3)(b) substituted (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 4(a)(ii)** (with s. 247); S.I. 2026/169, reg. 3(f)(i) (with Sch. 1)

F210 S. 59A(3)(ba) inserted (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 4(b)** (with s. 247); S.I. 2026/169, reg. 3(f)(i) (with Sch. 1)

F211 Words in s. 59A(5)(b) substituted (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 4(c)** (with s. 247); S.I. 2026/169, reg. 3(f)(i) (with Sch. 1)

F212 Words in s. 59A(13) inserted (1.5.2025) by The Town and Country Planning (Fees and Consequential Amendments) Regulations 2025 (S.I. 2025/418), regs. 1(3), **13(4)**

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Modifications etc. (not altering text)

C94 S. 59A(4)(a)(b) excluded (15.4.2017) by The Town and Country Planning (Permission in Principle) Order 2017 (S.I. 2017/402), arts. 1, **5**

60 Permission granted by development order.

(1) Planning permission granted by a development order may be granted either unconditionally or subject to such conditions or limitations as may be specified in the order.

[F213(1A) Without prejudice to the generality of subsection (1), where planning permission is granted by a development order for building operations in England, the order may require the approval of the local planning authority, or the Secretary of State, to be obtained—

(a) for those operations, or

(b) with respect to any matters that relate to those operations, or to the use of the land in question following those operations, and are specified in the order.**]**

(2) Without prejudice to the generality of subsection (1), where planning permission is granted by a development order for the erection, extension or alteration of any buildings **[**F214in Wales**]**, the order may require the approval of the local planning authority to be obtained with respect to the design or external appearance of the buildings.

[F215(2A) Without prejudice to the generality of subsection (1), where planning permission is granted by a development order for development consisting of a change in the use of land in England, the order may require the approval of the local planning authority, or of the Secretary of State, to be obtained—

(a) for the use of the land for the new use;

(b) with respect to matters that relate to the new use and are specified in the order.

(2B) Without prejudice to the generality of **[**F216subsections (1) and (1A)**]**, a development order may include provision for ensuring—

(a) that, before a person in reliance on planning permission granted by the order carries out development of land in England that is a dwelling house or is within the curtilage of a dwelling house—

(i) a written description, and a plan, of the proposed development are given to the local planning authority,

(ii) notice of the proposed development, and of the period during which representations about it may be made to the local planning authority, is served by the local planning authority on the owner or occupier of any adjoining premises, and

(iii) that period has ended, and

(b) that, where within that period an owner or occupier of any adjoining premises objects to the proposed development, it may be carried out in reliance on the permission only if the local planning authority consider that it would not have an unacceptable impact on the amenity of adjoining premises.

(2C) In subsection (2B) "adjoining premises" includes any land adjoining—

(a) the dwelling house concerned, or

(b) the boundary of its curtilage.**]**

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) Without prejudice to the generality of subsection (1), where planning permission is granted by a development order for development of a specified class, the order may enable the Secretary of State or the local planning authority to direct that the permission shall not apply either—

(a) in relation to development in a particular area, or

(b) in relation to any particular development.

(4) Any provision of a development order by which permission is granted for the use of land for any purpose on a limited number of days in a period specified in that provision shall (without prejudice to the generality of references in this Act to limitations) be taken to be a provision granting permission for the use of land for any purpose subject to the limitation that the land shall not be used for any one purpose in pursuance of that provision on more than that number of days in that period.

Subordinate Legislation Made

P4 S. 60 power previously exercised by S.I. 1990/2032

P5 S. 60(1): s. 59 (with ss. 60(1), 61(1) and 333(7)) power exercised by S.I. 1991/1536

Textual Amendments

F213 S. 60(1A) inserted (12.5.2016) by Housing and Planning Act 2016 (c. 22), **ss. 152(1)**, 216(1)(d)

F214 Words in s. 60(2) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), **ss. 152(2)**, 216(3); S.I. 2016/733, reg. 3(e)

F215 S. 60(2A)-(2C) inserted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 4(1)**, 35(2)

F216 Words in s. 60(2B) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), **ss. 152(3)**, 216(3); S.I. 2016/733, reg. 3(e)

61 Development orders: supplementary provisions.

(1) A general development order may make different provision with respect to different descriptions of land.

(2) For the purpose of enabling development to be carried out in accordance with planning permission, or otherwise for the purpose of promoting proper development in accordance with the development plan, a development order may direct that any pre 1947 Act enactment, or any regulations, orders or byelaws made at any time under any such enactment—

(a) shall not apply to any development specified in the order, or

(b) shall apply to it subject to such modifications as may be so specified.

(3) In subsection (2) "pre 1947 Act enactment" means—

(a) any enactment passed before 6th August 1947 (the date of the passing of the 1947 Act), and

(b) any enactment contained in the [M34]Highways Act 1980 which—

(i) is an enactment derived from the [M35]Highways Act 1959, and

(ii) re-enacts (with or without modifications) any such enactment as is mentioned in paragraph (a).

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Subordinate Legislation Made

P6 S. 61(1): s. 59 (with ss. 60(1), 61(1) and 333(7)) power exercised by S.I. 1991/1536

Marginal Citations

M34 1980 c. 66.

M35 1959 c. 25.

[F217 Local development orders

Textual Amendments

F217 Ss. 61A-61C and preceding cross-heading inserted (6.8.2004 for certain purposes, 10.5.2006 for E. and otherwise prosp.) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 40(1)**, 121 (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/ 1061, {art. 2}

61A Local development orders

(1) **[**F218 A local planning authority may by order (a local development order) make provision to implement policies—

(a) in one or more development plan documents (within the meaning of Part 2 of the Planning and Compulsory Purchase Act 2004);

(b) in a local development plan (within the meaning of Part 6 of that Act).**]**

(2) **[**F219 A local planning authority may by order (a local development order)**]** grant planning permission—

(a) for development specified in the order;

(b) for development of any class so specified.

(3) A local development order may relate to—

(a) all land in the area of the relevant authority;

(b) any part of that land;

(c) a site specified in the order.

(4) A local development order may make different provision for different descriptions of land.

(5) But a development order may specify any area or class of development in respect of which a local development order must not be made.

(6) A local planning authority may revoke a local development order at any time.

(7) Schedule 4A makes provision in connection with local development orders.

Textual Amendments

F218 S. 61A(1) repealed (23.6.2009 for E. and otherwise prosp.) by Planning Act 2008 (c. 29), ss. 188(2), 238, 241, **Sch. 13** (with s. 226); S.I. 2009/1303, **art. 2**, Sch.

F219 Words in s. 61A(2) substituted (23.6.2009 for E. and otherwise prosp.) by Planning Act 2008 (c. 29), **ss. 188(3)**, 241 (with s. 226); S.I. 2009/1303, **art. 2**

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61B Intervention by Secretary of State or National Assembly

(1) At any time before a local development order is adopted by a local planning authority **[**F220in Wales,**]** the appropriate authority may direct that the order (or any part of it) is submitted to it for its approval.

(2) If the appropriate authority gives a direction under subsection (1)—

(a) the authority must not take any step in connection with the adoption of the order until the appropriate authority gives its decision;

(b) the order has no effect unless it (or, if the direction relates to only part of an order, the part) has been approved by the appropriate authority.

(3) In considering an order or part of an order submitted under subsection (1) the appropriate authority may take account of any matter which it thinks is relevant.

(4) It is immaterial whether any such matter was taken account of by the local planning authority.

(5) The appropriate authority—

(a) may approve or reject an order or part of an order submitted to it under subsection (1);

(b) must give reasons for its decision under paragraph (a).

(6) If the appropriate authority thinks that a local development order **[**F221being prepared by a local planning authority in Wales**]** is unsatisfactory—

(a) it may at any time before the order is adopted by the local planning authority direct them to modify it in accordance with the direction;

(b) if it gives such a direction it must state its reasons for doing so.

(7) The local planning authority—

(a) must comply with the direction;

(b) must not adopt the order unless the appropriate authority gives notice that it is satisfied that they have complied with the direction.

F222(7A) **[** Where a local development order is adopted by a local planning authority in England, that authority must submit a copy of the order to the appropriate authority as soon after the order's adoption as is reasonably practicable.**]**

(8) The appropriate authority—

(a) may at any time by order revoke a local development order if it thinks it is expedient to do so;

(b) must, if it revokes a local development order, state its reasons for doing so.

(9) Subsections (3) to (6) of section 100 apply to an order under subsection (8) above as they apply to an order under subsection (1) of that section and for that purpose references to the Secretary of State must be construed as references to the appropriate authority.

(10) The appropriate authority is—

(a) the Secretary of State in relation to England;

(b) the National Assembly for Wales in relation to Wales.

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Textual Amendments

F220 Words in s. 61B(1) inserted (9.12.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 5(3)(a)**, 35(1); S.I. 2013/2878, art. 2 (with art. 3)

F221 Words in s. 61B(6) inserted (9.12.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 5(3)(b)**, 35(1); S.I. 2013/2878, art. 2 (with art. 3)

F222 S. 61B(7A) inserted (9.12.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 5(4)**, 35(1); S.I. 2013/2878, art. 2 (with art. 3)

Modifications etc. (not altering text)

C95 Ss. 61B(1)-(7) excluded (E.) (9.12.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 5(2)**, 35(1); S.I. 2013/2878, art. 2 (with art. 3)

61C Permission granted by local development order

(1) Planning permission granted by a local development order may be granted—

(a) unconditionally, or

(b) subject to such conditions or limitations as are specified in the order.

(2) If the permission is granted for development of a specified description the order may enable the local planning authority to direct that the permission does not apply in relation to—

(a) development in a particular area, or

(b) any particular development.**]**

[F223 61D Effect of revision or revocation of development order on incomplete development

(1) A development order or local development order may include provision permitting the completion of development if —

(a) planning permission is granted by the order in respect of the development, and

(b) the planning permission is withdrawn at a time after the development is started but before it is completed.

(2) Planning permission granted by a development order is withdrawn—

(a) if the order is revoked;

(b) if the order is amended so that it ceases to grant planning permission in respect of the development or materially changes any condition or limitation to which the grant of permission is subject;

(c) by the issue of a direction under powers conferred by the order.

(3) Planning permission granted by a local development order is withdrawn—

(a) if the order is revoked under section 61A(6) or 61B(8);

(b) if the order is revised in pursuance of paragraph 2 of Schedule 4A so that it ceases to grant planning permission in respect of the development or materially changes any condition or limitation to which the grant of permission is subject;

(c) by the issue of a direction under powers conferred by the order.

(4) The power under this section to include provision in a development order or a local development order may be exercised differently for different purposes.**]**

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Textual Amendments

F223 S. 61D inserted (6.8.2004 for specified purposes, 10.5.2006 for E. so far as not already in force, 30.4.2012 for W. so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 41** (with s. 111); S.I. 2004/2097, art. 2; S.I. 2006/1061, art. 2(a); S.I. 2012/1100, art. 2

I[F224] Mayoral development orders

Textual Amendments

F224 Ss. 61DA-61DE inserted (12.2.2015 for specified purposes) by Infrastructure Act 2015 (c. 7), s. 57(5)(d), **Sch. 4 para. 1**

61DA Mayoral development orders

(1) The Mayor of London may by order (a Mayoral development order) grant planning permission for development specified in the order on one or more sites specified in the order.

(2) The site or sites must fall within—

(a) the area of a local planning authority in Greater London, or

(b) the areas of two or more local planning authorities in Greater London.

(3) The Secretary of State may by development order specify an area or class of development in respect of which a Mayoral development order must not be made.

61DB Permission granted by Mayoral development order

(1) Planning permission granted by a Mayoral development order may be granted—

(a) unconditionally, or

(b) subject to such conditions or limitations as are specified in the order.

(2) A condition imposed by a Mayoral development order may provide for the consent, agreement or approval to a matter specified in the condition to be given by one or more persons specified in the condition.

(3) A person specified in a condition must be the Mayor of London or a relevant local planning authority.

(4) The Secretary of State may by development order provide that, if the consent, agreement or approval of a person required by a condition imposed by a Mayoral development order is not given within a specified period, that consent, agreement or approval may be sought from a specified person.

(5) In subsection (4) "specified" means specified, or of a description specified, in the development order.

(6) The Secretary of State may by development order make provision for a person to apply for planning permission for the development of land without complying with a condition imposed on the grant of planning permission by a Mayoral development order.

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(7) A development order under subsection (6) may, in particular make provision similar to that made by section 73, subject to such modifications as the Secretary of State thinks appropriate.

(8) So far as the context requires, in relation to—

(a) an application for the consent, agreement or approval of the Mayor of London to a matter specified in a condition imposed by a Mayoral development order, or

(b) the determination of such an application,

any reference in an enactment to a local planning authority (however expressed) includes a reference to the Mayor.

(9) For the purposes of this Act a local planning authority is a relevant local planning authority in relation to a Mayoral development order or proposed Mayoral development order if a site or part of a site to which the order or proposed order relates is within the authority's area.

61DC Preparation and making of Mayoral development order

(1) The Secretary of State may by development order make provision about the procedure for the preparation and making of a Mayoral development order.

(2) A development order under subsection (1) may in particular make provision about—

(a) notice, publicity and inspection by the public;

(b) consultation with and consideration of views of such persons and for such purposes as are specified in the order;

(c) the making and consideration of representations.

(3) A Mayoral development order may be made only in response to an application to the Mayor of London by each relevant local planning authority.

(4) A proposed Mayoral development order may be consulted on only with the consent of each relevant local planning authority.

(5) A Mayoral development order may not be made unless the order has been approved, in the form in which it is made, by each relevant local planning authority.

(6) If the Mayor of London makes a Mayoral development order, the Mayor must send a copy to the Secretary of State as soon as is reasonably practicable after the order is made.

61DD Revision or revocation of Mayoral development order

(1) The Mayor of London may at any time revise or revoke a Mayoral development order with the approval of each relevant local planning authority.

(2) The Mayor of London must revise a Mayoral development order if the Secretary of State directs the Mayor to do so (and the requirement for the approval of each relevant local planning authority does not apply in those circumstances).

(3) The Secretary of State may at any time revoke a Mayoral development order if the Secretary of State thinks it is expedient to do so.

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(4) The power under subsection (3) is to be exercised by order made by the Secretary of State.

(5) If the Secretary of State revokes a Mayoral development order the Secretary of State must state the reasons for doing so.

(6) The Secretary of State may by development order make provision about—

(a) the steps to be taken by the Secretary of State before giving a direction or making an order under this section;

(b) the procedure for the revision or revocation of a Mayoral development order.

(7) A development order under subsection (6) may in particular make provision about—

(a) notice, publicity and inspection by the public;

(b) consultation with and consideration of views of such persons and for such purposes as are specified in the order;

(c) the making and consideration of representations.

61DE Effect of revision or revocation on incomplete development

(1) This section applies if planning permission for development granted by a Mayoral development order is withdrawn at a time when the development has been started but not completed.

(2) For this purpose planning permission for development granted by a Mayoral development order is withdrawn—

(a) if the order is revoked under section 61DD, or

(b) if the order is revised under that section so that it ceases to grant planning permission for the development or materially changes any condition or limitation to which the grant of permission is subject.

(3) The development may, despite the withdrawal of the permission, be completed, subject as follows.

(4) If the permission is withdrawn because the Mayoral development order is revoked by the Mayor of London, the Mayor may make a determination that subsection (3) is not to apply in relation to development specified in the determination.

(5) A determination under subsection (4) must be published in such manner as the Mayor of London thinks appropriate.

(6) If the permission is withdrawn because the Mayoral development order is revoked by an order made by the Secretary of State under section 61DD, the order under that section may provide that subsection (3) is not to apply in relation to development specified in that order.

(7) If the permission is withdrawn because the order is revised as mentioned in subsection (2)(b), the revised order may provide that subsection (3) is not to apply in relation to development specified in the order.

(8) The power under this section to include provision in an order under section 61DD or a Mayoral development order may be exercised differently for different purposes.**]**

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F225 Neighbourhood development orders

Textual Amendments

F225 Ss. 61E-61Q and cross-heading inserted (15.11.2011 for specified purposes, 6.4.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2)(5)(j), **Sch. 9 para. 2**; S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

61E Neighbourhood development orders

(1) Any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a neighbourhood development order.

(2) A "neighbourhood development order" is an order which grants planning permission in relation to a particular neighbourhood area specified in the order—

(a) for development specified in the order, or

(b) for development of any class specified in the order.

(3) Schedule 4B makes provision about the process for the making of neighbourhood development orders, including—

(a) provision for independent examination of orders proposed by qualifying bodies, and

(b) provision for the holding of referendums on orders proposed by those bodies.

(4) A local planning authority to whom a proposal for the making of a neighbourhood development order has been made—

(a) must make a neighbourhood development order to which the proposal relates if in each applicable referendum under that Schedule more than half of those voting have voted in favour of the order, and

(b) if paragraph (a) applies, must make the order as soon as reasonably practicable after the referendum is held **[**F226and, in any event, by such date as may be prescribed**]**.

(5) If—

(a) there are two applicable referendums under that Schedule (because the order relates to a neighbourhood area designated as a business area under section 61H), and

(b) in one of those referendums (but not the other) more than half of those voting have voted in favour of the order,

the authority may (but need not) make a neighbourhood development order to which the proposal relates.

(6) A "qualifying body" means a parish council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development order to act in relation to a neighbourhood area as a result of section 61F.

(7) For the meaning of "neighbourhood area", see sections 61G and 61I(1).

(8) The authority are not to be subject to the duty under subsection (4)(a) if they consider that the making of the order would breach, or would otherwise be incompatible with, any **[**F227**[**F228assimilated**]** obligation**]** or any of the Convention rights (within the meaning of the Human Rights Act 1998).

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(9) Regulations may make provision as to the procedure to be followed by local planning authorities in cases where they act under subsection (8).

(10) The regulations may in particular make provision—

(a) for the holding of an examination,

(b) as to the payment by a local planning authority of remuneration and expenses of the examiner,

(c) as to the award of costs by the examiner,

(d) as to the giving of notice and publicity,

(e) as to the information and documents that are to be made available to the public,

(f) as to the making of reasonable charges for anything provided as a result of the regulations,

(g) as to consultation with and participation by the public, and

(h) as to the making and consideration of representations (including the time by which representations must be made).

(11) The authority must publish in such manner as may be prescribed—

(a) their decision to act under subsection (4) or (8),

(b) their reasons for making that decision, and

(c) such other matters relating to that decision as may be prescribed.

(12) The authority must send a copy of the matters required to be published to—

(a) the qualifying body that initiated the process for the making of the order, and

(b) such other persons as may be prescribed.

(13) A local planning authority must publish each neighbourhood development order that they make in such manner as may be prescribed.

Textual Amendments

F226 Words in s. 61E(4)(b) inserted (12.5.2016) by Housing and Planning Act 2016 (c. 22), **ss. 140(2)**, 216(1)(d)

F227 Words in s. 61E(8) substituted (31.12.2020) by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232), regs. 1(2), **2(2)**; 2020 c. 1, Sch. 5 para. 1(1)

F228 Word in s. 61E(8) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 27(2)(a)**

61F Authorisation to act in relation to neighbourhood areas

(1) For the purposes of a neighbourhood development order, a parish council are authorised to act in relation to a neighbourhood area if that area consists of or includes the whole or any part of the area of the council.

(2) If that neighbourhood area also includes the whole or any part of the area of another parish council, the parish council is authorised for those purposes to act in relation to that neighbourhood area only if the other parish council have given their consent.

(3) For the purposes of a neighbourhood development order, an organisation or body is authorised to act in relation to a neighbourhood area if it is designated by a local planning authority as a neighbourhood forum for that area.

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(4) An organisation or body may be designated for a neighbourhood area only if that area does not consist of or include the whole or any part of the area of a parish council.

(5) A local planning authority may designate an organisation or body as a neighbourhood forum if the authority are satisfied that it meets the following conditions—

(a) it is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area),

(b) its membership is open to—

(i) individuals who live in the neighbourhood area concerned,

(ii) individuals who work there (whether for businesses carried on there or otherwise), and

(iii) individuals who are elected members of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,

(c) its membership includes a minimum of 21 individuals each of whom—

(i) lives in the neighbourhood area concerned,

(ii) works there (whether for a business carried on there or otherwise), or

(iii) is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,

(d) it has a written constitution, and

(e) such other conditions as may be prescribed.

(6) A local planning authority may also designate an organisation or body as a neighbourhood forum if they are satisfied that the organisation or body meets prescribed conditions.

(7) A local planning authority—

(a) must, in determining under subsection (5) whether to designate an organisation or body as a neighbourhood forum for a neighbourhood area, have regard to the desirability of designating an organisation or body—

(i) which has secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual falling within each of sub-paragraphs (i) to (iii) of subsection (5)(b),

(ii) whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area, and

(iii) whose purpose reflects (in general terms) the character of that area,

(b) may designate only one organisation or body as a neighbourhood forum for each neighbourhood area,

(c) may designate an organisation or body as a neighbourhood forum only if the organisation or body has made an application to be designated, and

(d) must give reasons to an organisation or body applying to be designated as a neighbourhood forum where the authority refuse the application.

(8) A designation—

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(a) ceases to have effect at the end of the period of 5 years beginning with the day on which it is made but without affecting the validity of any proposal for a neighbourhood development order made before the end of that period, and

(b) in the case of the designation of an unincorporated association, is not to be affected merely because of a change in the membership of the association.

[A designation ceases to have effect if—

F229(8A)

(a) a new parish council is created or there is a change in the area of a parish council, and

(b) as a result, the neighbourhood area for which the neighbourhood forum is designated consists of or includes the whole or any part of the area of the parish council.

(8B) The operation of subsection (8A) does not affect the validity of any proposal for a neighbourhood development order made before the event mentioned in paragraph (a) of that subsection took place.**]**

(9) A local planning authority may withdraw an organisation or body's designation as a neighbourhood forum if they consider that the organisation or body is no longer meeting—

(a) the conditions by reference to which it was designated, or

(b) any other criteria to which the authority were required to have regard in making the designation;

and, where an organisation or body's designation is withdrawn, the authority must give reasons to the organisation or body.

(10) A proposal for a neighbourhood development order by a parish council or neighbourhood forum may not be made at any time in relation to a neighbourhood area if there is at that time another proposal by the council or forum in relation to that area that is outstanding.

(11) Each local planning authority must make such arrangements as they consider appropriate for making people aware as to the times when organisations or bodies could make applications to be designated as neighbourhood forums for neighbourhood areas.

(12) Regulations—

(a) may make provision in connection with proposals made by qualifying bodies for neighbourhood development orders, and

(b) may make provision in connection with designations (or withdrawals of designations) of organisations or bodies as neighbourhood forums (including provision of a kind mentioned in section 61G(11)(a) to (g)).

(13) The regulations may in particular make provision—

(a) as to the consequences of the creation of a new parish council, or a change in the area of a parish council, on any proposal made for a neighbourhood development order,

(b) as to the consequences of the dissolution of a neighbourhood forum on any proposal for a neighbourhood development order made by it,

(c) suspending the operation of any duty of a local planning authority under paragraph 6 or 7 of Schedule 4B in cases where they are considering the withdrawal of the designation of an organisation or body as a neighbourhood forum,

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(d) for determining when a proposal for a neighbourhood development order is to be regarded as outstanding, and

(e) requiring a local planning authority to have regard (in addition, where relevant, to the matters set out in subsection (7)(a)) to prescribed matters in determining whether to designate an organisation or body as a neighbourhood forum.

Textual Amendments

F229 S. 61F(8A), (8B) inserted (31.1.2018) by Neighbourhood Planning Act 2017 (c. 20), **ss. 5(2)**, 46(1); S.I. 2018/38, reg. 3(c)

Modifications etc. (not altering text)

C96 S. 61F applied by 2004 c. 5, s. 38C(2)(a) (as inserted (15.11.2011 for specified purposes, 6.4.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2)(5)(j), **Sch. 9 para. 7**; S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4))

C97 S. 61F applied (with modifications) by 2004 c. 5, s. 38C(2A) (as inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by Neighbourhood Planning Act 2017 (c. 20), **ss. 4(7)**, 46(3); S.I. 2018/38, reg. 3(b))

61G Meaning of "neighbourhood area"

(1) A "neighbourhood area" means an area within the area of a local planning authority in England which has been designated by the authority as a neighbourhood area; but that power to designate is exercisable only where—

(a) a relevant body has applied to the authority for an area specified in the application to be designated by the authority as a neighbourhood area, and

(b) the authority are determining the application (but see subsection (5)).

(2) A "relevant body" means—

(a) a parish council, or

(b) an organisation or body which is, or is capable of being, designated as a neighbourhood forum (on the assumption that, for this purpose, the specified area is designated as a neighbourhood area).

(3) The specified area—

(a) in the case of an application by a parish council, must be one that consists of or includes the whole or any part of the area of the council, and

(b) in the case of an application by an organisation or body, must not be one that consists of or includes the whole or any part of the area of a parish council.

(4) In determining an application the authority must have regard to—

(a) the desirability of designating the whole of the area of a parish council as a neighbourhood area, and

(b) the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas.

(5) If—

(a) a valid application is made to the authority,

(b) some or all of the specified area has not been designated as a neighbourhood area, and

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(c) the authority refuse the application because they consider that the specified area is not an appropriate area to be designated as a neighbourhood area,

the authority must exercise their power of designation so as to secure that some or all of the specified area forms part of one or more areas designated (or to be designated) as neighbourhood areas.

(6) The authority may, in determining any application, modify designations already made; but if a modification relates to any extent to the area of a parish council, the modification may be made only with the council's consent.

[F230(6A) The power in subsection (6) to modify designations already made includes power—

(a) to change the boundary of an existing neighbourhood area,

(b) to replace an existing neighbourhood area with two or more separate neighbourhood areas, and

(c) to replace two or more existing neighbourhood areas with a single neighbourhood area.

(6B) A neighbourhood area created by virtue of subsection (6A)(b) may have the boundary created by splitting it from the existing area or a different boundary.

(6C) A neighbourhood area created by virtue of subsection (6A)(c) may have the boundary created by combining the existing areas or a different boundary.

(6D) A modification under subsection (6) of a designation already made does not affect the continuation in force of a neighbourhood development order even though as a result of the modification—

(a) it no longer relates to a neighbourhood area, or

(b) it relates to more than one neighbourhood area.**]**

(7) The areas designated as neighbourhood areas must not overlap with each other.

(8) A local planning authority must publish a map setting out the areas that are for the time being designated as neighbourhood areas.

(9) If the authority refuse an application, they must give reasons to the applicant for refusing the application.

(10) In this section "specified", in relation to an application, means specified in the application.

(11) Regulations may make provision in connection with the designation of areas as neighbourhood areas; and the regulations may in particular make provision—

(a) as to the procedure to be followed in relation to designations,

(b) as to the giving of notice and publicity in connection with designations,

(c) as to consultation with and participation by the public in relation to designations,

(d) as to the making and consideration of representations about designations (including the time by which representations must be made),

(e) as to the form and content of applications for designations,

(f) requiring an application for a designation to be determined by a prescribed date,

(g) entitling or requiring a local planning authority in prescribed circumstances to decline to consider an application for a designation, and

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(h) about the modification of designations (including provision about the consequences of modification on proposals for neighbourhood development orders, or on neighbourhood development orders, that have already been made).

[F231(12) Regulations under subsection (11) may provide that where an application under this section—

(a) meets prescribed criteria, or

(b) has not been determined within a prescribed period,

the local planning authority must, except in prescribed cases or circumstances, exercise their powers under this section to designate the specified area as a neighbourhood area.

(13) The reference in subsection (12) to the designation of an area as a neighbourhood area includes the modification under subsection (6) of a designation already made.**]**

Textual Amendments

F230 S. 61G(6A)-(6D) inserted (31.1.2018) by Neighbourhood Planning Act 2017 (c. 20), **ss. 5(3)**, 46(1); S.I. 2018/38, reg. 3(c)

F231 S. 61G(12)(13) inserted (12.5.2016) by Housing and Planning Act 2016 (c. 22), **ss. 139**, 216(1)(d)

Modifications etc. (not altering text)

C98 S. 61G(6D) applied (with modifications) by 2004 c. 5, s. 38C(5A) (as inserted (31.1.2018) by Neighbourhood Planning Act 2017 (c. 20), **ss. 5(8)**, 46(1); S.I. 2018/38, reg. 3(c))

61H Neighbourhood areas designated as business areas

(1) Whenever a local planning authority exercise their powers under section 61G to designate an area as a neighbourhood area, they must consider whether they should designate the area concerned as a business area.

(2) The reference here to the designation of an area as a neighbourhood area includes the modification under section 61G(6) of a designation already made.

(3) The power of a local planning authority to designate a neighbourhood area as a business area is exercisable by the authority only if, having regard to such matters as may be prescribed, they consider that the area is wholly or predominantly business in nature.

(4) The map published by a local planning authority under section 61G(8) must state which neighbourhood areas (if any) are for the time being designated as business areas.

61I Neighbourhood areas in areas of two or more local planning authorities

(1) The power to designate an area as a neighbourhood area under section 61G is exercisable by two or more local planning authorities in England if the area falls within the areas of those authorities.

(2) Regulations may make provision in connection with—

(a) the operation of subsection (1), and

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(b) the operation of other provisions relating to neighbourhood development orders (including sections 61F to 61H) in cases where an area is designated as a neighbourhood area as a result of that subsection.

(3) The regulations may in particular make provision—

(a) modifying or supplementing the application of, or disapplying, any of the provisions mentioned in subsection (2)(b),

(b) applying (with or without modifications) any provision of Part 6 of the Local Government Act 1972 (discharge of functions) in cases where the provision would not otherwise apply,

(c) requiring local planning authorities to exercise, or not to exercise, any power conferred by any provision of that Part (including as applied by virtue of paragraph (b)), and

(d) conferring powers or imposing duties on local planning authorities.

Modifications etc. (not altering text)

C99 S. 61I(2)(3) applied by 2004 c. 5, s. 38C(2)(b) (as inserted (15.11.2011 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), ss., 240(5)(j), **Sch. 9 para. 7**; S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2)

61J Provision that may be made by neighbourhood development order

(1) A neighbourhood development order may make provision in relation to—

(a) all land in the neighbourhood area specified in the order,

(b) any part of that land, or

(c) a site in that area specified in the order.

(2) A neighbourhood development order may not provide for the granting of planning permission for any development that is excluded development.

(3) For the meaning of "excluded development", see section 61K.

(4) A neighbourhood development order may not grant planning permission for any development in any particular case where planning permission is already granted for that development in that case.

(5) A neighbourhood development order may not relate to more than one neighbourhood area.

[F232(5A) Subsection (5) is subject to section 61G(6D) (effect of modification of existing neighbourhood area).**]**

(6) A neighbourhood development order may make different provision for different cases or circumstances.

Textual Amendments

F232 S. 61J(5A) inserted (31.1.2018) by Neighbourhood Planning Act 2017 (c. 20), **ss. 5(4)**, 46(1); S.I. 2018/38, reg. 3(c)

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61K Meaning of "excluded development"

The following development is excluded development for the purposes of section 61J—

(a) development that consists of a county matter within paragraph 1(1)(a) to (h) of Schedule 1,

(b) development that consists of the carrying out of any operation, or class of operation, prescribed under paragraph 1(j) of that Schedule (waste development) but that does not consist of development of a prescribed description,

(c) development that falls within Annex 1 to Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (as amended from time to time),

(d) development that consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008),

(e) prescribed development or development of a prescribed description, and

(f) development in a prescribed area or an area of a prescribed description.

Modifications etc. (not altering text)

C100 S. 61K applied by 2004 c. 5, s. 38B(6) (as inserted (15.11.2011 for specified purposes, 6.4.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2)(5)(j), **Sch. 9 para. 7**; S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4))

61L Permission granted by neighbourhood development orders

(1) Planning permission granted by a neighbourhood development order may be granted—

(a) unconditionally, or

(b) subject to such conditions or limitations as are specified in the order.

(2) The conditions that may be specified include—

(a) obtaining the approval of the local planning authority who made the order but not of anyone else, and

(b) provision specifying the period within which applications must be made to a local planning authority for the approval of the authority of any matter specified in the order.

(3) Regulations may make provision entitling a parish council in prescribed circumstances to require any application for approval under subsection (2) of a prescribed description to be determined by them instead of by a local planning authority.

(4) The regulations may in particular make provision—

(a) as to the procedure to be followed by parish councils in deciding whether to determine applications for approvals (including the time by which the decisions must be made),

(b) requiring parish councils in prescribed circumstances to cease determining applications for approvals,

(c) conferring powers or imposing duties on local planning authorities,

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(d) treating parish councils as local planning authorities (instead of, or in addition to, the authorities) for the purposes of the determination of applications for approvals (subject to such exceptions or modifications in the application of any enactment as may be prescribed),

(e) applying any enactment relating to principal councils within the meaning of section 270 of the Local Government Act 1972 for those purposes (with or without modifications), and

(f) disapplying, or modifying the application of, any enactment relating to parish councils for those purposes.

(5) A neighbourhood development order may provide for the granting of planning permission to be subject to the condition that the development begins before the end of the period specified in the order.

(6) Regulations may make provision as to the periods that may be specified in neighbourhood development orders under subsection (5).

(7) If—

(a) planning permission granted by a neighbourhood development order for any development is withdrawn by the revocation of the order under section 61M, and

(b) the revocation is made after the development has begun but before it has been completed,

the development may, despite the withdrawal of the permission, be completed.

(8) But an order under section 61M revoking a neighbourhood development order may provide that subsection (7) is not to apply in relation to development specified in the order under that section.

61M Revocation or modification of neighbourhood development orders

(1) The Secretary of State may by order revoke a neighbourhood development order.

(2) A local planning authority may, with the consent of the Secretary of State, by order revoke a neighbourhood development order that they have made.

(3) If a neighbourhood development order is revoked, the person revoking the order must state the reasons for the revocation.

(4) A local planning authority may at any time by order modify a neighbourhood development order that they have made for the purpose of correcting errors.

[F233(4A) A local planning authority may at any time by order modify a neighbourhood development order they have made if they consider that the modification does not materially affect any planning permission granted by the order.**]**

(5) If the qualifying body that initiated the process for the making of **[**F234the neighbourhood development order mentioned in subsection (4) or (4A)**]** is still authorised at that time to act for the purposes of a neighbourhood development order in relation to the neighbourhood area concerned, the power under subsection (4) **[**F235or (4A)**]** is exercisable only with that body's consent.

(6) A modification of a neighbourhood development order is to be done by replacing the order with a new one containing the modification.

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(7) Regulations may make provision in connection with the revocation or modification of a neighbourhood development order.

(8) The regulations may in particular make provision—

(a) for the holding of an examination in relation to a revocation proposed to be made by the authority,

(b) as to the payment by a local planning authority of remuneration and expenses of the examiner,

(c) as to the award of costs by the examiner,

(d) as to the giving of notice and publicity in connection with a revocation or modification,

(e) as to the information and documents relating to a revocation or modification that are to be made available to the public,

(f) as to the making of reasonable charges for anything provided as a result of the regulations,

(g) as to consultation with and participation by the public in relation to a revocation, and

(h) as to the making and consideration of representations about a revocation (including the time by which representations must be made).

Textual Amendments

F233 S. 61M(4A) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by Neighbourhood Planning Act 2017 (c. 20), **ss. 4(2)**, 46(3); S.I. 2018/38, reg. 3(b)

F234 Words in s. 61M(5) substituted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by Neighbourhood Planning Act 2017 (c. 20), **ss. 4(3)(a)**, 46(3); S.I. 2018/38, reg. 3(b)

F235 Words in s. 61M(5) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by Neighbourhood Planning Act 2017 (c. 20), **ss. 4(3)(b)**, 46(3); S.I. 2018/38, reg. 3(b)

Modifications etc. (not altering text)

C101 S. 61M applied (with modifications) by 2004 c. 5, s. 38C(2)(c)(3) (as inserted (15.11.2011 for specified purposes, 6.4.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2)(5)(j), **Sch. 9 para. 7**; S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4))

61N Legal challenges in relation to neighbourhood development orders

(1) A court may entertain proceedings for questioning a decision to act under section 61E(4) or (8) only if—

(a) the proceedings are brought by a claim for judicial review, and

(b) the claim form is filed before the end of the period of 6 weeks beginning with **[**F236the day after**]** the day on which the decision is published.

(2) A court may entertain proceedings for questioning a decision under paragraph 12 of Schedule 4B (consideration by local planning authority of recommendations made by examiner etc) **[**F237or paragraph 13B of that Schedule (intervention powers of Secretary of State)**]** only if—

(a) the proceedings are brought by a claim for judicial review, and

(b) the claim form is filed before the end of the period of 6 weeks beginning with **[**F238the day after**]** the day on which the decision is published.

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(3) A court may entertain proceedings for questioning anything relating to a referendum under paragraph 14 or 15 of Schedule 4B only if—

(a) the proceedings are brought by a claim for judicial review, and

(b) the claim form is filed **[**F239before the end of**]** the period of 6 weeks beginning with **[**F240the day after**]** the day on which the result of the referendum is declared.

Textual Amendments

F236 Words in s. 61N(1)(b) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 92(1)(a)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71

F237 Words in s. 61N(2) inserted (1.10.2016) by Housing and Planning Act 2016 (c. 22), **ss. 141(3)**, 216(3); S.I. 2016/733, reg. 4(1)(b)

F238 Words in s. 61N(2)(b) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 92(1)(a)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71

F239 Words in s. 61N(3)(b) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 92(1)(b)(i)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71

F240 Words in s. 61N(3)(b) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 92(1)(b)(ii)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71

Modifications etc. (not altering text)

C102 S. 61N applied (with modifications) by 2004 c. 5, s. 38C(2)(d)(4) (as inserted (15.11.2011 for specified purposes, 6.4.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2)(5)(j), **Sch. 9 para. 7**; S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4))

61O Guidance

Local planning authorities must have regard to any guidance issued by the Secretary of State in the exercise of any function under any provision relating to neighbourhood development orders (including any function under any of sections 61F to 61H).

Modifications etc. (not altering text)

C103 S. 61O applied by 2004 c. 5, s. 38C(2)(e) (as inserted (15.11.2011 for specified purposes, 6.4.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2)(5)(j), **Sch. 9 para. 7**; S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4))

61P Provision as to the making of certain decisions by local planning authorities

(1) Regulations may make provision regulating the arrangements of a local planning authority for the making of any prescribed decision under any provision relating to neighbourhood development orders (including under any of sections 61F to 61H).

(2) The provision made by the regulations is to have effect despite provision made by any enactment as to the arrangements of a local planning authority for the exercise of their functions (such as section 101 of the Local Government Act 1972 or section 13 of the Local Government Act 2000).

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Modifications etc. (not altering text)

C104 S. 61P applied by 2004 c. 5, s. 38C(2)(f) (as inserted (15.11.2011 for specified purposes, 6.4.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2)(5)(j), **Sch. 9 para. 7**; S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4))

61Q Community right to build orders

Schedule 4C makes provision in relation to a particular type of neighbourhood development order (a community right to build order).**]**

I[F241 Street vote development orders

Textual Amendments

F241 Ss. 61QA-61QM and cross-heading inserted (31.1.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 106(2)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 2(d)

61QA Street vote development orders

(1) A process may be initiated by or on behalf of a qualifying group for the purpose of requiring the Secretary of State to make a street vote development order.

(2) A "street vote development order" is an order which grants planning permission in relation to a particular street area specified in the order—

(a) for development specified in the order, or

(b) for development of any description or class specified in the order.

61QB Qualifying groups

(1) A "qualifying group", in relation to a street vote development order, is a group of individuals—

(a) each of whom on the prescribed date meet the conditions in subsection (2), and

(b) comprised of at least—

(i) the prescribed number, or

(ii) the prescribed proportion of persons of a prescribed description.

(2) The conditions are that the individual—

(a) is entitled to vote in—

(i) an Authority election, where any part of the street area to which the street vote development order would relate is within the City of London, or

(ii) an election of councillors of any relevant council (other than the City of London) any part of whose area is within the street area to which the street vote development order would relate,

(b) has a qualifying address for that election which is in the street area that the street vote development order would relate to, and

(c) does not have an anonymous entry in the register of local government electors.

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(3) A "relevant council" means—

(a) a district council,

(b) a London borough council,

(c) a metropolitan district council, or

(d) a county council in relation to any area in England for which there is no district council.

(4) For the purposes of this section—

(a) "anonymous entry" is to be construed in accordance with section 9B of the Representation of the People Act 1983;

(b) "Authority election" has the meaning given by section 203(1) of the Representation of the People Act 1983;

(c) the Inner Temple and the Middle Temple are to be treated as forming part of the City of London;

(d) "qualifying address" has the meaning given by section 9 of the Representation of the People Act 1983.

61QC Meaning of "street area"

(1) A "street area" means an area in England—

(a) which is of a prescribed description, and

(b) no part of which is within an excluded area.

(2) An "excluded area" means—

(a) a National Park or the Broads;

(b) an area comprising a world heritage property and its buffer zone as identified in accordance with the Operational Guidelines for the Implementation of the World Heritage Convention as published from time to time;

(c) an area notified as a site of special scientific interest under section 28 of the Wildlife and Countryside Act 1981;

(d) an area designated as an area of outstanding natural beauty under section 82 of the Countryside and Rights of Way Act 2000;

(e) an area identified as green belt land, local green space or metropolitan open land in a development plan;

(f) a European site within the meaning given by regulation 8 of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012);

(g) such other area as may be specified or described in regulations made by the Secretary of State.

(3) In this section, "a world heritage property" means a property appearing on the World Heritage List (published in accordance with Article 11 of the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage adopted on 16 November 1972).

61QD Process for making street vote development orders

(1) The Secretary of State must make regulations ("SVDO regulations") which make provision about the preparation and making of a street vote development order.

(2) SVDO regulations must, in particular, make provision—

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(a) for the appointment by the Secretary of State of a person to—

(i) handle proposals made under section 61QA(1) ("street vote proposals") or specified aspects of those proposals,

(ii) carry out the independent examination of such proposals, and

(iii) to make street vote development orders on the Secretary of State's behalf,

(and for the above purposes the same or different persons may be appointed);

(b) as to the circumstances in which a street vote development order may be made and in particular must make provision requiring a referendum under section 61QE to be held before an order may be made.

(3) SVDO regulations may, in particular, include provision as to—

(a) the functions of a qualifying group in relation to a street vote proposal and how those functions are to be discharged (including provision for a member of the group or another prescribed person to be responsible for discharging them);

(b) the form and content of a street vote proposal;

(c) the information and documents (if any) which must accompany a street vote proposal;

(d) the circumstances and the way in which a proposal may be withdrawn;

(e) the steps that must be taken, and the conditions that must be met, before a proposal falls to be considered by an appointed person;

(f) the circumstances in which an appointed person may or must decline to consider or reject a proposal;

(g) the steps that must be taken, and the conditions that must be met, before a proposal falls to be independently examined;

(h) the functions of the independent examination in relation to the proposal;

(i) the circumstances in which an appointed person may terminate the independent examination (including provision as to the procedure for doing so);

(j) the procedure to be followed at an examination (including provision regarding the procedure to be followed at any hearing or inquiry or provision designating the hearing or inquiry as a statutory inquiry for the purposes of section 9 of the Tribunals and Inquiries Act 1992);

(k) the power to summons witnesses at any inquiry (including by applying, with or without modifications, section 250(3) and (4) of the Local Government Act 1972);

(l) the award of costs in connection with an examination;

(m) the steps to be taken following the independent examination (including provision for prescribed modifications to be made to the draft street vote development order);

(n) the payment by a local planning authority of remuneration and expenses relating to the examination;

(o) the functions of local planning authorities, or other authorities, in connection with street vote development orders (including provision regulating the arrangements of authorities for the discharge of those functions);

(p) cases where there are two or more local planning authorities any of whose area falls within the area of the street area that the proposal relates to (including provision modifying functions of the local planning authorities under the regulations in such cases or provision applying, with or without modifications,

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any provision of Part 6 of the Local Government Act 1972 in cases where the provision would not otherwise apply);

(q) requirements about the giving of notice and publicity;

(r) the information and documents that are to be made available to the public;

(s) consultation with and participation by the public or prescribed persons;

(t) the making and consideration of representations;

(u) the determination of the time by or at which anything must be done in connection with street vote development orders;

(v) the provision by any person of prescribed information or documents or prescribed descriptions of information or documents in connection with a street vote development order;

(w) the making of reasonable charges for anything done in connection with street vote development orders;

(x) when a court may entertain proceedings for questioning prescribed decisions to act or any other prescribed matter.

61QE Referendums

(1) SVDO regulations may make provision about referendums held in connection with street vote development orders and may, in particular, include provision—

(a) as to the circumstances in which an appointed person or the Secretary of State may direct relevant councils to carry out a referendum in relation to a street vote development order;

(b) the functions of such councils in relation to the referendum;

(c) dealing with any case where there are two or more relevant councils any of whose area falls within the area in which a referendum is to take place (including provision for only one council to carry out functions in relation to the referendum in such a case);

(d) prescribing a date by which the referendum must be held or before which it cannot be held;

(e) as to the question to be asked in the referendum and any explanatory material in relation to that question;

(f) as to voter eligibility for the referendum;

(g) as to the publicity to be given in connection with the referendum;

(h) as to the provision of prescribed information to voters in connection with the referendum (including information about any infrastructure levy or community infrastructure levy which is chargeable in respect of development under a street vote development order);

(i) about the limitation of expenditure in connection with the referendum;

(j) as to the conduct of the referendum;

(k) as to when, where and how voting in the referendum is to take place;

(l) as to how the votes cast are to be counted;

(m) about certification as to the number of persons voting in the referendum and as to the number of those persons voting in favour of a street vote development order;

(n) about the combination of polls at the referendum with polls at another referendum or at any election;

(o) as to the threshold of votes that must be met before a street vote development order may be made.

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(2) For the purposes of making provision within subsection (1), SVDO regulations may apply or incorporate (with or without modifications) any provision made by or under any enactment relating to elections or referendums.

(3) But where the regulations apply or incorporate (with or without modifications) any provision that creates an offence, the regulations may not impose a penalty greater than is provided for in respect of that provision.

(4) Before making provision within this section, the Secretary of State must consult the Electoral Commission.

(5) In this section "enactment" means an enactment, whenever passed or made.

61QF Regulations: general provision

SVDO regulations may—

(a) provide for exemptions (including exemptions which are subject to prescribed conditions);

(b) confer a function, including a function involving the exercise of a discretion, on any person.

61QG Provision that may be made by a street vote development order

(1) A street vote development order may make provision in relation to—

(a) all land in the street area specified in the order,

(b) any part of that land, or

(c) a site in that area specified in the order.

(2) A street vote development order may only provide for the granting of planning permission for any development that—

(a) is prescribed development or development of a prescribed description or class,

(b) is not excluded development, and

(c) satisfies any further prescribed conditions.

(3) A street vote development order may make different provision for different purposes.

61QH Meaning of "excluded development"

The following development is excluded development for the purposes of section 61QG(2)(b) —

(a) development of a scheduled monument within the meaning given by section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979;

(b) Schedule 1 development as defined by regulation 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571);

(c) development that consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008);

(d) development of a listed building within the meaning given by section 1(5) of the Planning (Listed Buildings and Conservation) Areas Act 1990;

(e) development consisting of the winning and working of minerals;

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(f) such other development as may be specified or described in regulations made by the Secretary of State.

61QI Permission granted by street vote development orders

(1) The granting of planning permission by a street vote development order is subject to—

(a) any prescribed conditions or limitations or conditions or limitations of a prescribed description, and

(b) such other conditions or limitations as may be specified in the order (but see subsections (4) and (5)).

(2) The conditions that may be specified include a condition that unless a relevant obligation is entered into—

(a) the development authorised by the planning permission or any description of such development must not be begun, or

(b) anything created in the course of the development authorised by the planning permission may not be occupied or used for any purpose.

(3) A relevant obligation for the purposes of subsection (2) includes an obligation which involves the payment of money or affects any estate or interest in, or rights over, land.

(4) But an order may only specify a condition that a person enter into an obligation under section 106 if the obligation—

(a) is necessary to make the development specified in the order acceptable in planning terms,

(b) is directly related to the development,

(c) is fairly and reasonably related in scale and kind to the development, and

(d) satisfies such other requirements as may be specified in regulations made by the Secretary of State.

(5) The Secretary of State may by regulations provide that—

(a) conditions or limitations of a prescribed description may not be imposed under subsection (1)(b),

(b) conditions or limitations of a prescribed description may only be imposed under subsection (1)(b) in circumstances of a prescribed description, or

(c) no conditions or limitations may be imposed under subsection (1)(b) in circumstances of a prescribed description.

(6) A condition or limitation prescribed under subsection (1)(a) may confer a function on any person, including a function involving the exercise of a discretion.

(7) If—

(a) planning permission granted by a street vote development order for any development is withdrawn by the revocation of the order under section 61QJ, and

(b) the revocation is made after the development has begun but before it has been completed,

the development may, despite the withdrawal of the permission, be completed.

(8) But an order under section 61QJ revoking a street vote development order may provide that subsection (7) is not to apply in relation to development specified in the order under that section.

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(9) In this section "relevant obligation" means—

(a) an obligation under section 106 (planning obligations), or

(b) an agreement under section 278 of the Highways Act 1980 (agreements as to execution of works).

61QJ Revocation or modification of street vote development orders

(1) The Secretary of State may by order revoke or modify a street vote development order.

(2) A local planning authority may, with the consent of the Secretary of State, by order revoke a street vote development order relating to a street area any part of which falls within the area of that authority.

(3) If a street vote development order is revoked, the person revoking the order must state the reasons for the revocation.

(4) An appointed person may at any time by order modify a street vote development order for the purpose of correcting errors.

(5) A modification of a street vote development order is to be done by replacing the order with a new one containing the modification.

(6) Regulations may make provision in connection with the revocation or modification of a street vote development order.

(7) The regulations may, in particular, include provision as to—

(a) the giving of notice and publicity in connection with a revocation or modification;

(b) the information and documents relating to a revocation or modification that are to be made available to the public;

(c) the making of reasonable charges for anything provided as a result of the regulations;

(d) consultation with and participation by the public in relation to a revocation or modification;

(e) the making and consideration of representations about a revocation or modification (including the time by which representations must be made).

61QK Financial assistance in relation to street votes

(1) The Secretary of State may do anything that the Secretary of State considers appropriate—

(a) for the purpose of publicising or promoting the making of street vote development orders and the benefits expected to arise from their making, or

(b) for the purpose of giving advice or assistance to anyone in relation to the making of street vote proposals or the doing of anything else for the purposes of, or in connection with, such proposals or street vote development orders.

(2) The things that the Secretary of State may do under this section include, in particular—

(a) the provision of financial assistance (or the making of arrangements for its provision) to any body or other person, and

(b) the making of agreements or other arrangements with any body or other person (under which payments may be made to the person).

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(3) In this section—

(a) the reference to giving advice or assistance includes providing training or education;

(b) any reference to the provision of financial assistance is to the provision of financial assistance by any means (including the making of a loan and the giving of a guarantee or indemnity).

61QL Street votes: connected modifications

The Secretary of State may by regulations make provision modifying the application of Schedule 7A (biodiversity gain in England) in relation to planning permission granted by a street vote development order.

61QM Interpretation

In sections 61QA to 61QL—

"an appointed person" means a person appointed in accordance with section 61QD(2)(a);

"excluded development" has the meaning given by section 61QH;

"qualifying group" has the meaning given by section 61QB;

"relevant council" has the meaning given by section 61QB(3);

"street area" has the meaning given by section 61QC;

"street vote development order" has the meaning given by section 61QA(2);

"street vote proposal" has the meaning given by section 61QD(2)(a)(i);

"SVDO regulations" has the meaning given by section 61QD(1).**]**

[F242[F243England: consultation] before applying for planning permission [F244or permission in principle]

Textual Amendments

F242 Ss. 61W-61Y and cross-heading inserted (15.11.2011 for specified purposes, 17.12.2013 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 122(1)**, 240(5)(l) (with ss. 122(3), 144) (as amended (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 122**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(h)); S.I. 2013/2931, art. 2

F243 Words in s. 61W cross-heading substituted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 17(5)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 2(a) (with art. 6)

F244 Words in s. 61W cross-heading inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 3**; S.I. 2016/733, reg. 3(d)

61W [F245England: requirement] to carry out pre-application consultation

(1) Where—

(a) a person proposes to make an application for planning permission **[**F246, or permission in principle,**]** for the development of any land in England, and

(b) the proposed development is of a description specified in a development order,

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the person must carry out consultation on the proposed application in accordance with subsections (2) and (3).

(2) The person must publicise the proposed application in such manner as the person reasonably considers is likely to bring the proposed application to the attention of a majority of the persons who live at, or otherwise occupy, premises in the vicinity of the land.

(3) The person must consult each specified person about the proposed application.

(4) Publicity under subsection (2) must—

(a) set out how the person ("P") may be contacted by persons wishing to comment on, or collaborate with P on the design of, the proposed development, and

(b) give such information about the proposed timetable for the consultation as is sufficient to ensure that persons wishing to comment on the proposed development may do so in good time.

(5) In subsection (3) "specified person" means a person specified in, or of a description specified in, a development order.

(6) Subsection (1) does not apply—

(a) if the proposed application is an application under section **[**F247293A**][**F247293B**]**, or

(b) in cases specified in a development order.

(7) A person subject to the duty imposed by subsection (1) must, in complying with that subsection, have regard to the advice (if any) given by the local planning authority about local good practice.

Textual Amendments

F245 Words in s. 61W title substituted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 17(4)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 2(a) (with art. 6)

F246 Words in s. 61W(1)(a) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 4**; S.I. 2016/733, reg. 3(d)

F247 Word in s. 61W(6)(a) substituted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 10 para. 2** (with s. 247); S.I. 2025/430, reg. 2(b)

Modifications etc. (not altering text)

C105 S. 61W applied (with modifications) by S.I. 2017/402, art. 5C (as inserted (E.) (1.6.2018) by The Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (S.I. 2017/1309), arts. 1, **4**)

61X Duty to take account of responses to consultation

(1) Subsection (2) applies where a person—

(a) has been required by section 61W(1) to carry out consultation on a proposed application for planning permission **[**F248or permission in principle**]**, and

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(b) proposes to go ahead with making an application for planning permission **[**[F248]or permission in principle**]** (whether or not in the same terms as the proposed application).

(2) The person must, when deciding whether the application that the person is actually to make should be in the same terms as the proposed application, have regard to any responses to the consultation that the person has received.

Textual Amendments

F248 Words in s. 61X(1)(a)(b) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 5**; S.I. 2016/733, reg. 3(d)

61Y Power to make supplementary provision

(1) A development order may make provision about, or in connection with, consultation which section 61W(1) requires a person to carry out on a proposed application for planning permission **[**[F249]or permission in principle**]**.

(2) The provision that may be made under subsection (1) includes (in particular)—

(a) provision about, or in connection with, publicising the proposed application;

(b) provision about, or in connection with, the ways of responding to the publicity;

(c) provision about, or in connection with, consultation under section 61W(3);

(d) provision about, or in connection with, collaboration between the person and others on the design of the proposed development;

(e) provision as to the timetable (including deadlines) for—

(i) compliance with section 61W(1),

(ii) responding to publicity under section 61W(2), or

(iii) responding to consultation under section 61W(3);

(f) provision for the person to prepare a statement setting out how the person proposes to comply with section 61W(1);

(g) provision for the person to comply with section 61W(1) in accordance with a statement required by provision under paragraph (f).

(3) Provision under subsection (1) may be different for different cases.**]**

Textual Amendments

F249 Words in s. 61Y(1) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 6**; S.I. 2016/733, reg. 3(d)

[F250 Wales: pre-application procedure

Textual Amendments

F250 S. 61Z and cross-heading inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 17(2)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 2(a) (with art. 6)

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61Z Wales: requirement to carry out pre-application consultation

(1) This section applies where—

(a) a person (the "applicant") proposes to make an application for planning permission for the development of land within the area of a local planning authority in Wales, and

(b) the proposed development is development of a description specified in a development order.

(2) The applicant must carry out consultation on the proposed application in accordance with subsections (3) and (4).

(3) The applicant must publicise the proposed application in such manner as the applicant reasonably considers likely to bring it to the attention of a majority of the persons who own or occupy premises in the vicinity of the land.

(4) The applicant must consult each specified person about the proposed application.

(5) Publicity under subsection (3) must—

(a) set out how the applicant may be contacted by persons wishing to comment on the proposed development;

(b) give such information about the proposed timetable for the consultation as is sufficient to ensure that persons wishing to comment on the proposed development may do so in good time.

(6) For the purposes of subsection (4), a specified person is a person specified in, or a person of a description specified in, a development order.

(7) Subsection (2) does not apply—

(a) if the proposed application is an application under section 293A, or

(b) in cases specified in a development order.

(8) A development order may make provision about, or in connection with, consultation required to be carried out under this section (including by way of publicising an application under subsection (3)).

(9) That provision may include —

(a) provision about how the consultation is to be carried out (including about the form and content of documents, and information and other materials that are to be provided to a person for the purposes of, or in connection with, the consultation);

(b) provision about responding to the consultation (including provision requiring a person consulted to respond to the consultation, or to respond to the consultation in a particular way, or to respond within a particular time);

(c) provision about the timetable (including deadlines) for consultation;

(d) provision for a person consulted by virtue of subsection (4) to make a report to the Welsh Ministers about the person's compliance with any requirement imposed by virtue of paragraph (b) or (c) (including provision as to the form and content of the report and the time at which it is to be made).**]**

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[F251 61Z1 Wales: pre-application services

(1) The Welsh Ministers may by regulations make provision for and in connection with the provision of pre-application services by a local planning authority in Wales or the Welsh Ministers.

(2) Regulations under this section may, in particular, make provision—

(a) about circumstances in which pre-application services are required to be provided (including provision about the form and content of requests for pre-application services, and information that is to accompany a request);

(b) about the nature of the services required to be provided, and when and how they are to be provided;

(c) for information and documents relating to services provided under the regulations, or relating to requests for such services, to be published or otherwise made available to the public, or to persons specified in the regulations, by a local planning authority or the Welsh Ministers;

(d) about other steps required to be taken by any person in connection with, or for the purposes of, the provision of services under the regulations.

(3) References in this section and section 61Z2 to pre-application services are to services provided to a person, in respect of a qualifying application proposed to be made by the person in respect of the development of land in Wales, for the purpose of assisting the person in making the application.

(4) A "qualifying application" is an application, under or by virtue of this Part, that is of a description specified in regulations made by the Welsh Ministers.

Textual Amendments

F251 Ss. 61Z1, 61Z2 inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 18**, 58(2)(b)(4)(b); S.I. 2016/52, art. 2(a)

61Z2 Pre-application services: records and statement of services

(1) The Welsh Ministers may by regulations make provision requiring—

(a) records to be kept of requests for pre-application services;

(b) records to be kept of pre-application services provided;

(c) a statement, giving information about the range of pre-application services provided by an authority or the Welsh Ministers, to be prepared and published or otherwise made available.

(2) The regulations may, in particular, include provision about—

(a) the form and content of the records to be kept;

(b) the form and content of the statement;

(c) the way in which records are to be kept;

(d) the publication of the statement and the persons to whom, and circumstances in which, it is to be made available.

F252(3) . . . . . .]

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Textual Amendments

F251 Ss. 61Z1, 61Z2 inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 18**, 58(2)(b)(4)(b); S.I. 2016/52, art. 2(a)

F252 S. 61Z2(3) omitted (26.12.2023) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), **ss. 130(3)(a)**, 255(3)(a) (with s. 247)

Applications for planning permission ***[****F253****or permission in principle]***

Textual Amendments

F253 Words in s. 62 cross-heading inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 7**; S.I. 2016/733, reg. 3(d)

[F255**62 Applications for planning permission [**F254**or permission in principle].**

(1) A development order may make provision as to applications for planning permission **[**F256**or permission in principle]** made to a local planning authority.

(2) Provision referred to in subsection (1) includes provision as to—

(a) the form and manner in which the application must be made;

(b) particulars of such matters as are to be included in the application;

(c) documents or other materials as are to accompany the application.

[F257**(2A) In subsections (1) and (2) references to applications for planning permission include references to [**F258**—**

[F259**(za) applications for any consent, agreement or approval required by a condition under section 61C(1)(b),]**

(a) applications for consent, agreement or approval as mentioned in section 61DB(2), **[**F260**and]**

(b)] applications for approval under section 61L(2) **[**F261**, and**

(c) applications for consent, agreement or approval where that consent, agreement or approval is required by a condition or limitation imposed under section 61QI(1).**]]**

(3) The local planning authority may require that an application for planning permission must include—

(a) such particulars as they think necessary;

(b) such evidence in support of anything in or relating to the application as they think necessary.

(4) But a requirement under subsection (3) must not be inconsistent with provision made under subsection (1).

[F262**(4A) Also, a requirement under subsection (3) in respect of an application** F263**...—**

(a) must be reasonable having regard, in particular, to the nature and scale of the proposed development; and

(b) may require particulars of, or evidence about, a matter only if it is reasonable to think that the matter will be a material consideration in the determination of the application.**]**

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(5) A development order must require that an application for planning permission of such description as is specified in the order must be accompanied by such of the following as is so specified—

(a) a statement about the design principles and concepts that have been applied to the development;

(b) a statement about how issues relating to access to the development have been dealt with.

(6) The form and content of a statement mentioned in subsection (5) is such as is required by the development order.**]**

[F264(7) In subsection (8) "a relevant application" means the application for planning permission **[**F265or permission in principle**]** in a case where a person—

(a) has been required by section 61W(1) to carry out consultation on a proposed application for planning permission **[**F266or permission in principle**]**, and

(b) is going ahead with making an application for planning permission **[**F266or permission in principle**]** (whether or not in the same terms as the proposed application).

(8) A development order must require that a relevant application be accompanied by particulars of—

(a) how the person complied with section 61W(1),

(b) any responses to the consultation that were received by the person, and

(c) the account taken of those responses.**]**

[F267(9) In subsection (10), a "relevant Welsh application" means an application for planning permission, in a case where a person—

(a) has been required by section 61Z to carry out consultation on a proposed application for planning permission for the development of land, and

(b) is going ahead with making an application for planning permission for the development (whether or not in the same terms as the proposed application).

(10) A development order must require a relevant Welsh application to be accompanied by a report (the "pre-application consultation report") giving particulars of—

(a) how the applicant complied with section 61Z;

(b) any responses to the consultation received from persons consulted under section 61Z(3) or (4);

(c) the account taken of those responses.

(11) A development order may make provision about the form and content of the pre-application consultation report.**]**

Textual Amendments

F254 Words in s. 62 heading inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 8(2)**; S.I. 2016/733, reg. 3(d)

F255 S. 62 substituted (6.8.2004 for certain purposes, 10.8.2006 for E. and 30.6.2007 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 42(1)**, 121 (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1061, **art. 3** (with art. 4) (as amended by S.I. 2010/321, **art. 3**); S.I. 2007/1369, **art. 2** (with art. 3) (as amended by S.I. 2010/321, **art. 4**)

F256 Words in s. 62(1) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 8(2)**; S.I. 2016/733, reg. 3(d)

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F257 S. 62(2A) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2)(5)(j), **Sch. 12 para. 5**; S.I. 2012/57, **art. 4(1)(h)** (with arts. 6, 7, 9-11); S.I. 2012/628, **art. 8(a)** (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, **4**)

F258 Words in s. 62(2A) inserted (12.2.2015 for specified purposes, otherwise prosp.) by Infrastructure Act 2015 (c. 7), s. 57(5)(d), **Sch. 4 para. 6**

F259 S. 62(2A)(za) inserted (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 124(2)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(i)

F260 Word in s. 62(2A)(a) omitted (31.1.2024 for specified purposes) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 9 para. 1(6)(a)** (with s. 247); S.I. 2024/92, reg. 2(q)

F261 S. 62(2A)(c) and word inserted (31.1.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 9 para. 1(6)(b)** (with s. 247); S.I. 2024/92, reg. 2(q)

F262 S. 62(4A) inserted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 6**, 35(1); S.I. 2013/1488, art. 3(c)

F263 Words in s. 62(4A) omitted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by virtue of Planning (Wales) Act 2015 (anaw 4), **ss. 28**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(a) (with art. 8)

F264 S. 62(7)(8) inserted (temp.) (15.11.2011 for specified purposes, 17.12.2013 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 122(2)**, 240(5)(l) (with ss. 122(3), 144); S.I. 2013/2931, **art. 2** (This amendment is extended (21.10.2020) and now ceases to have effect on 15.12.2025 by virtue of The Town and Country Planning (Pre-application Consultation) Order 2020 (S.I. 2020/1051), arts. 1, **2**)

F265 Words in s. 62(7) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 8(3)(a)**; S.I. 2016/733, reg. 3(d)

F266 Words in s. 62(7)(a)(b) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 8(3)(b)**; S.I. 2016/733, reg. 3(d)

F267 S. 62(9)-(11) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 17(3)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 2(a) (with art. 6)

Modifications etc. (not altering text)

C106 S. 62(1) applied (with modifications) (W.) (1.3.2016) by The Developments of National Significance (Wales) Regulations 2016 (S.I. 2016/56), reg. 1(2), **Sch. 7 para. 1(1)(a)** (with regs. 1(3), 47)

C107 S. 62(1) applied (with modifications) (W.) (1.3.2016) by The Developments of National Significance (Application of Enactments) (Wales) Order 2016 (S.I. 2016/54), arts. 1, **3(1)(a)**

C108 S. 62(3) applied (with modifications) (W.) (1.3.2016) by The Developments of National Significance (Wales) Regulations 2016 (S.I. 2016/56), reg. 1(2), **Sch. 7 para. 1(1)(b)** (with regs. 1(3), 47)

C109 S. 62(3) applied (with modifications) (W.) (1.3.2016) by The Developments of National Significance (Application of Enactments) (Wales) Order 2016 (S.I. 2016/54), arts. 1, **3(1)(b)**

I[F268] Wales: appeal against notice that application is not valid

Textual Amendments

F268 Ss. 62ZA-62ZD and cross-heading inserted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 29(2)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(a) (with art. 9)

62ZA Wales: notice that application is not valid

(1) This section applies where an application is made to a local planning authority in Wales—

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(a) for planning permission, or

(b) for any consent, agreement or approval required by any condition or limitation subject to which planning permission has been granted.

(2) In the case of an application for planning permission, if the authority think the application (or anything accompanying it) does not comply with a validation requirement imposed under section 62, they must give the applicant notice to that effect.

(3) The notice must—

(a) identify the requirement in question, and

(b) set out the authority's reasons for thinking the application does not comply with it.

(4) In the case of an application for a consent, agreement or approval mentioned in subsection (1)(b), the authority must give notice to the applicant if they think that—

(a) the application does not comply with the terms of the planning permission in question, or

(b) a period prescribed under section 74(1)(e) or 78(2) does not begin to run in relation to the application,

by virtue of a failure to include information in the application or to provide documents or other materials with it (whether at all or in a particular manner).

(5) The notice must identify—

(a) the information, documents or materials in question, and

(b) the paragraph of subsection (4) which the authority think applies.

(6) A development order may make provision about the giving of notice under this section (including provision about information to be included in the notice and how and when the notice is to be given).

(7) A requirement imposed under section 62 is a validation requirement in relation to an application for planning permission if the effect of the application failing to comply with the requirement is that—

(a) the local planning authority must not entertain the application (see section 327A), or

(b) the period prescribed under section 78(2) does not begin to run in relation to the application.

62ZB Right to appeal to Welsh Ministers against notice

(1) If a local planning authority give an applicant notice under section 62ZA, the applicant may appeal to the Welsh Ministers.

(2) In a case relating to an application for planning permission, the appeal may be brought on any one or more of the following grounds—

(a) that the application complies with the requirement identified in the notice given under section 62ZA(2);

(b) that the application is not one to which the requirement applies;

(c) that the requirement is not a validation requirement in relation to the application;

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(d) in the case of a requirement imposed under subsection (3) of section 62, that the requirement does not comply with subsection (4A) of that section.

(3) In a case relating to an application for a consent, agreement or approval mentioned in section 62ZA(1)(b), the appeal may be brought on any one or more of the following grounds—

(a) that the application included the information, or was accompanied by the documents or other materials, identified in the notice given under section 62ZA(4);

(b) in a case where notice is given under section 62ZA(4)(a), that the provision of the information, documents or materials is not required in order to comply with the terms of the planning permission;

(c) in a case where notice is given under section 62ZA(4)(b), that the period prescribed under section 74(1)(e) or 78(2) (as the case may be) begins to run in relation to the application irrespective of whether the information, documents or materials are provided.

(4) The appeal must be made by giving notice that complies with any requirements prescribed by a development order.

(5) The requirements may relate to how and when the notice is to be given and the information that is to accompany it.

(6) The appeal is to be determined on the basis of representations in writing.

(7) The Welsh Ministers must either—

(a) dismiss the appeal, or

(b) quash or vary the notice to which it relates.

(8) The Welsh Ministers' decision on the appeal is final.

62ZC Appeals under section 62ZB: determination by appointed person

(1) Unless a direction otherwise is given under section 62ZD(1), an appeal under section 62ZB is to be determined by a person appointed by the Welsh Ministers.

(2) In this section and section 62ZD, "appointed person" means a person appointed under subsection (1).

(3) At any time before an appointed person determines an appeal, the Welsh Ministers may—

(a) revoke the person's appointment, and

(b) appoint another person under subsection (1) to determine the appeal.

(4) An appointed person has the same powers and duties in relation to an appeal as the Welsh Ministers have under sections 62ZB(7) and 322C and under any regulations made under section 323A.

(5) An appointed person's decision on an appeal is to be treated as the decision of the Welsh Ministers.

(6) The validity of an appointed person's decision on an appeal may not be questioned by the appellant or the local planning authority in legal proceedings on the ground that the appeal ought to have been determined by the Welsh Ministers and not by an appointed

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person, unless the appellant or the authority challenge the appointed person's power to determine the appeal before the person's decision is given.

62ZD Appeals under section 62ZB: determination by Welsh Ministers in place of appointed person

(1) The Welsh Ministers may direct that an appeal under section 62ZB which would otherwise be determined by an appointed person is instead to be determined by the Welsh Ministers.

(2) The Welsh Ministers must serve a copy of the direction on—

(a) the person (if any) appointed to determine the appeal,

(b) the appellant, and

(c) the local planning authority.

(3) In determining the appeal, the Welsh Ministers may take into account any report made to them by a person previously appointed to determine the appeal.

(4) The Welsh Ministers may by a further direction revoke a direction under subsection (1) at any time before the appeal is determined.

(5) The Welsh Ministers must serve a copy of a direction under subsection (4) on—

(a) the person (if any) previously appointed to determine the appeal,

(b) the appellant, and

(c) the local planning authority.

(6) Where the Welsh Ministers give a direction under subsection (4)—

(a) they must appoint a person (the "new appointee") under section 62ZC(1) to determine the appeal;

(b) anything done by or on behalf of the Welsh Ministers in connection with the appeal that might have been done by an appointed person is, unless the new appointee directs otherwise, to be treated as having been done by the new appointee;

(c) subject to that, section 62ZC applies to the appeal as if no direction under subsection (1) had been given.**]**

[**F269 England: option to make application directly to Secretary of State**]

Textual Amendments

F269 S. 62A cross-heading inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 4**; S.I. 2016/52, art. 3(e)

[F270 62A When application may be made directly to Secretary of State

(1) A relevant application that would otherwise have to be made to the local planning authority may (if the applicant so chooses) be made instead to the Secretary of State if the following conditions are met at the time it is made—

[F271 (a) the local planning authority concerned is designated by the Secretary of State for applications of a description specified in the designation; and

(b) the application falls within that description.**]**

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[Only prescribed descriptions of application may be specified in a designation under F272(1A) subsection (1).**]**

[F273(2) In this section "relevant application" means—

(a) an application for planning permission, or permission in principle, for the development of land in England, or

(b) an application for approval of a matter that, as defined by section 92, is a reserved matter in the case of an outline planning permission for the development of land in England,

but does not include an application of the kind described in section 73(1) or an application of a description excluded by regulations.**]**

(3) Where a relevant application is made to the Secretary of State under this section, an application under the planning Acts—

(a) that is—

(i) an application for listed building consent F274... under the Planning (Listed Buildings and Conservation Areas) Act 1990, F275...

[an application for hazardous substances consent under the Planning F276(ia) (Hazardous Substances) Act 1990, or**]**

(ii) an application of a description prescribed by the Secretary of State,

(b) that is considered by the person making the application to be connected with the relevant application,

(c) that would otherwise have to be made to the local planning authority or hazardous substances authority,

(d) that is neither a relevant application nor an application of the kind described in section 73(1), and

(e) that relates to land in England,

may (if the person so chooses) be made instead to the Secretary of State.

(4) If an application ("the connected application") is made to the Secretary of State under subsection (3) but the Secretary of State considers that it is not connected with the relevant application concerned, the Secretary of State may—

(a) refer the connected application to the local planning authority, or hazardous substances authority, to whom it would otherwise have been made; and

(b) direct that the connected application—

(i) is to be treated as having been made to that authority (and not to the Secretary of State under this section), and

(ii) is to be determined by that authority accordingly.

(5) The decision of the Secretary of State on an application made to the Secretary of State under this section shall be final.

(6) The Secretary of State may give directions requiring a local planning authority or hazardous substances authority to do things in relation to an application made to the Secretary of State under this section that would otherwise have been made to the authority; and directions under this subsection—

(a) may relate to a particular application or to applications more generally; and

(b) may be given to a particular authority or to authorities more generally.

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Textual Amendments

F270 Ss. 62A-62C inserted (9.5.2013 for E. for specified purposes, 1.10.2013 except in relation to s. 62A(3)(4), 25.4.2013, 1.10.2014 in so far as not already in force) by Growth and Infrastructure Act 2013 (c. 27), **ss. 1(1)**, 35(2); S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2

F271 S. 62A(1)(a)(b) substituted (12.7.2016) by Housing and Planning Act 2016 (c. 22), **ss. 153(1)**, 216(2)(c)

F272 S. 62A(1A) inserted (12.7.2016) by Housing and Planning Act 2016 (c. 22), **ss. 153(2)**, 216(2)(c)

F273 S. 62A(2) substituted (12.7.2016) by Housing and Planning Act 2016 (c. 22), **ss. 153(3)**, 216(2)(c)

F274 Words in s. 62A(3)(a)(i) omitted (12.7.2016) by virtue of Housing and Planning Act 2016 (c. 22), **ss. 153(4)**, 216(2)(c)

F275 Word in s. 62A(3)(a)(i) omitted (31.1.2024) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), **ss. 129(a)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 2(g)

F276 S. 62A(3)(a)(ia) inserted (31.1.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 129(b)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 2(g)

62B Designation for the purposes of section 62A

(1) An authority may be designated for the purposes of section 62A only if—

(a) the criteria that are to be applied in deciding whether to designate the authority are set out in a document to which subsection (2) applies,

(b) by reference to those criteria, the Secretary of State considers that there are respects in which the authority are not adequately performing their function of determining applications under this Part, and

(c) the criteria that are to be applied in deciding whether to revoke a designation are set out in a document to which subsection (2) applies.

[A document to which subsection (2) applies may set out different criteria for each F277(1A) description of application prescribed under section 62A(1A).**]**

(2) This subsection applies to a document if—

(a) the document has been laid before Parliament by the Secretary of State,

(b) the 40-day period for the document has ended without either House of Parliament having during that period resolved not to approve the document, and

(c) the document has been published (whether before, during or after the 40-day period for it) by the Secretary of State in such manner as the Secretary of State thinks fit.

(3) In this section "the 40-day period" for a document is the period of 40 days beginning with the day on which the document is laid before Parliament (or, if it is not laid before each House of Parliament on the same day, the later of the two days on which it is laid).

(4) In calculating the 40-day period for a document, no account is to be taken of any period during which—

(a) Parliament is dissolved or prorogued, or

(b) both Houses of Parliament are adjourned for more than four days.

(5) None of the following may be designated for the purposes of section 62A—

(a) the Homes and Communities Agency;

(b) the Mayor of London;

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(c) a Mayoral development corporation;

[[F278](ca) a development corporation established under section 3 of the New Towns Act 1981;**]**

(d) an urban development corporation.

(6) The Secretary of State must publish (in such manner as the Secretary of State thinks fit)—

(a) any designation of an authority for the purposes of section 62A, and

(b) any revocation of such a designation.

Textual Amendments

F270 Ss. 62A-62C inserted (9.5.2013 for E. for specified purposes, 1.10.2013 except in relation to s. 62A(3)(4), 25.4.2013, 1.10.2014 in so far as not already in force) by Growth and Infrastructure Act 2013 (c. 27), **ss. 1(1)**, 35(2); S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2

F277 S. 62B(1A) inserted (12.7.2016) by Housing and Planning Act 2016 (c. 22), **ss. 153(5)**, 216(2)(c)

F278 S. 62B(5)(ca) inserted (14.4.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 17 para. 2(5)** (with s. 247); S.I. 2026/168, reg. 2(g)

62C Notifying parish councils of applications under section 62A(1)

(1) If an application is made to the Secretary of State under section 62A(1) and a parish council would be entitled under paragraph 8 of Schedule 1 to be notified of the application were it made to the local planning authority, the Secretary of State must notify the council of—

(a) the application, and

(b) any alteration to the application accepted by the Secretary of State.

(2) Paragraph 8(4) and (5) of Schedule 1 apply in relation to duties of the Secretary of State under subsection (1) as they apply to duties of a local planning authority under paragraph 8(1) **[**[F279]or (3B)**]** of that Schedule.

(3) An authority designated for the purposes of section 62A must comply with requests from the Secretary of State for details of requests received by the authority under paragraph 8(1) of Schedule 1 **[**[F280]or notifications received by the authority under paragraph 8(3C) or (3D) of that Schedule**].]**

Textual Amendments

F270 Ss. 62A-62C inserted (9.5.2013 for E. for specified purposes, 1.10.2013 except in relation to s. 62A(3)(4), 25.4.2013, 1.10.2014 in so far as not already in force) by Growth and Infrastructure Act 2013 (c. 27), **ss. 1(1)**, 35(2); S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2

F279 Words in s. 62C(2) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by Neighbourhood Planning Act 2017 (c. 20), **ss. 2(11)**, 46(3); S.I. 2018/38, reg. 3(a)

F280 Words in s. 62C(3) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by Neighbourhood Planning Act 2017 (c. 20), **ss. 2(12)**, 46(3); S.I. 2018/38, reg. 3(a)

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[F281] *Wales: developments of national significance*

Textual Amendments

F281 Ss. 62D-62L omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(3)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

62D Developments of national significance: applications to be made to Welsh Ministers

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[F281] 62E Notification of proposed application under section 62D

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[F281] 62F Developments of national significance: secondary consents

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[F281] 62G Developments of national significance: supplementary provision about secondary consents

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[F281] 62H Developments of national significance: meaning of secondary consent

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[F281] 62I Requirement to submit local impact report

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[F281] 62J Duty to have regard to local impact report

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[F281] 62K Local impact report: supplementary

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62L Timetable for determining applications

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***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F282 Wales: option to make application to Welsh Ministers

Textual Amendments

F282 Ss. 62M-62O and cross-heading inserted (6.9.2015 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), **ss. 23**, 58(2)(b)(4)(b)

62M Option to make application directly to Welsh Ministers

(1) If the following conditions are met, a qualifying application that would otherwise have to be made to the local planning authority may (if the applicant so chooses) instead be made to the Welsh Ministers.

(2) The first condition is that the local planning authority is designated by the Welsh Ministers for the purposes of this section.

(3) The second condition is that—

(a) the development to which the application relates, in the case of a qualifying application within subsection (4)(a), or

(b) the development for which the outline planning permission has been granted, in the case of a qualifying application within subsection (4)(b),

is development of a description prescribed by regulations made by the Welsh Ministers.

(4) A qualifying application, for the purposes of this section, is—

(a) an application for planning permission for the development of land in Wales[F283]...;

(b) an application for approval of a matter that, for the purposes of section 92, is a reserved matter in the case of an outline planning permission for the development of land in Wales.

(5) But an application within subsection (6) that would otherwise be a qualifying application for the purposes of this section is not to be treated as such unless it is an application of a description prescribed in regulations made by the Welsh Ministers.

(6) An application is within this subsection if it is an application for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

Textual Amendments

F283 Words in s. 62M(4)(a) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(4)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

62N Designation for the purposes of section 62M

(1) In deciding whether to designate a local planning authority for the purposes of section 62M, or whether to revoke a designation, the Welsh Ministers must apply only criteria that satisfy the following conditions.

(2) The first condition is that the Welsh Ministers have consulted each local planning authority in Wales about the criteria.

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(3) The second condition is that the criteria are set out in a document that the Welsh Ministers have laid before the National Assembly for Wales.

(4) The third condition is that the 21-day period has ended without the National Assembly having during that period resolved not to approve the document.

(5) The fourth condition is that the Welsh Ministers have published the document (whether before, during or after the 21-day period) in whatever way they think fit.

(6) In this section, "the 21-day period" means the period of 21 days beginning with the day on which the document is laid before the National Assembly for Wales under subsection (3), disregarding any time when the National Assembly is dissolved or is in recess for more than four days.

(7) The power to designate a local planning authority for the purposes of section 62M, or to revoke a designation, is exercisable by notice in writing to the authority.

(8) The Welsh Ministers must publish (in whatever way they think fit) a copy of any notice given to an authority under subsection (7).

(9) An urban development corporation may not be designated for the purposes of section 62M.

62O Option to make application to Welsh Ministers: connected applications

(1) This section applies where an application (the "principal application") is made to the Welsh Ministers under section 62M.

(2) A connected application that would otherwise have to be made to the local planning authority or hazardous substances authority may (if the applicant so chooses) instead be made to the Welsh Ministers, provided that it is made on the same day as the principal application.

(3) A connected application, for this purpose, is an application under the planning Acts that—

(a) relates to land in Wales,

(b) is an application of a description prescribed by regulations made by the Welsh Ministers, and

(c) is considered by the person making it to be connected to the principal application.

(4) Subsection (5) applies if an application is made to the Welsh Ministers under this section, on the basis that it is a connected application, instead of to a local planning authority or hazardous substances authority, but the Welsh Ministers consider—

(a) that the application is not connected to the principal application, or

(b) that, although the application is connected to the principal application, the decision on the application should not be made by the Welsh Ministers.

(5) The Welsh Ministers must refer the application to the local planning authority or hazardous substances authority.

(6) An application referred to an authority under subsection (5)—

(a) is to be treated as from the date of its referral as being an application made to the authority concerned (instead of an application made to the Welsh Ministers), and

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(b) is to be determined by the authority accordingly.

(7) A development order may make provision about the referral of applications under subsection (5) (including provision about what constitutes the referral of an application for the purposes of subsection (6)).**]**

[F284 Applications made to Welsh Ministers: general

Textual Amendments

F284 Ss. 62P, 62Q and cross-heading inserted (W.) (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), **ss. 24**, 58(2)(b)(4)(b); S.I. 2016/52, **art. 3(a)**

62P Applications to the Welsh Ministers: supplementary

(1) A decision of the Welsh Ministers on an application made to them under section F285... 62M or 62O is final.

(2) The Welsh Ministers may give directions requiring a local planning authority to do things in relation to an application made to the Welsh Ministers under section F286... 62M that would otherwise have been made to the authority.

(3) The Welsh Ministers may give directions requiring a local planning authority or hazardous substances authority to do things in relation to an application made to the Welsh Ministers under section 62O that would otherwise have been made to the authority.

(4) Directions given under this section—

(a) may relate to a particular application or description of application, or to applications generally;

(b) may be given to a particular authority or description of authority, or to authorities generally.

(5) The power to give directions under this section includes power to vary or revoke the directions.

Textual Amendments

F285 Word in s. 62P(1) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(5)(a)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F286 Words in s. 62P(2) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(5)(b)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

62Q Notifying community councils of applications made to Welsh Ministers

(1) This section applies if—

(a) an application is made to the Welsh Ministers under section F287... 62M or 62O, and

(b) a community council would be entitled under paragraph 2 of Schedule 1A to be notified of the application (requirement to notify community council of certain planning applications).

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(2) The Welsh Ministers (instead of the local planning authority) must notify the community council of the application, as specified in paragraph 2(4) of Schedule 1A.

(3) The relevant local planning authority must comply with any request made by the Welsh Ministers for the purposes of this section to supply information to them about requests received by the authority under paragraph 2(1) of Schedule 1A.

(4) The "relevant local planning authority", for this purpose, is—

(a) in the case of an application under section [F288]... section 62M, the local planning authority to which (but for **[**[F289]that section**]**) the application would have been made;

(b) in the case of an application under section [F290]... 62O which (but for **[**[F291]that section**]**) would have been made to a local planning authority, that authority.**]**

Textual Amendments

F287 Words in s. 62Q(1)(a) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(6)(a)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F288 Words in s. 62Q(4)(a) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(6)(b)(i)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F289 Words in s. 62Q(4)(a) substituted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(6)(b)(ii)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F290 Words in s. 62Q(4)(b) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(6)(c)(i)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F291 Words in s. 62Q(4)(b) substituted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(6)(c)(ii)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

[[F292]62R Power to make provision by development order in respect of applications to Welsh Ministers

(1) A development order may make provision for regulating the manner in which an application for planning permission made to the Welsh Ministers under section [F293]... 62F, 62M or 62O, or an application for approval made to the Welsh Ministers under section [F294]... 62M or 62O, is to be dealt with by the Welsh Ministers.

(2) That provision may include provision about—

(a) consultation to be carried out by the Welsh Ministers;

(b) the variation of an application.**]**

Textual Amendments

F292 S. 62R inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), **ss. 25**, 58(2)(b)(4)(b); S.I. 2016/52, art. 3(a)

F293 Word in s. 62R(1) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(7)(a)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F294 Words in s. 62R(1) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(7)(b)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

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[F295 62S Exercise of functions by appointed person

Schedule 4D has effect with respect to the exercise of functions by appointed persons in connection with F296... applications made to the Welsh Ministers [F297 under section 62M or 62O].]

Textual Amendments

F295 S. 62S inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), **ss. 26(1)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 3(a)

F296 Words in s. 62S omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(8)(a)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F297 Words in s. 62S inserted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(8)(b)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F298 63 . . . . . .

Textual Amendments

F298 S. 63 repealed (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 11, **Sch. 19**, Pt.I (with s. 84(5)); S.I. 1991/2905, art.3, **Sch. 1** (subject to art. 5)

F299 64 . . . . . .

Textual Amendments

F299 S. 64 repealed (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 12, **Sch. 19**, Pt.I (with s. 84(5)); S.I. 1992/1630, art. 2, Schs. 1, **2** (with art. 3(1))

Publicity for applications

[F301 65 Notice etc. of applications for planning permission [F300 or permission in principle].

(1) A development order may make provision requiring—

(a) notice to be given of any application for planning permission [F302 or permission in principle], and

(b) any applicant for such permission to issue a certificate as to the interests in the land to which the application relates or the purpose for which it is used,

and provide for publicising such applications and for the form, content and service of such notices and certificates.

(2) Provision shall be made by a development order for the purpose of securing that, in the case of any application for planning permission, any person (other than the applicant) who on such date as may be prescribed by the order is an owner of the land to which the application relates, or [F303 an agricultural tenant of that land], is given notice of the application in such manner as may be required by the order.

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(3) A development order may require an applicant for planning permission **[**F304or permission in principle**]** to certify, in such form as may be prescribed by the order, or to provide evidence, that any requirements of the order have been satisfied.

F305(3A) **[** In subsections (1) and (3) references to **[**F306—

(a) any application for consent, agreement or approval as mentioned in section 61DB(2) or any applicant for such consent, agreement or approval, **[**F307and**]**

(b)**]** any application for planning permission or any applicant for such permission include references to any application for approval under section 61L(2) or any applicant for such approval **[**F308, and

(c) any application for consent, agreement or approval where that consent, agreement or approval is required by a condition or limitation imposed under section 61QI(1) or any applicant for such consent, agreement or approval.**]]**

(4) A development order making any provision by virtue of this section may make different provision for different cases or different classes of development.

(5) A local planning authority shall not entertain an application for planning permission **[**F309or permission in principle**]** unless any requirements imposed by virtue of this section have been satisfied.

(6) If any person—

(a) issues a certificate which purports to comply with any requirement imposed by virtue of this section and contains a statement which he knows to be false or misleading in a material particular; or

(b) recklessly issues a certificate which purports to comply with any such requirement and contains a statement which is false or misleading in a material particular,

he shall be guilty of an offence.

(7) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(8) In this section—

[F310"agricultural tenant", in relation to any land, means any person who—

(a) is the tenant, under a tenancy in relation to which the Agricultural Holdings Act 1986 applies, of an agricultural holding within the meaning of that Act any part of which is comprised in that land; or

(b) is the tenant, under a farm business tenancy (within the meaning of the Agricultural Tenancies Act 1995), of land any part of which is comprised in that land;**]**

"owner" in relation to any land means any person who—

(a) is the estate owner in respect of the fee simple;

(b) is entitled to a tenancy granted or extended for a term of years certain of which not less than seven years remain unexpired; or

(c) in the case of such applications as may be prescribed by a development order, is entitled to an interest in any mineral so prescribed,

and the reference to the interests in the land to which an application for planning permission **[**F311or permission in principle**]** relates includes any interest in any mineral in, on or under the land.

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(9) Notwithstanding section 127 of the [M36]Magistrates' Courts Act 1980, a magistrates' court may try an information in respect of an offence under this section whenever laid.**]**

Textual Amendments

F300 Words in s. 65 heading inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 9**; S.I. 2016/733, reg. 3(d)

F301 S. 65 substituted for ss. 65-68 (25.11.1991 for certain purposes and otherwise 17.7.1992) by Planning and Compensation Act 1991 (c. 34), **s. 16(1)** (with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1992/1491, **art. 2**

F302 Words in s. 65(1)(a) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 9**; S.I. 2016/733, reg. 3(d)

F303 Words in s. 65(2) substituted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 35(2)** (with s. 37)

F304 Words in s. 65(3) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 9**; S.I. 2016/733, reg. 3(d)

F305 S. 65(3A) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 6**; S.I. 2012/57, **art. 4(1)(h)** (with arts. 6, 7, 9-11); S.I. 2012/628, **art. 8(a)** (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, **4**); S.I. 2012/2029, arts. 2, **3(a)** (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, **art. 4**)

F306 Words in s. 65(3A) inserted (12.2.2015 for specified purposes, otherwise prosp.) by Infrastructure Act 2015 (c. 7), s. 57(5)(d), **Sch. 4 para. 7**

F307 Word in s. 65(3A)(a) omitted (31.1.2024 for specified purposes) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 9 para. 1(7)(a)** (with s. 247); S.I. 2024/92, reg. 2(q)

F308 S. 65(3A)(c) and word inserted (31.1.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 9 para. 1(7)(b)** (with s. 247); S.I. 2024/92, reg. 2(q)

F309 Words in s. 65(5) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 9**; S.I. 2016/733, reg. 3(d)

F310 Definition of "agricultural tenant" substituted (1.9.1995) for definition of "agricultural holding" in s. 65(8) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 35(3)** (with s. 37)

F311 Words in s. 65(8) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 9**; S.I. 2016/733, reg. 3(d)

Modifications etc. (not altering text)

C110 S. 65 applied (1.11.1995) by 1995 c. 25, s. 96(1), **Sch. 13 para. 7(5)(a)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**
S. 65 applied (1.11.1995) by 1995 c. 25, s. 96(1), **Sch. 13 para. 9(3)(a)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**
S. 65 extended (1.11.1995) by 1995 c. 25, s. 96(1), **Sch. 13 para. 9(5)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**
S. 65 applied (1.11.1995) by 1995 c. 25, s. 96(1), **Sch. 14 para. 6(3)(a)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**

C111 S. 65(5) applied (with modifications) (W.) (1.3.2016) by The Developments of National Significance (Application of Enactments) (Wales) Order 2016 (S.I. 2016/54), arts. 1, **3(1)(c)**

C112 S. 65(5) applied (with modifications) (W.) (1.3.2016) by The Developments of National Significance (Wales) Regulations 2016 (S.I. 2016/56), reg. 1(2), **Sch. 7 para. 1(1)(c)** (with regs. 1(3), 47)

C113 S. 65(6) extended (1.11.1995) by 1995 c. 25, s. 96(1), **Sch. 13 para. 7(5)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**
S. 65(6) extended (1.11.1995) by 1995 c. 25, s. 96(1), **Sch. 13 para. 9(3)** (with ss. 54(5)(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/2765, **art. 2**
S. 65(6) extended (1.11.1995) by 1995 c. 25, s. 96(1), **Sch. 14 para. 6(3)** (with ss. 54(5)(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/2765, **art. 2**

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Marginal Citations

M36 1980 c. 43.

66 Notification of applications to owners and agricultural tenants.

(1) Without prejudice to section 65, a local planning authority shall not entertain any application for planning permission unless it is accompanied by one of the following certificates signed by or on behalf of the applicant—

(a) a certificate stating that, at the beginning of the period of 21 days ending with the date of the application, no person (other than the applicant) was the owner of any of the land to which the application relates;

(b) a certificate stating that the applicant has given the requisite notice of the application to all the persons (other than himself) who at the beginning of that period were owners of any of the land to which the application relates, and setting out—

(i) the names of those persons,

(ii) the addresses at which notice of the application was given to them respectively, and

(iii) the date of service of each such notice;

(c) a certificate stating—

(i) that the applicant is unable to issue a certificate in accordance with paragraph (a) or (b),

(ii) that he has given the requisite notice of the application to such one or more of the persons mentioned in paragraph (b) as are specified in the certificate (setting out their names, the addresses at which notice of the application was given to them respectively, and the date of the service of each such notice), and

(iii) that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the remainder of those persons but has been unable to do so;

(d) a certificate stating—

(i) that the applicant is unable to issue a certificate in accordance with paragraph (a), and

(ii) that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the persons mentioned in paragraph (b) but has been unable to do so.

(2) Any such certificate as is mentioned in paragraph (c) or (d) of subsection (1) must also contain a statement that the requisite notice of the application, as set out in the certificate, has on a date specified in the certificate been published in a local newspaper circulating in the locality in which the land in question is situated.

(3) The date specified in a certificate under subsection (2) must not be earlier than the beginning of the period mentioned in subsection (1)(a).

(4) In addition to any other matters required to be contained in a certificate issued for the purposes of this section, every such certificate must contain a statement —

(a) that none of the land to which the application relates constitutes or forms part of an agricultural holding; or

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(b) that the applicant has given the requisite notice of the application to every person (other than himself) who, at the beginning of the period mentioned in subsection (1)(a), was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates.

(5) Such a statement as is mentioned in subsection (4)(b) must set out—

(a) the name of each person to whom the applicant has given notice of the application,

(b) the address at which notice was given to him, and

(c) the date of service of that notice.

(6) Where an application for planning permission is accompanied by such a certificate as is mentioned in subsection (1)(b),(c) or (d), or by a certificate containing a statement in accordance with subsections (4)(b) and (5), the local planning authority shall not determine the application before the end of the period of 21 days beginning with the date appearing from the certificate to be the latest of the dates of service of notices as mentioned in the certificate, or, if later, the date of publication of a notice as mentioned in the certificate.

(7) In this section—

" owner ", in relation to any land, means a person who for the time being is—

(a) the estate owner in respect of the fee simple in the land, or

(b) entitled to a tenancy of the land granted or extended for a term of years certain of which not less than seven years remain unexpired; and

" agricultural holding " has the same meaning as in the Agricultural Holdings Act 1986.

67 Notification of applications for planning permission for mineral working.

(1) In the case of applications for planning permission for development consisting of the winning and working of minerals section 66 shall have effect with the following modifications.

(2) Subsection (1) of that section and the following provisions of this section shall have effect as if any person entitled to an interest in a relevant mineral in any of the land to which the application relates were an owner of the land.

(3) In the case of an application for planning permission for development consisting of the winning and working of minerals by underground mining operations, the local planning authority may entertain the application if, instead of being accompanied by any of the certificates mentioned in subsection (1) of that section, it is accompanied by a certificate signed by or on behalf of the applicant—

(a) stating that he has given the requisite notice of the application to such one or more of the persons specified in the certificate who, at the beginning of the period of 21 days ending with the date of the application, were owners (within the meaning of section 66) of any of the land to which the application relates or entitled to an interest in a relevant mineral in that land;

(b) setting out the names of those persons, the addresses at which notice of the application was given to them respectively and the date of service of each such notice;

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(c) stating that there is no such person as is mentioned in paragraph (a) whom the applicant knows to be such a person and whose name and address is known to the applicant but to whom he has not given the requisite notice of the application; and

(d) stating that he has complied with subsection (7) and when he did so.

(4) In this section " relevant mineral " means any mineral other than oil, gas, coal, gold or silver.

(5) Any such certificate as is mentioned in subsection (3) must also contain a statement that the requisite notice of the application, as set out in the certificate, has on a date specified in it been published in a local newspaper circulating in the locality in which the land in question is situated.

(6) The date specified under subsection (5) must not be earlier than the beginning of the period mentioned in paragraph (a) of subsection (3).

(7) In order to comply with this subsection the applicant must—

(a) post the requisite notice of the application, sited and displayed in such a way as to be easily visible and legible by members of the public, in at least one place in every parish or community within which there is situated any part of the land to which the application relates; and

(b) leave the notice in position for not less than seven days in the period of 21 days immediately preceding the making of the application to the local planning authority.

(8) The applicant shall not be treated as unable to comply with subsection (7) if the notice is, without any fault or intention of his, removed, obscured or defaced before the seven days referred to in subsection (7)(b) have elapsed, if he has taken reasonable steps for its protection and, if need be, replacement.

(9) If the applicant has cause to rely on subsection (8), his certificate under subsection (3) shall state the relevant circumstances.

(10) The notice required by subsection (7) shall (in addition to any other matters required to be contained in it) name a place within the area of the local planning authority to whom the application is made where a copy of the application for planning permission, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during such period as may be specified in the notice (which must not be less than 21 days beginning with the date on which the notice is first posted).

(11) Subsections (4), (5) and (6) of section 66 shall apply in relation to certificates under subsection (3) as they apply to certificates under subsection (1)(b) of that section but as if at the end of subsection (6) there were added the words "or, if later, the latest of the dates on which a notice was posted as mentioned in subsection (7)(a) of section 67".

68 Further provisions as to certificates under sections 65 to 67.

(1) If any person—

(a) issues a certificate which purports to comply with the requirements of subsection (2)(b) of section 65 or of section 66 or 67 and contains a statement which he knows to be false or misleading in a material particular, or

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(b) recklessly issues a certificate which purports to comply with those requirements and contains a statement which is false or misleading in a material particular,

he shall be guilty of an offence.

(2) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) Any certificate issued for the purpose of section 65, 66 or 67 shall be in such form as may be prescribed by a development order for a certificate under that section.

(4) Any reference in any provision of section 66 or 67 to the requisite notice, where a form of notice is prescribed by a development order for the purposes of that provision, is a reference to a notice in that form.

[F315 69 Register of applications etc

(1) The local planning authority must keep a register containing such information as is prescribed as to—

(a) applications for planning permission;

[F316(aza) applications for permission in principle;]

[F317(aa) applications for non-material changes to planning permission under section 96A;]

F318(b) . . . . . .

(c) local development orders;

[F319(cza) Mayoral development orders;]

[F320(czb) street vote development orders or proposals for such orders;]

[F321(ca) neighbourhood planning matters;]

(d) simplified planning zone schemes;

[F322(e) applications for approval of biodiversity gain plans under Part 2 of Schedule 7A;]

[F323(f) development progress reports under section 90B;]

[F324(g) commencement notices under section 93G.]

(2) The register must contain—

(a) information as to the manner in which applications mentioned in subsection (1)(a) [F325[F326and (aa)]][F325, (aa) [F327, (aza) and (e)]] and requests mentioned in subsection (1)(b) have been dealt with;

(b) such information as is prescribed with respect to any local development order [F328, [F329Mayoral development order,][F330street vote development order or proposal for such an order,] neighbourhood planning matter] or simplified planning zone scheme in relation to the authority's area;

[F331(c) such information as is prescribed with respect to development progress reports under section 90B that are provided to the local planning authority;]

[F332(d) such information as is prescribed with respect to commencement notices under section 93G that are given to the local planning authority.]

[F333(2A) For the purposes of subsections (1) and (2) "neighbourhood planning matters" means—

(a) neighbourhood development orders;

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(b) neighbourhood development plans (made under section 38A of the Planning and Compulsory Purchase Act 2004); and

(c) proposals for such orders or plans.**]**

(3) A development order may require the register to be kept in two or more parts.

(4) Each part must contain such information as is prescribed relating to the matters mentioned in subsection (1)(a) **[**F334, (aa)**][**F335, (aza)**]** and (b).

(5) A development order may also make provision—

(a) for a specified part of the register to contain copies of applications or requests and of any other documents or material submitted with them;

(b) for the entry relating to an application or request (and everything relating to it) to be removed from that part of the register when the application (including any appeal arising out of it) or the request (as the case may be) has been finally disposed of.

(6) Provision made under subsection (5)(b) does not prevent the inclusion of a different entry relating to the application or request in another part of the register.

(7) The register must be kept in such manner as is prescribed.

(8) The register must be kept available for inspection by the public at all reasonable hours.

(9) Anything prescribed under this section must be prescribed by development order.**]**

Textual Amendments

F315 S. 69 substituted (6.8.2004 for certain purposes and otherwise 22.2.2010) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 121, **Sch. 6 para. 3** (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2010/321, **art. 2**

F316 S. 69(1)(aza) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 10**; S.I. 2016/733, reg. 3(d)

F317 S. 69(1)(aa) inserted (6.4.2010) by Planning Act 2008 (c. 29), **ss. 190(4)(a)**, 241 (with s. 226); S.I. 2010/566, **art. 3(b)**

F318 S. 69(1)(b) repealed (6.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 18**; S.I. 2012/628, art. 8(e) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

F319 S. 69(1)(cza) inserted (12.2.2015 for specified purposes, otherwise prosp.) by Infrastructure Act 2015 (c. 7), s. 57(5)(d), **Sch. 4 para. 8(2)**

F320 S. 69(1)(czb) inserted (31.1.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 9 para. 1(8)(a)** (with s. 247); S.I. 2024/92, reg. 2(q)

F321 S. 69(1)(ca) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2)(5)(j), **Sch. 12 para. 7(2)**; S.I. 2012/57, **art. 4(1)(h)** (with arts. 6, 7, 9-11); S.I. 2012/628, **art. 8(a)** (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, **4**)

F322 S. 69(1)(e) inserted (12.2.2024) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 14 para. 3(3)(a)** (with s. 144); S.I. 2024/44, reg. 2(1)(e) (with reg. 4)

F323 S. 69(1)(f) inserted (26.12.2023 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 114(4)(a)**, 255(3) (with s. 247)

F324 S. 69(1)(g) inserted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 111(4)(a)**, 255(3)(b) (with s. 247); S.I. 2024/389, reg. 2(g)

F325 Words in s. 69(2) substituted (E.) (27.3.2017) by The Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 (S.I. 2017/276), regs. 1, **3(2)(a)**

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F326 Words in s. 69(2)(a) inserted (6.4.2010) by Planning Act 2008 (c. 29), **ss. 190(4)(b)**, 241 (with s. 226); S.I. 2010/566, **art. 3(b)**

F327 Words in s. 69(2)(a) substituted (12.2.2024) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 14 para. 3(3)(b)** (with s. 144); S.I. 2024/44, reg. 2(1)(e) (with reg. 4)

F328 Words in s. 69(2)(b) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2)(5)(j), **Sch. 12 para. 7(3)**; S.I. 2012/57, **art. 4(1)(h)** (with arts. 6, 7, 9-11); S.I. 2012/628, **art. 8(a)** (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, **4**)

F329 Words in s. 69(2)(b) inserted (12.2.2015 for specified purposes, otherwise prosp.) by Infrastructure Act 2015 (c. 7), s. 57(5)(d), **Sch. 4 para. 8(3)**

F330 Words in s. 69(2)(b) inserted (31.1.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 9 para. 1(8)(b)** (with s. 247); S.I. 2024/92, reg. 2(q)

F331 S. 69(2)(c) inserted (26.12.2023 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 114(4)(b)**, 255(3) (with s. 247)

F332 S. 69(2)(d) inserted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 111(4)(b)**, 255(3)(b) (with s. 247); S.I. 2024/389, reg. 2(g)

F333 S. 69(2A) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2)(5)(j), **Sch. 12 para. 7(4)**; S.I. 2012/57, **art. 4(1)(h)** (with arts. 6, 7, 9-11); S.I. 2012/628, **art. 8(a)** (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, **4**)

F334 Words in s. 69(4) inserted (6.4.2010) by Planning Act 2008 (c. 29), **ss. 190(4)(c)**, 241 (with s. 226); S.I. 2010/566, **art. 3(b)**

F335 Words in s. 69(4) inserted (E.) (27.3.2017) by The Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 (S.I. 2017/276), regs. 1, **3(2)(b)**

Modifications etc. (not altering text)

C114 S. 69 extended (with modifications) (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 22, **Sch. 2 para. 9(1)(2)** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)
S. 69 applied (with modifications) (2.8.1999) by S.I. 1999/1892, reg. 2(1), Sch. art. 7, **Sch. 2 Pt. I**
S. 69 applied (with modifications) (2.8.1999) by S.I. 1999/1892, reg. 2(1), Sch. art. 7, **Sch. 2 Pt. II**

C115 S. 69: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

C116 S. 69 applied (with modifications) (W.) (8.1.2010) by The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009 (S.I. 2009/3342), **reg. 47(1)**

C117 S. 69 applied (with modifications) (W.) (1.3.2016) by The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (S.I. 2016/58), reg. 1(2), **Sch. 7 para. 8(2)** (with reg. 52(2)(3), 59)

C118 S. 69 applied (with modifications) (E.) (24.8.2011) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (S.I. 2011/1824), **regs. 1(1)(2)**, 50(1)(b)

C119 S. 69 modified (E.) (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571), regs. 1(1), **55(1)(b)(i)** (with regs. 47, 70)

C120 S. 69 modified (W.) (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (S.I. 2017/567), reg. 1(2), **Sch. 8 para. 8(2)(a)** (with regs. 1(4), 55(2)(3), 63, 65)

[F336 69A The register: additional requirements in relation to England

(1) A register kept under section 69 by a local planning authority in England must (in addition to the information prescribed under that section) also contain such information as is prescribed as to—

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(a) prior approval applications made in connection with planning permission granted by a development order;

(b) the manner in which such applications have been dealt with by the authority;

(c) notifications of proposed development made in connection with planning permission granted by a development order;

(d) any actions taken by the authority following such notifications.

(2) A "prior approval application", in connection with planning permission granted by a development order, means an application made to a local planning authority for—

(a) any approval of the authority required under the order, or

(b) a determination from the authority as to whether such approval is required.

(3) A "notification of proposed development", in connection with planning permission granted by a development order, means a notification made to a local planning authority to meet a requirement under the order.

(4) The power in subsection (1)(b) to prescribe information as to the manner in which applications have been dealt with by a local planning authority includes power to prescribe information as to cases where the authority does not respond to an application.

(5) Where the register is kept in two or more parts, each part must contain such information as is prescribed relating to the matters mentioned in subsection (1)(a) and (c).

(6) A development order may also make provision—

(a) for a specified part of the register to contain copies of applications or notifications and of any documents or material submitted with them;

(b) for the entry relating to an application (and everything relating to it) to be removed from that part of the register when the application (including any appeal arising out of it) has been finally disposed of;

(c) for the entry relating to a notification (and everything relating to it) to be removed from that part of the register in such circumstances as may be prescribed.

(7) Provision under subsection (6)(b) or (c) does not prevent the inclusion of a different entry relating to the application or notification in another part of the register.

(8) Anything prescribed under this section must be prescribed by development order.

(9) A development order—

(a) may make different provision for different kinds of application or notification;

(b) may make provision which applies generally or only in relation to particular kinds of notification or application.**]**

Textual Amendments

F336 S. 69A inserted (27.4.2017) by Neighbourhood Planning Act 2017 (c. 20), **ss. 17**, 46(3)

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Determination of applications

70 Determination of applications: general considerations.

(1) Where an application is made to a local planning authority for planning permission—

F337(a) subject to F338[F339... [F340 paragraph 13 of Schedule 7A] and] sections [F34190B,] 91 and 92, they may grant planning permission, either unconditionally or subject to such conditions as they think fit; or

F337(b) they may refuse planning permission.

[F342(1A) Where an application is made to a local planning authority for permission in principle—

(a) they may grant permission in principle; or

(b) they may refuse permission in principle.]

(2) In dealing with [F343an application for planning permission or permission in principle] the authority shall have regard [F344to—

(a) the provisions of the development plan, so far as material to the application,

[F345(aza) a post-examination draft neighbourhood development plan, so far as material to the application,]

[F346(aa) any considerations relating to the use of the Welsh language, so far as material to the application;]

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.]

[F347(2ZZA) The authority must determine an application for technical details consent in accordance with the relevant permission in principle.

This is subject to subsection (2ZZC).

(2ZZB) An application for technical details consent is an application for planning permission that—

(a) relates to land in respect of which permission in principle is in force,

(b) proposes development all of which falls within the terms of the permission in principle, and

(c) particularises all matters necessary to enable planning permission to be granted without any reservations of the kind referred to in section 92.

(2ZZC) Subsection (2ZZA) does not apply where—

(a) the permission in principle has been in force for longer than a prescribed period, and

(b) there has been a material change of circumstances since the permission came into force.

"Prescribed" means prescribed for the purposes of this subsection in a development order.]

[F348(2ZA) Subsection (2)(aa) applies only in relation to Wales.]

[F349(2A) [F350Subsections (1A), (2)(b) and (2ZZA) to (2ZZC) do not] apply in relation to Wales.]

(3) Subsection (1) has effect subject to [F351section 65] and to the following provisions of this Act, to sections 66, 67, 72 and 73 of the M38Planning (Listed Buildings and

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Conservation Areas) Act 1990 **[**F352, to section 160 of the Historic Environment (Wales) Act 2023**]** and to section 15 of the M39Health Services Act 1976.

[F353(3B) For the purposes of subsection (2)(aza) (but subject to subsections (3D) and (3E)) a draft neighbourhood development plan is a "post-examination draft neighbourhood development plan" if—

(a) a local planning authority have made a decision under paragraph 12(4) of Schedule 4B with the effect that a referendum or referendums are to be held on the draft plan under that Schedule,

(b) the Secretary of State has directed under paragraph 13B(2)(a) of that Schedule that a referendum or referendums are to be held on the draft plan under that Schedule,

(c) an examiner has recommended under paragraph 13(2)(a) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (examination of modified plan) that a local planning authority should make the draft plan, or

(d) an examiner has recommended under paragraph 13(2)(b) of that Schedule that a local planning authority should make the draft plan with modifications.

(3C) In the application of subsection (2)(aza) in relation to a post-examination draft neighbourhood development plan within subsection (3B)(d), the local planning authority must take the plan into account as it would be if modified in accordance with the recommendations.

(3D) A draft neighbourhood development plan within subsection (3B)(a) or (b) ceases to be a post-examination draft neighbourhood development plan for the purposes of subsection (2)(aza) if—

(a) section 38A(4)(a) (duty to make plan) or (6) (cases in which duty does not apply) of the Planning and Compulsory Purchase Act 2004 applies in relation to the plan,

(b) section 38A(5) (power to make plan) of that Act applies in relation to the plan and the plan is made by the local planning authority,

(c) section 38A(5) of that Act applies in relation to the plan and the local planning authority decide not to make the plan,

(d) a single referendum is held on the plan and half or fewer of those voting in the referendum vote in favour of the plan, or

(e) two referendums are held on the plan and half or fewer of those voting in each of the referendums vote in favour of the plan.

(3E) A draft neighbourhood development plan within subsection (3B)(c) or (d) ceases to be a post-examination draft neighbourhood development plan for the purposes of subsection (2)(aza) if—

(a) the local planning authority make the draft plan (with or without modifications), or

(b) the local planning authority decide not to make the draft plan.

(3F) The references in subsection (3B) to Schedule 4B are to that Schedule as applied to neighbourhood development plans by section 38A(3) of the Planning and Compulsory Purchase Act 2004.**]**

[F354(4) In this section—

"local finance consideration" means—

(a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or

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(b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy;

"Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975;

"relevant authority" means—

(a) a district council;

(b) a county council in England;

(c) the Mayor of London;

(d) the council of a London borough;

(e) a Mayoral development corporation;

(ea) **[**[F355]a development corporation established under section 3 of the New Towns Act 1981;**]**

(f) an urban development corporation;

(g) a housing action trust;

(h) the Council of the Isles of Scilly;

(i) the Broads Authority;

(j) a National Park authority in England;

(k) the Homes and Communities Agency; or

(l) a joint committee established under **[**[F356]section 15J**]** of the Planning and Compulsory Purchase Act 2004.**]**

Textual Amendments

F337 S. 70(1)(a)(b): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

F338 Words in s. 70(1)(a) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(9)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F339 Words in s. 70(1)(a) inserted (W.) (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 5**; S.I. 2016/52, **art. 3(e)**

F340 Words in s. 70(1)(a) inserted (12.2.2024) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 14 para. 3(4)** (with s. 144); S.I. 2024/44, reg. 2(1)(e) (with reg. 4)

F341 Word in s. 70(1)(a) inserted (26.12.2023 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 114(5)**, 255(3) (with s. 247)

F342 S. 70(1A) inserted (12.7.2016) by Housing and Planning Act 2016 (c. 22), **ss. 150(3)(a)**, 216(2)(c)

F343 Words in s. 70(2) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 11(2)**; S.I. 2016/733, reg. 3(d)

F344 Words in s. 70(2) substituted (15.1.2012) by Localism Act 2011 (c. 20), **ss. 143(2)**, 240(1)(i) (with ss. 143(5), 144)

F345 S. 70(2)(aza) inserted (19.7.2017) by Neighbourhood Planning Act 2017 (c. 20), **ss. 1(2)**, 46(1); S.I. 2017/767, reg. 2(a)

F346 S. 70(2)(aa) inserted (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 31(2)**, 58(2)(b)(4)(b) (with s. 31(4)); S.I. 2015/1987, art. 3(e)

F347 S. 70(2ZZA)-(2ZZC) inserted (12.7.2016) by Housing and Planning Act 2016 (c. 22), **ss. 150(3)(b)**, 216(2)(c)

F348 S. 70(2ZA) inserted (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 31(3)**, 58(2)(b)(4)(b) (with s. 31(4)); S.I. 2015/1987, art. 3(e)

F349 S. 70(2A) inserted (15.1.2012) by Localism Act 2011 (c. 20), **ss. 143(3)**, 240(1)(i) (with ss. 143(5), 144)

F350 Words in s. 70(2A) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 11(3)**; S.I. 2016/733, reg. 3(d)

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F351 Words in s. 70(3) substituted (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para.14** (with s. 84(5)); S.I. 1992/1491, art. 2, **Sch. 1**

F352 Words in s. 70(3) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 72** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

F353 S. 70(3B)-(3F) inserted (19.7.2017) by Neighbourhood Planning Act 2017 (c. 20), **ss. 1(3)**, 46(1); S.I. 2017/767, reg. 2(a)

F354 S. 70(4) inserted (15.1.2012) by Localism Act 2011 (c. 20), **ss. 143(4)**, 240(1)(i) (with ss. 143(5), 144)

F355 Words in s. 70(4) inserted (14.4.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 17 para. 2(6)** (with s. 247); S.I. 2026/168, reg. 2(g)

F356 Words in s. 70(4) substituted (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 5** (with s. 247); S.I. 2026/169, reg. 3(f)(i) (with Sch. 1)

Modifications etc. (not altering text)

C121 S. 70 modified (1.4.1996) by 1994 c. 19, s. 20(3), **Sch. 5 Pt. III para. 19** (with ss. 54(5)(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, **art. 4**,, Sch. 2
S. 70 applied (with modifications) (2.8.1999) by S.I. 1999/1892, reg. 2(1), Sch. art. 7, **Sch. 2 Pt. I**
S. 70 applied (with modifications) (2.8.1999) by S.I. 1999/1892, reg. 2(1), Sch. art. 7, **Sch. 2 Pt. II**

C122 S. 70(1) applied (with modifications) (W.) (1.3.2016) by The Developments of National Significance (Wales) Regulations 2016 (S.I. 2016/56), reg. 1(2), **Sch. 7 para. 1(1)(d)** (with regs. 1(3), 47)

C123 S. 70(1)(2) applied (with modifications) (W.) (1.3.2016) by The Developments of National Significance (Application of Enactments) (Wales) Order 2016 (S.I. 2016/54), arts. 1, **3(1)(d)**(e)

C124 S. 70(2) applied (with modifications) (W.) (1.3.2016) by The Developments of National Significance (Wales) Regulations 2016 (S.I. 2016/56), reg. 1(2), **Sch. 7 para. 1(1)(e)** (with regs. 1(3), 47)

Marginal Citations

M38 1990 c. 9.

M39 1976 c. 83.

[F357 70A [F357 Power of local planning authority to decline to determine applications.][Power to decline to determine subsequent application.]

(1) A local planning authority may decline to determine an application for planning permission for the development of any land if—

(a) within the period of two years ending with the date on which the application is received, the [F358 Welsh Ministers have refused a similar application made to them under section F359 ... 62M or 62O, or referred to them under section 77, or have] dismissed an appeal against the refusal of a similar application; and

(b) in the opinion of the authority there has been no significant change since the refusal or, as the case may be, dismissal mentioned in paragraph (a) in the development plan, so far as material to the application, or in any other material considerations.

(2) For the purposes of this section an application for planning permission for the development of any land shall only be taken to be similar to a later application if the development and the land to which the applications relate are in the opinion of the local planning authority the same or substantially the same.

(3) The reference in subsection (1)(a) to an appeal against the refusal of an application includes an appeal under section 78(2) in respect of an application.]

[F357 (1) A local planning authority may decline to determine a relevant application if—

(a) any of the conditions in subsections (2) to (4) is satisfied, and

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(b) the authority think there has been no significant change in the relevant considerations since the relevant event.

(2) The condition is that in the period of two years ending with the date on which the application mentioned in subsection (1) is received the Secretary of State has refused a similar application **[**F360made to the Secretary of State under section 62A or**]** referred to him under section 76A or 77.

(3) The condition is that in that period the Secretary of State has dismissed an appeal—

(a) against the refusal of a similar application, or

(b) under section 78(2) in respect of a similar application.

(4) The condition is that—

(a) in that period the local planning authority have refused more than one similar application, and

(b) there has been no appeal to the Secretary of State against any such refusal **[**F361or, if there has been such an appeal, it has been withdrawn**]**.

[F362(4A) A local planning authority in England may also decline to determine a relevant application if—

(a) the condition in subsection (4B) is satisfied, and

(b) the authority think there has been no significant change in the relevant considerations since the relevant event.

(4B) The condition is that—

(a) in the period of two years ending with the date on which the application mentioned in subsection (4A) is received the Secretary of State has refused a similar application,

(b) the similar application was an application deemed to have been made by section 177(5), and

(c) the land to which the application mentioned in subsection (4A) and the similar application relate is in England.**]**

(5) A relevant application is—

(a) an application for planning permission for the development of any land;

[F363(aa) an application for permission in principle for the development of any land;**]**

(b) an application for approval in pursuance of **[**F364section 60(1A), (2)**][**F365, (2A) or (2B)**]**.

(6) The relevant considerations are—

(a) the development plan so far as material to the application;

(b) any other material considerations.

(7) The relevant event is—

(a) for the purposes of subsections (2) **[**F366, (4) and (4B)**]** the refusal of the similar application;

(b) for the purposes of subsection (3) the dismissal of the appeal.

(8) **[**F367Subject to subsection (9), an application is similar**]** to another application if (and only if) the local planning authority think that the development and the land to which the applications relate are the same or substantially the same.

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[F368(9) An application within subsection (5)(a) or (b) is not similar to an earlier application within subsection (5)(aa).**]]**

Textual Amendments

F357 Ss. 70A, 70B substituted (24.8.2005 for E. in so far as relates to s. 70A, 6.4.2009 for E. in so far as relates to s. 70B, and not in force for W.) for s. 70A by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 43(1)**, 121 (with s. 111); S.I. 2005/2081, **art. 2** (subject to savings in art. 4); S.I. 2009/384, **art. 2(a)**

F358 Words in s. 70A(1)(a) substituted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 6**; S.I. 2016/52, art. 3(e)

F359 Words in s. 70A(1)(a) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(10)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F360 Words in s. 70A(2) inserted (9.5.2013 for E. for specified purposes, 1.10.2013 for specified purposes, 1.10.2014 in so far as not already in force) by Growth and Infrastructure Act 2013 (c. 27), s. 35(1), **Sch. 1 para. 6**; S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2

F361 Words in s. 70A(4)(b) inserted (6.4.2009 for E. and otherwise prosp.) by Planning Act 2008 (c. 29), ss. 187, 241, **Sch. 7 para. 2(2)** (with s. 226); S.I. 2009/400, **art. 5**

F362 S. 70A(4A)(4B) inserted (6.4.2009) by Planning Act 2008 (c. 29), ss. 187, 241, **Sch. 7 para. 2(3)** (with s. 226); S.I. 2009/400, **art. 3**

F363 S. 70A(5)(aa) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 12(2)**; S.I. 2016/733, reg. 3(d)

F364 Words in s. 70A(5)(b) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), **ss. 152(4)**, 216(3); S.I. 2016/733, reg. 3(e)

F365 Words in s. 70A(5) inserted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 4(2)**, 35(2)

F366 Words in s. 70A(7)(a) substituted (6.4.2009) by Planning Act 2008 (c. 29), ss. 187, 241, **Sch. 7 para. 2(4)** (with s. 226); S.I. 2009/400, **art. 3**

F367 Words in s. 70A(8) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 12(3)**; S.I. 2016/733, reg. 3(d)

F368 S. 70A(9) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 12(4)**; S.I. 2016/733, reg. 3(d)

Modifications etc. (not altering text)

C125 S. 70A applied (with modifications) (6.4.1992) by S.I. 1992/666, art. 13(1)(c), Sch. 4 Pts. I, **II**
S. 70A applied (with modifications) (6.4.2007) by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (S.I. 2004/783), **reg. 14(3)**, Sch. 4 (as amended by S.I. 2007/1739, reg. 2(b))

C126 S. 70A: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

C127 S. 70A(1)(2) applied (W.) (with modifications) (1.3.2016) by The Developments of National Significance (Application of Enactments) (Wales) Order 2016 (S.I. 2016/54), arts. 1, **3(1)(f)**(g)

C128 S. 70A(1) applied (with modifications) (W.) (1.3.2016) by The Developments of National Significance (Wales) Regulations 2016 (S.I. 2016/56), reg. 1(2), **Sch. 7 para. 1(1)(f)** (with regs. 1(3), 47)

C129 S. 70A(2) applied (with modifications) (W.) (1.3.2016) by The Developments of National Significance (Wales) Regulations 2016 (S.I. 2016/56), reg. 1(2), **Sch. 7 para. 1(1)(g)** (with regs. 1(3), 47)

[F369**70B Power to decline to determine overlapping application**

(1) A local planning authority may decline to determine an application for planning permission**[**F370, or permission in principle,**]** for the development of any land which is

[made on the same day as a similar application, or

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F371(a)

(b)**]** made at a time when any of the conditions in subsections (2) to (4) applies in relation to a similar application.

(2) The condition is that a similar application is under consideration by the local planning authority and the determination period for that application has not expired.

(3) The condition is that a similar application is under consideration by the Secretary of State in pursuance of section **[**F372**62A,]** 76A or 77 or on an appeal under section 78 and the Secretary of State has not issued his decision.

(4) The condition is that a similar application—

(a) has been granted by the local planning authority,

(b) has been refused by them, or

(c) has not been determined by them within the determination period,

and the time within which an appeal could be made to the Secretary of State under section 78 has not expired.

F373**[**(4A) A local planning authority in England may also decline to determine an application for planning permission**[**F374**,** or permission in principle**,]** for the development of any land in England which is made at a time when the condition in subsection (4B) applies in relation to a similar application.

(4B) The condition is that—

(a) a similar application is under consideration by the Secretary of State,

(b) the similar application is an application deemed to have been made by section 177(5), and

(c) the Secretary of State has not issued his decision.**]**

(5) An application F375... is similar to another application if (and only if) the local planning authority think that the development and the land to which the applications relate are the same or substantially the same.

(6) The determination period is—

(a) the period prescribed by the development order for the determination of the application, or

(b) such longer period as the applicant and the authority have agreed for the determination of the application.

F376**[**(7) If a local planning authority exercise their power under subsection (1)(a) to decline to determine an application made on the same day as a similar application, they may not also exercise that power to decline to determine the similar application.**]]**

Textual Amendments

F369 Ss. 70A, 70B substituted (24.8.2005 (E.) in so far as relates to s. 70A and 6.4.2009 (E.) in so far as relates to s. 70B) for s. 70A by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 43(1)**, 121 (with s. 111); S.I. 2005/2081, **art. 2** (subject to savings in art. 4); S.I. 2009/384, **art. 2(a)**

F370 Words in s. 70B(1) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 13(2)**; S.I. 2016/733, reg. 3(d)

F371 Words in s. 70B(1) inserted (6.4.2009 for E. and otherwise prosp.) by Planning Act 2008 (c. 29), ss. 187, 241, **Sch. 7 para. 3(2)** (with s. 226); S.I. 2009/400, **art. 5**

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F372 Word in s. 70B(3) inserted (9.5.2013 for E. for specified purposes, 1.10.2013 for specified purposes, 1.10.2014 in so far as not already in force) by Growth and Infrastructure Act 2013 (c. 27), s. 35(1), **Sch. 1 para. 7**; S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2

F373 S. 70B(4A)(4B) inserted (6.4.2009) by Planning Act 2008 (c. 29), ss. 187, 241, **Sch. 7 para. 3(3)** (with s. 226); S.I. 2009/400, **art. 3**

F374 Words in s. 70B(4A) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 13(2)**; S.I. 2016/733, reg. 3(d)

F375 Words in s. 70B(5) omitted (13.7.2016) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 13(3)**; S.I. 2016/733, reg. 3(d)

F376 S. 70B(7) inserted (6.4.2009 for E. and otherwise prosp.) by Planning Act 2008 (c. 29), ss. 187, 241, **Sch. 7 para. 3(4)** (with s. 226); S.I. 2009/400, **art. 5**

[F377 70C Power to decline to determine retrospective application

(1) A local planning authority F378... may decline to determine an application for planning permission **[**F379or permission in principle**]** for the development of any land if granting planning permission for the development would involve granting, whether in relation to the whole or any part of the land to which a pre-existing enforcement notice relates, planning permission in respect of the whole or any part of the matters specified in the enforcement notice as constituting a breach of planning control.

(2) For the purposes of the operation of this section in relation to any particular application for planning permission **[**F379or permission in principle**]**, a "pre-existing enforcement notice" is an enforcement notice issued before the application was received by the local planning authority.**]**

Textual Amendments

F377 S. 70C inserted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 123(2)**, 240(2) (with s. 144); S.I. 2012/628, art. 8(b) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

F378 Words in s. 70C(1) omitted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by virtue of Planning (Wales) Act 2015 (anaw 4), **ss. 32**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(b) (with art. 11)

F379 Words in s. 70C(1)(2) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 14**; S.I. 2016/733, reg. 3(d)

[F380 70D Power to decline to determine applications in cases of earlier non-implementation etc

(1) A local planning authority in England may decline to determine an application for planning permission for the development of any land if—

(a) the development is development of a prescribed description,

(b) the application is made by—

(i) a person who has previously made an application for planning permission for development of land all or any part of which is in the local planning authority's area at the time the current application is made ("the earlier application"), or

(ii) a person who has a connection of a prescribed description with the development to which the earlier application related ("the earlier development"),

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(c) the earlier development was of a description prescribed under paragraph (a), and

(d) subsection (2) or (3) applies to the earlier development.

(2) This subsection applies to the earlier development if the earlier development has not begun.

(3) This subsection applies to the earlier development if—

(a) the earlier development has begun but has not been substantially completed, and

(b) the local planning authority is of the opinion that the carrying out of the earlier development has been unreasonably slow.

(4) In forming an opinion as to whether the carrying out of the earlier development has been unreasonably slow, the local planning authority must have regard to all the circumstances, including in particular—

(a) in a case where a commencement notice under section 93G has been given, whether the development—

(i) was begun by the date specified in the notice, and

(ii) was carried out in accordance with any timescales specified in it,

(b) whether a completion notice was served in respect of the earlier development under section 93H or (before the coming into force of section 93H) section 94 or 96 and, if so, whether the permission granted became invalid under section 93J or (as the case may be) section 95, and

(c) any prescribed circumstances.

(5) Where a person applies to a local planning authority for planning permission for development of a description prescribed under subsection (1)(a), the authority may by notice require the person to provide such information, being information of a prescribed description, as the authority may specify in the notice for the purpose of its functions under this section.

(6) If a person does not comply with a notice under subsection (5) within the period of 21 days beginning with the day on which the notice was served, the local planning authority may decline to determine the application.

(7) If a person to whom a notice under subsection (5) is given—

(a) makes a statement purporting to comply with the notice which the person knows to be false or misleading in a material particular, or

(b) recklessly makes such a statement which is false or misleading in a material particular,

the person is guilty of an offence.

(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine.

(9) Subsection (1) does not permit a local planning authority to decline to determine an application for planning permission to which section 73, 73A or 73B applies.**]**

Textual Amendments

F380 S. 70D inserted (26.12.2023 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 113(2)**, 255(3) (with s. 247)

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71 Consultations in connection with determinations under s. 70.

[F381(1) A development order may provide that a local planning authority shall not determine an application for planning permission **[**F382or permission in principle**]** before the end of such period as may be prescribed.

(2) A development order may require a local planning authority—

(a) to take into account in determining such an application such representations, made within such period, as may be prescribed; and

(b) to give to any person whose representations have been taken into account such notice as may be prescribed of their decision.

F383(2ZA) **[** In subsections (1) and (2) references to **[**F384—

(a) an application for consent, agreement or approval as mentioned in section 61DB(2), **[**F385and**]**

(b)**]** an application for planning permission include references to an application for approval under section 61L(2) **[**F386, and

(c) an application for consent, agreement or approval where that consent, agreement or approval is required by a condition or limitation imposed under section 61QI(1).**]]**

(2A) A development order making any provision by virtue of this section may make different provision for different cases or different classes of development.**]**

(3) Before a local planning authority grant planning permission for the use of land as a caravan site, they shall, unless they are also the authority with power to issue a site licence for that land, consult the local authority with that power.

[F387(3A) Subsection (3) does not apply in relation to planning permission granted by **[**F388a Mayoral development order or**]** a neighbourhood development order.**]**

(4) In this section—

[F389"prescribed" means prescribed by a development order **]**

"site licence" means a licence under Part 1 of the M40Caravan Sites and Control of Development Act 1960 authorising the use of land as a caravan site **[**F390or under Part 2 of the Mobile Homes (Wales) Act 2013 authorising the use of the land as a site for mobile homes (within the meaning of that Act)**]**.

Textual Amendments

F381 S. 71(1)(2)(2A) substituted for s. 71(1)(2) (25.11.1991 for certain purposes and otherwise 17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 16(2)** (with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1992/1491, **art. 2**

F382 Words in s. 71(1) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 15**; S.I. 2016/733, reg. 3(d)

F383 S. 71(2ZA) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 8(2)**; S.I. 2012/57, **art. 4(1)(h)** (with arts. 6, 7, 9-11); S.I. 2012/628, **art. 8(a)** (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, **4**); S.I. 2012/2029, arts. 2, **3(a)** (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, **art. 4**)

F384 Words in s. 71(2ZA) inserted (12.2.2015 for specified purposes, otherwise prosp.) by Infrastructure Act 2015 (c. 7), s. 57(5)(d), **Sch. 4 para. 9(2)**

F385 Word in s. 71(2ZA)(a) omitted (31.1.2024 for specified purposes) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 9 para. 1(9)(a)** (with s. 247); S.I. 2024/92, reg. 2(q)

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F386 S. 71(2ZA)(c) and word inserted (31.1.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 9 para. 1(9)(b)** (with s. 247); S.I. 2024/92, reg. 2(q)

F387 S. 71(3A) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 8(3)**; S.I. 2012/57, **art. 4(1)(h)** (with arts. 6, 7, 9-11); S.I. 2012/628, **art. 8(a)** (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, **4**); S.I. 2012/2029, arts. 2, **3(a)** (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, **art. 4**)

F388 Words in s. 71(3A) inserted (12.2.2015 for specified purposes, otherwise prosp.) by Infrastructure Act 2015 (c. 7), s. 57(5)(d), **Sch. 4 para. 9(3)**

F389 S. 71(4) definition of "prescribed" substituted (17.7.1992) for definitions of "agricultural holding" and "owner" by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para.15** (with s. 84(5)); S.I. 1992/1491, **art. 2**

F390 Words in s. 71(4) inserted (5.11.2013) by Mobile Homes (Wales) Act 2013 (anaw 6), s. 64(1), **Sch. 4 para. 6(2)** (with Sch. 5 para. 7) (this amendment is to be treated as not having effect until 1.10.2014 by virtue of S.I. 2014/11, **art. 3(2)**)

Modifications etc. (not altering text)

C130 S. 71(1) applied (with modifications) (W.) (1.3.2016) by The Developments of National Significance (Wales) Regulations 2016 (S.I. 2016/56), reg. 1(2), **Sch. 7 para. 1(1)(h)** (with regs. 1(3), 47)

C131 S. 71(1)(2) applied (with modifications) (W.) (1.3.2016) by The Developments of National Significance (Application of Enactments) (Wales) Order 2016 (S.I. 2016/54), arts. 1, **3(1)(h)(i)**

C132 S. 71(2) applied (with modifications) (W.) (1.3.2016) by The Developments of National Significance (Wales) Regulations 2016 (S.I. 2016/56), reg. 1(2), **Sch. 7 para. 1(1)(i)** (with regs. 1(3), 47)

Marginal Citations

M40 1960 c. 62.

[F391 71ZA Decision notices: Wales

(1) A development order may include provision as to—

(a) the form of decision notices,

(b) the manner in which decision notices are to be given, and

(c) the particulars to be contained in decision notices.

(2) A decision notice must specify any plans or other documents in accordance with which the development to which it relates is to be carried out.

(3) Where the decision notice relating to a development specifies any plans or other documents in accordance with which the development is to be carried out, the planning permission relating to the development is deemed to be granted subject to the condition that the development must be carried out in accordance with those plans or other documents.

(4) Subsection (5) applies where, after planning permission is granted in respect of a development in Wales—

(a) a local planning authority or the Welsh Ministers give any consent, agreement or approval required by any condition or limitation subject to which the planning permission was granted, or

(b) such a condition or limitation is imposed, removed or altered.

(5) The local planning authority must give a revised version of the decision notice to such persons as may be specified by a development order.

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(6) The revised version of the notice must contain such details relating to the giving of the consent, agreement or approval, or to the imposition, removal or alteration of the limitation or condition, as may be specified by a development order.

(7) In this section "decision notice" means a notice of a decision to grant planning permission in respect of a development in Wales.**]**

Textual Amendments

F391 S. 71ZA inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 33(2)**, 58(2)(b)(4)(b); S.I. 2016/52, arts. 3(b), 5(b) (with art. 12)

[F392 71ZB Notification of initiation of development and display of notice: Wales

(1) Before beginning any development to which a relevant planning permission relates, a person must give to the local planning authority notice—

(a) stating the date on which the development is to begin;

(b) giving details of the planning permission and of such other matters as may be specified by a development order.

(2) A person carrying out development to which a relevant planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of a decision to grant it.

(3) A notice under subsection (1) must be in the form specified by a development order; and a copy of a notice to grant planning permission displayed under subsection (2) must be in a form specified by, and must be displayed in accordance with, such an order.

(4) A notice of a decision to grant a relevant planning permission must set out the duties imposed by subsections (1) to (3).

(5) A relevant planning permission is deemed to be granted subject to the condition that the duties imposed by subsections (1) to (3) must be complied with.

(6) For the purposes of this section a relevant planning permission is a planning permission of a description specified by a development order for the development of land in Wales.**]**

Textual Amendments

F392 S. 71ZB inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 34**, 58(2)(b)(4)(b); S.I. 2016/52, arts. 3(b), 5(b) (with art. 12)

F393 71A Assessment of environmental effects.

. . . . . .

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Textual Amendments

F393 S. 71A omitted (26.12.2023) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), **ss. 165(2)**, 255(5) (with s. 247)

72 Conditional grant of planning permission.

(1) Without prejudice to the generality of section 70(1), conditions may be imposed on the grant of planning permission under that section—

(a) for regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made) or requiring the carrying out of works on any such land, so far as appears to the local planning authority to be expedient for the purposes of or in connection with the development authorised by the permission;

(b) for requiring the removal of any buildings or works authorised by the permission, or the discontinuance of any use of land so authorised, at the end of a specified period, and the carrying out of any works required for the reinstatement of land at the end of that period.

(2) A planning permission granted subject to such a condition as is mentioned in subsection (1)(b) is in this Act referred to as "planning permission granted for a limited period".

(3) Where—

(a) planning permission is granted for development consisting of or including the carrying out of building or other operations subject to a condition that the operations shall be commenced not later than a time specified in the condition; and

(b) any building or other operations are commenced after the time so specified,

the commencement and carrying out of those operations do not constitute development for which that permission was granted.

(4) Subsection (3)(a) does not apply to a condition attached to the planning permission by or under section 91 or 92.

(5) Part I of Schedule 5 shall have effect for the purpose of making special provision with respect to the conditions which may be imposed on the grant of planning permission for development consisting of the winning and working of minerals **[**F394or involving the depositing of refuse or waste materials**]**, and subsection (2) has effect subject to paragraph 1(6)(a) of that Schedule.

[F395(6) See also section 100ZA, which makes provision about restrictions on the power to impose conditions by virtue of this section on a grant of planning permission in relation to land in England.**]**

Textual Amendments

F394 Words in s. 72(5) inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para.2** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F395 S. 72(6) inserted (1.10.2018) by Neighbourhood Planning Act 2017 (c. 20), s. 46(1), **Sch. 3 para. 3**; S.I. 2018/567, reg. 3(b)

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Modifications etc. (not altering text)

C133 S. 72: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

C134 S. 72 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **35(1)** (with arts. 37, 38, Sch. 9 para. 19)

C135 S. 72(1) applied (with modifications) (W.) (1.3.2016) by The Developments of National Significance (Wales) Regulations 2016 (S.I. 2016/56), reg. 1(2), **Sch. 7 para. 1(1)(j)** (with regs. 1(3), 47)

C136 S. 72(1) applied (with modifications) (W.) (1.3.2016) by The Developments of National Significance (Application of Enactments) (Wales) Order 2016 (S.I. 2016/54), arts. 1, **3(1)(j)**

C137 S. 72(1)(a) modified (26.11.1992) by S.I. 1992/2683, reg. 2, **Sch. para. 2**
S. 72(1)(a) modified (3.6.1995) by S.I. 1995/1139, reg. 2, **Sch. para. 1**

73 Determination of applications to develop land without compliance with conditions previously attached.

(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

[F396(2A) See also section 100ZA, which makes provision about restrictions on the power to impose conditions under subsection (2) on a grant of planning permission in relation to land in England.**]**

[F397(2B) Nothing in this section authorises the disapplication of the condition under paragraph 13 of Schedule 7A (biodiversity gain condition).

(2C) Subsection (2D) applies where—

(a) for the purposes of paragraph 13 of Schedule 7A a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"),

(b) planning permission is granted under this section, and

[F398(c) the conditions subject to which the planning permission is granted under this section—

(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and

(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.**]**

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(2D) Where this subsection applies, the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A in relation to the planning permission granted under this section.**]**

[F399(2E) Nothing in this section authorises the disapplication of the condition under section 90B (condition relating to development progress reports in England).**]**

[F400(3) Special provision may be made with respect to such applications—

(a) by regulations under section 62 as regards the form and content of the application, and

(b) by a development order as regards the procedure to be followed in connection with the application.**]**

(4) This section does not apply if the previous planning permission was granted subject to a condition as to the time within which the development to which it related was to be begun and that time has expired without the development having been begun.

[F401(5) Planning permission must not be granted under this section **[**F402for the development of land in England**]** to the extent that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which—

(a) a development must be started;

(b) an application for approval of reserved matters (within the meaning of section 92) must be made.**]**

Textual Amendments

F396 S. 73(2A) inserted (1.10.2018) by Neighbourhood Planning Act 2017 (c. 20), s. 46(1), **Sch. 3 para. 4**; S.I. 2018/567, reg. 3(b)

F397 S. 73(2B)-(2D) inserted (12.2.2024) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 14 para. 3(5)** (with s. 144); S.I. 2024/44, reg. 2(1)(e) (with reg. 4)

F398 S. 73(2C)(c) substituted (12.2.2024) by The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 (S.I. 2024/49), regs. 1(2), **7**; S.I. 2024/44, reg. 2(1)(e)

F399 S. 73(2E) inserted (26.12.2023 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 114(6)**, 255(3) (with s. 247)

F400 S. 73(3) repealed (6.8.2004 for certain purposes and otherwise prosp.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 42(2), 120, 121, **Sch. 9** (with s. 111); S.I. 2004/2097, **art. 2**

F401 S. 73(5) inserted (24.8.2005 for E and otherwise prosp.) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 51(3)**, 121 (with s. 111); S.I. 2005/2081, **art. 2** (subject to savings in art. 4)

F402 Words in s. 73(5) inserted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 35(7)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(b) (with art. 13)

Modifications etc. (not altering text)

C138 S. 73: functions of local authority not to be responsibility, of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** para. A. 2

C139 S. 73: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

C140 S. 73 applied (16.8.2012) by The Hinkley Point Harbour Empowerment Order 2012 (S.I. 2012/1914), arts. 1(1), **18(4)-(6)** (with arts. 34, 35, 37, 40)

C141 S. 73(2) applied (with modifications) (W.) (1.3.2016) by The Developments of National Significance (Wales) Regulations 2016 (S.I. 2016/56), reg. 1(2), **Sch. 7 para. 1(1)(k)** (with regs. 1(3), 47)

C142 S. 73(2) applied (with modifications) (W.) (1.3.2016) by The Developments of National Significance (Application of Enactments) (Wales) Order 2016 (S.I. 2016/54), arts. 1, **3(1)(k)**

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[F403 73A Planning permission for development already carried out.

(1) On an application made to a local planning authority, the planning permission which may be granted includes planning permission for development carried out before the date of the application.

(2) Subsection (1) applies to development carried out—

(a) without planning permission;

(b) in accordance with planning permission granted for a limited period; or

(c) without complying with some condition subject to which planning permission was granted.

(3) Planning permission for such development may be granted so as to have effect from—

(a) the date on which the development was carried out; or

(b) if it was carried out in accordance with planning permission granted for a limited period, the end of that period.**]**

Textual Amendments

F403 S. 73A inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 16(1)** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch.1** (subject to art. 5)

Modifications etc. (not altering text)

C143 S. 73A: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

C144 S. 73A applied (16.8.2012) by The Hinkley Point Harbour Empowerment Order 2012 (S.I. 2012/1914), arts. 1(1), **18(4)-(6)** (with arts. 34, 35, 37, 40)

C145 S. 73A(1) applied (with modifications) (W.) (1.3.2016) by The Developments of National Significance (Application of Enactments) (Wales) Order 2016 (S.I. 2016/54), arts. 1, **3(1)(l)**

C146 S. 73A(1) applied (with modifications) (W.) (1.3.2016) by The Developments of National Significance (Wales) Regulations 2016 (S.I. 2016/56), reg. 1(2), **Sch. 7 para. 1(1)(l)** (with regs. 1(3), 47)

74 Directions etc. as to method of dealing with applications.

(1) Provision may be made by a development order for regulating the manner in which applications for planning permission **[**F404, or permission in principle,**]** to develop land are to be dealt with by local planning authorities, and in particular—

(a) for enabling the Secretary of State to give directions restricting the grant of planning permission **[**F405or permission in principle**]** by the local planning authority, either indefinitely or during such period as may be specified in the directions, in respect of any such development, or in respect of development of any such class, as may be so specified;

(b) for authorising the local planning authority, in such cases and subject to such conditions as may be prescribed by the order or by directions given by the Secretary of State under it, to grant planning permission **[**F406, or permission in principle,**]** for development which does not accord with the provisions of the development plan;

(c) for requiring that, before planning permission **[**F407or permission in principle**]** for any development is granted or refused, local planning authorities prescribed by the order or by directions given by the Secretary of State under it shall consult with such authorities or persons as may be so prescribed;

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(d) for requiring the local planning authority to give to any applicant for planning permission **[**F408or permission in principle**]**, within such time as may be prescribed by the order, such notice as may be so prescribed as to the manner in which his application has been dealt with;

(e) for requiring the local planning authority to give any applicant for any consent, agreement or approval required by a condition imposed on a grant of planning permission notice of their decision on his application, within such time as may be so prescribed;

(f) for requiring the local planning authority to give to the Secretary of State, and to such other persons as may be prescribed by or under the order, such information as may be so prescribed with respect to applications for planning permission **[**F409or permission in principle**]** made to the authority, including information as to the manner in which any such application has been dealt with.

[F410(1ZA) In subsection (1)—

(a) in paragraph (c) the reference to planning permission for any development includes a reference to **[**F411—

(i) a consent, agreement or approval as mentioned in section 61DB(2), **[**F412and**]**

(ii)**]** an approval under section 61L(2), and

[a consent, agreement or approval where that consent, agreement F413(iii) or approval is required by a condition or limitation imposed under section 61QI(1), and**]**

(b) in paragraph (f) references to applications for planning permission include references to **[**F414—

(i) applications for consent, agreement or approval as mentioned in section 61DB(2), **[**F415and**]**

(ii)**]** applications for approvals under section 61L(2) **[**F416, and

(iii) applications for consent, agreement or approval where that consent, agreement or approval is required by a condition or limitation imposed under section 61QI(1).**]]**

[F417(1A) Provision may be made by a development order—

(a) for determining the persons to whom applications under this Act are to be sent; and

(b) for requiring persons to whom such applications are sent to send copies to other interested persons.**]**

[F418(1B) Provision may be made by a development order—

(a) for enabling the Mayor of London in prescribed circumstances, and subject to such conditions as may be prescribed, to direct the local planning authority for a **[**F419London borough—

(i) to consult with the Mayor of London before granting or refusing an application for planning permission, or permission in principle, that is an application of a prescribed description, or

(ii) to refuse**]** an application for planning permission**[**F420, or permission in principle,**]** of a prescribed description in any particular case;

(b) for prohibiting a local planning authority to which any such direction is given from implementing the direction in prescribed circumstances or during prescribed periods; and

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(c) for modifying any provision of this Act relating to an appeal against a refusal of planning permission **[**F421or permission in principle**]** (and, in particular, any such provision concerning parties or costs) in its application in relation to a refusal in compliance with **[**F422a direction given by virtue of paragraph (a)(ii).**]**

F423...

[In subsection (1B) "prescribed" means—

F424(1BA) (a) prescribed by a development order, or

(b) specified in directions made under a development order by the Secretary of State or the Mayor of London.

(1BB) Matters prescribed under subsection (1B) by a development order may be prescribed by reference to the spatial development strategy, or a **[**F425local plan, document which is or forms part of a minerals and waste plan or supplementary plan**]** (within the meaning of Part 2 of the Planning and Compulsory Purchase Act 2004), as it has effect from time to time.**]**

(1C) In determining whether to exercise any power under subsection (1B) to direct a local planning authority to refuse an application, the Mayor of London shall have regard to—

(a) the development plan, and

(b) the spatial development strategy prepared and published under Part VIII of the Greater London Authority Act 1999,

so far as material to the application.**]**

(2) Subsection (1) is subject to the provisions of F426. . . sections 67(7) and 73(1) of the M41Planning (Listed Buildings and Conservation Areas) Act 1990.

Textual Amendments

F404 Words in s. 74(1) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 17(2)(a)**; S.I. 2016/733, reg. 3(d)

F405 Words in s. 74(1)(a) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 17(2)(b)**; S.I. 2016/733, reg. 3(d)

F406 Words in s. 74(1)(b) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 17(2)(c)**; S.I. 2016/733, reg. 3(d)

F407 Words in s. 74(1)(c) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 17(2)(b)**; S.I. 2016/733, reg. 3(d)

F408 Words in s. 74(1)(d) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 17(2)(b)**; S.I. 2016/733, reg. 3(d)

F409 Words in s. 74(1)(f) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 17(2)(b)**; S.I. 2016/733, reg. 3(d)

F410 S. 74(1ZA) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 9**; S.I. 2012/57, **art. 4(1)(h)** (with arts. 6, 7, 9-11); S.I. 2012/628, **art. 8(a)** (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, **4**); S.I. 2012/2029, arts. 2, **3(a)** (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, **art. 4**)

F411 Words in s. 74(1ZA)(a) inserted (12.2.2015 for specified purposes, otherwise prosp.) by Infrastructure Act 2015 (c. 7), s. 57(5)(d), **Sch. 4 para. 10(a)**

F412 Word in s. 74(1ZA)(a)(i) omitted (31.1.2024 for specified purposes) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 9 para. 1(10)(a)(i)** (with s. 247); S.I. 2024/92, reg. 2(q)

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F413 S. 74(1ZA)(a)(iii) inserted (31.1.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 9 para. 1(10)(a)(ii)** (with s. 247); S.I. 2024/92, reg. 2(q)

F414 Words in s. 74(1ZA)(b) inserted (12.2.2015 for specified purposes, otherwise prosp.) by Infrastructure Act 2015 (c. 7), s. 57(5)(d), **Sch. 4 para. 10(b)**

F415 Word in s. 74(1ZA)(b)(i) omitted (31.1.2024 for specified purposes) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 9 para. 1(10)(b)(i)** (with s. 247); S.I. 2024/92, reg. 2(q)

F416 S. 74(1ZA)(b)(iii) and word inserted (31.1.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 9 para. 1(10)(b)(ii)** (with s. 247); S.I. 2024/92, reg. 2(q)

F417 S. 74(1A) inserted (25.11.1991 for certain purposes and otherwise 2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 19(1)** (with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1991/2905, **art. 3** (subject to art. 5)

F418 S. 74(1B)(1C) inserted (12.1.2000) by 1999 c. 29, **s. 244(9)** (with Sch. 12 para. 9(1)); S.I. 1999/3434, **art. 2**

F419 Words in s. 74(1B)(a) substituted (12.5.2016) by Housing and Planning Act 2016 (c. 22), **ss. 149(2)(a)**, 216(1)(d)

F420 Words in s. 74(1B)(a) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 17(3)(a)**; S.I. 2016/733, reg. 3(d)

F421 Words in s. 74(1B)(c) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 17(3)(b)**; S.I. 2016/733, reg. 3(d)

F422 Words in s. 74(1B)(c) substituted (12.5.2016) by Housing and Planning Act 2016 (c. 22), **ss. 149(2)(b)**, 216(1)(d)

F423 Words in s. 74(1B) omitted (12.5.2016) by virtue of Housing and Planning Act 2016 (c. 22), **ss. 149(2)(c)**, 216(1)(d)

F424 S. 74(1BA)(1BB) inserted (12.5.2016) by Housing and Planning Act 2016 (c. 22), **ss. 149(3)**, 216(1)(d)

F425 Words in s. 74(1BB) substituted (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 6** (with s. 247); S.I. 2026/169, reg. 3(f)(i) (with Sch. 1)

F426 Words in s. 74(2) repealed (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 17, **Sch. 19**, Pt. I (with s. 84(5)); S.I. 1992/1491, art. 2, Schs. 1, **2**

Modifications etc. (not altering text)

C147 S. 74(1B)(a) excluded (30.3.2006) by London Olympic Games and Paralympic Games Act 2006 (c. 12), **ss. 5(4)(a)**, 40

Marginal Citations

M41 1990 c. 9.

[F427 74A Deemed discharge of planning conditions

(1) The Secretary of State may by development order make provision for the deemed discharge of a condition to which this section applies.

(2) This section applies to a condition which—

(a) has been imposed on the grant of planning permission for the development of land in England, and

(b) requires the consent, agreement or approval of a local planning authority to any matter.

[But this section does not apply to the condition under paragraph 13 of Schedule 7A F428(2A) (biodiversity gain condition).**]**

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(3) Deemed discharge of a condition means that the local planning authority's consent, agreement or approval to any matter as required by the condition is deemed to have been given.

(4) A development order which makes provision for deemed discharge of a condition must provide that the condition is deemed to be discharged only if—

(a) a person ("the applicant") has applied to the local planning authority for the consent, agreement or approval required by the condition,

(b) the period for the authority to give notice of their decision on the application has elapsed without that notice having been given, and

(c) the applicant has taken such further steps (if any) as are prescribed under subsection (5).

(5) The Secretary of State may by development order make provision about the procedure for the deemed discharge of a planning condition and, in particular, provision—

(a) allowing or requiring steps to be taken by the applicant or the local planning authority;

(b) as to the time at which or period within which a step may or must be taken;

(c) as to the time at which the deemed discharge takes effect (including for this to be determined by the applicant, subject to such limitations as may be prescribed);

(d) for a time or period within paragraph (b) or (c) to be modified by agreement between the applicant and the local planning authority;

(e) as to the form or content of any notice which may or must be given as part of the procedure, and as to the means by which it may or must be given.

(6) The Secretary of State may by development order provide that provision for deemed discharge of a condition does not apply—

(a) in relation to a condition of a prescribed description;

(b) in relation to a condition imposed on the grant of planning permission of a prescribed description;

(c) in relation to a condition imposed on the grant of planning permission for development of a prescribed description;

(d) in other prescribed circumstances.

(7) The power in subsection (6)(d) includes power to provide that provision for deemed discharge of a condition does not apply where an applicant for planning permission and the local planning authority to whom the application is made agree, before or after planning permission is granted, that it should not apply in relation to a condition imposed on the grant of permission.

(8) The Secretary of State may by development order make provision for section 78(2) (appeals to the Secretary of State) not to apply, or to apply with modifications, where—

(a) a person has applied for the consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission,

(b) the local planning authority have not given notice to that person of their decision on the application within the period mentioned in section 78(2), and

(c) the person has taken such further steps (if any) as are prescribed to bring about the deemed discharge of the planning condition.

(9) A development order which makes provision for deemed discharge of a condition must limit the application of that provision to a condition imposed on the grant of

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planning permission following an application made after the development order comes into force.

(10) In this section—

"condition" includes a limitation;

"prescribed" means prescribed by development order made by the Secretary of State.**]**

Textual Amendments

F427 S. 74A inserted (12.2.2015) by Infrastructure Act 2015 (c. 7), **ss. 29**, 57(5)(c)

F428 S. 74A(2A) inserted (12.2.2024) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 14 para. 3(6)** (with s. 144); S.I. 2024/44, reg. 2(1)(e) (with reg. 4)

[F429 74B Conditions relating to construction working hours

(1) This section applies where—

(a) planning permission has been granted for the development of land in England, other than for the relevant development of a dwellinghouse, and

(b) a condition has been imposed on the grant of that permission which specifies the times during which construction activities may be carried out.

(2) This section also applies where—

(a) planning permission has been granted for the development of land in England, other than for the relevant development of a dwellinghouse,

(b) a condition has been imposed on the grant of that permission which requires the approval by a local planning authority of a document relating to the carrying out of the development,

(c) the authority has approved a document of that kind, and

(d) the document as approved (the "approved document") specifies the times during which construction activities may be carried out.

(3) A person with an interest in the land, or a person acting on behalf of such a person, may make an application to a local planning authority in whose area the land is situated for the condition or approved document to be modified in either or both of the ways specified in subsection (4).

(4) Those ways are—

(a) to allow construction activities to be carried out for a longer period on a particular day (which may be the whole of that day);

(b) to allow construction activities to be carried out for the whole or part of a day on which they would not otherwise be allowed to be carried out.

(5) The application must—

(a) be made in writing and sent to the local planning authority using electronic communications in such manner as the authority may specify,

(b) give sufficient information to enable the authority to identify the planning permission in respect of which it is made, and

(c) give sufficient information to enable the authority to identify the condition or approved document in respect of which it is made.

(6) The application must specify—

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(a) the date on which the application is sent,

(b) the proposed modifications to the condition or approved document,

(c) the date from which it is proposed the modifications should take effect,

(d) the date at the end of which it is proposed the modifications should cease to have effect, and

(e) the times which are specified in the condition or approved document as it has effect when the application is made as times during which construction activities may be carried out.

(7) The date specified under subsection (6)(c) must not be earlier than the end of the period of 14 days beginning with the day after that on which the application is sent to the local planning authority.

(8) The date specified under subsection (6)(d) must not be later than 1 April 2021.

(9) In this section "relevant development of a dwellinghouse" means development—

(a) of an existing dwellinghouse, or within the curtilage of an existing dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, and

(b) which does not involve a change of use of the dwellinghouse or a change in the number of dwellings in a building.

(10) For the purposes of subsection (9)—

"dwellinghouse" does not include a building containing one or more flats or a flat contained within such a building;

"flat" means a separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally.

Textual Amendments

F429 Ss. 74B-74D inserted (temp.) (28.7.2020) by virtue of Business and Planning Act 2020 (c. 16), **ss. 16(1)**, 25(3)(a) (with s. 16(6))

Modifications etc. (not altering text)

C148 S. 74B(8): power to amend conferred (28.7.2020) by Business and Planning Act 2020 (c. 16), **ss. 16(7)(a)**, 25(3)(a)

74C Effect of application under section 74B

(1) If a person makes an application in accordance with section 74B to a local planning authority, the authority may by notice in writing to the person—

(a) modify the condition or approved document in accordance with the application,

(b) refuse to modify the condition or approved document, or

(c) make a determination about any of the matters specified in subsection (2).

(2) Those matters are—

(a) the modifications to be made to the condition or approved document, so far as it relates to the times during which construction activities are permitted to be carried out,

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(b) the date from which the modifications to the condition or approved document are to take effect, and

(c) the date at the end of which the modifications to the condition or approved document are to cease to have effect.

(3) The local planning authority may make a determination under subsection (1)(c) only if the person who made the application has agreed in writing to the terms of the determination.

(4) A modification under subsection (2)(a) must not prohibit construction activities from being carried out at any time when they are permitted to be carried out under the condition or approved document as it had effect when the application was made.

(5) A date determined under subsection (2)(c) must not be later than 1 April 2021.

(6) Subsection (7) applies if the local planning authority does not give notice under subsection (1) before the end of the period of 14 days beginning with the day after that on which the application in accordance with section 74B was sent to the authority.

(7) The condition or approved document to which the application relates is deemed to have been modified in accordance with the application.

(8) If the local planning authority makes a determination under subsection (1)(c) about only some of the matters specified in subsection (2), the condition or approved document is deemed to have been modified in accordance with the application in respect of the other matters specified in subsection (2).

Textual Amendments

F429 Ss. 74B-74D inserted (temp.) (28.7.2020) by virtue of Business and Planning Act 2020 (c. 16), **ss. 16(1)**, 25(3)(a) (with s. 16(6))

Modifications etc. (not altering text)

C149 S. 74C(5): power to amend conferred (28.7.2020) by Business and Planning Act 2020 (c. 16), **ss. 16(7)(b)**, 25(3)(a)

74D Sections 74B and 74C: supplementary

(1) In sections 74B and 74C and this section—

"approved document" has the meaning given by section 74B(2)(d);

"condition" includes limitation;

"construction activities", in relation to the development of land, means activities consisting of or relating to the carrying out of the development;

"development" does not include mining operations in, on, over or under land.

(2) References in sections 74B and 74C to construction activities include references to construction activities of a particular kind.

(3) In calculating a period of 14 days for the purposes of section 74B(7) or 74C(6), no account is to be taken of a day which, apart from this subsection, would fall within that period and is—

(a) Christmas Day,

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) Good Friday, or

(c) a day which under the Banking and Financial Dealings Act 1971 is a bank holiday in England.

(4) References in sections 74B and 74C to a condition or approved document include a condition or approved document as previously modified under section 74C.

(5) A person who makes an application under section 74B is to be taken to have agreed—

(a) to the use of electronic communications for all purposes relating to the application which are capable of being carried out electronically, and

(b) that the person's address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the person's application.

(6) In discharging its functions under sections 74B and 74C, a local planning authority must have regard to guidance issued by the Secretary of State.**]**

Textual Amendments

F429 Ss. 74B-74D inserted (temp.) (28.7.2020) by virtue of Business and Planning Act 2020 (c. 16), **ss. 16(1)**, 25(3)(a) (with s. 16(6))

75 Effect of planning permission [F430or permission in principle].

(1) Without prejudice to the provisions of this Part as to the duration, revocation or modification of planning permission **[**F431or permission in principle**]**, any grant of planning permission **[**F431or permission in principle**]** to develop land shall (except in so far as the permission otherwise provides) enure for the benefit of the land and of all persons for the time being interested in it.

(2) Where planning permission is granted for the erection of a building, the grant of permission may specify the purposes for which the building may be used.

(3) If no purpose is so specified, the permission shall be construed as including permission to use the building for the purpose for which it is designed.

Textual Amendments

F430 Words in s. 75 heading inserted (E.) (27.3.2017) by The Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 (S.I. 2017/276), regs. 1, **3(3)(a)**

F431 Words in s. 75(1) inserted (E.) (27.3.2017) by The Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 (S.I. 2017/276), regs. 1, **3(3)(b)**

Modifications etc. (not altering text)

C150 S. 75 applied (with modifications) (2.8.1999) by S.I. 1999/1892, reg. 2(1), Sch. art. 7, **Sch. 2 Pt. I**
S. 75 applied (with modifications) (2.8.1999) by S.I. 1999/1892, reg. 2(1), Sch. art. 7, **Sch. 2 Pt. II**

[F432**75ZB Information about neighbourhood development plans**

(1) This section applies where—

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) a report of the kind mentioned in section 75ZA(1) recommends the grant of planning permission or permission in principle, and

(b) the proposed development is in an area for which a neighbourhood development plan (made under section 38A of the Planning and Compulsory Purchase Act 2004) is in force.

(2) The report must—

(a) set out how the plan was taken into account in making the recommendation, and

(b) identify any points of conflict between the plan and the recommendation.**]**

Textual Amendments

F432 S. 75ZB inserted (1.10.2016) by Housing and Planning Act 2016 (c. 22), **ss. 156**, 216(3); S.I. 2016/733, reg. 4(1)(g) (with reg. 4(2))

***[F433** Applications made to the Welsh Ministers: applicable provisions*

Textual Amendments

F433 S. 75A and cross-heading inserted (W.) (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 7**; S.I. 2016/52, **art. 3(e)**

75A Provisions applying for purpose of applications made to the Welsh Ministers

(1) A development order may provide for an applicable enactment or requirement—

(a) to apply, with or without modifications, to an application made to the Welsh Ministers under section **F434**... 62M or 62O, or

(b) not to apply to such an application.

(2) For this purpose an applicable enactment or requirement, in relation to an application made to the Welsh Ministers under section **F435**... 62M or 62O, is—

(a) any provision of or made under this Act, or any other enactment, relating to applications of that kind when made to the relevant authority;

(b) any requirements imposed by a development order in respect of applications of that kind when made to the relevant authority.

(3) The "relevant authority", in relation to an application made to the Welsh Ministers under section **F436**... 62M or 62O, is the authority to which, but for the section in question, the application would have been made.**]**

Textual Amendments

F434 Word in s. 75A(1)(a) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(11)(a)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F435 Word in s. 75A(2) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(11)(b)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F436 Word in s. 75A(3) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(11)(c)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

76 Duty to draw attention to certain provisions for benefit of disabled.

F437 . . . . . .

Textual Amendments

F437 S. 76 omitted (6.8.2004) by virtue of Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 121, **Sch. 6 para. 4** (with s. 111); S.I. 2004/2097, **art. 2** and said section repealed (10.8.2006 for E. and 30.6.2007 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 120, 121, **Sch. 9** (with s. 111); S.I. 2006/1061, **art. 3**; S.I. 2007/1369, **art. 2**

Secretary of State's powers as respects planning applications and decisions

[F438 76A Major infrastructure projects

(1) This section applies to—

(a) an application for planning permission;

(b) an application for the approval of a local planning authority required under a development order,

if the Secretary of State thinks that the development to which the application relates is of national or regional importance.

(2) The Secretary of State may direct that the application must be referred to him instead of being dealt with by the local planning authority.

(3) If the Secretary of State gives a direction under subsection (2) he may also direct that any application—

(a) under or for the purposes of the planning Acts, and

(b) which he thinks is connected with the application mentioned in subsection (1),

must also be referred to him instead of being dealt with by the local planning authority.

(4) If the Secretary of State gives a direction under this section—

(a) the application must be referred to him;

(b) he must appoint an inspector to consider the application.

(5) If the Secretary of State gives a direction under subsection (2) the applicant must prepare an economic impact report which must—

(a) be in such form and contain such matter as is prescribed by development order;

(b) be submitted to the Secretary of State in accordance with such provision as is so prescribed.

(6) For the purposes of subsection (5) the Secretary of State may, by development order, prescribe such requirements as to publicity and notice as he thinks appropriate.

(7) A direction under this section or section 76B may be varied or revoked by a subsequent direction.

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(8) The decision of the Secretary of State on any application referred to him under this section is final.

(9) Regional relates to a region listed in Schedule 1 to the Regional Development Agencies Act 1998 (c. 45).

(10) The following provisions of this Act apply (with any necessary modifications) to an application referred to the Secretary of State under this section as they apply to an application which falls to be determined by a local planning authority—

(a) section 70;

(b) section 72(1) and (5);

(c) section 73;

(d) section 73A.

(11) A development order may apply (with or without modifications) any requirements imposed by the order by virtue of section 65 or 71 to an application referred to the Secretary of State under this section.

(12) This section does not apply to an application which relates to the development of land in Wales.

Textual Amendments

F438 Ss. 76A, 76B inserted (6.8.2004 for certain purposes, 24.8.2005 for E. and otherwise prosp.) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 44**, 121; S.I. 2004/2097, **art. 2**; S.I. 2005/2081, **art. 2** (subject to savings in art. 4)

76B Major infrastructure projects: inspectors

(1) This section applies if the Secretary of State appoints an inspector under section 76A(4)(b) (the lead inspector).

(2) The Secretary of State may direct the lead inspector—

(a) to consider such matters relating to the application as are prescribed;

(b) to make recommendations to the Secretary of State on those matters.

(3) After considering any recommendations of the lead inspector the Secretary of State may—

(a) appoint such number of additional inspectors as he thinks appropriate;

(b) direct that each of the additional inspectors must consider such matters relating to the application as the lead inspector decides.

(4) An additional inspector must—

(a) comply with such directions as to procedural matters as the lead inspector gives;

(b) report to the lead inspector on the matters he is appointed to consider.

(5) A copy of directions given as mentioned in subsection (4)(a) must be given to—

(a) the person who made the application;

(b) the local planning authority;

(c) any other person who requests it.

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(6) If the Secretary of State does not act under subsection (3) he must direct the lead inspector to consider the application on his own.

(7) In every case the lead inspector must report to the Secretary of State on—

(a) his consideration of the application;

(b) the consideration of the additional inspectors (if any) of the matters mentioned in subsection (3)(b).

(8) The function of the lead inspector in pursuance of subsection (2)—

(a) may be exercised from time to time;

(b) includes making recommendations as to the number of additional inspectors required from time to time.

(9) The power of the Secretary of State under subsection (3) to appoint an additional inspector includes power to revoke such an appointment.**]**

Textual Amendments

F438 Ss. 76A, 76B inserted (6.8.2004 for certain purposes, 24.8.2005 for E. and otherwise prosp.) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 44**, 121; S.I. 2004/2097, **art. 2**; S.I. 2005/2081, **art. 2** (subject to savings in art. 4)

[F439 76C Provisions applying to applications made under section 62A

(1) Sections 62(3) and (4), 65(5), 70 to **[**F440 70C**][**F440 70D**]**, 72(1) and (5) and 73A apply, with any necessary modifications, to an application for planning permission made to the Secretary of State under section 62A as they apply to an application for planning permission which is to be determined by the local planning authority.

(2) Any requirements imposed by a development order by virtue of section 62, 65 or 71 or paragraph 8(6) of Schedule 1 **[**F441, or by regulations under paragraph 14(3) or 16 of Schedule 7A,**]** may be applied by a development order, with or without modifications, to an application for planning permission made to the Secretary of State under section 62A.

[F442 (2A) Sections 65(5) and 70 to 70C apply, with any necessary modifications, to an application for permission in principle made to the Secretary of State under section 62A as they apply to an application for permission in principle which is to be determined by the local planning authority.

(2B) Any requirements imposed by a development order by virtue of section 62(1), (2) or (8), 65 or 71 or paragraph 8(6) of Schedule 1 may be applied by a development order, with or without modifications, to an application for permission in principle made to the Secretary of State under section 62A.**]**

(3) Where an application is made to the Secretary of State under section 62A(3) instead of to the authority to whom it would otherwise have been made, a development order may apply, with or without modifications, to the application any enactment that relates to applications of that kind when made to that authority.

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F439 Ss. 76C-76E inserted (9.5.2013 for E. for specified purposes, 1.10.2013 for specified purposes, 1.10.2014 in so far as not already in force) by Growth and Infrastructure Act 2013 (c. 27), s. 35(1), **Sch. 1 para. 5**; S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2

F440 Word in s. 76C(1) substituted (26.12.2023 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 113(4)**, 255(3) (with s. 247)

F441 Words in s. 76C(2) inserted (12.2.2024) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 14 para. 3(7)** (with s. 144); S.I. 2024/44, reg. 2(1)(e) (with reg. 4)

F442 S. 76C(2A)(2B) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 18**; S.I. 2016/733, reg. 3(d)

76D Deciding applications made under section 62A

(1) An application made to the Secretary of State under section 62A ("a direct application") is to be determined by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State, subject to section 76E.

(2) Where a person has been appointed under subsection (1) or this subsection to determine a direct application then, at any time before the person has determined the application, the Secretary of State may—

(a) revoke the person's appointment; and

(b) appoint another person to determine the application instead.

(3) A person appointed under this section to determine an application for planning permission **[**[F443]or permission in principle**]** made to the Secretary of State under section 62A has the same powers and duties that the Secretary of State has under section 76C.

(4) Where a direct application is determined by a person appointed under this section, the person's decision is to be treated as that of the Secretary of State.

(5) Except as provided by Part 12, the validity of that decision is not to be questioned in any proceedings whatsoever.

(6) It is not a ground of application to the High Court under section 288 that a direct application ought to have been determined by the Secretary of State and not by a person appointed under this section unless the applicant challenges the person's power to determine the direct application before the person's decision on the direct application is given.

(7) Where any enactment (other than this section and section 319A)—

(a) refers (or is to be read as referring) to the Secretary of State in a context relating to or capable of relating to an application made under section 62A (otherwise than by referring to the application having been made to the Secretary of State), or

(b) refers (or is to be read as referring) to anything (other than the making of the application) done or authorised or required to be done by, to or before the Secretary of State in connection with any such application,

then, so far as the context permits, the enactment is to be read, in relation to an application determined or to be determined by a person appointed under this section, as if the reference to the Secretary of State were or included a reference to that person.

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Textual Amendments

F439 Ss. 76C-76E inserted (9.5.2013 for E. for specified purposes, 1.10.2013 for specified purposes, 1.10.2014 in so far as not already in force) by Growth and Infrastructure Act 2013 (c. 27), s. 35(1), **Sch. 1 para. 5**; S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2

F443 Words in s. 76D(3) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 19**; S.I. 2016/733, reg. 3(d)

76E Applications under section 62A: determination by Secretary of State

(1) The Secretary of State may direct that an application made to the Secretary of State under section 62A ("a direct application") is to be determined by the Secretary of State instead of by a person appointed under section 76D.

(2) Where a direction is given under subsection (1), the Secretary of State must serve a copy of the direction on—

(a) the person, if any, appointed under section 76D to determine the application concerned,

(b) the applicant, and

(c) the local planning authority.

(3) Where a direct application is to be determined by the Secretary of State in consequence of a direction under subsection (1)—

(a) in determining the application, the Secretary of State may take into account any report made to the Secretary of State by any person previously appointed to determine the application, and

(b) subject to that, the provisions of the planning Acts which are relevant to the application apply to it as if section 76D had never applied to it.

(4) The Secretary of State may by a further direction revoke a direction under subsection (1) at any time before the determination of the direct application concerned.

(5) Where a direction is given under subsection (4), the Secretary of State must serve a copy of the direction on—

(a) the person, if any, previously appointed under section 76D to determine the application concerned,

(b) the applicant, and

(c) the local planning authority.

(6) Where a direction is given under subsection (4) in relation to a direct application—

(a) anything done by or on behalf of the Secretary of State in connection with the application which might have been done by a person appointed under section 76D to determine the application is, unless the person appointed under section 76D to determine the application directs otherwise, to be treated as having been done by that person, and

(b) subject to that, section 76D applies to the application as if no direction under subsection (1) had been given in relation to the application.**]**

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Textual Amendments

F439 Ss. 76C-76E inserted (9.5.2013 for E. for specified purposes, 1.10.2013 for specified purposes, 1.10.2014 in so far as not already in force) by Growth and Infrastructure Act 2013 (c. 27), s. 35(1), **Sch. 1 para. 5**; S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2

77 Reference of applications to Secretary of State.

(1) The Secretary of State may give directions requiring applications for planning permission **[**F444or permission in principle**]**, or for the approval of any local planning authority required under a development order **[**F445, a local development order or a neighbourhood development order**]**, to be referred to him instead of being dealt with by local planning authorities.

(2) A direction under this section—

(a) may be given either to a particular local planning authority or to local planning authorities generally; and

(b) may relate either to a particular application or to applications of a class specified in the direction.

(3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.

(4) Subject to **[**F446subsection (5)—

(a) where**]** an application for planning permission is referred to the Secretary of State under this section, sections **[**F44770, 72(1) and (5), 73 and 73A**]** shall apply, with any necessary modifications, as they apply to such an application which falls to be determined by the **[**F448local planning authority;

(b) where an application for permission in principle is referred to the Secretary of State under this section, section 70 shall apply, with any necessary modifications, as it applies to such an application which falls to be determined by the local planning authority;

and**][**F449a development order may apply, with or without modifications, to an application so referred any requirements imposed by such an order by virtue of section 65 or 71**]**.

(5) Before determining an application referred to him under this section, the Secretary of State shall, if either the applicant or the local planning authority wish, give each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(6) Subsection (5) does not apply to an application for planning permission referred to a Planning Inquiry Commission under section 101.

[F450(6A) Subsection (5) does not apply to an application referred to the Welsh Ministers under this section instead of being dealt with by a local planning authority in Wales.**]**

(7) The decision of the Secretary of State on any application referred to him under this section shall be final.

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Textual Amendments

F444 Words in s. 77(1) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 20(2)**; S.I. 2016/733, reg. 3(d)

F445 Words in s. 77(1) substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 10**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2

F446 Words in s. 77(4) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 20(3)(a)**; S.I. 2016/733, reg. 3(d)

F447 Words in s. 77(4) substituted (2.1.1992 so far as relating to the inclusion of a reference to s. 73A otherwise 17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para.18** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch.1** (subject to art. 5) and S.I. 1992/1491, art.2, **Sch.1**

F448 Words in s. 77(4) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 20(3)(b)**; S.I. 2016/733, reg. 3(d)

F449 Words in s. 77(4) inserted (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 18** (with s. 84(5)); S.I. 1992/1491, art. 2, **Sch.1**

F450 S. 77(6A) inserted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 2**

Modifications etc. (not altering text)

C151 S. 77 extended (3.11.1994) by 1994 c. 33, **ss. 80(3)**, 172(4)

C152 S. 77 applied (with modifications) (6.4.2007) by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (S.I. 2004/783), **reg. 10**

C153 S. 77(5) excluded (27.5.1997) by 1997 c. 8, ss. 70(4), 278(2), **Sch. 7 para. 7** (with ss. 20, 64, 219)

78 Right to appeal against planning decisions and failure to take such decisions.

(1) Where a local planning authority—

(a) refuse an application for planning permission or grant it subject to conditions;

[[F451](aa) refuse an application for permission in principle;**]**

[[F452](ab) refuse an application under section 74B (variation of condition relating to construction working hours);**]**

[[F453](ac) refuse an application under section 93B (extension of certain planning permissions in England: additional environmental approval);**]**

[[F454](ad) refuse an application under section 93F (outline planning permission: extension of limits for beginning development with additional environmental approval);**]**

(b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of planning permission or grant it subject to conditions; or

(c) refuse an application for any approval of that authority required under a development order **[**[F455], a local development order or a neighbourhood development order**]** or grant it subject to conditions,

the applicant may by notice appeal to the Secretary of State.

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(2) A person who has made such an application **[**F456to the local planning authority**]** may also appeal to the Secretary of State if the local planning authority have **[**F457done none of the following**]**—

(a) given notice to the applicant of their decision on the application;

[F458(aa) given notice to the applicant that they have exercised their power under section 70A **[**F459or 70B**][**F460or 70C**][**F461or 70D**]** to decline to determine the application;**]**

(b) given notice to him that the application has been referred to the Secretary of State in accordance with directions given under section 77,

within such period as may be prescribed by the development order **[**F462or in relation to a biodiversity gain plan specified in regulations under paragraph 16(a) of Schedule 7A (biodiversity gain in England: regulations about determinations)**]** or within such extended period as may at any time be agreed upon in writing between the applicant and the authority.

(3) Any appeal under this section shall be made by notice served within such time and in such manner as may be prescribed by a development order **[**F463or, in relation to a biodiversity gain plan specified in regulations under paragraph 16(a) of Schedule 7A**]**.

(4) The time prescribed for the service of such a notice must not be less than—

(a) 28 days from the date of notification of the decision; or

(b) in the case of an appeal under subsection (2), 28 days from the end of the period prescribed as mentioned in subsection (2) or, as the case may be, the extended period mentioned in that subsection.

[F464(4A) A notice of appeal under this section must be accompanied by such information as may be prescribed by a development order.

[F465(4AA) An appeal under this section may not be brought or continued against the refusal of an application for planning permission if—

(a) the land to which the application relates is in Wales,

(b) granting the application would involve granting planning permission in respect of matters specified in an enforcement notice as constituting a breach of planning control, and

(c) on the determination of an appeal against that notice under section 174, planning permission for those matters was not granted under section 177.

(4AB) An appeal under this section may not be brought or continued against the grant of an application for planning permission subject to a condition, if—

(a) the land to which the application relates is in Wales,

(b) an appeal against an enforcement notice has been brought under section 174 on the ground that the condition ought to be discharged, and

(c) on the determination of that appeal, the condition was not discharged under section 177.**]**

F466(4B) . . . . . .

[F467(4BA) Once notice of an appeal under this section to the Welsh Ministers has been served, the application to which it relates may not be varied, except in such circumstances as may be prescribed by a development order.

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(4BB) A development order which makes provision under subsection (4BA) must provide for an application which is varied to be subject to such further consultation as the Welsh Ministers consider appropriate.**]**

[F466(4C) . . . . . .

[F466(4D) . . . . . .**]**

(5) For the purposes of the application of sections **[**[F468]79(1) and (3)**]**, 253(2)(c), 266(1)(b) **[**[F469], 288(10)(b) **[**[F470], 319A(7)(b) and 319B(7)(b)**]]** in relation to an appeal under subsection (2), it shall be assumed that the authority decided to refuse the application in question.

Textual Amendments

F451 S. 78(1)(aa) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 21**; S.I. 2016/733, reg. 3(d)

F452 S. 78(1)(ab) inserted (temp.) (28.7.2020) by virtue of Business and Planning Act 2020 (c. 16), **ss. 16(3)**, 25(3)(a) (with s. 16(6))

F453 S. 78(1)(ac) inserted (temp.) (19.8.2020) by virtue of Business and Planning Act 2020 (c. 16), **ss. 17(3)**, 25(3)(b) (with s. 17(6))

F454 S. 78(1)(ad) inserted (temp.) (19.8.2020) by virtue of Business and Planning Act 2020 (c. 16), **ss. 18(3)**, 25(3)(b) (with s. 18(6))

F455 Words in s. 78(1)(c) substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 11**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2

F456 Words in s. 78(2) inserted (9.5.2013 for E. for specified purposes, 1.10.2013 for specified purposes, 1.10.2014 in so far as not already in force) by Growth and Infrastructure Act 2013 (c. 27), s. 35(1), **Sch. 1 para. 8**; S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2

F457 Words in s. 78(2) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 17(2)** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F458 S. 78(2)(aa) substituted (25.9.1991) for 'nor' by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 17(2)** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F459 Words in s. 78(2)(aa) inserted (6.4.2009 for E. and otherwise prosp.) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 43(2)**, 121 (with s. 111); S.I. 2009/384, **art. 2**

F460 Words in s. 78(2)(aa) inserted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 123(3)**, 240(2) (with s. 144); S.I. 2012/628, art. 8(b) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

F461 Words in s. 78(2)(aa) inserted (26.12.2023 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 113(5)**, 255(3) (with s. 247)

F462 Words in s. 78(2) inserted (12.2.2024) by The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 (S.I. 2024/49), regs. 1(2), **8(a)**; S.I. 2024/44, reg. 2(1)(e)

F463 Words in s. 78(3) inserted (12.2.2024) by The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 (S.I. 2024/49), regs. 1(2), **8(b)**; S.I. 2024/44, reg. 2(1)(e)

F464 S. 78(4A)-(4D) inserted (6.4.2009 for E., 30.4.2012 for W.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 11 para. 2** (with s. 226); S.I. 2009/400, art. 5(d); S.I. 2012/802, art. 2(b)

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F465 S. 78(4AA)(4AB) inserted (6.9.2015 for specified purposes, 16.3.2016 as otherwise not in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 45**, 58(2)(b)(4)(b); The Planning (Wales) Act 2015 (Commencement No. 3 and Transitional Provisions) Order 2016 (S.I. 2016/52), art. 5(c) (with art. 15)

F466 S. 78(4B)-(4D) omitted (6.9.2015) by virtue of Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 7(2)**

F467 S. 78(4BA)(4BB) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 47(1)**, 58(2)(b)(4)(b); The Planning (Wales) Act 2015 (Commencement No. 4 and Transitional Provisions) Order 2017 (SI 2017/546), art 3(b) (with art. 4)

F468 Words in s. 78(5) substituted (6.4.2009 for certain purposes and otherwise prosp.) by Planning Act 2008 (c. 29), ss. 196, 241, **Sch. 10 para. 3(a)** (with s. 226); S.I. 2009/400, **art. 3**

F469 Words in s. 78(5) substituted (6.4.2009 for certain purposes and otherwise prosp.) by Planning Act 2008 (c. 29), ss. 196, 241, **Sch. 10 para. 3(b)** (with s. 226); S.I. 2009/400, **art. 3**

F470 Words in s. 78(5) substituted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 3**

Modifications etc. (not altering text)

C154 S. 78 modified by S.I. 1989/670, **reg. 15** as amended by S.I. 1990/1562, **regs. 2**, 3, 6
S. 78 applied (with modifications) (6.4.1992) by S.I. 1992/666, reg. 15(1)(3), Sch. 4 Pts. I, IV, **V**
S. 78 applied (with modifications) (2.8.1999) by S.I. 1999/1892, reg. 2(1), Sch. art. 7, **Sch. 2 Pt. I**
S. 78 applied (with modifications) (2.8.1999) by S.I. 1999/1892, reg. 2(1), Sch. art. 7, **Sch. 2 Pt. II**

C155 S. 78 restricted (18.12.1996) by 1996 c. 61, s. 9(5), **Sch. 6 Pt. IV para. 33**

C156 S. 78 applied (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 89, 121, **Sch. 4 para. 5(3)** (with s. 111); S.I. 2006/1281, **art. 2**

C157 Ss. 78, 79 applied (with modifications) (6.4.2007) by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (S.I. 2007/783), reg. 17, **Sch. 4** (as amended (1.10.2013) by S.I. 2013/2114, regs. 1(1), **3**)

C158 S. 78 restricted (22.7.2008) by Crossrail Act 2008 (c. 18), ss. 10, **Sch. 7 para. 31**

C159 S. 78 applied (22.7.2008) by Crossrail Act 2008 (c. 18), ss. 49, **Sch. 16 para. 2(7)**

C160 S. 78 applied (26.9.2012) by The Network Rail (Ipswich Chord) Order 2012 (S.I. 2012/2284), arts. 1, **35(a)** (with art. 26(2))

C161 S. 78 applied (in part) (6.11.2012) by The Network Rail (North Doncaster Chord) Order 2012 (S.I. 2012/2635), arts. 1, **7(1)(a)** (with art. 35(2))

C162 S. 78 applied (with modifications) (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 4(1)(a)**

C163 S. 78 applied (13.3.2013) by The Brechfa Forest West Wind Farm Order 2013 (S.I. 2013/586), arts. 1, **4(1)**

C164 Ss. 78, 79 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **6(1)** (with arts. 11, 12)

C165 Ss. 78, 79 applied (31.7.2013) by The East Northamptonshire Resource Management Facility Order 2013 (S.I. 2013/1752), arts. 1, **5(1)(a)**

C166 Ss. 78, 79 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **4(a)** (with art. 30)

C167 S. 78 applied (with modifications) (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, **39(1)(a)**

C168 S. 78 applied in part (with modifications) (21.11.2013) by The Network Rail (Redditch Branch Enhancement) Order 2013 (S.I. 2013/2809), arts. 1, **37** (with arts. 27(2), 39, Sch. 10 para. 4)

C169 S. 78 applied in part (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), arts. 1, **45(1)(a)** (with art. 34(2))

C170 S. 78 modified (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **35(3)** (with arts. 37, 38, Sch. 9 para. 19)

C171 S. 78 applied (with modifications) (24.7.2014) by The Daventry International Rail Freight Interchange Alteration Order 2014 (S.I. 2014/1796), arts. 1, **8** (with art. 24(2), Sch. 6 para. 3)

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C172 S. 78 applied (with modifications) (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **6(1)(a)** (with arts. 12, 13, Sch. 12)

C173 S. 78 applied (2.10.2014) by The Clocaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), arts. 1, **4(1)** (with art. 33)

C174 S. 78 applied (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **40(1)(a)**

C175 S. 78 applied (with modifications) (23.10.2014) by The South Hook Combined Heat and Power Plant Order 2014 (S.I. 2014/2846), arts. 1, **4(1)(a)**

C176 S. 78 applied (with modifications) (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 58(1)(a)** (with arts. 30(4), 53)

C177 S. 78 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **9(1)(a)** (with arts. 38, 39)

C178 S. 78 applied (31.12.2014) by The Hornsea One Offshore Wind Farm Order 2014 (S.I. 2014/3331), arts. 1, **32(a)** (with arts. 37, 38)

C179 Ss. 78, 79 modified (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **3(3)**

C180 S. 78 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **6(1)(a)** (with arts. 40, 41, Sch. 12)

C181 Ss. 78, 79 applied (9.6.2015) by The White Moss Landfill Order 2015 (S.I. 2015/1317), arts. 1, **7(1)(a)** (with art. 5)

C182 Ss. 78, 79 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **45(4)(a)**

C183 Ss. 78, 79 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **48(1)(a)** (with arts. 51, 53)

C184 Ss. 78, 79 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **6(1)(a)** (with arts. 40, 41)

C185 Ss. 78, 79 applied (2.2.2016) by The East Midlands Gateway Rail Freight Interchange and Highway Order 2016 (S.I. 2016/17), arts. 1, **8(1)**(2) (with art. 8(4))

C186 S. 78 applied (with modifications) (12.2.2016) by The Palm Paper Mill Generating Station Order 2016 (S.I. 2016/166), arts. 1, **4(1)(a)**

C187 Ss. 78, 79 applied (with modifications) (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **42(1)(a)** (with art. 37)

C188 Ss. 78, 79 applied (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **11(2)(a)** (with art. 39)

C189 Ss. 78, 79 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **9(1)** (with arts. 9(3), 35, 36)

C190 S. 78 applied (7.9.2016) by The Hornsea Two Offshore Wind Farm Order 2016 (S.I. 2016/844), arts. 1(2), **33** (with arts. 37, 38)

C191 S. 78 applied (with modifications) (29.3.2017) by The Glyn Rhonwy Pumped Storage Generating Station Order 2017 (S.I. 2017/330), art. 1, **Sch. 7 para. 5(2)** (with art. 31)

C192 S. 78 applied (with modifications) (2.8.1999) by S.I. 1999/1892, reg. 2(1), Sch. art. 7, **Sch. 2 Pt. I** (as amended (W.) (5.5.2017) by The Town and Country Planning (Trees) (Amendment) (Wales) Regulations 2017 (S.I. 2017/548), regs. 1(1), **2(2)(b)** (with reg. 3))

C193 S. 78 applied (with modifications) (6.4.1992) by S.I. 1992/666, reg. 15(1)(3), Sch. 4 Pts. 1, 4, **5** (as amended (W.) (5.5.2017) by The Town and Country Planning (Control of Advertisements) (Amendment) (Wales) Regulations 2017 (S.I. 2017/553), regs. 1(1), **2(3)-(5)** (with reg. 3))

C194 Ss. 78, 79 modified (29.8.2017) by The East Anglia THREE Offshore Wind Farm Order 2017 (S.I. 2017/826), arts. 1, **34(2)** (with arts. 34(3), 36, 37, Sch. 8 para. 34)

C195 S. 78 applied (26.7.2019) by The Kemsley Mill K4 Combined Heat and Power Generating Station Order 2019 (S.I. 2019/1091), arts. 1, **10**

C196 S. 78 applied (with modifications) (22.1.2021) by The Hornsea Three Offshore Wind Farm Order 2020 (S.I. 2020/1656), arts. 1, **38(1)** (with arts. 40, 41, Sch. 9 Pt. 5 para. 18)

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C197 Ss. 78, 79 modified (22.1.2021) by The Hornsea Three Offshore Wind Farm Order 2020 (S.I. 2020/1656), arts. 1, **38(2)** (with arts. 40, 41, Sch. 9 Pt. 5 para. 18)

C198 S. 78 restricted (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 17 para. 23(10)**

C199 S. 78 applied (9.5.2024) by The Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (S.I. 2024/564), arts. 1, **43(1)** (with arts. 35, 36, Sch. 14)

C200 S. 78(1) applied (with modifications) (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **35(2)** (with arts. 37, 38, Sch. 9 para. 19)

C201 S. 78(1) applied (with modifications) (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **3(2)**

C202 S. 78(1) applied (with modifications) (29.8.2017) by The East Anglia THREE Offshore Wind Farm Order 2017 (S.I. 2017/826), arts. 1, **34(1)** (with arts. 34(3), 36, 37, Sch. 8 para. 34)

C203 S. 78(1) applied (with modifications) (11.10.2023) by The Awel y Môr Offshore Wind Farm Order 2023 (S.I. 2023/1033), arts. 1, **43** (with arts. 36, 37, Sch. 9 paras. 14, 44(1), 76, 103)

[F471 78A Appeal made: functions of local planning authorities

(1) This section applies if a person who has made an application mentioned in section 78(1)(a) **[**F472 or (aa)**]** appeals to the Secretary of State under section 78(2).

(2) At any time before the end of the additional period the local planning authority may give the notice referred to in section 78(2).

(3) If the local planning authority give notice as mentioned in subsection (2) that their decision is to refuse the application—

(a) the appeal must be treated as an appeal under section 78(1) against the refusal;

(b) the Secretary of State must give the person making the appeal an opportunity to revise the grounds of the appeal;

(c) the Secretary of State must give such a person an opportunity to change any option the person has chosen relating to the procedure for the appeal.

(4) If the local planning authority give notice as mentioned in subsection (2) that their decision is **[**F473 to grant an application mentioned in section 78(1)(a)**]** subject to conditions the Secretary of State must give the person making the appeal the opportunity—

(a) to proceed with the appeal as an appeal under section 78(1) against the grant of the application subject to conditions;

(b) to revise the grounds of the appeal;

(c) to change any option the person has chosen relating to the procedure for the appeal.

(5) The Secretary of State must not issue his decision on the appeal before the end of the additional period.

(6) The additional period is the period prescribed by development order for the purposes of this section and which starts on the day on which the person appeals under section 78(2).**]**

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Textual Amendments

F471 S. 78A inserted (6.8.2004 for specified purposes, 22.6.2015 for W. so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 50(1)**, **s. 121(1)-(3)** (with ss. 50(3), 111); S.I. 2004/2097, art. 2; S.I. 2015/340, art. 2(b)

F472 Words in s. 78A(1) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 22(2)**; S.I. 2016/733, reg. 3(d)

F473 Words in s. 78A(4) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 22(3)**; S.I. 2016/733, reg. 3(d)

79 Determination of appeals.

(1) On an appeal under section 78 the Secretary of State may—

(a) allow or dismiss the appeal, or

(b) reverse or vary any part of the decision of the local planning authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

[F474(1A) On an appeal under section 78, the Welsh Ministers may decide whether a requirement imposed under subsection (3) of section 62 in relation to the application complies with subsection (4A) of that section.

(1B) But subsection (1A) does not apply if the Welsh Ministers have previously decided whether the requirement complies with section 62(4A) on an appeal under section 62ZB.**]**

(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the local planning authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

[F475(3) Subsection (2) does not apply to—

(a) an appeal referred to a Planning Inquiry Commission under section 101; or

(b) an appeal against a decision of a local planning authority in England.**]**

[F476(3A) Subsection (2) does not apply to an appeal to the Welsh Ministers.**]**

(4) Subject to **[**F477subsection (2)—

(a) sections**][**F478**]**70, 72(1) and (5), 73 and 73A**]** and Part I of Schedule 5 shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 **[**F479in respect of an application within section 78(1)(a), (b) or (c)**]** as they apply in relation to an application for planning permission which falls to be determined by the **[**F480local planning authority;

(b) section 70 shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 in respect of an application for permission in principle as it applies in relation to such an application which falls to be determined by the local planning authority;

and**][**F481a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of section 65 or 71**]**.

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(5) The decision of the Secretary of State on such an appeal shall be final.

(6) If, before or during the determination of such an appeal in respect of an application for planning permission to develop land, the Secretary of State forms the opinion that, having regard to the provisions of sections 70 and 72(1), the development order and any directions given under that order, planning permission for that development—

(a) could not have been granted by the local planning authority; or

(b) could not have been granted otherwise than subject to the conditions imposed,

he may decline to determine the appeal or to proceed with the determination.

[F482(6ZA) If, before or during the determination of such an appeal in respect of an application for permission in principle to develop land, the Secretary of State forms the opinion that, having regard to the provisions of section 70 and the development order, permission in principle for that development could not have been granted by the local planning authority, he may decline to determine the appeal or to proceed with the determination.**]**

[F483(6A) If at any time before or during the determination of such an appeal it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal, he may—

(a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are specified in the notice for the expedition of the appeal; and

(b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly.**]**

(7) Schedule 6 applies to appeals under section 78, including appeals under that section as applied by or under any other provision of this Act.

Textual Amendments

F474 S. 79(1A)(1B) inserted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 29(3)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(a) (with art. 10)

F475 S. 79(3) substituted (6.4.2009 for certain purposes and otherwise prosp.) by Planning Act 2008 (c. 29), ss. 196, 241, **Sch. 10 para. 4** (with s. 226); S.I. 2009/400, **art. 3**

F476 S. 79(3A) inserted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 4**

F477 Words in s. 79(4) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 23(2)(a)**; S.I. 2016/733, reg. 3(d)

F478 Words in s. 79(4) substituted (2.1.1992 so far as relating to the inclusion of a reference to s. 73A and otherwise 17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 19** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art .5); S.I. 1992/1491, art. 2, **Sch. 1**

F479 Words in s. 79(4) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 23(2)(b)**; S.I. 2016/733, reg. 3(d)

F480 Words in s. 79(4) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 23(2)(c)**; S.I. 2016/733, reg. 3(d)

F481 Words at end of s. 79(4) inserted (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 19** (with s. 84(5)); S.I. 1992/1491, art. 2, **Sch. 1**

F482 S. 79(6ZA) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 23(3)**; S.I. 2016/733, reg. 3(d)

F483 S. 79(6A) inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 18** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

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Modifications etc. (not altering text)

C164 Ss. 78, 79 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **6(1)** (with arts. 11, 12)

C165 Ss. 78, 79 applied (31.7.2013) by The East Northamptonshire Resource Management Facility Order 2013 (S.I. 2013/1752), arts. 1, **5(1)(a)**

C166 Ss. 78, 79 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **4(a)** (with art. 30)

C179 Ss. 78, 79 modified (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **3(3)**

C181 Ss. 78, 79 applied (9.6.2015) by The White Moss Landfill Order 2015 (S.I. 2015/1317), arts. 1, **7(1)(a)** (with art. 5)

C182 Ss. 78, 79 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **45(4)(a)**

C183 Ss. 78, 79 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **48(1)(a)** (with arts. 51, 53)

C184 Ss. 78, 79 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **6(1)(a)** (with arts. 40, 41)

C185 Ss. 78, 79 applied (2.2.2016) by The East Midlands Gateway Rail Freight Interchange and Highway Order 2016 (S.I. 2016/17), arts. 1, **8(1)**(2) (with art. 8(4))

C187 Ss. 78, 79 applied (with modifications) (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **42(1)(a)** (with art. 37)

C188 Ss. 78, 79 applied (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **11(2)(a)** (with art. 39)

C189 Ss. 78, 79 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **9(1)** (with arts. 9(3), 35, 36)

C194 Ss. 78, 79 modified (29.8.2017) by The East Anglia THREE Offshore Wind Farm Order 2017 (S.I. 2017/826), arts. 1, **34(2)** (with arts. 34(3), 36, 37, Sch. 8 para. 34)

C197 Ss. 78, 79 modified (22.1.2021) by The Hornsea Three Offshore Wind Farm Order 2020 (S.I. 2020/1656), arts. 1, **38(2)** (with arts. 40, 41, Sch. 9 Pt. 5 para. 18)

C204 Ss. 78, 79 modified by S.I. 1989/670, **reg. 15** as amended by S.I. 1990/1562, **regs. 2**, 3, 6
Ss. 78, 79 applied (with modifications) (6.4.1992) by S.I. 1992/666, reg. 15(1)(3), Sch. 4 Pts. I, IV, **V**
S. 79 applied (with modifications) (2.8.1999) by S.I. 1999/1892, reg. 2(1), Sch. art. 7, **Sch. 2 Pt. I**
S. 79 applied (with modifications) (2.8.1999) by S.I. 1999/1892, reg. 2(1), Sch. art. 7, **Sch. 2 Pt. II**

C205 Ss. 78, 79 applied (with modifications) (6.4.2007) by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (S.I. 2007/783), reg. 17, **Sch. 4** (as amended (1.10.2013) by S.I. 2013/2114, regs. 1(1), **3**)

C206 S. 79 applied (26.9.2012) by The Network Rail (Ipswich Chord) Order 2012 (S.I. 2012/2284), arts. 1, **35(a)** (with art. 26(2))

C207 S. 79 applied (6.11.2012) by The Network Rail (North Doncaster Chord) Order 2012 (S.I. 2012/2635), arts. 1, **7(1)(a)** (with art. 35(2))

C208 S. 79 applied (with modifications) (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 4(1)(a)**

C209 S. 79 applied (13.3.2013) by The Brechfa Forest West Wind Farm Order 2013 (S.I. 2013/586), arts. 1, **4(1)**

C210 S. 79 applied (with modifications) (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, **39(1)(a)**

C211 S. 79 applied (with modifications) (21.11.2013) by The Network Rail (Redditch Branch Enhancement) Order 2013 (S.I. 2013/2809), arts. 1, **37** (with arts. 27(2), 39, Sch. 10 para. 4)

C212 S. 79 applied (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), arts. 1, **45(1)(b)** (with art. 34(2))

C213 S. 79 modified (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **35(3)** (with arts. 37, 38, Sch. 9 para. 19)

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C214 S. 79 applied (with modifications) (24.7.2014) by The Daventry International Rail Freight Interchange Alteration Order 2014 (S.I. 2014/1796), arts. 1, **8** (with art. 24(2), Sch. 6 para. 3)
C215 S. 79 applied (with modifications) (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **6(1)(a)** (with arts. 12, 13, Sch. 12)
C216 S. 79 applied (2.10.2014) by The Clocaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), arts. 1, **4(1)** (with art. 33)
C217 S. 79 applied (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **40(1)(a)**
C218 S. 79 applied (with modifications) (23.10.2014) by The South Hook Combined Heat and Power Plant Order 2014 (S.I. 2014/2846), arts. 1, **4(1)(a)**
C219 S. 79 applied (with modifications) (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 58(1)(a)** (with arts. 30(4), 53)
C220 S. 79 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **9(1)(a)** (with arts. 38, 39)
C221 S. 79 applied (31.12.2014) by The Hornsea One Offshore Wind Farm Order 2014 (S.I. 2014/3331), arts. 1, **32(a)** (with arts. 37, 38)
C222 S. 79 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **6(1)(a)** (with arts. 40, 41, Sch. 12)
C223 S. 79 applied (with modifications) (12.2.2016) by The Palm Paper Mill Generating Station Order 2016 (S.I. 2016/166), arts. 1, **4(1)(a)**
C224 S. 79 applied (7.9.2016) by The Hornsea Two Offshore Wind Farm Order 2016 (S.I. 2016/844), **art. 33**
C225 S. 79 applied (with modifications) (29.3.2017) by The Glyn Rhonwy Pumped Storage Generating Station Order 2017 (S.I. 2017/330), art. 1, **Sch. 7 para. 5(2)** (with art. 31)
C226 S. 79 applied (with modifications) (2.8.1999) by S.I. 1999/1892, reg. 2(1), Sch. art. 7, **Sch. 2 Pt. 2** (as amended (W.) (5.5.2017) by The Town and Country Planning (Trees) (Amendment) (Wales) Regulations 2017 (S.I. 2017/548), regs. 1(1), **2(2)(c)** (with reg. 3))
C227 S. 79 applied (with modifications) (6.4.1992) by S.I. 1992/666, reg. 15(1)(3), Sch. 4 Pts. 1, 4, **5** (as amended (W.) (5.5.2017) by The Town and Country Planning (Control of Advertisements) (Amendment) (Wales) Regulations 2017 (S.I. 2017/553), regs. 1(1), **2(3)-(5)** (with reg. 3))
C228 S. 79 applied (26.7.2019) by The Kemsley Mill K4 Combined Heat and Power Generating Station Order 2019 (S.I. 2019/1091), arts. 1, **10**
C229 S. 79 applied (9.5.2024) by The Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (S.I. 2024/564), arts. 1, **43(1)** (with arts. 35, 36, Sch. 14)
C230 S. 79(2) excluded (27.5.1997) by 1997 c. 8, ss. 70(4), 278(2), **Sch. 7 para. 7** (with ss. 20, 64, 219)

F484 80 . . . . . .

Textual Amendments

F484 S. 80 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 11, **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F485 81 . . . . . .

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Textual Amendments

F485 S. 81 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 11, **Sch. 19**, Pt.II; S.I. 1991/2067, **art.3** (subject to art. 4)

Simplified planning zones

82 Simplified planning zones.

(1) A simplified planning zone is an area in respect of which a simplified planning zone scheme is in force.

(2) The adoption or approval of a simplified planning zone scheme has effect to grant in relation to the zone, or any part of it specified in the scheme, planning permission—

(a) for development specified in the scheme, or

(b) for development of any class so specified.

(3) Planning permission under a simplified planning zone scheme may be unconditional or subject to such conditions, limitations or exceptions as may be specified in the scheme.

Modifications etc. (not altering text)

C231 S. 82(2) restricted (31.7.2013) by The East Northamptonshire Resource Management Facility Order 2013 (S.I. 2013/1752), arts. 1, **6(1)**

C232 S. 82(2) restricted (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), arts. 1, **34(1)** (with art. 34(3))

C233 S. 82(2) restricted (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **35(1)** (with art. 37)

C234 S. 82(2) restricted (28.3.2024) by The A66 Northern Trans-Pennine Development Consent Order 2024 (S.I. 2024/360), arts. 1, **47** (with arts. 18, 35, Sch. 9)

83 Making of simplified planning zone schemes.

(1) Every local planning authority shall consider, as soon as practicable after 2nd November 1987, the question for which part or parts of their area a simplified planning zone scheme is desirable, and then shall keep that question under review.

(2) If as a result of their original consideration or of any such review a local planning authority decide that it is desirable to prepare a scheme for any part of their area they shall do so; and a local planning authority may at any time decide—

(a) to make a simplified planning zone scheme, or

(b) to alter a scheme adopted by them, or

(c) with the consent of the Secretary of State, to alter a scheme approved by him.

(3) Schedule 7 has effect with respect to the making and alteration of simplified planning zone schemes and other related matters.

[F486(3A) A simplified planning zone scheme for an area in Wales must be in general conformity with—

(a) the National Development Framework for Wales (see sections 60 to 60C of the Planning and Compulsory Purchase Act 2004), and

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(b) the strategic development plan for any [F487]... area that includes all or part of the simplified planning zone (see **[**[F488]sections 60M and 60N**]** of that Act).**]**

[[F489](5) In this section and in Schedule 7 references to a regional strategy are to a regional strategy under Part 5 of the Local Democracy, Economic Development and Construction Act 2009**]**

Textual Amendments

F486 S. 83(3A) inserted (6.9.2015 for specified purposes, 4.12.2020 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 7(2)**, 58(2)(b)(4)(b); S.I. 2020/1216, reg. 2(a)

F487 Words in s. 83(3A)(b) omitted (21.1.2021) by virtue of Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(1)(e), **Sch. 9 para. 24(a)**

F488 Words in s. 83(3A)(b) substituted (21.1.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(1)(e), **Sch. 9 para. 24(b)**

F489 S. 83(5) inserted (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 85, 148, 149, **Sch. 5 para. 2(3)**; S.I. 2009/3318, **art. 4**

84 Simplified planning zone schemes: conditions and limitations on planning permission.

(1) The conditions and limitations on planning permission which may be specified in a simplified planning zone scheme may include—

(a) conditions or limitations in respect of all development permitted by the scheme or in respect of particular descriptions of development so permitted, and

(b) conditions or limitations requiring the consent, agreement or approval of the local planning authority in relation to particular descriptions of permitted development.

(2) Different conditions or limitations may be specified in a simplified planning zone scheme for different cases or classes of case.

(3) Nothing in a simplified planning zone scheme shall affect the right of any person—

(a) to do anything not amounting to development, or

(b) to carry out development for which planning permission is not required or for which permission has been granted otherwise than by the scheme.

(4) No limitation or restriction subject to which permission has been granted otherwise than under the scheme shall affect the right of any person to carry out development for which permission has been granted under the scheme.

[[F490](5) A simplified planning zone scheme may not disapply the condition under paragraph 13 of Schedule 7A (biodiversity gain condition).**]**

Textual Amendments

F490 S. 84(5) inserted (12.2.2024) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 14 para. 3(8)** (with s. 144); S.I. 2024/44, reg. 2(1)(e) (with reg. 4)

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85 Duration of simplified planning zone scheme.

(1) A simplified planning zone scheme shall take effect on the date of its adoption or approval and shall cease to have effect at the end of the period of 10 years beginning with that date.

(2) When the scheme ceases to have effect planning permission under it shall also cease to have effect except in a case where the development authorised by it has been begun.

86 Alteration of simplified planning zone scheme.

(1) This section applies where alterations to a simplified planning zone scheme are adopted or approved.

(2) The adoption or approval of alterations providing for the inclusion of land in the simplified planning zone has effect to grant in relation to that land, or such part of it as is specified in the scheme, planning permission for development so specified or of any class so specified.

(3) The adoption or approval of alterations providing for the grant of planning permission has effect to grant such permission in relation to the simplified planning zone, or such part of it as is specified in the scheme, for development so specified or development of any class so specified.

(4) The adoption or approval of alterations providing for the withdrawal or relaxation of conditions, limitations or restrictions to which planning permission under the scheme is subject has effect to withdraw or relax the conditions, limitations or restrictions immediately.

(5) The adoption or approval of alterations providing for—

(a) the exclusion of land from the simplified planning zone,

(b) the withdrawal of planning permission, or

(c) the imposition of new or more stringent conditions, limitations or restrictions to which planning permission under the scheme is subject,

has effect to withdraw permission, or to impose the conditions, limitations or restrictions, with effect from the end of the period of 12 months beginning with the date of the adoption or approval.

(6) The adoption or approval of alterations to a scheme does not affect planning permission under the scheme in any case where the development authorised by it has been begun.

87 Exclusion of certain descriptions of land or development.

(1) The following descriptions of land may not be included in a simplified planning zone—

(a) land in a National Park;

(b) land in a conservation area;

(c) land within the Broads;

(d) land in an area designated under **[**[F491]section 82 of the Countryside and Rights of Way Act 2000**]** as an area of outstanding natural beauty;

(e) land identified in the development plan for the district as part of a green belt;

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[F492(f) land within a site of special scientific interest (within the meaning of the Wildlife and Countryside Act 1981).**]**

(2) Where land included in a simplified planning zone becomes land of a description mentioned in subsection (1), that subsection does not operate to exclude it from the zone.

(3) The Secretary of State may by order provide that no simplified planning zone scheme shall have effect to grant planning permission—

(a) in relation to an area of land specified in the order or to areas of land of a description so specified, or

(b) for development of a description specified in the order.

(4) An order under subsection (3) has effect to withdraw such planning permission under a simplified planning zone scheme already in force with effect from the date on which the order comes into force, except in a case where the development authorised by the permission has been begun.

F493(5) . . . . . .

Textual Amendments

F491 Words in s. 87(1)(d) substituted (1.4.2001) by 2000 c. 37, s. 93, **Sch. 15 Pt. I para. 10**; S.I. 2001/114, **art. 2(2)(e)**

F492 S. 87(1)(f) substituted (30.1.2001) by 2000 c. 37, ss. 76(1), 103(2), **Sch. 10 Pt. II para. 7**

F493 S. 87(5) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(12)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

Enterprise zone schemes

88 Planning permission for development in enterprise zones.

(1) An order designating an enterprise zone under Schedule 32 to the M42Local Government, Planning and Land Act 1980 shall (without more) have effect on the date on which the order designating the zone takes effect to grant planning permission for development specified in the scheme or for development of any class so specified.

(2) The approval of a modified scheme under paragraph 11 of that Schedule shall (without more) have effect on the date on which the modifications take effect to grant planning permission for development specified in the modified scheme or for development of any class so specified.

(3) Planning permission so granted shall be subject to such conditions or limitations as may be specified in the scheme or modified scheme or, if none is specified, shall be unconditional.

[F494(3A) Subsection (3) is subject to paragraph 13 of Schedule 7A (biodiversity gain condition).**]**

(4) Subject to subsection (5), where planning permission is so granted for any development or class of development the enterprise zone authority may direct that the permission shall not apply in relation—

(a) to a specified development; or

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(b) to a specified class of development; or

(c) to a specified class of development in a specified area within the enterprise zone.

(5) An enterprise zone authority shall not give a direction under subsection (4) unless—

(a) they have submitted it to the Secretary of State, and

(b) he has notified them that he approves of their giving it.

(6) If the scheme or the modified scheme specifies, in relation to any development it permits, matters which will require approval by the enterprise zone authority, the permission shall have effect accordingly.

(7) The Secretary of State may by regulations make provision as to—

(a) the procedure for giving a direction under subsection (4); and

(b) the method and procedure relating to the approval of matters specified in a scheme or modified scheme as mentioned in subsection (6).

(8) Such regulations may modify any provision of the planning Acts or any instrument made under them or may apply any such provision or instrument (with or without modification) in making any such provision as is mentioned in subsection (7).

(9) Nothing in this section prevents planning permission being granted in relation to land in an enterprise zone otherwise than by virtue of this section (whether the permission is granted in pursuance of an application F495... or by a development order **[**F496, a local development order or a neighbourhood development order**]**).

(10) Nothing in this section prejudices the right of any person to carry out development apart from this section.

F497(11) . . . . . .

Textual Amendments

F494 S. 88(3A) inserted (12.2.2024) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 14 para. 3(9)** (with s. 144); S.I. 2024/44, reg. 2(1)(e) (with reg. 4)

F495 Words in s. 88(9) omitted (1.5.2025) by virtue of The Town and Country Planning (Fees and Consequential Amendments) Regulations 2025 (S.I. 2025/418), regs. 1(3), **13(5)**

F496 Words in s. 88(9) substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 12**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2

F497 S. 88(11) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(13)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

Marginal Citations

M42 1980 c.65.

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89 Effect on planning permission of modification or termination of scheme.

(1) Modifications to an enterprise zone scheme do not affect planning permission under the scheme in any case where the development authorised by it has been begun before the modifications take effect.

(2) When an area ceases to be an enterprise zone, planning permission under the scheme shall cease to have effect except in a case where the development authorised by it has been begun.

Deemed planning permission

90 Development with government authorisation.

(1) Where the authorisation of a government department is required by virtue of an enactment in respect of development to be carried out by a local authority **[**F498or National Park authority**]**, or by statutory undertakers who are not a local authority **[**F498or National Park authority**]**, that department may, on granting that authorisation, direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.

[F499(2) On granting or varying a consent under section 36 or 37 of the Electricity Act 1989 in relation to a generating station or electric line in England or Wales, the Secretary of State **[**F500or the Welsh Ministers**]** may give a direction for planning permission to be deemed to be granted, subject to such conditions (if any) as may be specified in the direction, for—

(a) so much of the operation or change of use to which the consent relates as constitutes development;

(b) any development ancillary to the operation or change of use to which the consent relates.

(2ZA) On varying a consent under section 36 or 37 of the Electricity Act 1989 in relation to a generating station or electric line in England or Wales, the Secretary of State **[**F501or the Welsh Ministers**]** may give one or more of the following directions (instead of, or as well as, a direction under subsection (2))—

(a) a direction for an existing planning permission deemed to be granted by virtue of a direction under subsection (2) (whenever made) to be varied as specified in the direction;

(b) a direction for any conditions subject to which any such existing planning permission was deemed to be granted to be varied as specified in the direction;

(c) a direction for any consent, agreement or approval given in respect of a condition subject to which any such existing planning permission was deemed to be granted to be treated as given in respect of a condition subject to which a new or varied planning permission is deemed to be granted.**]**

[F502(2A) On making an order under section 1 or 3 of the Transport and Works Act 1992 which includes provision for development, the Secretary of State may direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.**]**

[F503(2B) Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (special regard to listed buildings) applies to a government department or the Secretary

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of State in considering whether to make a direction under this section as it applies to the Secretary of State in considering whether to grant planning permission.**]**

(3) The provisions of this Act (except **[**[F504]section 100ZA and**]****[**[F505]Part**]**XII) shall apply in relation to any planning permission deemed to be granted by virtue of a direction under this section as if it had been granted by the Secretary of State on an application referred to him under section 77 **[**[F506](so that section 71ZA applies as if references to the decision notice were to the direction).**]**

(4) For the purposes of this section development is authorised by a government department if—

(a) any consent, authority or approval to or for the development is granted by the department in pursuance of an enactment;

(b) a compulsory purchase order is confirmed by the department authorising the purchase of land for the purpose of the development;

(c) consent is granted by the department to the appropriation of land for the purpose of the development or the acquisition of land by agreement for that purpose;

(d) authority is given by the department—

(i) for the borrowing of money for the purpose of the development, or

(ii) for the application for that purpose of any money not otherwise so applicable; or

(e) any undertaking is given by the department to pay a grant in respect of the development in accordance with an enactment authorising the payment of such grants;

and references in this section to the authorisation of a government department shall be construed accordingly.

[[F507](5) In subsection (2), the reference to ancillary development, in the case of a consent relating to the extension of a generating station, does not include any development which is not directly related to the generation of electricity by that station.

(6) In this section, references to England or Wales include—

(a) waters adjacent to England or Wales up to the seaward limits of the territorial sea, and

(b) a Renewable Energy Zone, except any part of a Renewable Energy Zone in relation to which the Scottish Ministers have functions.

(7) In this section "electric line", "extension", "generating station" and "Renewable Energy Zone" have the same meanings as in Part 1 of the Electricity Act 1989.**]**

Textual Amendments

F498 Words in s. 90(1) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(4)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

F499 S. 90(2)(2ZA) substituted for s. 90(2) (31.7.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 21(2)**, 35(1); S.I. 2013/1488, art. 5(b)

F500 Words in s. 90(2) inserted (1.4.2018 for specified purposes, 1.4.2019 in so far as not already in force) by Wales Act 2017 (c. 4), **ss. 39(13)**, 71(4) (with Sch. 7 paras. 1, 6, 8); S.I. 2017/1179, regs. 3(h), 5(a)

F501 Words in s. 90(2ZA) inserted (1.4.2018 for specified purposes, 1.4.2019 in so far as not already in force) by Wales Act 2017 (c. 4), **ss. 39(13)**, 71(4) (with Sch. 7 paras. 1, 6, 8, 9); S.I. 2017/1179, regs. 3(h), 5(a)

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F502 S. 90(2A) inserted (1.1.1993) by Transport and Works Act 1992 (c. 42), **s. 16(1)**; S.I. 1992/2784, art. 2, **Sch. 1**.
F503 S. 90(2B) inserted (18.2.2026) by Planning and Infrastructure Act 2025 (c. 34), **ss. 55(1)**, 118(2)(d)(i) (with s. 116)
F504 Words in s. 90(3) inserted (1.10.2018) by Neighbourhood Planning Act 2017 (c. 20), s. 46(1), **Sch. 3 para. 5**; S.I. 2018/567, reg. 3(b)
F505 Word in s. 90(3) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 31, **Sch. 6 para. 12** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)
F506 Words in s. 90(3) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 33(3)**, 58(2)(b)(4)(b); S.I. 2016/52, arts. 3(b), 5(b) (with art. 12)
F507 S. 90(5)(6)(7) substituted for s. 90(5) (31.7.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 21(3)**, 35(1); S.I. 2013/1488, art. 5(b)

Modifications etc. (not altering text)
C235 S. 90(2A) modified (21.8.2013) by The Croxley Rail Link Order 2013 (S.I. 2013/1967), arts. 1, **32**
C236 S. 90(2A) modified (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), arts. 1, **29** (with art. 31(2))

[F508 Biodiversity gain

Textual Amendments
F508 S. 90A and cross-heading inserted (3.11.2023 for specified purposes, 12.2.2024 for specified purposes, 1.5.2025 for specified purposes) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 14 para. 1** (with s. 144); S.I. 2023/1170, reg. 2(d); S.I. 2024/44, reg. 2(1)(d)(2) (with regs. 3, 4); S.I. 2025/447, reg. 2(1)(b)(2)

90A Biodiversity gain in England

Schedule 7A (biodiversity gain in England) has effect.]

[F509 Development progress reports

Textual Amendments
F509 S. 90B and cross-heading inserted (26.12.2023 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 114(3)**, 255(3) (with s. 247)

90B Condition relating to development progress reports in England

(1) This section applies where relevant planning permission is granted for relevant residential development in England.

(2) The relevant planning permission must be granted subject to a condition that a development progress report must be provided to the local planning authority in whose area the development is to be carried out for each reporting period.

(3) The first reporting period in relation to the development is to be a period—
(a) beginning at a prescribed time or by reference to a prescribed event, and

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(b) during which the development is begun.

(4) A new reporting period is to begin immediately after the end of a reporting period which is not the last reporting period.

(5) A reporting period which is not the last reporting period is to be a period of 12 months.

(6) The last reporting period is to be a period ending with the day on which the development is completed (subject to any provision made under subsection (9)).

(7) A "development progress report", in relation to relevant residential development, means a report which sets out—

(a) the progress that has been made, and that remains to be made, towards completing the dwellings the creation of which the development is to involve, as at the end of the reporting period to which the report relates,

(b) the progress which is predicted to be made towards completing those dwellings over each subsequent reporting period up to and including the last reporting period, and

(c) such other information as may be prescribed in regulations under subsection (9).

(8) If relevant planning permission is granted without the condition required by subsection (2), it is to be treated as having been granted subject to that condition.

(9) The Secretary of State may by regulations make provision—

(a) about the form and content of development progress reports;

(b) about when and how development progress reports are to be provided to local planning authorities;

(c) about who may or must provide development progress reports to local planning authorities;

(d) about the provision of development progress reports and other information to local planning authorities where there is a change in circumstances in connection with relevant residential development, such as (for example) where the development is no longer intended to be completed in accordance with—

(i) the relevant planning permission;

(ii) a previous development progress report;

(iii) any timescales specified in a commencement notice given under section 93G;

(e) about when a condition under subsection (2) is to be treated as being discharged;

(f) about when relevant residential development is to be treated as being completed for the purposes of this section.

(10) In this section—

"relevant planning permission" means planning permission other than—

(a) planning permission granted by a development order;

(b) planning permission granted for development carried out before the grant of that permission;

(c) planning permission granted for a limited period;

(d) planning permission granted by an enterprise zone scheme;

(e) planning permission granted by a simplified planning zone scheme;

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"relevant residential development" means development which—

(a) involves the creation of one or more dwellings, and

(b) is of a prescribed description.**]**

Duration of planning permission

91 General condition limiting duration of planning permission.

(1) Subject to the provisions of this section, every planning permission granted or deemed to be granted shall be granted or, as the case may be, be deemed to be granted, subject to the condition that the development to which it relates must be begun not later than the expiration of—

(a) **[**F510the applicable period,**]** beginning with the date on which the permission is granted or, as the case may be, deemed to be granted; or

(b) such other period (whether longer or shorter) beginning with that date as the authority concerned with the terms of planning permission may direct.

(2) The period mentioned in subsection (1)(b) shall be a period which the authority consider appropriate having regard to the provisions of the development plan and to any other material considerations.

(3) If planning permission is granted without the condition required by subsection (1), it shall **[**F511(subject to subsections (3ZA) and (3ZB))**]** be deemed to have been granted subject to the condition that the development to which it relates must be begun not later than the **[**F512expiration of the applicable period, beginning with the date of the grant**]**.

[F513(3ZA) Subsection (3ZB) applies if—

(a) a section 73 permission is granted for the development of land in Wales, but without the condition required by subsection (1), and

(b) the previous permission was granted, or deemed to have been granted (whether by virtue of this section or otherwise) subject to a condition as to the time within which development was to be begun.

(3ZB) The section 73 permission shall be deemed to have been granted subject to the condition that the development to which it relates must be begun not later than the date on or before which the previous permission required development to be begun.

(3ZC) The previous permission, in relation to a section 73 permission, is the previous planning permission referred to in section 73(1).

(3ZD) References in subsections (3ZA) to (3ZC) to a section 73 permission are to a planning permission granted under section 73.**]**

[F514**[**F515(3A) In subsections (3B) to (3BB)—

"implementation period" means the period before the end of which a development to which a planning permission relates must be begun (see subsections (1) and (3));

"relevant proceedings" means proceedings to challenge the validity, in respect of the development of land in England, of a grant of planning permission or of a deemed grant of planning permission.

(3B) If a person is given permission by a court to bring relevant proceedings, the implementation period is extended by one year.

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(3BA) If a party to relevant proceedings is given permission to appeal to the Court of Appeal against a decision determining the challenge, the implementation period is extended by one year.

(3BB) If a party to relevant proceedings is given permission to appeal to the Supreme Court against a decision determining the challenge, the implementation period is extended by two years.

(3BC) Any extension of a period under subsection (3B), (3BA) or (3BB) is to run concurrently with any other extension of the period under the same subsection (so far as they overlap).

(3BD) Any extension of a period under subsection (3BA) is to run consecutively to the previous extension of the period under subsection (3B) (if they would otherwise overlap).

(3BE) Any extension of a period under subsection (3BB) is to run consecutively to the previous extension of the period under subsection (3B) and any previous extension of the period under subsection (3BA) (if they would otherwise overlap).

(3BF) The references in subsections (3BA) and (3BB) to determining a challenge are to determining it after a full hearing (and accordingly do not include a refusal of permission or leave).**]**

(3C) Nothing in this section prevents the development being begun from the time the permission is granted or deemed to be granted.**]**

(4) Nothing in this section applies—

(a) to any planning permission granted by a development order **[**F516, a local development order or a neighbourhood development order**]**;

(b) to any planning permission **[**F517granted for development carried out before the grant of that permission**]**;

(c) to any planning permission granted for a limited period;

F518**[**(d) to any planning permission for development consisting of the winning and working of minerals or involving the depositing of mineral waste which is granted (or deemed to be granted) subject to a condition that the development to which it relates must be begun before the expiration of a specified period after—

(i) the completion of other development consisting of the winning and working of minerals already being carried out by the applicant for the planning permission; or

(ii) the cessation of depositing of mineral waste already being carried out by the applicant for the planning permission;**]**

(e) to any planning permission granted by an enterprise zone scheme;

(f) to any planning permission granted by a simplified planning zone scheme; or

(g) to any outline planning permission, as defined by section 92.

[F519(5) The applicable period—

(a) in relation to England, is three years;

(b) in relation to Wales, is five years.**]**

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Textual Amendments

F510 Words in s. 91(1)(a) substituted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 35(2)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(b) (with art. 13)

F511 Words in s. 91(3) inserted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 35(3)(a)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(b) (with art. 13)

F512 Words in s. 91(3) substituted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 35(3)(b)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(b) (with art. 13)

F513 S. 91(3ZA)-(3ZD) inserted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 35(4)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(b) (with art. 13)

F514 S. 91(3A)-(3C) inserted (24.8.2005 for E., 22.6.2015 for W. for specified purposes) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 51(1)(b)**, **s. 121(1)-(3)** (with ss. 51(6), 111); S.I. 2005/2081, art. 2(c); S.I. 2015/340, art. 3

F515 S. 91(3A)-(3BF) substituted for s. 91(3A)(3B) (18.2.2026) by Planning and Infrastructure Act 2025 (c. 34), **ss. 56(2)**, 118(2)(e) (with ss. 56(5)(6), 116)

F516 Words in s. 91(4)(a) substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 13**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2

F517 Words in s. 91(4)(b) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para.20** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch.1**

F518 S. 91(4)(d) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 3**; S.I. 1991/2067, **art. 3** (subject to art. 4)

F519 S. 91(5) inserted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 35(6)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(b) (with art. 13)

Modifications etc. (not altering text)

C237 S. 91 excluded (5.11.1993) by 1993 c. 42, **s. 24(2)** (with ss. 2, 30(1), Sch. 2 para.9)
S. 91 excluded (18.12.1996) by 1996 c. 61, **s. 10(4)**

C238 S. 91 excluded (22.7.2008) by Crossrail Act 2008 (c. 18), **ss. 11(4)**

C239 S. 91 excluded (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 21(4)**, 70(1)

C240 S. 91 excluded (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 18(4)**, 64(1)

92 Outline planning permission.

(1) In this section and section 91 "outline planning permission" means planning permission granted, in accordance with the provisions of a development order, with the reservation for subsequent approval by the local planning authority**[**[F520], the Welsh Ministers**]** or the Secretary of State of matters not particularised in the application ("reserved matters").

(2) Subject to the following provisions of this section, where outline planning permission is granted for development consisting in or including the carrying out of building or other operations, it shall be granted subject to conditions to the effect—

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(a) that, in the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission; and

(b) **[**F521that, in the case of outline planning permission for the development of land in England, the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;

(c) that, in the case of outline planning permission for the development of land in Wales, the development must be begun no later than—

(i) the expiration of five years from the date of the grant of outline planning permission, or

(ii) if later, the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.**]**

(3) If outline planning permission is granted without the conditions required by subsection (2), it shall **[**F522(subject to subsections (3A) to (3D))**]** be deemed to have been granted subject to those conditions.

[F523(3A) If outline planning permission is granted under section 73 for the development of land in Wales, but without the condition required by subsection (2)(a), it shall be deemed to have been granted subject to the following condition.

(3B) The condition is that, in the case of any reserved matter, application for approval must be made not later than the date on or before which the previous permission required application for approval, in the case of any matter reserved under the previous permission, to be made.

(3C) If outline planning permission is granted under section 73 for the development of land in Wales, but without a condition required by subsection (2)(c), it shall be deemed to have been granted subject to the following condition.

(3D) The condition is that the development to which the permission relates must be begun not later than the date on or before which the previous permission required development to be begun.

(3E) The previous permission, in relation to outline planning permission granted under section 73, is the previous planning permission referred to in subsection (1) of that section.**]**

(4) The authority concerned with the terms of an outline planning permission may, in applying subsection (2), substitute, or direct that there be substituted, for the periods F524... referred to in that subsection such other periods respectively (whether longer or shorter) as they consider appropriate.

(5) They may also specify, or direct that there be specified, separate periods under paragraph (a) of subsection (2) in relation to separate parts of the development to which the planning permission relates; and, if they do so, the condition required by paragraph (b) **[**F525or (c)**]** of that subsection shall then be framed correspondingly by reference to those parts, instead of by reference to the development as a whole.

(6) In considering whether to exercise their powers under subsections (4) and (5), the authority shall have regard to the provisions of the development plan and to any other material considerations.

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Textual Amendments

F520 Words in s. 92(1) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 10**; S.I. 2016/52, art. 3(e)

F521 S. 92(2)(b)(c) substituted for s. 92(2)(b) (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 36(2)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(b) (with art. 13)

F522 Words in s. 92(3) inserted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 36(3)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(b) (with art. 13)

F523 S. 92(3A)-(3E) inserted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 36(4)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(b) (with art. 13)

F524 Words in s. 92(4) omitted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by virtue of Planning (Wales) Act 2015 (anaw 4), **ss. 36(5)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(b) (with art. 13)

F525 Words in s. 92(5) inserted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 36(6)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(b) (with art. 13)

Modifications etc. (not altering text)

C241 S. 92: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

[F526 92A Extension of outline planning permission etc in event of legal challenge

(1) This section applies where a person is given permission by a court to bring proceedings challenging the validity, in respect of the development of land in England, of—

(a) a grant (or deemed grant) of outline planning permission, or

(b) the approval of reserved matters under such a permission.

(2) Any reserved matters application period or implementation period that is running when the court gives permission to bring the proceedings is extended by one year.

(3) If a party to the proceedings is given permission to appeal to the Court of Appeal against a decision determining the challenge, any reserved matters application period or implementation period that is running at that time is extended by one year.

(4) If a party to the proceedings is given permission to appeal to the Supreme Court against a decision determining the challenge, any reserved matters application period or implementation period that is running at that time is extended by two years.

(5) Any extension of a period under subsection (2), (3) or (4) is to run concurrently with any other extension of the period under the same subsection (so far as they overlap).

(6) Any extension of a period under subsection (3) is to run consecutively to the previous extension of the period under subsection (2) (if they would otherwise overlap).

(7) Any extension of a period under subsection (4) is to run consecutively to the previous extension of the period under subsection (2) and any previous extension of the period under subsection (3) (if they would otherwise overlap).

(8) For the purposes of subsections (2) to (4), an implementation period that is determined by reference to an approval of a reserved matter starts to run when the reserved matters application is made (and the reserved matters application period ceases to run at that point).

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(9) Subsection (10) applies if a reserved matters application is made without taking advantage of an extension under this section.

(10) Any implementation period determined by reference to the approval sought by the reserved matters application is extended by the number of days by which the reserved matters application period is extended under this section.

(11) Subsection (12) applies if a reserved matters application period is extended (or further extended) under this section and the reserved matters application is made taking advantage of the extension but before the end of the period as extended.

(12) Any implementation period determined by reference to the approval sought by the reserved matters application is extended by the number of whole days remaining in the reserved matters application period (as extended) when the reserved matters application is made.

(13) In this section—

"implementation period", in relation to a grant of outline planning permission, means the period before the end of which development to which the permission relates must be begun (see section 92(2)(b), (4) and (5));

"outline planning permission" has the same meaning as in section 92;

"reserved matters application" means an application for the approval of a reserved matter in pursuance of section 92;

"reserved matters application period", in relation to a grant of outline planning permission, means the period before the end of which a reserved matters application relating to the permission is required to be made (see section 92(2)(a), (4) and (5)).

(14) In this section, references to determining a challenge are to determining it after a full hearing (and accordingly do not include a refusal of permission or leave).**]**

Textual Amendments

F526 S. 92A inserted (18.2.2026) by Planning and Infrastructure Act 2025 (c. 34), **ss. 56(3)**, 118(2)(e) (with ss. 56(7), 116)

93 Provisions supplementary to ss. 91 and 92.

(1) The authority referred to in section 91(1)(b) or 92(4) is—

(a) the local planning authority**[**F527, the Welsh Ministers**]** or the Secretary of State, in the case of planning permission granted by them,

(b) in the case of planning permission deemed to be granted under section 90(1), the department on whose direction planning permission is deemed to be granted, and

(c) in the case of planning permission deemed to be granted under section 90(2), the Secretary of State.

(2) For the purposes of section 92, a reserved matter shall be treated as finally approved—

(a) when an application for approval is granted, or

(b) in a case where the application is made to the local planning authority and on an appeal to the Secretary of State against the authority's decision on the

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application the Secretary of State grants the approval, when the appeal is determined.

(3) Where a local planning authority grant planning permission, the fact that any of the conditions of the permission are required by the provisions of section 91 or 92 to be imposed, or are deemed by those provisions to be imposed, shall not prevent the conditions being the subject of an appeal under section 78 against the decision of the authority.

(4) In the case of planning permission (whether outline or other) which has conditions attached to it by or under section 91 or 92—

(a) development carried out after the date by which the conditions require it to be carried out shall be treated as not authorised by the permission; and

(b) an application for approval of a reserved matter, if it is made after the date by which the conditions require it to be made, shall be treated as not made in accordance with the terms of the permission.

Textual Amendments

F527 Words in s. 93(1)(a) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 11**; S.I. 2016/52, art. 3(e)

[F528 93A Extension of certain planning permissions: automatic extension

(1) This section applies in relation to relevant planning permission granted or deemed to be granted—

(a) in relation to the development of land in England, and

(b) subject to a condition which has the effect that the development to which the permission relates must be begun not later than a time falling within the period—

(i) beginning with the day on which section 17 of the Business and Planning Act 2020 comes into force, and

(ii) ending with 31 December 2020.

(2) The condition is deemed to provide instead that the development to which the relevant planning permission relates must be begun not later than 1 May 2021.

(3) The time by which the development to which the relevant planning permission relates must be begun is not to be extended (whether by section 91(3B) or otherwise) to a later time than that for the time being provided for in subsection (2).

(4) The reference in subsection (1) to relevant planning permission being granted, or deemed to be granted, subject to a condition which has the effect mentioned in paragraph (b) of that subsection includes a reference to the permission being subject to a condition which has that effect by virtue of being subsequently modified (whether by section 91(3B) or otherwise).

Textual Amendments

F528 Ss. 93A-93C inserted (temp.) (19.8.2020) by virtue of Business and Planning Act 2020 (c. 16), **ss. 17(2)**, 25(3)(b) (with s. 17(6))

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Modifications etc. (not altering text)

C242 S. 93A(1)(b)(ii): power to amend conferred (19.8.2020) by Business and Planning Act 2020 (c. 16), **ss. 17(7)(a)**, 25(3)(b)

C243 S. 93A(2): power to amend conferred (19.8.2020) by Business and Planning Act 2020 (c. 16), **ss. 17(7)(a)**, 25(3)(b)

93B Extension of certain planning permissions: additional environmental approval

(1) This section applies in relation to relevant planning permission granted or deemed to be granted—

(a) in relation to the development of land in England, and

(b) subject to a condition which has the effect that the development to which the permission relates must be begun not later than a time falling within the period—

(i) beginning with 23 March 2020, and

(ii) ending with the day before that on which section 17 of the Business and Planning Act 2020 comes into force.

(2) If an approval under this section ("an additional environmental approval") is granted, or deemed to be granted, in relation to the relevant planning permission—

(a) the condition is deemed to provide instead that the development to which the permission relates must be begun not later than 1 May 2021, and

(b) the time by which the development must be begun is not to be extended (whether by section 91(3B) or otherwise) to a later time than that for the time being provided for in paragraph (a).

(3) A person with an interest in the land or a person acting on behalf of such a person ("the applicant") may make an application to a local planning authority in whose area the land is situated for an additional environmental approval in relation to the relevant planning permission.

(4) The application must—

(a) be made in writing and sent to the local planning authority using electronic communications in such manner as the authority may specify,

(b) specify the date on which the application is sent,

(c) give sufficient information to enable the authority to identify the relevant planning permission in respect of which it is made,

(d) give sufficient information to enable the authority to identify the condition which would be affected by subsection (2)(a) if the additional environmental approval is granted, and

(e) give sufficient information to enable the authority to determine whether the additional environmental approval should be granted.

(5) The local planning authority must, by notice in writing to the applicant, grant, or refuse to grant, the additional environmental approval in relation to the relevant planning permission before the end of the period of 28 days beginning with the day after that on which the application in accordance with subsection (4) was sent.

(6) If the local planning authority fails to do so, the additional environmental approval is deemed to be granted in relation to the relevant planning permission.

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) The applicant and the local planning authority may agree in writing one or more extensions to the period mentioned in subsection (5), but the period may not be extended by a total of more than 21 days.

(8) The local planning authority is to grant the additional environmental approval in relation to the relevant planning permission if and only if—

(a) the EIA requirement is met, and

(b) the habitats requirement is met.

(9) The EIA requirement is met if, at the time the local planning authority is deciding the application—

(a) no development to which the relevant planning permission relates is EIA development (within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571)), or

(b) if any is—

(i) a reasoned conclusion was reached and integrated, as mentioned in paragraph (1) of regulation 26 of those regulations, in relation to the permission, and

(ii) in relation to that reasoned conclusion the authority is satisfied as mentioned in paragraph (2) of that regulation.

(10) The habitats requirement is met where, if a decision were being taken as to whether to grant the relevant planning permission at the time the local planning authority is deciding the application—

(a) regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) would not require an assessment to be carried out first of the implications of the development to which the permission relates for a European site or a European offshore marine site, or

(b) regulation 63(1) of those regulations would require an assessment of the kind mentioned in paragraph (a) to be carried out first, but—

(i) an assessment of that kind was carried out before the permission was granted or deemed to be granted,

(ii) in accordance with regulation 63(5) and (6) of those regulations, it was ascertained, in light of the assessment, that the development to which the permission relates would not adversely affect the integrity of the European site or (as the case may be) the European offshore marine site, and

(iii) the authority is satisfied that the assessment remains up to date.

(11) An additional environmental approval may not be granted subject to any condition.

(12) No additional environmental approval is to be granted or deemed to be granted after 31 December 2020, unless it is granted on an appeal in respect of which the notice under section 78(3) is served on or before that date.

(13) A person who makes an application under this section is to be taken to have agreed—

(a) to the use of electronic communications for all purposes relating to the application which are capable of being carried out electronically, and

(b) that the person's address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the person's application.

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(14) In discharging its functions under this section, a local planning authority must have regard to any guidance issued by the Secretary of State.

(15) The reference in subsection (1) to relevant planning permission being granted, or deemed to be granted, subject to a condition which has the effect mentioned in paragraph (b) of that subsection includes a reference to the permission being subject to a condition which has that effect by virtue of being subsequently modified (whether under section 91(3B) or otherwise).

(16) In this section "European site" and "European offshore marine site" have the same meaning as in the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012).

Textual Amendments

F528 Ss. 93A-93C inserted (temp.) (19.8.2020) by virtue of Business and Planning Act 2020 (c. 16), **ss. 17(2)**, 25(3)(b) (with s. 17(6))

Modifications etc. (not altering text)

C244 S. 93B(2)(a): power to amend conferred (19.8.2020) by Business and Planning Act 2020 (c. 16), **ss. 17(7)(b)**, 25(3)(b)

C245 S. 93B(12): power to amend conferred (19.8.2020) by Business and Planning Act 2020 (c. 16), **ss. 17(7)(b)**, 25(3)(b)

93C Interpretation of sections 93A and 93B

In sections 93A and 93B "relevant planning permission" means any planning permission other than that which is—

(a) granted by a development order, a local development order, a Mayoral development order or a neighbourhood development order,

(b) granted by an enterprise zone scheme,

(c) granted by a simplified planning zone scheme,

(d) deemed to be granted under section 90 (development with government authorisation), or

(e) outline planning permission (within the meaning given by section 92(1)).**]**

Textual Amendments

F528 Ss. 93A-93C inserted (temp.) (19.8.2020) by virtue of Business and Planning Act 2020 (c. 16), **ss. 17(2)**, 25(3)(b) (with s. 17(6))

[F529 93D Outline planning permission: automatic extension of time limits for application for approval

(1) This section applies in relation to outline planning permission granted or deemed to be granted—

(a) in relation to the development of land in England, and

(b) subject to a condition which has the effect that application for approval of a reserved matter must be made not later than a time falling within the period—

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(i) beginning with 23 March 2020, and

(ii) ending with 31 December 2020.

(2) The condition is deemed to provide instead that application for approval of that reserved matter must be made not later than 1 May 2021.

(3) The time by which that application for approval must be made is not to be extended to a later time than that for the time being provided for in subsection (2).

(4) The reference in subsection (1) to outline planning permission granted, or deemed to be granted, subject to a condition which has the effect mentioned in paragraph (b) of that subsection includes a reference to the permission being subject to a condition which has that effect by virtue of being subsequently modified.

(5) In this section "outline planning permission" and "reserved matter" have the meanings given by section 92(1).

Textual Amendments

F529 Ss. 93D-93F inserted (temp.) (19.8.2020) by virtue of Business and Planning Act 2020 (c. 16), **ss. 18(2)**, 25(3)(b) (with s. 18(6))

Modifications etc. (not altering text)

C246 S. 93D(1)(b)(ii): power to amend conferred by (19.8.2020) by Business and Planning Act 2020 (c. 16), **ss. 18(7)(a)**, 25(3)(b)

C247 S. 93D(2): power to amend conferred by (19.8.2020) by Business and Planning Act 2020 (c. 16), **ss. 18(7)(a)**, 25(3)(b)

93E Outline planning permission: automatic extension of certain time limits for beginning development

(1) This section applies in relation to outline planning permission granted or deemed to be granted—

(a) in relation to the development of land in England, and

(b) subject to a condition which has the effect that all or a part of the development to which the permission relates must be begun not later than a time falling within the period—

(i) beginning with the day on which section 18 of the Business and Planning Act 2020 comes into force, and

(ii) ending with 31 December 2020.

(2) The condition is deemed to provide instead that the development or (as the case may be) the part of the development must be begun not later than 1 May 2021.

(3) The time by which the development or (as the case may be) the part of the development must be begun is not to be extended to a later time than that for the time being provided for in subsection (2).

(4) The reference in subsection (1) to outline planning permission granted, or deemed to be granted, subject to a condition which has the effect mentioned in paragraph (b) of that subsection includes a reference to the permission being subject to a condition which has that effect by virtue of being subsequently modified.

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) In this section "outline planning permission" has the meaning given by section 92(1).

Textual Amendments

F529 Ss. 93D-93F inserted (temp.) (19.8.2020) by virtue of Business and Planning Act 2020 (c. 16), **ss. 18(2)**, 25(3)(b) (with s. 18(6))

Modifications etc. (not altering text)

C248 S. 93E(1)(b)(ii): power to amend conferred (19.8.2020) by Business and Planning Act 2020 (c. 16), **ss. 18(7)(b)**, 25(3)(b)

C249 S. 93E(2): power to amend conferred (19.8.2020) by Business and Planning Act 2020 (c. 16), **ss. 18(7)(b)**, 25(3)(b)

93F Outline planning permission: extension of limits for beginning development with additional environmental approval

(1) This section applies in relation to outline planning permission granted or deemed to be granted—

(a) in relation to the development of land in England, and

(b) subject to a condition which has the effect that all or a part of the development to which the permission relates must be begun not later than a time falling within the period—

(i) beginning with 23 March 2020, and

(ii) ending with the day before that on which section 18 of the Business and Planning Act 2020 comes into force.

(2) If an approval under this section ("an additional environmental approval") is granted, or deemed to be granted, in relation to the outline planning permission—

(a) the condition is deemed to provide instead that the development or (as the case may be) the part of the development must be begun not later than 1 May 2021, and

(b) the time by which the development or (as the case may be) the part of the development must be begun is not to be extended to a later time than that for the time being provided for in paragraph (a).

(3) A person with an interest in the land or a person acting on behalf of such a person ("the applicant") may make an application to a local planning authority in whose area the land is situated for an additional environmental approval in relation to the outline planning permission.

(4) The application must—

(a) be made in writing and sent to the local planning authority using electronic communications in such manner as the authority may specify,

(b) specify the date on which the application is sent,

(c) give sufficient information to enable the authority to identify the outline planning permission in respect of which it is made,

(d) give sufficient information to enable the authority to identify the condition which would be affected by subsection (2)(a) if the additional environmental approval is granted, and

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(e) give sufficient information to enable the authority to determine whether the additional environmental approval should be granted.

(5) The local planning authority must, by notice in writing to the applicant, grant, or refuse to grant, the additional environmental approval in relation to the outline planning permission before the end of the period of 28 days beginning with the day after that on which the application in accordance with subsection (4) was sent.

(6) If the local planning authority fails to do so, the additional environmental approval is deemed to be granted in relation to the outline planning permission.

(7) The applicant and the local planning authority may agree in writing one or more extensions to the period mentioned in subsection (5), but the period may not be extended by a total of more than 21 days.

(8) The local planning authority is to grant the additional environmental approval in relation to the outline planning permission if and only if—

(a) the EIA requirement is met, and

(b) the habitats requirement is met.

(9) The EIA requirement is met if, at the time the local planning authority is deciding the application—

(a) no development to which the outline planning permission relates is EIA development (within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571)), or

(b) if any is—

(i) a reasoned conclusion was reached and integrated, as mentioned in paragraph (1) of regulation 26 of those regulations, in relation to the permission, and

(ii) in relation to that reasoned conclusion the authority is satisfied as mentioned in paragraph (2) of that regulation.

(10) The habitats requirement is met where, if a decision were being taken as to whether to grant the outline planning permission at the time the local planning authority is deciding the application—

(a) regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) would not require an assessment to be carried out first of the implications of the development to which the permission relates for a European site or a European offshore marine site, or

(b) regulation 63(1) of those regulations would require an assessment of the kind mentioned in paragraph (a) to be carried out first, but—

(i) an assessment of that kind was carried out before the permission was granted or deemed to be granted,

(ii) in accordance with regulation 63(5) and (6) of those regulations, it was ascertained, in light of the assessment, that the development to which the permission relates would not adversely affect the integrity of the European site or (as the case may be) the European offshore marine site, and

(iii) the authority is satisfied that the assessment remains up to date.

(11) An additional environmental approval may not be granted subject to any condition.

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(12) No additional environmental approval is to be granted or deemed to be granted after 31 December 2020, unless it is granted on an appeal in respect of which the notice under section 78(3) is served on or before that date.

(13) A person who makes an application under this section is to be taken to have agreed—

(a) to the use of electronic communications for all purposes relating to the application which are capable of being carried out electronically, and

(b) that the person's address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the person's application.

(14) In discharging its functions under this section, a local planning authority must have regard to any guidance issued by the Secretary of State.

(15) The reference in subsection (1) to outline planning permission being granted, or deemed to be granted, subject to a condition which has the effect mentioned in paragraph (b) of that subsection includes a reference to the permission being subject to a condition which has that effect by virtue of being subsequently modified.

(16) In this section—

"European site" and "European offshore marine site" have the same meaning as in the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012);

"outline planning permission" has the meaning given by section 92(1).**]**

Textual Amendments

F529 Ss. 93D-93F inserted (temp.) (19.8.2020) by virtue of Business and Planning Act 2020 (c. 16), **ss. 18(2)**, 25(3)(b) (with s. 18(6))

Modifications etc. (not altering text)

C250 S. 93F(2)(a): power to amend conferred (19.8.2020) by Business and Planning Act 2020 (c. 16), **ss. 18(7)(c)**, 25(3)(b)

C251 S. 93F(12): power to amend conferred (19.8.2020) by Business and Planning Act 2020 (c. 16), **ss. 18(7)(c)**, 25(3)(b)

[F530 Commencement of development: England

Textual Amendments

F530 S. 93G and cross-heading inserted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 111(2)**, 255(3)(b) (with s. 247); S.I. 2024/389, reg. 2(g)

93G Commencement notices

(1) This section applies where—

(a) planning permission has been granted under section 70 or 73 for the development of any land in England, and

(b) the development is of a prescribed description.

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) Before the development is begun, the person proposing to carry it out must give a notice (a "commencement notice") to the local planning authority specifying the date on which the person expects the development to be begun.

(3) Once a person has given a commencement notice, the person—

(a) may give a further commencement notice substituting a new date for the date previously given, and

(b) must do so if the development is not commenced on the date previously given.

(4) A commencement notice must—

(a) include such information as may be prescribed, and

(b) be in such form and be given in such manner as may be prescribed.

(5) Where it appears to the local planning authority that a person has failed to comply with the requirements of subsection (2) or (3)(b), they may serve a notice on any relevant person requiring the relevant person to give the authority such of the information prescribed under subsection (4)(a) as the notice may specify.

(6) In subsection (5) "relevant person" means—

(a) the person to whom the requirements of subsection (2) or (3)(b) applied, and

(b) any person who is the owner or occupier of the land to which the planning permission relates or who has any other interest in that land.

(7) A person on whom a notice under subsection (5) is served is guilty of an offence if they fail to give the information required by the notice within the period of 21 days beginning with the day on which it was served.

(8) It is a defence for a person charged with an offence under subsection (7) to prove that they had a reasonable excuse for failing to provide the information required.

(9) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) When granting planning permission under section 70 or 73 for the development of any land in England, a local planning authority must by notice inform the applicant of—

(a) the requirements of subsections (2) and (3)(b), and

(b) the consequences of non-compliance with those requirements.**]**

[F531 Termination of planning permission: England

Textual Amendments

F531 Ss. 93H-93J and cross-heading inserted (26.12.2023 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 112(2)**, 255(3) (with ss. 112(4)(5), 247)

93H Completion notices

(1) This section applies where—

(a) a planning permission relating to land in England is by virtue of section 91 or 92 subject to a condition that the development to which the permission relates must begin before the expiration of a particular period, and development has been begun within that period but has not been completed,

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(b) development has begun in accordance with a simplified planning zone scheme in England but has not been completed by the time the area ceases to be a simplified planning zone,

(c) development has begun in accordance with planning permission under an enterprise zone scheme in England but has not been completed by the time the area ceases to be an enterprise zone,

(d) a planning permission under a neighbourhood development order is subject to a condition that the development to which the permission relates must begin before the expiration of a particular period, and development has begun within that period but has not been completed, or

(e) a planning permission under a street vote development order is subject to a condition that the development to which the permission relates must begin before the expiration of a particular period, and development has begun within that period but has not been completed.

(2) If the local planning authority are of the opinion that the development will not be completed within a reasonable period, they may serve a notice (a "completion notice") stating that the planning permission will cease to have effect at a specified time (the "completion notice deadline").

(3) The completion notice deadline must be—

(a) at least 12 months after the completion notice was served, and

(b) if the notice was served in a case within subsection (1)(a) or (d) before the end of the period referred to in that provision, at least 12 months after the end of that period.

(4) A completion notice must include—

(a) prescribed information in relation to the right of appeal against the notice, and

(b) any other prescribed information.

(5) A completion notice must be served on—

(a) the owner of the land,

(b) if different, the occupier of the land, and

(c) a person not falling within paragraph (a) or (b) with an interest in the land, being an interest which, in the opinion of the local planning authority, is materially affected by the notice.

(6) The local planning authority may withdraw a completion notice at any time before the completion notice deadline.

(7) If they do so they must immediately give notice of the withdrawal to every person who was served with the completion notice.

(8) If it appears to the Secretary of State to be expedient that a completion notice should be served in respect of any land in England, the Secretary of State may, after consulting the local planning authority, serve such a notice.

93I Appeals against completion notices

(1) Where a completion notice is served by a local planning authority under section 93H, any of the following may appeal to the Secretary of State against it (whether or not the notice was served on them)—

(a) the owner of the land,

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(b) a person not within paragraph (a) with an interest in the land, and

(c) a person who occupies the land by virtue of a licence.

(2) An appeal may be brought on any of the following grounds—

(a) that the appellant considers that the development will be completed within a reasonable period;

(b) that the completion notice deadline is an unreasonable one;

(c) that the notice was not served on the persons on whom it was required to be served under section 93H(5).

(3) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under this section.

(4) The regulations may in particular include provision—

(a) as to the period within which an appeal must be brought;

(b) as to how an appeal is made;

(c) as to the information to be supplied by the appellant;

(d) as to how a local planning authority must respond to an appeal and the information to be supplied by the authority;

(e) for the purpose of securing that the appeal is brought to the attention of persons in the locality of the development.

(5) On an appeal under this section the Secretary of State may—

(a) quash the completion notice,

(b) vary the completion notice by substituting a later completion notice deadline, or

(c) uphold the notice with the original completion notice deadline.

(6) On an appeal under this section the Secretary of State may also correct any defect, error or misdescription in the completion notice if satisfied that the correction will not cause injustice to the appellant or the local planning authority.

(7) If, on an appeal made on the ground referred to in subsection (1)(c), the Secretary of State determines that the completion notice was not served on a person on whom it should have been served, the notice need not be quashed if it appears to the Secretary of State that neither that person nor the appellant has been substantially prejudiced by that fact.

(8) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) applies in relation to any proceedings before the Secretary of State on an appeal under this section as if those proceedings were an inquiry held by the Secretary of State under section 250.

93J Effect of completion notices

(1) The planning permission to which a completion notice relates becomes invalid at the completion notice deadline (whether as originally specified or substituted on appeal under section 93I).

(2) Where an appeal is brought under section 93H the completion notice is of no effect pending the final determination or withdrawal of the appeal.

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) Subsection (1) does not affect any planning permission so far as relating to development carried out under it before the completion notice deadline.**]**

[**F532Termination of planning permission: Wales**]

Textual Amendments

F532 S. 94 cross-heading inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 11 para. 3** (with s. 247)

94 Termination of planning permission by reference to time limit: completion notices [F533in Wales].

(1) This section applies where—

(a) by virtue of section 91 or 92, a planning permission **[**F534in relation to land in Wales**]** is subject to a condition that the development to which the permission relates must be begun before the expiration of a particular period, that development has been begun within that period, but that period has elapsed without the development having been completed; or

(b) development has been begun in accordance with planning permission under a simplified planning zone scheme **[**F535in Wales**]** but has not been completed by the time the area ceases to be a simplified planning zone; or

(c) development has been begun in accordance with planning permission under an enterprise zone scheme **[**F536in Wales**]** but has not been completed by the time the area ceases to be an enterprise zone **[**F537; F538...

F538(d) . . . . . .**]**

(2) If the local planning authority are of the opinion that the development will not be completed within a reasonable period, they may serve a notice ("a completion notice") stating that the planning permission will cease to have effect at the expiration of a further period specified in the notice.

(3) The period so specified must not be less than 12 months after the notice takes effect.

(4) A completion notice shall be served—

(a) on the owner of the land,

(b) on the occupier of the land, and

(c) on any other person who in the opinion of the local planning authority will be affected by the notice.

(5) The local planning authority may withdraw a completion notice at any time before the expiration of the period specified in it as the period at the expiration of which the planning permission is to cease to have effect.

(6) If they do so they shall immediately give notice of the withdrawal to every person who was served with the completion notice.

Textual Amendments

F533 Words in s. 94 heading inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 11 para. 4(2)** (with s. 247)

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F534 Words in s. 94(1)(a) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 11 para. 4(3)(a)** (with s. 247)

F535 Words in s. 94(1)(b) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 11 para. 4(3)(b)** (with s. 247)

F536 Words in s. 94(1)(c) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 11 para. 4(3)(b)** (with s. 247)

F537 S. 94(1)(d) and word inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 14**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2

F538 S. 94(1)(d) and word omitted (26.12.2023) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 11 para. 4(3)(c)** (with s. 247)

Modifications etc. (not altering text)

C252 S. 94 applied (with modifications) (18.12.1996) by 1996 c. 61, **s. 10(5)(6)**

C253 S. 94(2): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

95 Effect of completion notice [F539in Wales].

(1) A completion notice **[**F540served in respect of land in Wales**]** shall not take effect unless and until it is confirmed by the Secretary of State.

(2) In confirming a completion notice the Secretary of State may substitute some longer period for that specified in the notice as the period at the expiration of which the planning permission is to cease to have effect.

(3) If, within such period as may be specified in a completion notice (which must not be less than 28 days from its service) any person on whom the notice is served so requires, the Secretary of State, before confirming the notice, shall give him and the local planning authority an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(4) If a completion notice takes effect, the planning permission referred to in it shall become invalid at the expiration of the period specified in the notice (whether the original period specified under section 94(2) or a longer period substituted by the Secretary of State under subsection (2)).

(5) Subsection (4) shall not affect any permission so far as development carried out under it before the end of the period mentioned in that subsection is concerned.

Textual Amendments

F539 Words in s. 95 heading inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 11 para. 5(a)** (with s. 247)

F540 Words in s. 95(1) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 11 para. 5(b)** (with s. 247)

Modifications etc. (not altering text)

C254 S. 95(2) modified (18.12.1996) by 1996 c. 61, **s. 10(6)**

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

96 Power of Secretary of State to serve completion notices [F541in Wales].

(1) If it appears to the Secretary of State to be expedient that a completion notice should be served in respect of any land **[**F542in Wales**]**, he may himself serve such a notice.

(2) A completion notice served by the Secretary of State shall have the same effect as if it had been served by the local planning authority.

(3) The Secretary of State shall not serve such a notice without consulting the local planning authority.

Textual Amendments

F541 Words in s. 96 heading inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 11 para. 6(a)** (with s. 247)

F542 Words in s. 96(1) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 11 para. 6(b)** (with s. 247)

[F543Non-material changes to planning permission

Textual Amendments

F543 S. 96A and cross-heading inserted (1.10.2009) by Planning Act 2008 (c. 29), **ss. 190(2)**, 241 (with s. 226); S.I. 2009/2260, **art. 3**

96A Power to make non-material changes to planning permission [F544or permission in principle]

(1) A local planning authority F545... may make a change to any planning permission**[**F546, or any permission in principle (granted following an application to the authority),**]** relating to land in their area if they are satisfied that the change is not material.

(2) In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission **[**F547or permission in principle**]** as originally granted.

(3) The power conferred by subsection (1) includes power **[**F548to make a change to a planning permission **]** —

(a) to impose new conditions;

(b) to remove or alter existing conditions.

[F549(3A) The conditions referred to in subsection (3)(b) do not include the condition under paragraph 13 of Schedule 7A (biodiversity gain condition).**]**

[F550(3B) The conditions referred to in subsection (3)(b) do not include the condition under section 90B (condition relating to development progress reports in England).**]**

(4) The power conferred by subsection (1) may be exercised only on an application made by or on behalf of a person with an interest in the land to which the planning permission **[**F551or permission in principle**]** relates.

(5) An application under subsection (4) **[**F552to a local planning authority in England**]** must be made in the form and manner prescribed by development order.

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F553(5A) A development order may provide that an application under subsection (4) to a local planning authority in Wales must be made—

(a) in the form prescribed by the order or in a form published by the Welsh Ministers; and

(b) in the manner prescribed by the order.**]**

(6) Subsection (7) applies in relation to an application under subsection (4) made by or on behalf of a person with an interest in some, but not all, of the land to which the planning permission **[**F554or permission in principle**]** relates.

(7) The application may be made only in respect of so much of the planning permission **[**F555or permission in principle**]** as affects the land in which the person has an interest.

(8) A local planning authority **[**F556in England**]** must comply with such requirements as may be prescribed by development order as to consultation and publicity in relation to the exercise of the power conferred by subsection (1).**]**

[F557(9) A development order may make provision about how a local planning authority in Wales are to deal with an application under subsection (4) (including provision imposing requirements as to consultation and publicity and as to when steps specified in the order are to be taken).

(10) For the purposes of this section as it applies in relation to Wales, a person has an interest in land only if in relation to that land (or any mineral in, on or under it) the person—

(a) is the estate owner of the fee simple;

(b) is entitled to a tenancy granted or extended for a term of years certain of which not less than two years remain unexpired;

(c) is the mortgagee of any interest or estate in the land; or

(d) is a party to an estate contract within the meaning of section 2(4) of the Land Charges Act 1972.**]**

Textual Amendments

F544 Words in s. 96A heading inserted (E.) (27.3.2017) by The Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 (S.I. 2017/276), regs. 1, **3(4)(a)**

F545 Words in s. 96A(1) omitted (1.9.2014) by virtue of The Town and Country Planning (Non-Material Changes and Correction of Errors) (Wales) Order 2014 (S.I. 2014/1770), arts. 1, **2(2)**

F546 Words in s. 96A(1) inserted (E.) (27.3.2017) by The Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 (S.I. 2017/276), regs. 1, **3(4)(b)**

F547 Words in s. 96A(2) inserted (E.) (27.3.2017) by The Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 (S.I. 2017/276), regs. 1, **3(4)(c)**

F548 Words in s. 96A(3) inserted (E.) (27.3.2017) by The Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 (S.I. 2017/276), regs. 1, **3(4)(d)**

F549 S. 96A(3A) inserted (12.2.2024) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 14 para. 3(10)** (with s. 144); S.I. 2024/44, reg. 2(1)(e) (with reg. 4)

F550 S. 96A(3B) inserted (26.12.2023 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 114(7)**, 255(3) (with s. 247)

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F551 Words in s. 96A(4) inserted (E.) (27.3.2017) by The Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 (S.I. 2017/276), regs. 1, **3(4)(c)**

F552 Words in s. 96A(5) inserted (1.9.2014) by The Town and Country Planning (Non-Material Changes and Correction of Errors) (Wales) Order 2014 (S.I. 2014/1770), arts. 1, **2(3)**

F553 S. 96A(5A) inserted (1.9.2014) by The Town and Country Planning (Non-Material Changes and Correction of Errors) (Wales) Order 2014 (S.I. 2014/1770), arts. 1, **2(4)**

F554 Words in s. 96A(6) inserted (E.) (27.3.2017) by The Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 (S.I. 2017/276), regs. 1, **3(4)(c)**

F555 Words in s. 96A(7) inserted (E.) (27.3.2017) by The Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 (S.I. 2017/276), regs. 1, **3(4)(c)**

F556 Words in s. 96A(8) inserted (1.9.2014) by The Town and Country Planning (Non-Material Changes and Correction of Errors) (Wales) Order 2014 (S.I. 2014/1770), arts. 1, **2(5)**

F557 S. 96A(9)(10) inserted (1.9.2014) by The Town and Country Planning (Non-Material Changes and Correction of Errors) (Wales) Order 2014 (S.I. 2014/1770), arts. 1, **2(6)**

*Revocation and modification of planning permission **[**F558**or permission in principle]***

Textual Amendments

F558 Words in s. 97 cross-heading inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 24**; S.I. 2016/733, reg. 3(d)

97 Power to revoke or modify planning permission [F559or permission in principle].

(1) If it appears to the local planning authority that it is expedient to revoke or **[**F560modify—

(a) any permission (including permission in principle) to develop land granted on an application made under this Part **[**F561or, in relation to England, Part 13**]**, or

(b) any permission in principle granted by a development order,

the authority**]** may by order revoke or modify the permission to such extent as they consider expedient.

(2) In exercising their functions under subsection (1) the authority shall have regard to the development plan and to any other material considerations.

(3) The power conferred by this section may be exercised—

(a) **[**F562in the case of planning permission that**]** relates to the carrying out of building or other operations, at any time before those operations have been completed;

(b) **[**F562in the case of planning permission that**]** relates to a change of the use of any land, at any time before the change has taken place.

(4) The revocation or modification of **[**F563planning permission**]** for the carrying out of building or other operations shall not affect so much of those operations as has been previously carried out.

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(5) References in this section to the local planning authority are to be construed in relation to development consisting of the winning and working of minerals as references to the mineral planning authority, [F564]. . ..

[F565](6) Part II of Schedule 5 shall have effect for the purpose of making special provision with respect to the conditions that may be imposed by an order under this section which revokes or modifies permission for development—

(a) consisting of the winning and working of minerals; or

(b) involving the depositing of refuse or waste materials.]

[F566](7) Subsection (1) does not permit the revocation or modification of the condition under paragraph 13 of Schedule 7A (the biodiversity gain condition), subject as follows.

(8) The Secretary of State may by regulations make provision—

(a) for the condition under paragraph 13 of Schedule 7A to apply in relation to the modification of planning permission under this section, subject to such modifications as may be specified in the regulations;

(b) for planning permission modified under this section to be subject to other conditions relating to meeting the biodiversity gain objective referred to in paragraph 2 of Schedule 7A (including conditions of a kind referred to in paragraph 20(3) of that Schedule).]

[F567(9) Subsection (1) does not permit the revocation or modification of the condition under section 90B (condition relating to development progress reports in England).]

Textual Amendments

F559 Words in s. 97 heading inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 25(2)**; S.I. 2016/733, reg. 3(d)

F560 Words in s. 97(1) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 25(3)**; S.I. 2016/733, reg. 3(d)

F561 Words in s. 97(1)(a) inserted (1.5.2025) by The Town and Country Planning (Fees and Consequential Amendments) Regulations 2025 (S.I. 2025/418), regs. 1(3), **13(6)**

F562 Words in s. 97(3)(a)(b) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 25(4)**; S.I. 2016/733, reg. 3(d)

F563 Words in s. 97(4) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 25(5)**; S.I. 2016/733, reg. 3(d)

F564 Words in s. 97(5) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 4, **Sch. 19**, Pt.I (with s. 84(5)); S.I. 1991/2067, art. 3, **Sch.1** (subject to art. 4)

F565 S. 97(6) inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para.4** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F566 S. 97(7)(8) inserted (12.2.2024) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 14 para. 3(11)** (with s. 144); S.I. 2024/44, reg. 2(1)(e) (with reg. 4)

F567 S. 97(9) inserted (26.12.2023 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 114(8)**, 255(3) (with s. 247)

98 Procedure for s. 97 orders: opposed cases.

(1) Except as provided in section 99, an order under section 97 shall not take effect unless it is confirmed by the Secretary of State.

Changes to legislation: *Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) Where a local planning authority submit such an order to the Secretary of State for confirmation, they shall serve notice on—

(a) the owner of the land affected,

(b) the occupier of the land affected, and

(c) any other person who in their opinion will be affected by the order.

(3) The notice shall specify the period within which any person on whom it is served may require the Secretary of State to give him an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(4) If within that period such a person so requires, before the Secretary of State confirms the order he shall give such an opportunity both to him and to the local planning authority.

(5) The period referred to in subsection (3) must not be less than 28 days from the service of the notice.

(6) The Secretary of State may confirm an order submitted to him under this section either without modification or subject to such modifications as he considers expedient.

99 Procedure for s. 97 orders: unopposed cases.

(1) This section applies where—

(a) the local planning authority have made an order under section 97; and

(b) the owner and the occupier of the land and all persons who in the authority's opinion will be affected by the order have notified the authority in writing that they do not object to it.

(2) Where this section applies, instead of submitting the order to the Secretary of State for confirmation the authority shall advertise in the prescribed manner the fact that the order has been made, and the advertisement must specify—

(a) the period within which persons affected by the order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose; and

(b) the period at the expiration of which, if no such notice is given to the Secretary of State, the order may take effect by virtue of this section without being confirmed by the Secretary of State.

(3) The authority shall also serve notice to the same effect on the persons mentioned in subsection (1)(b).

(4) The period referred to in subsection (2)(a) must not be less than 28 days from the date the advertisement first appears.

(5) The period referred to in subsection (2)(b) must not be less than 14 days from the expiration of the period referred to in subsection (2)(a).

(6) The authority shall send a copy of any advertisement published under subsection (2) to the Secretary of State not more than three days after the publication.

(7) If—

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(a) no person claiming to be affected by the order has given notice to the Secretary of State under subsection (2)(a) within the period referred to in that subsection, and

(b) the Secretary of State has not directed within that period that the order be submitted to him for confirmation,

the order shall take effect at the expiry of the period referred to in subsection (2)(b), without being confirmed by the Secretary of State as required by section 98(1).

(8) This section does not apply—

(a) to an order revoking or modifying a planning permission **[**F568or permission in principle**]** granted or deemed to have been granted by the Secretary of State **[**F569or the Welsh Ministers**]** under this Part or Part VII **[**F570or by the Secretary of State under Part 13**]**, or

(b) to an order modifying any conditions to which a planning permission is subject by virtue of section 91 or 92.

Textual Amendments

F568 Words in s. 99(8)(a) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 26**; S.I. 2016/733, reg. 3(d)

F569 Words in s. 99(8)(a) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 12**; S.I. 2016/52, art. 3(e)

F570 Words in s. 99(8)(a) inserted (1.5.2025) by The Town and Country Planning (Fees and Consequential Amendments) Regulations 2025 (S.I. 2025/418), regs. 1(3), **13(7)**

100 Revocation and modification of planning permission [F571or permission in principle] by the Secretary of State.

(1) If it appears to the Secretary of State that it is expedient that an order should be made under section 97, he may himself make such an order.

(2) Such an order which is made by the Secretary of State shall have the same effect as if it had been made by the local planning authority and confirmed by the Secretary of State.

(3) The Secretary of State shall not make such an order without consulting the local planning authority.

(4) Where the Secretary of State proposes to make such an order he shall serve notice on the local planning authority.

(5) The notice shall specify the period (which must not be less than 28 days from the date of its service) within which the authority may require an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(6) If within that period the authority so require, before the Secretary of State makes the order he shall give the authority such an opportunity.

(7) The provisions of this Part and of any regulations made under this Act with respect to the procedure to be followed in connection with the submission by the local planning authority of any order under section 97 and its confirmation by the Secretary of State shall have effect, subject to any necessary modifications, in relation to any proposal by the Secretary of State to make such an order and its making by him.

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F572[(8) Subsections (5) and (6) of section 97 apply for the purposes of this section as they apply for the purposes of that.]

Textual Amendments

F571 Words in s. 100 heading inserted (E.) (27.3.2017) by The Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 (S.I. 2017/276), regs. 1, **3(5)**

F572 S. 100(8) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para.5** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F573Power to impose conditions on grant of planning permission in England

Textual Amendments

F573 S. 100ZA and cross-heading inserted (19.7.2017 for specified purposes, 1.10.2018 for specified purposes) by Neighbourhood Planning Act 2017 (c. 20), **ss. 14(1)**, 46(1) (with s. 14(3)); S.I. 2017/767, reg. 2(e); S.I. 2018/567, reg. 3(a)

100ZA Restrictions on power to impose planning conditions in England

(1) The Secretary of State may by regulations provide that—

(a) conditions of a prescribed description may not be imposed in any circumstances on a relevant grant of planning permission for the development of land in England,

(b) conditions of a prescribed description may be imposed on any such grant only in circumstances of a prescribed description, or

(c) no conditions may be imposed on any such grant in circumstances of a prescribed description.

(2) Regulations under subsection (1) may make provision only if (and in so far as) the Secretary of State is satisfied that the provision is appropriate for the purposes of ensuring that any condition imposed on a relevant grant of planning permission for the development of land in England is—

(a) necessary to make the development acceptable in planning terms,

(b) relevant to the development and to planning considerations generally,

(c) sufficiently precise to make it capable of being complied with and enforced, and

(d) reasonable in all other respects.

(3) Before making regulations under subsection (1) the Secretary of State must carry out a public consultation.

(4) Subsection (5) applies in relation to an application for a relevant grant of planning permission for the development of land in England.

(5) Planning permission for the development of the land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition.

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(6) But the requirement under subsection (5) for the applicant to agree to the terms of a pre-commencement condition does not apply in such circumstances as may be prescribed.

(7) Before making regulations under subsection (6) the Secretary of State must carry out a public consultation.

(8) "Pre-commencement condition" means a condition imposed on a grant of planning permission (other than a grant of outline planning permission within the meaning of section 92) which must be complied with—

(a) before any building or other operation comprised in the development is begun, or

(b) where the development consists of a material change in the use of any buildings or other land, before the change of use is begun.

(9) A power conferred by any provision of this Part **[**[F574]or Part 13**]** to impose a condition on a relevant grant of planning permission for the development of land in England is subject to—

(a) regulations under subsection (1), and

(b) subsection (5).

(10) The Secretary of State must issue guidance to local planning authorities about the operation of this section and regulations made under it.

(11) The Secretary of State may, from time to time, revise guidance issued under subsection (10).

(12) The Secretary of State must arrange for guidance issued or revised under this section to be published in such manner as the Secretary of State considers appropriate.

(13) In this section—

(a) references to a relevant grant of planning permission are to any grant of permission to develop land which is granted on an application made under this Part **[**[F575]or Part 13**]**;

(b) references to a grant include the modification of any such grant;

(c) references to a condition include a limitation **[**[F576]but do not include the condition under paragraph 13 of Schedule 7A (biodiversity gain condition)**]**,

and "prescribed" means prescribed by the Secretary of State.**]**

Textual Amendments

F574 Words in s. 100ZA(9) inserted (1.5.2025) by The Town and Country Planning (Fees and Consequential Amendments) Regulations 2025 (S.I. 2025/418), regs. 1(3), **13(8)(a)**

F575 Words in s. 100ZA(13)(a) inserted (1.5.2025) by The Town and Country Planning (Fees and Consequential Amendments) Regulations 2025 (S.I. 2025/418), regs. 1(3), **13(8)(b)**

F576 Words in s. 100ZA(13)(c) inserted (12.2.2024) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 14 para. 3(12)** (with s. 144); S.I. 2024/44, reg. 2(1)(e) (with reg. 4)

Modifications etc. (not altering text)

C255 S. 100ZA(13)(c) modified (temp.) (26.12.2023 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 114(10)**, 255(3) (with s. 247)

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F577 Consultation etc in respect of certain applications relating to planning permission: Wales

Textual Amendments

F577 S. 100A and cross-heading inserted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 37**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(b)

100A Wales: consultation etc in respect of certain applications relating to planning permission

(1) A development order may provide that a local planning authority in Wales to which an application within subsection (5) (a "relevant application") is made are not to determine the application before the end of a period specified in the order.

(2) If a local planning authority in Wales to which a relevant application is made consult a statutory consultee about the application, the consultee must give a substantive response.

(3) That response must be given before the end of—

(a) a period specified in a development order, or

(b) if the consultee and the authority agree otherwise in writing, whatever period is specified in their agreement.

(4) A development order may make provision—

(a) about information that is to be provided by a local planning authority to a statutory consultee for the purposes of, or in connection with, consultation about a relevant application;

(b) about the requirements of a substantive response;

(c) requiring a statutory consultee consulted about a relevant application to give a report to the Welsh Ministers about the consultee's compliance with subsections (2) and (3) (including provision as to the form and content of the report, and the time at which it is to be made).

(5) An application is within this subsection if it is—

(a) an application for approval of reserved matters (within the meaning of section 92);

(b) an application for any other consent, agreement or approval required by any condition or limitation subject to which planning permission has been granted;

(c) an application under section 96A(4) (non-material changes to planning permission).

(6) References in this section to a statutory consultee, in relation to a relevant application, are to a person whom, by virtue of section 71 or section 74, the local planning authority was required to consult before determining the original application.

(7) The original application, in relation to a relevant application, is—

(a) in the case of an application within subsection (5)(a) or (b), the application for the planning permission in accordance with which the application for approval, consent or agreement is made;

(b) in the case of an application within subsection (5)(c), the application for the planning permission to which the application under section 96A(4) relates.**]**

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References to Planning Inquiry Commission

101 Power to refer certain planning questions to Planning Inquiry Commission.

(1) The Secretary of State may constitute a Planning Inquiry Commission to inquire into and report on any matter referred to them under subsection (2) in the circumstances mentioned in subsection (3).

(2) The matters that may be referred to a Planning Inquiry Commission are—

(a) an application for planning permission which the Secretary of State has under section 77 directed to be referred to him instead of being dealt with by a local planning authority;

(b) an appeal under section 78 (including that section as applied by or under any other provision of this Act);

(c) a proposal that a government department should give a direction under section 90(1) that planning permission shall be deemed to be granted for development by a local authority **[**F578or National Park authority**]** or by statutory undertakers which is required by any enactment to be authorised by that department;

(d) a proposal that development should be carried out by or on behalf of a government department.

(3) Any of those matters may be referred to any such commission under this section if it appears expedient to the responsible Minister or Ministers that the question whether the proposed development should be permitted to be carried out should be the subject of a special inquiry on either or both of the following grounds—

(a) that there are considerations of national or regional importance which are relevant to the determination of that question and require evaluation, but a proper evaluation of them cannot be made unless there is a special inquiry for the purpose;

(b) that the technical or scientific aspects of the proposed development are of so unfamiliar a character as to jeopardise a proper determination of that question unless there is a special inquiry for the purpose.

(4) Part I of Schedule 8 shall have effect as respects the constitution of any such commission and its functions and procedure on references to it under this section, and the references in subsection (3) and in that Schedule to "the responsible Minister or Ministers" shall be construed in accordance with Part II of that Schedule.

(5) In relation to any matter affecting both England and Wales, the functions of the Secretary of State under subsection (1) shall be exercised by the Secretaries of State for the time being having general responsibility in planning matters in relation to England and in relation to Wales acting jointly.

Textual Amendments

F578 Words in s. 101(2)(c) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(4)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

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Other controls over development

102 Orders requiring discontinuance of use or alteration or removal of buildings or works.

(1) If, having regard to the development plan and to any other material considerations, it appears to a local planning authority that it is expedient in the interests of the proper planning of their area (including the interests of amenity)—

(a) that any use of land should be discontinued or that any conditions should be imposed on the continuance of a use of land; or

(b) that any buildings or works should be altered or removed,

they may by order—

(i) require the discontinuance of that use, or

(ii) impose such conditions as may be specified in the order on the continuance of it, or

(iii) require such steps as may be so specified to be taken for the alteration or removal of the buildings or works,

as the case may be.

(2) An order under this section may grant planning permission for any development of the land to which the order relates, subject to such conditions as may be specified in the order.

[[F579](2A) Section 71ZA applies where planning permission is granted by an order under this section as if the references to the decision notice were to the order.**]**

(3) Section 97 shall apply in relation to any planning permission granted by an order under this section as it applies in relation to planning permission granted by the local planning authority on an application made under this Part.

[F580]**[**(4) The planning permission which may be granted by an order under this section includes planning permission, subject to such conditions as may be specified in the order, for development carried out before the date on which the order was submitted to the Secretary of State under section 103.

(5) Planning permission for such development may be granted so as to have effect from—

(a) the date on which the development was carried out; or

(b) if it was carried out in accordance with planning permission granted for a limited period, the end of that period.**]**

(6) Where the requirements of an order under this section will involve the displacement of persons residing in any premises, it shall be the duty of the local planning authority, in so far as there is no other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation in advance of the displacement.

(7) Subject to section 103(8), in the case of planning permission granted by an order under this section, the authority referred to in sections 91(1)(b) and 92(4) is the local planning authority making the order.

(8) The previous provisions of this section do not apply to the use of any land for development **[**[F581]consisting of the winning and working of minerals or involving the depositing of refuse or waste materials**]** except as provided in Schedule 9, and that

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Schedule shall have effect for the purpose of making provision as respects land which is or has been so used.

Textual Amendments

F579 S. 102(2A) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 33(4)**, 58(2)(b)(4)(b); S.I. 2016/52, arts. 3(b), 5(b) (with art. 12)

F580 S. 102(4)(5) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para.21** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

F581 Words in s. 102(8) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 6** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

Modifications etc. (not altering text)

C256 S. 102: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

103 Confirmation by Secretary of State of s. 102 orders.

(1) An order under section 102 shall not take effect unless it is confirmed by the Secretary of State, either without modification or subject to such modifications as he considers expedient.

(2) The power of the Secretary of State under this section to confirm an order subject to modifications includes power—

(a) to modify any provision of the order granting planning permission, as mentioned in subsections (2) to (5) of section 102;

(b) to include in the order any grant of planning permission which might have been included in the order as submitted to him.

(3) Where a local planning authority submit an order to the Secretary of State for his confirmation under this section, they shall serve notice—

(a) on the owner of the land affected,

(b) on the occupier of that land, and

(c) on any other person who in their opinion will be affected by the order.

(4) The notice shall specify the period within which any person on whom it is served may require the Secretary of State to give him an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(5) If within that period such a person so requires, before the Secretary of State confirms the order, he shall give such an opportunity both to him and to the local planning authority.

(6) The period referred to in subsection (4) must not be less than 28 days from the service of the notice.

(7) Where an order under section 102 has been confirmed by the Secretary of State, the local planning authority shall serve a copy of the order on the owner and occupier of the land to which the order relates.

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(8) Where the Secretary of State exercises his powers under subsection (2) in confirming an order granting planning permission, he is the authority referred to in sections 91(1)(b) and 92(4).

104 Power of the Secretary of State to make s. 102 orders.

(1) If it appears to the Secretary of State that it is expedient that an order should be made under section 102, he may himself make such an order.

(2) Such an order made by the Secretary of State shall have the same effect as if it had been made by the local planning authority and confirmed by the Secretary of State.

(3) The Secretary of State shall not make such an order without consulting the local planning authority.

(4) Where the Secretary of State proposes to make such an order he shall serve notice on the local planning authority.

(5) The notice shall specify the period within which the authority may require an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(6) If within that period the authority so require, before the Secretary of State makes the order he shall give the authority such an opportunity.

(7) The period referred to in subsection (5) must not be less than 28 days from the date of the service of the notice.

(8) The provisions of this Part and of any regulations made under this Act with respect to the procedure to be followed in connection with the submission by the local planning authority of any order under section 102, its confirmation by the Secretary of State and the service of copies of it as confirmed shall have effect, subject to any necessary modifications, in relation to any proposal by the Secretary of State to make such an order, its making by him and the service of copies of it.

F582 105 . . . . . .

Textual Amendments

F582 S. 105 repealed (1.11.1995) by 1995 c. 25, ss. 96(4), 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**

[F583 106 Planning obligations.

(1) Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A **[**F584to 106C**][**F585, Schedule 7A**]** as " a planning obligation "), enforceable to the extent mentioned in subsection (3)—

(a) restricting the development or use of the land in any specified way;

(b) requiring specified operations or activities to be carried out in, on, under or over the land;

(c) requiring the land to be used in any specified way; or

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(d) requiring a sum or sums to be paid to the authority **[**F586(or, in a case where section 2E applies, to the Greater London Authority)**]** on a specified date or dates or periodically.

[F587(1A) In the case of a development consent obligation, the reference to development in subsection (1)(a) includes anything that constitutes development for the purposes of the Planning Act 2008.**]**

[F588(1B) In the case of an infrastructure consent obligation, the reference to development in subsection (1)(a) includes anything that constitutes development for the purposes of the Infrastructure (Wales) Act 2024.**]**

(2) A planning obligation may—

(a) be unconditional or subject to conditions;

(b) impose any restriction or requirement mentioned in subsection (1)(a) to (c) either indefinitely or for such period or periods as may be specified; and

(c) if it requires a sum or sums to be paid, require the payment of a specified amount or an amount determined in accordance with the instrument by which the obligation is entered into and, if it requires the payment of periodical sums, require them to be paid indefinitely or for a specified period.

(3) Subject to subsection (4) a planning obligation is enforceable by the authority identified in accordance with subsection (9)(d)—

(a) against the person entering into the obligation; and

(b) against any person deriving title from that person.

(4) The instrument by which a planning obligation is entered into may provide that a person shall not be bound by the obligation in respect of any period during which he no longer has an interest in the land.

(5) A restriction or requirement imposed under a planning obligation is enforceable by injunction.

(6) Without prejudice to subsection (5), if there is a breach of a requirement in a planning obligation to carry out any operations in, on, under or over the land to which the obligation relates, the authority by whom the obligation is enforceable may—

(a) enter the land and carry out the operations; and

(b) recover from the person or persons against whom the obligation is enforceable any expenses reasonably incurred by them in doing so.

(7) Before an authority exercise their power under subsection (6)(a) they shall give not less than twenty-one days' notice of their intention to do so to any person against whom the planning obligation is enforceable.

(8) Any person who wilfully obstructs a person acting in the exercise of a power under subsection (6)(a) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) A planning obligation may not be entered into except by an instrument executed as a deed which—

(a) states that the obligation is a planning obligation for the purposes of this section;

[F589(aa) if the obligation is a development consent obligation, contains a statement to that effect;**]**

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[[F590](ab) if the obligation is an infrastructure consent obligation, contains a statement to that effect;**]**

(b) identifies the land in which the person entering into the obligation is interested;

(c) identifies the person entering into the obligation and states what his interest in the land is; and

(d) identifies the local planning authority by whom the obligation is enforceable. **[**[F591]and, in a case where section 2E applies, identifies the Mayor of London as an authority by whom the obligation is also enforceable**]**

(10) A copy of any such instrument shall be given to the **[**[F592]authority so identified **][**[F592]local planning authority so identified and, in a case where section 2E applies, to the Mayor of London**]** .

(11) A planning obligation shall be a local land charge and for the purposes of the [M43]Local Land Charges Act 1975 the authority by whom the obligation is enforceable shall be treated as the originating authority as respects such a charge.

(12) Regulations may provide for the charging on the land of—

(a) any sum or sums required to be paid under a planning obligation; and

(b) any expenses recoverable by a local planning authority **[**[F593]or the Mayor of London**]** under subsection (6)(b),

and this section and sections 106A **[**[F594]to 106BC**]** shall have effect subject to any such regulations.

(13) In this section " specified " means specified in the instrument by which the planning obligation is entered into and in this section and section 106A " land " has the same meaning as in the [M44] Local Land Charges Act 1975.

[[F595](14) In this section and section 106A " development consent obligation " means a planning obligation entered into in connection with an application (or a proposed application) for an order granting development consent. **]**

[[F596](15) In this section and section 106A "infrastructure consent obligation means a planning obligation entered into in connection with an application (or a proposed application) for an infrastructure consent order.**]]**

Textual Amendments

F583 Ss. 106-106B substituted for s. 106 (25.10.1991 so far as substituting the new s. 106, 25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 12(1)** (with s. 84(5)); S.I. 1991/2272, **art. 3(1)(a)**; S.I. 1991/2728, **art. 2**; S.I. 1992/2831, **art. 2**

F584 Words in s. 106(1) substituted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27), s. 35(2), **Sch. 2 para. 3(2)**

F585 Words in s. 106(1) inserted (12.2.2024) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 14 para. 3(13)** (with s. 144); S.I. 2024/44, reg. 2(1)(e) (with reg. 4)

F586 Words in s. 106(1)(d) inserted (6.4.2008) by Greater London Authority Act 2007 (c. 24), **ss. 33(2)**, 59; S.I. 2008/582, **art. 2(a)**

F587 S. 106(1A) inserted (1.3.2010) by Planning Act 2008 (c. 29), **ss. 174(2)(a)**, 241 (with s. 226); S.I. 2010/101, **art. 3(k)** (with art. 6)

F588 S. 106(1B) inserted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), **ss. 98(2)(a)**, 147(2) (with s. 84(5)); S.I. 2025/698, art. 3(h)

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F589 S. 106(9)(aa) inserted (1.3.2010) by Planning Act 2008 (c. 29), **ss. 174(2)(b)**, 241 (with s. 226); S.I. 2010/101, **art. 3(k)** (with art. 6)
F590 S. 106(9)(ab) inserted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), **ss. 98(2)(b)**, 147(2) (with s. 84(5)); S.I. 2025/698, art. 3(h)
F591 Words in s. 106(9)(d) inserted (6.4.2008) by Greater London Authority Act 2007 (c. 24), **ss. 33(3)**, 59; S.I. 2008/582, **art. 2(a)**
F592 Words in s. 106(10) substituted (6.4.2008) by Greater London Authority Act 2007 (c. 24), **ss. 33(4)**, 59; S.I. 2008/582, **art. 2(a)**
F593 Words in s. 106(12)(b) inserted (6.4.2008) by Greater London Authority Act 2007 (c. 24), **ss. 33(5)**, 59; S.I. 2008/582, **art. 2(a)**
F594 Words in s. 106(12) substituted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27), s. 35(2), **Sch. 2 para. 3(3)**
F595 S. 106(14) inserted (1.3.2010) by Planning Act 2008 (c. 29), **ss. 174(2)(c)**, 241 (with s. 226); S.I. 2010/101, **art. 3(k)** (with art. 6)
F596 S. 106(15) inserted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), **ss. 98(2)(c)**, 147(2) (with s. 84(5)); S.I. 2025/698, art. 3(h)

Modifications etc. (not altering text)
C257 S. 106 modified (1.4.1996) by 1994 c. 19, s. 66(7), **Sch. 17 para. 15(2)(b)** (with ss. 54(5)(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 6(3), **Sch. 5**
C258 S. 106: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**
C259 S. 106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **43(1)** (with arts. 51, 53)
C260 S. 106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **43(2)** (with arts. 51, 53)
C261 S. 106(1) modified (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), art. 1, **Sch. 19 Pt. 1 para. 9(3)**
C262 S. 106(3) excluded (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **44(1)** (with arts. 51, 53)
C263 S. 106(9)(d) excluded (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **44(1)** (with arts. 51, 53)

Marginal Citations
M43 1975 c. 76.
M44 1975 c. 76.

[F597 106A Modification and discharge of planning obligations.

(1) A planning obligation may not be modified or discharged except—
(a) by agreement between **[**F598 the authority by whom the obligation is enforceable **][**F598 the appropriate authority (see subsection (11))**]** and the person or persons against whom the obligation is enforceable; or
(b) in accordance with **[**F599—
(i)**]** this section and section 106B **[**F600, or
(ii) sections 106BA and 106BC.**]**

(2) An agreement falling within subsection (1)(a) shall not be entered into except by an instrument executed as a deed.

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(3) A person against whom a planning obligation is enforceable may, at any time after the expiry of the relevant period, apply to **[**F601the local planning authority by whom the obligation is enforceable**][**F601the appropriate authority**]** for the obligation—

(a) to have effect subject to such modifications as may be specified in the application; or

(b) to be discharged.

(4) In subsection (3) " the relevant period " means—

(a) such period as may be prescribed; or

(b) if no period is prescribed, the period of five years beginning with the date on which the obligation is entered into.

(5) An application under subsection (3) for the modification of a planning obligation may not specify a modification imposing an obligation on any other person against whom the obligation is enforceable.

(6) Where an application is made to an authority under subsection (3), the authority may determine—

(a) that the planning obligation shall continue to have effect without modification;

(b) if the obligation no longer serves a useful purpose, that it shall be discharged; or

(c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.

F602(6A) **[** Except in such cases as may be prescribed, the authority may not under subsection (6) discharge or modify the planning obligation if the authority considers that doing so would—

(a) prevent the biodiversity gain objective referred to in paragraph 2 of Schedule 7A from being met in relation to any development, or

(b) give rise to a significant risk of that objective not being met in relation to any development.**]**

(7) The authority shall give notice of their determination to the applicant within such period as may be prescribed.

(8) Where an authority determine **[**F603under this section**]** that a planning obligation shall have effect subject to modifications specified in the application, the obligation as modified shall be enforceable as if it had been entered into on the date on which notice of the determination was given to the applicant.

(9) Regulations may make provision with respect to—

(a) the form and content of applications under subsection (3);

(b) the publication of notices of such applications;

(c) the procedures for considering any representations made with respect to such applications; and

(d) the notices to be given to applicants of determinations under subsection (6).

(10) Section 84 of the M45Law of Property Act 1925 (power to discharge or modify restrictive covenants affecting land) does not apply to a planning obligation.

F604(11) **[** In this section " the appropriate authority " means—

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(a) the Mayor of London, in the case of any planning obligation enforceable by him;

[[F605](zaa) the Welsh Ministers, in the case of any infrastructure consent obligation;**]**

[[F606](aa) the Secretary of State, in the case of any development consent obligation [F607]...;

[F608](ab) . . . . . .**]**

(b) in the case of any other planning obligation, the local planning authority by whom it is enforceable.

(12) The Mayor of London must consult the local planning authority before exercising any function under this section.**]]**

Textual Amendments

F597 S. 106- 106B substituted for s. 106 (25.10.1991 so far as substituting the new s. 106, 25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 12(1)**; S.I. 1991/2272, **art. 3(1)(a)**; S.I. 1991/2728, **art. 2**; S.I. 1992/2831, **art. 2**

F598 Words in s. 106A(1)(a) substituted (6.4.2008) by Greater London Authority Act 2007 (c. 24), **ss. 34(2)**, 59; S.I. 2008/582, **art. 2(a)**

F599 Word in s. 106A(1) inserted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27), s. 35(2), **Sch. 2 para. 4(2)(a)**

F600 Words in s. 106A(1) inserted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27), s. 35(2), **Sch. 2 para. 4(2)(b)**

F601 Words in s. 106A(3) substituted (6.4.2008) by Greater London Authority Act 2007 (c. 24), **ss. 34(3)**, 59; S.I. 2008/582, **art. 2(a)**

F602 S. 106A(6A) inserted (12.2.2024) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 14 para. 3(14)** (with s. 144); S.I. 2024/44, reg. 2(1)(e) (with reg. 4)

F603 Words in s. 106A(8) inserted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27), s. 35(2), **Sch. 2 para. 4(3)**

F604 S. 106(11)(12) inserted (6.4.2008) by Greater London Authority Act 2007 (c. 24), **ss. 34(4)**, 59; S.I. 2008/582, **art. 2(a)**

F605 S. 106A(11)(zaa) inserted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), **ss. 98(3)**, 147(2) (with s. 84(5)); S.I. 2025/698, art. 3(h)

F606 S. 106A(11)(aa)(ab) inserted (1.3.2010) by Planning Act 2008 (c. 29), **ss. 174(3)**, 241 (with s. 226); S.I. 2010/101, **art. 3(k)** (with art. 6)

F607 Words in s. 106A(11)(aa) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 13 para. 77(2)(a), **Sch. 25 Pt. 20**; S.I. 2012/628, art. 7

F608 Words in s. 106A(11) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 13 para. 77(2)(b), **Sch. 25 Pt. 20**; S.I. 2012/628, art. 7

Marginal Citations

M45 1925 c. 20.

[[F609]**106BAppeals [**[F610]**in relation to applications under section 106A].**

(1) Where **[**[F611]an authority**]**—**[**[F612] (other than the Secretary of State **[**[F613]or the Welsh Ministers**]**[F614]...)**]**

(a) fail to give notice as mentioned in section 106A(7); or

(b) determine **[**[F615]under section 106A**]** that a planning obligation shall continue to have effect without modification,

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the applicant may appeal to the Secretary of State.

(2) For the purposes of an appeal under subsection (1)(a), it shall be assumed that the authority have determined that the planning obligation shall continue to have effect without modification.

(3) An appeal under this section shall be made by notice served within such period and in such manner as may be prescribed.

(4) Subsections (6) to (9) of section 106A apply in relation to appeals to the Secretary of State under this section as they apply in relation to applications to authorities under that section.

(5) Before determining the appeal the Secretary of State shall, if either the applicant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(6) The determination of an appeal by the Secretary of State under this section shall be final.

(7) Schedule 6 applies to appeals under this section.

[F616(8) In the application of Schedule 6 to an appeal under this section in a case where the authority mentioned in subsection (1) is the Mayor of London, references in that Schedule to the local planning authority are references to the Mayor of London.**]]**

Textual Amendments

F609 Ss. 106-106B substituted for s. 106 (25.10.1991 so far as substituting the new s. 106, 25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 12(1)**; S.I. 1991/2272, **art. 3(1)(a)**; S.I. 1991/2728, **art.2**; S.I. 1992/2831, **art. 2**

F610 Words in s. 106B heading inserted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27), s. 35(2), **Sch. 2 para. 5(2)**

F611 Words in s. 106B(1) substituted (6.4.2008) by Greater London Authority Act 2007 (c. 24), **ss. 34(6)**, 59; S.I. 2008/582, **art. 2(a)**

F612 Words in s. 106B(1) inserted (1.3.2010) by Planning Act 2008 (c. 29), **ss. 174(4)**, 241 (with s. 226); S.I. 2010/101, **art. 3(k)** (with art. 6)

F613 Words in s. 106B(1) inserted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), **ss. 98(4)**, 147(2) (with s. 84(5)); S.I. 2025/698, art. 3(h)

F614 Words in s. 106B(1) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 13 para. 77(3), **Sch. 25 Pt. 20**; S.I. 2012/628, art. 7

F615 Words in s. 106B(1)(b) inserted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27), s. 35(2), **Sch. 2 para. 5(3)**

F616 S. 106B(8) inserted (6.4.2008) by Greater London Authority Act 2007 (c. 24), **ss. 34(7)**, 59; S.I. 2008/582, **art. 2(a)**

F617106BA Modification or discharge of affordable housing requirements

. . . . . .

Textual Amendments

F617 S. 106BA repealed (1.5.2016) by Growth and Infrastructure Act 2013 (c. 27), **ss. 7(4)**, 35(2)

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[F618]106BB Duty to notify the Mayor of London of certain applications under section 106BA

. . . . . .

Textual Amendments

F618 S. 106BB repealed (1.5.2016) by Growth and Infrastructure Act 2013 (c. 27), **ss. 7(4)**, 35(2)

[F619]106BC Appeals in relation to applications under section 106BA

. . . . . .

Textual Amendments

F619 S. 106BC repealed (1.5.2016) by Growth and Infrastructure Act 2013 (c. 27), **ss. 7(4)**, 35(2)

106C Legal challenges relating to development consent obligations

(1) A court may entertain proceedings for questioning a failure by the Secretary of State [F620]... to give notice as mentioned in section 106A(7) **[**[F621]or 106BA(9)**]** only if—

(a) the proceedings are brought by a claim for judicial review, and

(b) the claim form is filed **[**[F622]before the end of**]** the period of 6 weeks beginning with **[**[F623]the day after**]** the day on which the period prescribed under section 106A(7) **[**[F621]or 106BA(9)**]** ends.

[[F624](1A) If no period is prescribed under section 106BA(9), the period of 6 weeks referred to in subsection (1)(b) that applies in relation to proceedings for failure to give notice as mentioned in subsection (9) of section 106BA begins with **[**[F625]the day after**]** the expiry of the period mentioned in that subsection that applies in the applicant's case.**]**

(2) A court may entertain proceedings for questioning a determination by the Secretary of State [F620]... that a planning obligation shall continue to have effect without modification only if—

(a) the proceedings are brought by a claim for judicial review, and

(b) the claim form is filed **[**[F626]before the end of**]** the period of 6 weeks beginning with **[**[F627]the day after**]** the day on which notice of the determination is given under section 106A(7) **[**[F628]or 106BA(9)**]**.

[[F629](3) A court may entertain proceedings for questioning a determination by the Secretary of State on an application under section 106BA that a planning obligation shall be modified otherwise than in accordance with the application only if—

(a) the proceedings are brought by a claim for judicial review, and

(b) the claim form is filed **[**[F630]before the end of**]** the period of 6 weeks beginning with **[**[F631]the day after**]** the day on which notice of the determination is given under section 106BA(9).**]**

Textual Amendments

F620 Words in s. 106C repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 13 para. 77(4), **Sch. 25 Pt. 20**; S.I. 2012/628, art. 7

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F621 Words in s. 106C(1) inserted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27), s. 35(2), **Sch. 2 para. 6(2)**

F622 Words in s. 106C(1)(b) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 92(2)(a)(i)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71

F623 Words in s. 106C(1)(b) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 92(2)(a)(ii)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71

F624 S. 106C(1A) inserted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27), s. 35(2), **Sch. 2 para. 6(3)**

F625 Words in s. 106C(1A) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 92(2)(b)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71

F626 Words in s. 106C(2)(b) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 92(2)(c)(i)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71

F627 Words in s. 106C(2)(b) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 92(2)(c)(ii)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71

F628 Words in s. 106C(2) inserted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27), s. 35(2), **Sch. 2 para. 6(4)**

F629 S. 106C(3) inserted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27), s. 35(2), **Sch. 2 para. 6(5)**

F630 Words in s. 106C(3)(b) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 92(2)(c)(i)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71

F631 Words in s. 106C(3)(b) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 92(2)(c)(ii)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71

[F632 106D Legal challenges relating to infrastructure consent obligations

(1) This section applies where an application has been made to the Welsh Ministers under section 106A.

(2) A court may entertain proceedings for questioning a failure by the Welsh Ministers to give notice as mentioned in section 106A(7) only if—

(a) the proceedings are brought by a claim for judicial review, and

(b) the claim form is filed before the end of the period of 6 weeks beginning with the day after the day on which the period prescribed under section 106A(7) ends.

(3) A court may entertain proceedings for questioning a determination by the Welsh Ministers that a planning obligation is to continue to have effect without modification only if—

(a) the proceedings are brought by a claim for judicial review, and

(b) the claim form is filed before the end of the period of 6 weeks beginning with the day after the day on which notice of the determination is given under section 106A(7).**]**

Textual Amendments

F632 S. 106D inserted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), **ss. 98(5)**, 147(2) (with s. 84(5)); S.I. 2025/698, art. 3(h)

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PART IV

COMPENSATION FOR EFFECTS OF CERTAIN ORDERS, NOTICES, ETC.

Modifications etc. (not altering text)

C264 Pt. IV (ss. 107-118) modified (1.11.1995) by 1995 c. 25, s. 96, **Sch. 13 para. 15(4)(a)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**
Pt. IV (ss. 107-118) modified (1.11.1995) by 1995 c. 25, s. 96, **Sch. 14 para. 13(4)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**

C265 Pt. IV modified (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 74(1)(a)**
Pt. IV applied (with modifications) (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 74(2)**
Pt. IV modified (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 78(1)(a)**
Pt. IV applied (with modifications) (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 78(2)**
Pt. IV modified (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 82(1)**
Pt. IV applied (with modifications) (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 82(2)**

C266 Pt. 4 applied (with modifications) (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), **reg. 89(1)-(3)**

C267 Pt. 4 applied (with modifications) (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), **reg. 93(1)-(3)**

C268 Pt. 4 applied (with modifications) (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), **reg. 97(1)-(3)**

C269 Pt. 4 modified (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), **100(1)-(3)**

C270 Pt. 4 modified (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), **92(1)-(3)**

C271 Pt. 4 modified (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), **96(1)-(3)**

Compensation for revocation of planning permission, etc.

107 Compensation where planning permission [F633or permission in principle] revoked or modified.

(1) Subject to section 116, where planning permission **[**F634or permission in principle**]** is revoked or modified by an order under **[**F635section 97(1)(a)**]**, then if, on a claim made to the local planning authority within the prescribed time and in the prescribed manner, it is shown that a person interested in the land or in minerals in, on or under it—

(a) has incurred expenditure in carrying out work which is rendered abortive by the revocation or modification; or

(b) has otherwise sustained loss or damage which is directly attributable to the revocation or modification,

the local planning authority shall pay that person compensation in respect of that expenditure, loss or damage.

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(2) For the purposes of **[**F636subsection (1)**]**, any expenditure incurred in the preparation of plans for the purposes of any work, or upon other similar matters preparatory to it, shall be taken to be included in the expenditure incurred in carrying out that work.

(3) Subject to subsection (2), no compensation shall be paid under **[**F636subsection (1)**]** in respect—

(a) of any work carried out before the grant of the permission which is revoked or modified, or

(b) of any other loss or damage arising out of anything done or omitted to be done before the grant of that permission (other than loss or damage consisting of depreciation of the value of an interest in land).

(4) In calculating for the purposes of **[**F637subsection (1)**]** the amount of any loss or damage **[**F638that is attributable to the revocation or modification of planning permission and consists**]** of depreciation of the value of an interest in land, it shall be assumed that planning permission would be granted **[**F639—

(a) subject to the condition set out in Schedule 10, for any development of the land of a class specified in paragraph 1 of Schedule 3;

(b) for any development of a class specified in paragraph 2 of Schedule 3.**]**

[F640(4A) A development order may make provision for the payment of compensation, in such circumstances and subject to such conditions as may be prescribed in the order, where permission in principle is revoked or modified by an order under section 97(1)(b).**]**

(5) In this Part any reference to an order under section 97 includes a reference to an order under the provisions of that section as applied by section 102(3) (or, subject to section 116, by paragraph **[**F641 1(3)**]** of Schedule 9).

Textual Amendments

F633 Words in s. 107 heading inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 28(2)**; S.I. 2016/733, reg. 3(d)

F634 Words in s. 107(1) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 28(3)(a)**; S.I. 2016/733, reg. 3(d)

F635 Words in s. 107(1) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 28(3)(b)**; S.I. 2016/733, reg. 3(d)

F636 Words in s. 107(2)(3) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 28(4)**; S.I. 2016/733, reg. 3(d)

F637 Words in s. 107(4) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 28(5)(a)**; S.I. 2016/733, reg. 3(d)

F638 Words in s. 107(4) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 28(5)(b)**; S.I. 2016/733, reg. 3(d)

F639 S. 107(4)(a)(b) substituted (25.7.1991 with effect or to be treated as having effect, in relation to claims made on or after 16.11.1990) for the words "for any development of the land of any class specified in Schedule 3" by virtue of Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(4), 84(4), **Sch 6 para. 13(1)(2)**

F640 S. 107(4A) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 28(6)**; S.I. 2016/733, reg. 3(d)

F641 Words in s. 107(5) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para.8** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

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Modifications etc. (not altering text)

C272 S. 107 applied (with modifications) (3.11.1995) by S.I. 1995/2863, reg. 3, **Sch.**

C273 S. 107 applied (29.7.2021) by Space Industry Act 2018 (c. 5), **ss. 47(3)(a)**, 70(1); S.I. 2021/817, reg. 2, Sch. para. 84 (with reg. 3)

C274 S. 107(1)(a) applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 67(1)** (with reg. 3) (as amended by S.I. 2009/2438)

F643 108 Compensation for refusal or conditional grant of planning permission [F642etc] formerly granted by development order [F643, local development order or neighbourhood development order].

(1) Where—

(a) planning permission granted by a development order **[**F644, a local development order or a neighbourhood development order**]** is withdrawn (whether by the revocation or amendment of the order or by the issue of directions under powers conferred by the order); and

(b) on an application made under **[**F645Part III **[**F646or section 293A**]][**F645Parts 3 or 13**]** planning permission for development formerly permitted by that order is refused or is granted subject to conditions other than those imposed by that order,

section 107 shall apply as if the planning permission granted by the development order **[**F647, the local development order or the neighbourhood development order**]**—

(i) had been granted by the local planning authority under Part III **[**F648**[**F649or section 293A**][**F649or by the Secretary of State or Welsh Ministers under Part 13**]]**; and

(ii) had been revoked or modified by an order under section 97.

(2) Where planning permission granted by a development order **[**F650, a local development order or a neighbourhood development order**]** is withdrawn by revocation or amendment of the order, this section applies only if the application referred to in subsection (1)(b) is made before the end of the period of 12 months beginning with the date on which the revocation or amendment came into operation.

[F651(2A) Where—

(a) planning permission granted by a development order for development **[**F652in England**]** of a prescribed description is withdrawn by the issue of directions under powers conferred by the order, or

(b) planning permission granted by a local development order for development **[**F653in England**]** is withdrawn by the issue of directions under powers conferred by the order,

this section applies only if the application referred to in subsection (1)(b) is made before the end of the period of 12 months beginning with the date on which the directions took effect.**]**

[F654(2B) Where—

(a) permission in principle granted by a development order is withdrawn by the revocation or amendment of the order, and

(b) on an application made under **[**F655Part 3 or section 293A**][**F655Parts 3 or 13**]** before the end of the period of 12 months beginning with the date on which the revocation or amendment came into operation, permission in principle is

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refused for development of a description that is the same as, or falls within, that to which the withdrawn permission in principle related,

section 107 shall apply as if the permission in principle granted by the development order had been granted by the local planning authority under Part 3 **[**F656or section 293A**][**F656or by the Secretary of State or Welsh Ministers under Part 13**]**, and had been revoked or modified by an order under section 97.**]**

(3) This section shall not apply in relation to planning permission**[**F657, or permission in principle,**]** for the development of operational land of statutory undertakers.

[F658(3B) This section does not apply if—

(a) in the case of planning permission **[**F659or permission in principle**]** granted by a development order, the condition in subsection (3C) is met;

(b) in the case of planning permission granted by a local development order, the condition in subsection (3D) is met.

[F660(c) in the case of planning permission granted by a neighbourhood development order, the condition in subsection (3E) is met.**]**

(3C) The condition referred to in subsection (3B)(a) is that—

(a) the planning permission **[**F661or permission in principle**]** is granted for development **[**F662in England**]** of a prescribed description,

(b) the **[**F663permission**]** is withdrawn in the prescribed manner,

(c) notice of the withdrawal was published in the prescribed manner not less than 12 months or more than the prescribed period before the withdrawal took effect, and

(d) **[**F664where the development order granted planning permission,**]** either—

(i) the development authorised by the development order had not started before the notice was published, or

(ii) the development order includes provision in pursuance of section 61D permitting the development to be completed after the permission is withdrawn.

(3D) The condition referred to in subsection (3B)(b) is that—

(a) **[**F665the planning permission is granted for development in England,**]**

(b) the planning permission is withdrawn by the revocation or amendment of the local development order, or by the issue of directions under powers conferred by the local development order,

(c) notice of the revocation, amendment or directions was published in the prescribed manner not less than 12 months or more than the prescribed period before the revocation, amendment or directions (as the case may be) took effect, and

(d) either—

(i) the development authorised by the local development order had not started before the notice was published, or

(ii) the local development order includes provision in pursuance of section 61D permitting the development to be completed after the permission is withdrawn.**]**

[F666(3E) The condition referred to in subsection (3B)(c) is that—

(a) the planning permission is withdrawn by the revocation of the neighbourhood development order,

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(b) notice of the revocation was published in the prescribed manner not less than 12 months or more than the prescribed period before the revocation took effect, and

(c) either—

(i) the development authorised by the neighbourhood development order had not begun before the notice was published, or

(ii) section 61L(7) applies in relation to the development.**]**

[F667(3F) This section does not apply to the extent that the development referred to in subsection (1)(b) would, while permitted by a development order, have required conservation area consent under the Planning (Listed Buildings and Conservation Areas) Act 1990.**]**

[F668(4) Regulations made by virtue of this subsection may provide that subsection (1) shall not apply where planning permission granted by a development order **[**F669or a local development order**]** for demolition of buildings or any description of buildings is withdrawn by the issue of directions under powers conferred by the order.**]**

[F670(5) Regulations under this section prescribing a description of development may (in particular) do so by reference to one or more classes or descriptions of development specified in a development order.

(6) In this section "prescribed" means prescribed by regulations made by the Secretary of State **[**F671in relation to England and the Welsh Ministers in relation to Wales,**]]**

Textual Amendments

F642 Word in s. 108 heading inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 29(2)**; S.I. 2016/733, reg. 3(d)

F643 Words in s. 108 title substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 15(6)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2

F644 Words in s. 108(1)(a) substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 15(2)(a)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2

F645 Words in s. 108(1)(b) substituted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 10 para. 3(a)(i)** (with s. 247); S.I. 2025/430, reg. 2(b)

F646 Words in s. 108(1)(b) inserted (7.6.2006) by The Planning and Compulsory Purchase Act 2004 (Commencement No. 9 and Consequential Provisions) Order 2006 (S.I. 2006/1281), **art. 5(a)(i)**

F647 Words in s. 108(1) substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 15(2)(b)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2

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F648 Words in s. 108(1)(b)(i) inserted (7.6.2006) by The Planning and Compulsory Purchase Act 2004 (Commencement No. 9 and Consequential Provisions) Order 2006 (S.I. 2006/1281), **art. 5(a)(ii)**

F649 Words in s. 108(1)(i) substituted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 10 para. 3(a)(ii)** (with s. 247); S.I. 2025/430, reg. 2(b)

F650 Words in s. 108(2) substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 15(3)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2

F651 S. 108(2A) inserted (6.4.2010) by Planning Act 2008 (c. 29), **ss. 189(2)**, 241 (with s. 226); S.I. 2010/566, **art. 3(a)** (with art. 4)

F652 Words in s. 108(2A)(a) omitted (W.) (31.1.2012) by virtue of The Planning Permission (Withdrawal of Development Order or Local Development Order) (Compensation) (Wales) Order 2012 (S.I. 2012/210), arts. 1(2), **2(a)**

F653 Words in s. 108(2A)(b) omitted (W.) (31.1.2012) by virtue of The Planning Permission (Withdrawal of Development Order or Local Development Order) (Compensation) (Wales) Order 2012 (S.I. 2012/210), arts. 1(2), **2(b)**

F654 S. 108(2B) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 29(3)**; S.I. 2016/733, reg. 3(d)

F655 Words in s. 108(2B)(b) substituted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 10 para. 3(b)(i)** (with s. 247); S.I. 2025/430, reg. 2(b)

F656 Words in s. 108(2B) substituted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 10 para. 3(b)(ii)** (with s. 247); S.I. 2025/430, reg. 2(b)

F657 Words in s. 108(3) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 29(4)**; S.I. 2016/733, reg. 3(d)

F658 S. 108(3B)-(3D) inserted (6.4.2010) by Planning Act 2008 (c. 29), **ss. 189(3)**, 241 (with s. 226); S.I. 2010/566, **art. 3(a)** (with art. 4)

F659 Words in s. 108(3B)(a) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 29(5)**; S.I. 2016/733, reg. 3(d)

F660 S. 108(3B)(c) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 15(4)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2

F661 Words in s. 108(3C)(a) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 29(5)**; S.I. 2016/733, reg. 3(d)

F662 Words in s. 108(3C)(a) omitted (W.) (31.1.2012) by virtue of The Planning Permission (Withdrawal of Development Order or Local Development Order) (Compensation) (Wales) Order 2012 (S.I. 2012/210), arts. 1(2), **2(c)**

F663 Word in s. 108(3C)(b) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 29(6)**; S.I. 2016/733, reg. 3(d)

F664 Words in s. 108(3C)(d) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 29(7)**; S.I. 2016/733, reg. 3(d)

F665 S. 108(3D)(a) omitted (W.) (31.1.2012) by virtue of The Planning Permission (Withdrawal of Development Order or Local Development Order) (Compensation) (Wales) Order 2012 (S.I. 2012/210), arts. 1(2), **2(d)**

F666 S. 108(3E) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force)

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by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 15(5)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2

F667 S. 108(3F) inserted (1.10.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 17 para. 3**; S.I. 2013/2227, art. 2(m)

F668 S. 108(4) inserted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 13(3)** (with s. 84(5)); S.I. 1992/1279, **art. 2** (with art. 3)

F669 Words in s. 108 inserted (6.8.2004 for specified purposes, 10.5.2006 for E. so far as not already in force, 30.4.2012 for W. so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 40(2)(h)** (with s. 111); S.I. 2004/2097, art. 2; S.I. 2006/1061, art. 2(a); S.I. 2012/1100, art. 2

F670 S. 108(5)(6) inserted (6.4.2010) by Planning Act 2008 (c. 29), **ss. 189(4)**, 241 (with s. 226); S.I. 2010/566, **art. 3(a)** (with art. 4)

F671 Words in s. 108(6) inserted (W.) (31.1.2012) by The Planning Permission (Withdrawal of Development Order or Local Development Order) (Compensation) (Wales) Order 2012 (S.I. 2012/210), arts. 1(2), **2(e)**

Modifications etc. (not altering text)

C275 S. 108 applied (29.7.2021) by Space Industry Act 2018 (c. 5), **ss. 47(3)(a)**, 70(1); S.I. 2021/817, reg. 2, Sch. para. 84 (with reg. 3)

C276 S. 108(3F) transitional provisions for effects of 2003 c. 24, s. 63, Sch. 17 paras. 1-6 (2.10.2013) by The Town and Country Planning (Isles of Scilly) Order 2013 (S.I. 2013/2148), arts. 1(1), **5(4)(b)**

109 Apportionment of compensation for depreciation.

(1) Where compensation becomes payable under section 107 which includes compensation for depreciation of an amount exceeding £20, the local planning authority—

(a) if it appears to them to be practicable to do so, shall apportion the amount of the compensation for depreciation between different parts of the land to which the claim for that compensation relates; and

(b) shall give particulars of any such apportionment to the claimant and to any other person entitled to an interest in land which appears to the authority to be substantially affected by the apportionment.

(2) In carrying out an apportionment under subsection (1)(a), the local planning authority shall divide the land into parts and shall distribute the compensation for depreciation between those parts, according to the way in which different parts of the land appear to the authority to be differently affected by the order or, in a case falling within section 108, the relevant planning decision, in consequence of which the compensation is payable.

(3) Regulations under this section shall make provision, subject to subsection (4)—

(a) for enabling the claimant and any other person to whom particulars of an apportionment have been given under subsection (1), or who establishes that he is entitled to an interest in land which is substantially affected by such an apportionment, if he wishes to dispute the apportionment, to require it to be referred to the **[**[F672]Upper Tribunal**]**;

(b) for enabling the claimant and every other person to whom particulars of any such apportionment have been so given to be heard by the Tribunal on any reference under this section of that apportionment; and

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(c) for requiring the Tribunal, on any such reference, either to confirm or to vary the apportionment and to notify the parties of the decision of the Tribunal.

(4) Where on a reference to the **[**F672Upper Tribunal**]** under this section it is shown that an apportionment—

(a) relates wholly or partly to the same matters as a previous apportionment, and

(b) is consistent with that previous apportionment in so far as it relates to those matters,

the Tribunal shall not vary the apportionment in such a way as to be inconsistent with the previous apportionment in so far as it relates to those matters.

(5) On a reference to the **[**F672Upper Tribunal**]** by virtue of subsection (3), subsections (1) and (2), so far as they relate to the making of an apportionment, shall apply with the substitution, for references to the local planning authority, of references to the **[**F672Upper Tribunal**]**.

(6) In this section and **[**F673section 110**]**—

"compensation for depreciation" means so much of any compensation payable under section 107 as is payable in respect of loss or damage consisting of depreciation of the value of an interest in land,

"interest" (where the reference is to an interest in land) means the fee simple or a tenancy of the land and does not include any other interest in it, and

"relevant planning decision" means the planning decision **[**F674by which planning permission or permission in principle is refused, or by which planning permission is granted**]** subject to conditions other than those previously imposed by the development order **[**F675, the local development order or the neighbourhood development order**]**.

Textual Amendments

F672 Words in s. 109(3)(a)(4)(5) substituted (1.6.2009) by virtue of The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 194**

F673 Words in s. 109(6) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 31, **Sch. 6 para.14** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F674 Words in s. 109(6) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 30**; S.I. 2016/733, reg. 3(d)

F675 Words in s. 109(6) substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 16**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2

110 Registration of compensation for depreciation.

(1) Where compensation becomes payable under section 107 which includes compensation for depreciation of an amount exceeding £20, the local planning authority shall give notice to the Secretary of State that such compensation has become payable, specifying the amount of the compensation for depreciation and any apportionment of it under section 109.

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(2) Where the Secretary of State is given such notice he shall cause notice of that fact to be deposited—

(a) with the council of the district **[**F676, Welsh county, county borough**]** or London borough in which the land is situated, and

(b) if that council is not the local planning authority, with the local planning authority.

(3) Notices deposited under this section must specify—

(a) the order, or in a case falling within section 108 the relevant planning decision, and the land to which the claim for compensation relates; and

(b) the amount of compensation and any apportionment of it under section 109.

(4) Notices deposited under this section shall be local land charges, and for the purposes of the M46Local Land Charges Act 1975 the council with whom any such notice is deposited shall be treated as the originating authority as respects the charge constituted by it.

(5) In relation to compensation specified in a notice registered under this section, references in this Part to so much of the compensation as is attributable to a part of the land to which the notice relates shall be construed as follows—

(a) if the notice does not include an apportionment under section 109, the amount of the compensation shall be treated as distributed rateably according to area over the land to which the notice relates;

(b) if the notice includes such an apportionment—

(i) the compensation shall be treated as distributed in accordance with that apportionment as between the different parts of the land by reference to which the apportionment is made; and

(ii) so much of the compensation as, in accordance with the apportionment, is attributed to a part of the land shall be treated as distributed rateably according to area over that part.

Textual Amendments

F676 Words in s. 110(2) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(2)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

Modifications etc. (not altering text)

C277 S. 110 applied (with modifications) (1.10.2011) by The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (S.I. 2011/2055), regs. 1, **64**

Marginal Citations

M46 1975 c. 76.

111 Recovery of compensation under s. 107 on subsequent development.

(1) No person shall carry out any F677. . .development to which this section applies on land in respect of which a notice ("a compensation notice") is registered under section 110 until any amount which is recoverable under this section in accordance with section 112 in respect of the compensation specified in the notice has been paid or secured to the satisfaction of the Secretary of State.

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(2) Subject to subsections (3) **[**F678to (5)**]**, this section applies to any F677. . .development—

(a) which is development of a residential, commercial or industrial character and consists wholly or mainly of the construction of houses, flats, shop or office premises, or industrial buildings (including warehouses), or any combination of them; or

(b) which consists in the winning and working of minerals; or

(c) to which, having regard to the probable value of the development, it is in the opinion of the Secretary of State reasonable that this section should apply.

(3) This section shall not apply to any development by virtue of subsection (2)(c) if, on an application made to him for the purpose, the Secretary of State has certified that, having regard to the probable value of the development, it is not in his opinion reasonable that this section should apply to it.

(4) Where the compensation under section 107 specified in the notice registered under section 110 became payable in respect of an order modifying planning permission or, in a case falling within section 108, of a relevant planning decision (within the meaning of section 109) granting conditional planning permission, this section shall not apply to development in accordance with that permission as modified by the order or, as the case may be, in accordance with those conditions.

F679**[**(5) This section does not apply to any development—

(a) of a class specified in paragraph 1 of Schedule 3 which is carried out in accordance with the condition set out in Schedule 10; or

(b) of a class specified in paragraph 2 of Schedule 3.**]**

Textual Amendments

F677 Word in s. 111(1)(2) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 15(a), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F678 Words in s. 111(2) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 31, **Sch. 6 para. 15(b)** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F679 S. 111(5) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 31, **Sch. 6 para. 15(c)** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

Modifications etc. (not altering text)

C278 S. 111 applied (29.7.2021) by Space Industry Act 2018 (c. 5), **ss. 47(4)**, 70(1); S.I. 2021/817, reg. 2, Sch. para. 83 (with reg. 3)

112 Amount recoverable under s. 111 and provisions for payment or remission of it.

(1) Subject to the following provisions of this section, the amount recoverable under section 111 in respect of the compensation specified in a notice registered under section 110—

(a) if the land on which the development is to be carried out ("the development area") is identical with, or includes (with other land) the whole of, the land comprised in the notice, shall be the amount of compensation specified in the notice;

(b) if the development area forms part of the land comprised in the notice, or includes part of that land together with other land not comprised in the notice, shall be so much of the amount of the compensation specified in the notice as is

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attributable to land comprised in the notice and falling within the development area.

(2) Where, in the case of any land in respect of which such a notice has been so registered, the Secretary of State is satisfied, having regard to the probable value of any proper development of that land, that no such development is likely to be carried out unless he exercises his powers under this subsection, he may, in the case of any particular development, remit the whole or part of any amount otherwise recoverable under section 111.

(3) Where part only of any such amount has been remitted in respect of any land, the Secretary of State shall cause the notice registered under section 110 to be amended by substituting in it, for the statement of the amount of the compensation, in so far as it is attributable to that land, a statement of the amount which has been remitted under subsection (2).

(4) Where, in connection with the development of any land, an amount becomes recoverable under section 111 in respect of the compensation specified in such a notice, then, except where, and to the extent that, payment of that amount has been remitted under subsection (2), no amount shall be recoverable under that section in respect of that compensation, in so far as it is attributable to that land, in connection with any subsequent development of it.

(5) No amount shall be recoverable under section 111 in respect of any compensation by reference to which a sum has become recoverable by the Secretary of State under section 308.

(6) An amount recoverable under section 111 in respect of any compensation shall be payable to the Secretary of State either—

(a) as a single capital payment, or

(b) as a series of instalments of capital and interest combined, or

(c) as a series of other annual or periodical payments, of such amounts, and payable at such times, as the Secretary of State may direct.

(7) Before giving a direction under subsection (6)(c) the Secretary of State shall take into account any representations made by the person by whom the development is to be carried out.

(8) Except where the amount payable under subsection (6) is payable as a single capital payment, it shall be secured by the person by whom the development is to be carried out in such manner (whether by mortgage, covenant or otherwise) as the Secretary of State may direct.

(9) If any person initiates any [F680]. . . development to which section 111 applies in contravention of subsection (1) of that section, the Secretary of State may serve a notice on him—

(a) specifying the amount appearing to the Secretary of State to be the amount recoverable under that section in respect of the compensation in question, and

(b) requiring him to pay that amount to the Secretary of State within such period as may be specified in the notice.

(10) The period specified under subsection (9)(b) must not be less than three months after the service of the notice.

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(11) Subject to subsection (12), any sum recovered by the Secretary of State under section 111 shall be paid to the local planning authority who paid the compensation to which that sum relates.

(12) Subject to subsection (13), in paying any such sum to the local planning authority, the Secretary of State shall deduct from it—

F681(a) . . . . . .

(b) the amount of any grant paid by him under Part XIV in respect of that compensation.

(13) If the sum recovered by the Secretary of State under section 111—

(a) is an instalment of the total sum recoverable, or

(b) is recovered by reference to development of part of the land in respect of which the compensation was payable,

any deduction to be made under F682. . .subsection (12) shall be a deduction of such amount as the Secretary of State may determine to be the proper proportion of the amount referred to in that paragraph.

Textual Amendments

F680 Word in s. 112(9) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 16(a), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F681 S. 112(12)(a) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 16(b), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F682 Words in s. 112(13) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 16(c), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

Modifications etc. (not altering text)

C279 S. 112 applied (29.7.2021) by Space Industry Act 2018 (c. 5), **ss. 47(4)**, 70(1); S.I. 2021/817, reg. 2, Sch. para. 83 (with reg. 3)

F683113 . . . . . .

Textual Amendments

F683 S. 113 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 17, **Sch. 19**, Pt.II (with ss. 31(7)(8), 84(5), Sch. 6 paras. 1(2), 5(2), 13(2)); S.I. 1991/2067, **art.3** (subject to art. 4)

Compensation for other planning decisions

F684114 Compensation for planning decisions restricting development other than new development.

. . . . . .

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Textual Amendments

F684 S. 114 repealed (25.7.1991 with effect or to be treated as having had effect, where the application for planning permission was made on or after 16.11.1990) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(2)(7), 84(2)(4)(6), **Sch. 19 Pt. II** (with s. 84(5))

115 Compensation in respect of orders under s. 102, etc.

(1) This section shall have effect where an order is made under section 102—

(a) requiring a use of land to be discontinued,

(b) imposing conditions on the continuance of it, or

(c) requiring any buildings or works on land to be altered or removed.

(2) If, on a claim made to the local planning authority within the prescribed time and in the prescribed manner, it is shown that any person has suffered damage in consequence of the order—

(a) by depreciation of the value of an interest to which he is entitled in the land or in minerals in, on or under it, or

(b) by being disturbed in his enjoyment of the land or of such minerals,

that authority shall pay to that person compensation in respect of that damage.

(3) Without prejudice to subsection (2), any person who carries out any works in compliance with the order shall be entitled, on a claim made as mentioned in that subsection, to recover from the local planning authority compensation in respect of any expenses reasonably incurred by him in that behalf.

(4) Any compensation payable to a person under this section by virtue of such an order as is mentioned in subsection (1) shall be reduced by the value to him of any timber, apparatus or other materials removed for the purpose of complying with the order.

(5) Subject to section 116, this section applies where such an order as is mentioned in subsection (6) is made as it applies where an order is made under section 102.

(6) The orders referred to in subsection (5) are an order under paragraph 1 of Schedule 9—

(a) requiring a use of land to be discontinued, or

(b) imposing conditions on the continuance of it, or

(c) requiring any buildings or works or plant or machinery on land to be altered or removed,

or an order under paragraph 3, 5 or 6 of that Schedule.

Modifications etc. (not altering text)

C280 S. 115 applied (with modifications) (25.3.1997) by S.I. 1997/1111, **reg. 5(1)(3)**

[F685 116 Modification of compensation provisions in respect of mineral working etc.

(1) Regulations made by virtue of this section with the consent of the Treasury may provide that where an order is made under—

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(a) section 97 modifying planning permission for development consisting of the winning and working of minerals or involving the depositing of mineral waste; or

(b) paragraph 1, 3, 5 or 6 of Schedule 9 with respect to such winning and working or depositing,

sections 107, 115, 117, 279 and 280 shall have effect subject, in such cases as may be prescribed, to such modifications as may be prescribed.

(2) Any such regulations may make provision—

(a) as to circumstances in which compensation is not to be payable;

(b) for the modification of the basis on which any amount to be paid by way of compensation is to be assessed;

(c) for the assessment of any such amount on a basis different from that on which it would otherwise have been assessed,

and may also make different provision for different cases [F686]....

(3) No such regulations shall be made **[**[F687]by the Secretary of State**]** unless a draft of the instrument is laid before and approved by a resolution of each House of Parliament.

(4) Before making any such regulations the Secretary of State **[**[F688]or (as the case may be) the Welsh Ministers**]** shall consult such persons as appear to him **[**[F689]or them**]** to be representative—

(a) of persons carrying out mining operations;

(b) of owners of interests in land containing minerals; and

(c) of mineral planning authorities.**]**

Textual Amendments

F685 S. 116 substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para.9**; S.I. 1991/2067, **art.3** (subject to art. 4)

F686 Words in s. 116(2) omitted (26.12.2023) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), **ss. 130(3)(c)**, 255(3)(a) (with s. 247)

F687 Words in s. 116(3) inserted (6.9.2015) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 4(2)(a)**

F688 Words in s. 116(4) inserted (6.9.2015) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 4(2)(b)(i)**

F689 Words in s. 116(4) inserted (6.9.2015) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 4(2)(b)(ii)**

Modifications etc. (not altering text)

C281 S. 116 modified (1.11.1995) by 1995 c. 25, s. 96, **Sch. 13 para. 15(6)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**

S. 116 modified (1.11.1995) by 1995 c. 25, s. 96, **Sch. 14 para. 13(6)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**

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General and supplemental provisions

117 General provisions as to compensation for depreciation under Part IV.

(1) For the purpose of assessing any compensation to which this section applies, the rules set out in section 5 of the [M47]Land Compensation Act 1961 shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.

(2) Subject to regulations **[**[F690]by virtue of section 116**]**, this section applies to any compensation which under the provisions of this Part is payable in respect of depreciation of the value of an interest in land.

(3) Where an interest in land is subject to a mortgage—

(a) any compensation to which this section applies, which is payable in respect of depreciation of the value of that interest, shall be assessed as if the interest were not subject to the mortgage;

(b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;

(c) no compensation to which this section applies shall be payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage); and

(d) any compensation to which this section applies which is payable in respect of the interest which is subject to the mortgage shall be paid to the mortgagee, or, if there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.

Textual Amendments

F690 Words in s. 117(2) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1**, para.10 (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

Modifications etc. (not altering text)

C282 Ss. 117, 118 extended (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), **s. 16(5)**; S.I. 1992/725, **arts. 2**, 3

C283 S. 117 applied (1.10.2011) by The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (S.I. 2011/2055), regs. 1, **65**

Marginal Citations

M47 1961 c.33.

118 Determination of claims for compensation.

(1) Except in so far as may be otherwise provided by any regulations made under this Act, any question of disputed compensation under this Part shall be referred to and determined by the **[**[F691]Upper Tribunal**]**.

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) In relation to the determination of any such question, the provisions of **[**[F692]section**]** 4 of the [M48]Land Compensation Act 1961 shall apply subject to any necessary modifications and to the provisions of any regulations made under this Act.

Textual Amendments

F691 Words in s. 118(1) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 195(a)**

F692 Words in s. 118(2) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 195(b)**

Modifications etc. (not altering text)

C284 S. 118 extended (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), **s. 16(5)**; S.I. 1992/725, **arts. 2**, 3
S. 118 applied (10.11.1993) by 1993 c. 28, **s. 163(9)**; S.I. 1993/2762, **art. 3**
S. 118 applied (25.11.1998 for specified purposes and otherwise 3.7.2000) by 1998 c. 45, **s. 21(9)**; S.I. 1998/2952, **art. 2(2)**; S.I. 2000/1173, **art. 2(c)**
S. 118 applied (8.5.2000 for specified purposes and otherwise 3.7.2000) by 1999 c. 29, s. 296(2), **Sch. 24 para. 31(6)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art, 2(2)(b)(c), Sch.
S. 118 applied (1.2.2001 for E., 1.8.2001 for W. in relation to the powers to make regulations under the provisions mentioned in S.I. 2001/2788, **Sch. 1 para. 15**, otherwise *prosp.*) by 2000 c. 38, **ss. 190(7)**, 275(1) (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**); S.I. 2001/2788, art. 2, **Sch. 1 para. 16**

C285 S. 118 applied (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 118, 411, **Sch. 4 para. 6(7)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

C286 S. 118 applied (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), **s. 17(5)**; S.I. 2008/3068, **art. 2(1)(i)** (with savings and transitional provisions in arts. 6-13)

Marginal Citations

M48 1961 c.33.

[F693]PART V

Textual Amendments

F693 Part V repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19 Pt.II**; S.I. 1991/2067, **art.3** (subject to art. 4) and subject to an amendment (1.4.1996) by 1994 c. 19, s. 20(3), Sch. 5 Pt. III paras. 15(1), **20** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 4, **Sch. 2**

Preliminary

[F694]119 . . . . . .

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F694 S. 119: Pt. V (ss. 119 - 136) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

Right to compensation

F695 120 . . . . . .

Textual Amendments

F695 S. 120: Pt. V (ss. 119 - 136) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F696 121 . . . . . .

Textual Amendments

F696 S. 121: Pt. V (ss.119 - 136) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F697 122 . . . . . .

Textual Amendments

F697 S. 122: Pt. V (ss. 119 - 136) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F698 123 . . . . . .

Textual Amendments

F698 S. 123: Pt. V (ss. 119 - 136) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F699 124 . . . . . .

Textual Amendments

F699 S. 124: Pt. V (ss. 119 - 136) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

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Amount of compensation

F700125 . . . . . .

Textual Amendments

F700 S. 125: Pt. V (ss. 119 - 136) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19P**t. II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F701126 . . . . . .

Textual Amendments

F701 S. 126: Pt. V (ss. 119 - 136) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

Claims for and payment of compensation

F702127 . . . . . .

Textual Amendments

F702 S. 127: Pt. V (ss. 119 - 136) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19 Pt. II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F703128 . . . . . .

Textual Amendments

F703 S. 128: Pt. V (ss.119 - 136) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F704129 . . . . . .

Textual Amendments

F704 S. 129: Pt. V (ss. 119 - 136) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F705130 . . . . . .

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Textual Amendments

F705 S. 130: Pt. V (ss. 119 - 136) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19 Pt. II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

Recovery of compensation

F706131 . . . . . .

Textual Amendments

F706 S. 131: Pt. V (ss. 119 - 136) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F707132 . . . . . .

Textual Amendments

F707 S. 132: Pt. V (ss. 119 - 136) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F708133 . . . . . .

Textual Amendments

F708 S. 133: Pt. V (ss. 119 -136) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F709134 . . . . . .

Textual Amendments

F709 S. 134: Pt. V (ss. 119 - 136) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

Supplementary provisions

F710135 . . . . . .

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Textual Amendments

F710 S. 135: Pt. V (ss. 119 - 136) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F711136 . . . . . .

Textual Amendments

F711 S. 136: Pt. V (ss. 119 - 136) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

PART VI

RIGHTS OF OWNERS ETC. TO REQUIRE PURCHASE OF INTERESTS

Modifications etc. (not altering text)

C287 Part VI (ss. 137-171): power to modify conferred (10.11.1993) by 1993 c. 28, **s. 171(3)(b)**; S.I. 1993/2762, **art. 3**
Pt. VI (ss. 137-171) modified (1.4.1996) by 1994 c. 19, s. 20(3), Sch. 5 paras. 15(1), **20** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 4, **Sch. 2**

CHAPTER I

INTERESTS AFFECTED BY PLANNING DECISIONS OR ORDERS

Service of purchase notices

137 Circumstances in which purchase notices may be served.

(1) This section applies where—

(a) on an application for planning permission to develop any land, permission is refused or is granted subject to conditions; or

(b) by an order under section 97 planning permission in respect of any land is revoked, or is modified by the imposition of conditions; or

(c) an order is made under section 102 or paragraph 1 of Schedule 9 in respect of any land.

(2) If—

(a) in the case mentioned in subsection (1)(a) or (b), any owner of the land claims that the conditions mentioned in subsection (3) are satisfied with respect to it, or

(b) in the case mentioned in subsection (1)(c), any person entitled to an interest in land in respect of which the order is made claims that the conditions mentioned in subsection (4) are satisfied with respect to it,

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he may, within the prescribed time and in the prescribed manner, serve on the council of the district **[**F712, Welsh county, county borough**]** or London borough in which the land is situated a notice (in this Act referred to as "a purchase notice") requiring that council to purchase his interest in the land in accordance with this Chapter.

(3) The conditions mentioned in subsection (2)(a) are—

(a) that the land has become incapable of reasonably beneficial use in its existing state; and

(b) in a case where planning permission was granted subject to conditions or was modified by the imposition of conditions, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with those conditions; and

(c) in any case, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of any other development for which planning permission has been granted or for which the local planning authority or the Secretary of State has undertaken to grant planning permission.

(4) The conditions mentioned in subsection (2)(b) are—

(a) that by reason of the order the land is incapable of reasonably beneficial use in its existing state; and

(b) that it cannot be rendered capable of reasonably beneficial use by the carrying out of any development for which planning permission has been granted, whether by that order or otherwise.

(5) For the purposes of subsection (1)(a) and any claim arising in the circumstances mentioned in that subsection, the conditions referred to in sections 91 and 92 shall be disregarded.

(6) A person on whom a M49repairs notice has been served under section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 **[**F713or section 138 of the Historic Environment (Wales) Act 2023**]** shall not be entitled to serve a notice under this section in the circumstances mentioned in subsection (1)(a) in respect of the building in question—

(a) until the expiration of three months beginning with the date of the service of the repairs notice; and

(b) if during that period the compulsory acquisition of the building is begun in the exercise of powers under section 47 of **[**F714the Planning (Listed Buildings and Conservation Areas) Act 1990 or section 137 of the Historic Environment (Wales) Act 2023**]**, unless and until the compulsory acquisition is discontinued.

(7) For the purposes of subsection (6) a compulsory acquisition—

(a) is started when the notice required by section 12 of the M50Acquisition of Land Act 1981 or, as the case may be, paragraph 3 of Schedule 1 to that Act is served; and

(b) is discontinued—

(i) in the case of acquisition by the Secretary of State **[**F715or the Welsh Ministers**]**, when he decides **[**F716or they decide**]** not to make the compulsory purchase order **[**F717or the order (having been made conditionally) expires by virtue of paragraph 4AA(2) of Schedule 1 to the Acquisition of Land Act 1981**]**; and

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(ii) in any other case, when the order is withdrawn or the Secretary of State decides not to confirm it **[**F718or (having been confirmed conditionally) it expires by virtue of section 13BA(2)(b) of the Acquisition of Land Act 1981**]**.

(8) No purchase notice shall be served in respect of an interest in land while the land is incapable of reasonably beneficial use by reason only of such an order as is mentioned in subsection (1)(c), except by virtue of a claim under subsection (2)(b).

Textual Amendments

F712 Words in s. 137(2) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F713 Words in s. 137(6) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 74(a)(i)** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

F714 Words in s. 137(6)(b) substituted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 74(a)(ii)** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

F715 Words in s. 137(7)(b)(i) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 74(b)(i)** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

F716 Words in s. 137(7)(b)(i) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 74(b)(ii)** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

F717 Words in s. 137(7)(b)(i) inserted (18.2.2026 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 18 para. 5(2)(a)** (with s. 247); S.I. 2025/1370, reg. 2(1)(c)(2)

F718 Words in s. 137(7)(b)(ii) inserted (18.2.2026 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 18 para. 5(2)(b)** (with s. 247); S.I. 2025/1370, reg. 2(1)(c)(2)

Marginal Citations

M49 1990 c. 9

M50 1981 c. 67.

[F719**137APurchase notices: Crown land**

(1) A purchase notice may be served in respect of Crown land only as mentioned in this section.

(2) The owner of a private interest in Crown land must not serve a purchase notice unless—

(a) he first offers to dispose of his interest to the appropriate authority on equivalent terms, and

(b) the offer is refused by the appropriate authority.

(3) The appropriate authority may serve a purchase notice in relation to the following land—

(a) land belonging to Her Majesty in right of Her private estates;

(b) land belonging to Her Majesty in right of the Duchy of Lancaster;

(c) land belonging to the Duchy of Cornwall;

(d) land which forms part of the Crown Estate.

(4) An offer is made on equivalent terms if the price payable for the interest is equal to (and, in default of agreement, determined in the same manner as) the compensation which would be payable in respect of it if it were acquired in pursuance of a purchase notice.

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(5) Expressions used in this section and in Part 13 must be construed in accordance with that Part.**]**

Textual Amendments

F719 S. 137A inserted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 121, **Sch. 3 para. 1** (with s. 111); S.I. 2004/1281, **art. 2**

138 Circumstances in which land incapable of reasonably beneficial use.

(1) Where, for the purpose of determining whether the conditions specified in section 137(3) or (4) are satisfied in relation to any land, any question arises as to what is or would in any particular circumstances be a reasonably beneficial use of that land, then, in determining that question for that purpose, no account shall be taken of any unauthorised prospective use of that land.

(2) A prospective use of land shall be regarded as unauthorised for the purposes of subsection (1)—

(a) if it would involve the carrying out of **[**F720development other than any development specified in paragraph 1 or 2 of Schedule 3;**]**or

(b) in the case of a purchase notice served in consequence of a refusal or conditional grant of planning permission, if it would contravene the condition set out in Schedule 10.

Textual Amendments

F720 Words in s. 138(2)(a) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 31, **Sch. 6 para.18** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

Duties of authorities on service of purchase notice

139 Action by council on whom purchase notice is served.

(1) The council on whom a purchase notice is served shall serve on the owner by whom the purchase notice was served a notice (a "response notice") stating either—

(a) that the council are willing to comply with the purchase notice; or

(b) that another local authority or statutory undertakers specified in the response notice have agreed to comply with it in their place; or

(c) that for reasons so specified the council are not willing to comply with the purchase notice and have not found any other local authority or statutory undertakers who will agree to comply with it in their place, and that they have sent the Secretary of State a copy of the purchase notice and of the response notice.

(2) A response notice must be served before the end of the period of three months beginning with the date of service of the purchase notice.

(3) Where the council on whom a purchase notice is served by an owner have served a response notice on him in accordance with subsection (1)(a) or (b), the council or,

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as the case may be, the other local authority or statutory undertakers specified in the response notice shall be deemed—

(a) to be authorised to acquire the interest of the owner compulsorily in accordance with the relevant provisions, and

(b) to have served a notice to treat in respect of it on the date of service of the response notice.

(4) Where the council propose to serve such a response notice as is mentioned in subsection (1)(c), they must first send the Secretary of State a copy—

(a) of the proposed response notice, and

(b) of the purchase notice.

(5) A notice to treat which is deemed to have been served by virtue of subsection (3)(b) may not be withdrawn under section 31 of the [M51]Land Compensation Act 1961.

Modifications etc. (not altering text)

C288 S. 139: power to apply (with modifications) conferred by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1), s. 149(3), **Sch. 29 Pt. II para. 1** as substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(13)**

C289 S. 139 applied (with modifications) (7.6.2004) by The Milton Keynes (Urban Area and Planning Functions) Order 2004 (S.I. 2004/932), art. 5, **Sch. para.1** (with arts. 6, 7)
S. 139 applied (with modifications) (12.10.2005) by The Thurrock Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2572), **art. 5** (with arts. 6, 7)
S. 139 applied (with modifications) (31.10.2005) by The London Thames Gateway Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2721), **art. 6**
S. 139 applied (with modifications) (6.4.2006) by The West Northamptonshire Development Corporation (Planning Functions) Order 2006 (S.I. 2006/616), **art. 6**
S. 139 applied (with modifications) (7.9.2006) by The Olympic Delivery Authority (Planning Functions) Order 2006 (S.I. 2006/2185), **art. 6**

C290 S. 139 applied (with modifications) (1.10.2012) by The London Legacy Development Corporation (Planning Functions) Order 2012 (S.I. 2012/2167), arts. 1, **7** (with Sch. 1, Sch. 2)

C291 S. 139 applied (with modifications) (1.4.2015) by The Old Oak and Park Royal Development Corporation (Planning Functions) Order 2015 (S.I. 2015/442), arts. 1, **7** (with Sch.)

C292 S. 139 applied (with modifications) (1.7.2015) by The Ebbsfleet Development Corporation (Planning Functions) Order 2015 (S.I. 2015/748), arts. 1, **5** (with Sch.)

C293 S. 139 applied (with modifications) (1.6.2023) by The Middlesbrough Development Corporation (Functions) Order 2023 (S.I. 2023/447), arts. 1(3), **6** (with art. 5, Sch. 1)

C294 S. 139 applied (with modifications) (1.6.2023) by The Hartlepool Development Corporation (Functions) Order 2023 (S.I. 2023/446), arts. 1(3), **6** (with art. 5, Sch. 1)

Marginal Citations

M51 1961 c. 33.

140 Procedure on reference of purchase notice to Secretary of State.

(1) Where a copy of a purchase notice is sent to the Secretary of State under section 139(4), he shall consider whether to confirm the notice or to take other action under section 141 in respect of it.

(2) Before confirming a purchase notice or taking such other action, the Secretary of State must give notice of his proposed action—

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(a) to the person who served the purchase notice;

(b) to the council on whom it was served;

(c) **[**F721in England**]** outside Greater London—

(i) to the county planning authority and also, where that authority is a joint planning board, to the county council; and

(ii) if the district council on whom the purchase notice in question was served is a constituent member of a joint planning board, to that board;

[F722(cc) in Wales, to the local planning authority, where it is a joint planning board;**]** and

(d) if the Secretary of State proposes to substitute any other local authority or statutory undertakers for the council on whom the notice was served, to them.

(3) A notice under subsection (2) shall specify the period (which must not be less than 28 days from its service) within which any of the persons on whom it is served may require the Secretary of State to give those persons an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(4) If within that period any of those persons so require, before the Secretary of State confirms the purchase notice or takes any other action under section 141 in respect of it he must give those persons such an opportunity.

(5) If, after any of those persons have appeared before and been heard by the appointed person, it appears to the Secretary of State to be expedient to take action under section 141 otherwise than in accordance with the notice given by him, the Secretary of State may take that action accordingly.

Textual Amendments

F721 Words in s. 140(2)(c) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(4)(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F722 S. 140(2)(cc) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(4)(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

Modifications etc. (not altering text)

C295 S. 140(2)(d): power to apply (with modifications) conferred by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1), s. 149(3), **Sch. 29 Pt. II para. 2** as substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(13)**

C296 S. 140(2)(d) applied (with modifications) (7.6.2004) by The Milton Keynes (Urban Area and Planning Functions) Order 2004 (S.I. 2004/932), art. 5, **Sch. para. 2** (with arts. 6, 7)
S. 140(2)(d) applied (with modifications) (12.10.2005) by The Thurrock Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2572), **art. 5** (with arts. 6, 7)
S. 140(2)(d) applied (with modifications) (31.10.2005) by The London Thames Gateway Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2721), **art. 6**
S. 140(2)(d) applied (with modifications) (6.4.2006) by The West Northamptonshire Development Corporation (Planning Functions) Order 2006 (S.I. 2006/616), **art. 6**
S. 140(2)(d) applied (with modifications) (7.9.2006) by The Olympic Delivery Authority (Planning Functions) Order 2006 (S.I. 2006/2185), **art. 6**

C297 S. 140(2)(d) applied (with modifications) (1.10.2012) by The London Legacy Development Corporation (Planning Functions) Order 2012 (S.I. 2012/2167), arts. 1, **7** (with Sch. 1, Sch. 2)

C298 S. 140(2)(d) applied (with modifications) (1.4.2015) by The Old Oak and Park Royal Development Corporation (Planning Functions) Order 2015 (S.I. 2015/442), arts. 1, **7** (with Sch.)

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C299 S. 140(2)(d) applied (with modifications) (1.7.2015) by The Ebbsfleet Development Corporation (Planning Functions) Order 2015 (S.I. 2015/748), arts. 1, **5** (with Sch.)

C300 S. 140(2)(d) applied (with modifications) (1.6.2023) by The Hartlepool Development Corporation (Functions) Order 2023 (S.I. 2023/446), arts. 1(3), **6** (with art. 5, Sch. 1)

C301 S. 140(2)(d) applied (with modifications) (1.6.2023) by The Middlesbrough Development Corporation (Functions) Order 2023 (S.I. 2023/447), arts. 1(3), **6** (with art. 5, Sch. 1)

141 Action by Secretary of State in relation to purchase notice.

(1) Subject to the following provisions of this section and to section 142(3), if the Secretary of State is satisfied that the conditions specified in subsection (3) or, as the case may be, subsection (4) of section 137 are satisfied in relation to a purchase notice, he shall confirm the notice.

(2) If it appears to the Secretary of State to be expedient to do so, he may, instead of confirming the purchase notice—

(a) in the case of a notice served on account of the refusal of planning permission, grant planning permission for the development in question;

(b) in the case of a notice served on account of planning permission for development being granted subject to conditions, revoke or amend those conditions so far as appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of that development;

(c) in the case of a notice served on account of the revocation of planning permission by an order under section 97, cancel the order;

(d) in the case of a notice served on account of the modification of planning permission by such an order by the imposition of conditions, revoke or amend those conditions so far as appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of the development in respect of which the permission was granted; or

(e) in the case of a notice served on account of the making of an order under section 102 or paragraph 1 of Schedule 9, revoke the order or, as the case may be, amend the order so far as appears to him to be required in order to prevent the land from being rendered incapable of reasonably beneficial use by the order.

(3) If it appears to the Secretary of State that the land, or any part of the land, could be rendered capable of reasonably beneficial use within a reasonable time by the carrying out of any other development for which planning permission ought to be granted, he may, instead of confirming the purchase notice, or, as the case may be, of confirming it so far as it relates to that part of the land, direct that, if an application for planning permission for that development is made, it must be granted.

(4) If it appears to the Secretary of State, having regard to the probable ultimate use of the land, that it is expedient to do so, he may, if he confirms the notice, modify it, either in relation to the whole or any part of the land, by substituting another local authority or statutory undertakers for the council on whom the notice was served.

(5) Any reference in section 140 to the taking of action by the Secretary of State under this section includes a reference to the taking by him of a decision not to confirm the purchase notice either on the grounds that any of the conditions referred to in subsection (1) are not satisfied or by virtue of section 142.

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Modifications etc. (not altering text)

C302 S. 141(4): power to apply (with modifications) conferred by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1), s. 149(3), **Sch. 29 Pt. II para. 3** as substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(13)**

C303 S. 141(4) applied (with modifications) (7.6.2004) by The Milton Keynes (Urban Area and Planning Functions) Order 2004 (S.I. 2004/932), art. 5, **Sch. para. 3** (with arts. 6, 7)
S. 141(4) applied (with modifications) (12.10.2005) by The Thurrock Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2572), **art. 5** (with arts. 6, 7)
S. 141(4) applied (with modifications) (31.10.2005) by The London Thames Gateway Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2721), **art. 6**
S. 141(4) applied (with modifications) (6.4.2006) by The West Northamptonshire Development Corporation (Planning Functions) Order 2006 (S.I. 2006/616), **art. 6**
S. 141(4) applied (with modifications) (7.9.2006) by The Olympic Delivery Authority (Planning Functions) Order 2006 (S.I. 2006/2185), **art. 6**

C304 S. 141(4) applied (with modifications) (1.10.2012) by The London Legacy Development Corporation (Planning Functions) Order 2012 (S.I. 2012/2167), arts. 1, **7** (with Sch. 1, Sch. 2)

C305 S. 141(4) applied (with modifications) (1.4.2015) by The Old Oak and Park Royal Development Corporation (Planning Functions) Order 2015 (S.I. 2015/442), arts. 1, **7** (with Sch.)

C306 S. 141(4) applied (with modifications) (1.7.2015) by The Ebbsfleet Development Corporation (Planning Functions) Order 2015 (S.I. 2015/748), arts. 1, **5** (with Sch.)

C307 S. 141(4) applied (with modifications) (1.6.2023) by The Hartlepool Development Corporation (Functions) Order 2023 (S.I. 2023/446), arts. 1(3), **6** (with art. 5, Sch. 1)

C308 S. 141(4) applied (with modifications) (1.6.2023) by The Middlesbrough Development Corporation (Functions) Order 2023 (S.I. 2023/447), arts. 1(3), **6** (with art. 5, Sch. 1)

142 Power to refuse to confirm purchase notice where land has restricted use by virtue of previous planning permission.

(1) This section applies where a purchase notice is served in respect of land which consists in whole or in part of land which has a restricted use by virtue of an existing planning permission.

(2) For the purposes of this section, land is to be treated as having a restricted use by virtue of an existing planning permission if it is part of a larger area in respect of which planning permission has previously been granted (and has not been revoked) and either—

(a) it remains a condition of the planning permission (however expressed) that that part shall remain undeveloped or be preserved or laid out in a particular way as amenity land in relation to the remainder; or

(b) the planning permission was granted on an application which contemplated (expressly or by necessary implication) that the part should not be comprised in the development for which planning permission was sought, or should be preserved or laid out as mentioned in paragraph (a).

(3) Where a copy of the purchase notice is sent to the Secretary of State under section 139(4), he need not confirm the notice under section 141(1) if it appears to him that the land having a restricted use by virtue of an existing planning permission ought, in accordance with that permission, to remain undeveloped or, as the case may be, remain or be preserved or laid out as amenity land in relation to the remainder of the large area for which that planning permission was granted.

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143 Effect of Secretary of State's action in relation to purchase notice.

(1) Where the Secretary of State confirms a purchase notice—

(a) the council on whom the purchase notice was served, or

(b) if under section 141(4) the Secretary of State modified the purchase notice by substituting another local authority or statutory undertakers for that council, that other authority or those undertakers,

shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the relevant provisions, and to have served a notice to treat in respect of it on such date as the Secretary of State may direct.

(2) If, before the end of the relevant period, the Secretary of State has neither—

(a) confirmed the purchase notice, nor

(b) taken any such action in respect of it as is mentioned in section 141(2) or (3), nor

(c) notified the owner by whom the notice was served that he does not propose to confirm the notice,

the notice shall be deemed to be confirmed at the end of that period, and the council on whom the notice was served shall be deemed to be authorised as mentioned in subsection (1) and to have served a notice to treat in respect of the owner's interest at the end of that period.

(3) Subject to subsection (4), for the purposes of subsection (2) the relevant period is—

(a) the period of nine months beginning with the date of service of the purchase notice; or

(b) if it ends earlier, the period of six months beginning with the date on which a copy of the purchase notice was sent to the Secretary of State.

(4) The relevant period does not run if the Secretary of State has before him at the same time both—

(a) a copy of the purchase notice sent to him under section 139(4); and

(b) a notice of appeal under section 78, 174 or 195 of this Act or under section 20 or 39 of the Planning [M52](Listed Buildings and Conservation Areas) Act 1990 **[**[F723]or section 100 or 127 of the Historic Environment (Wales) Act 2023**]** (appeals against refusal of listed building consent, etc. and appeals against listed building enforcement notices) or under section 21 [M53]of the Planning (Hazardous Substances) Act 1990 (appeals against decisions and failure to take decisions relating to hazardous substances) relating to any of the land to which the purchase notice relates.

(5) Where—

(a) the Secretary of State has notified the owner by whom a purchase notice has been served of a decision on his part to confirm, or not to confirm, the notice; and

(b) that decision is quashed under Part XII,

the purchase notice shall be treated as cancelled, but the owner may serve a further purchase notice in its place.

(6) The reference in subsection (5) to a decision to confirm, or not to confirm, the purchase notice includes—

(a) any decision not to confirm the notice in respect of any part of the land to which it relates, and

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(b) any decision to grant any permission, or give any direction, instead of confirming the notice, either wholly or in part.

(7) For the purposes of determining whether a further purchase notice under subsection (5) was served within the period prescribed for the service of purchase notices, the planning decision in consequence of which the notice was served shall be treated as having been made on the date on which the decision of the Secretary of State was quashed.

(8) A notice to treat which is deemed to have been served by virtue of subsection (1) or (2) may not be withdrawn under section 31 of the [M54]Land Compensation Act 1961.

Textual Amendments

F723 Words in s. 143(4) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 75** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

Modifications etc. (not altering text)

C309 S. 143(1)(b): power to apply (with modifications) conferred by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1), s. 149(3), **Sch. 29 Pt. II para. 4** as substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(13)**

C310 S. 143(1)(b) applied (with modifications) (7.6.2004) by The Milton Keynes (Urban Area and Planning Functions) Order 2004 (S.I. 2004/932), art. 5, **Sch. para. 4** (with arts. 6, 7)
S. 143(1)(b) applied (with modifications) (12.10.2005) by The Thurrock Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2572), **art. 5** (with arts. 6, 7)
S. 143(1)(b) applied (with modifications) (31.10.2005) by The London Thames Gateway Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2721), **art. 6**
S. 143(1)(b) applied (with modifications) (6.4.2006) by The West Northamptonshire Development Corporation (Planning Functions) Order 2006 (S.I. 2006/616), **art. 6**
S. 143(1)(b) applied (with modifications) (7.9.2006) by The Olympic Delivery Authority (Planning Functions) Order 2006 (S.I. 2006/2185), **art. 6**

C311 S. 143(1)(b) applied (with modifications) (1.10.2012) by The London Legacy Development Corporation (Planning Functions) Order 2012 (S.I. 2012/2167), arts. 1, **7** (with Sch. 1, Sch. 2)

C312 S. 143(1)(b) applied (with modifications) (1.4.2015) by The Old Oak and Park Royal Development Corporation (Planning Functions) Order 2015 (S.I. 2015/442), arts. 1, **7** (with Sch.)

C313 S. 143(1)(b) applied (with modifications) (1.7.2015) by The Ebbsfleet Development Corporation (Planning Functions) Order 2015 (S.I. 2015/748), arts. 1, **5** (with Sch.)

C314 S. 143(1)(b) applied (with modifications) (1.6.2023) by The Middlesbrough Development Corporation (Functions) Order 2023 (S.I. 2023/447), arts. 1(3), **6** (with art. 5, Sch. 1)

C315 S. 143(1)(b) applied (with modifications) (1.6.2023) by The Hartlepool Development Corporation (Functions) Order 2023 (S.I. 2023/446), arts. 1(3), **6** (with art. 5, Sch. 1)

Marginal Citations

M52 1990 c. 9.

M53 1990 c. 10.

M54 1961 c. 33.

Changes to legislation: *Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Compensation

144 Special provisions as to compensation where purchase notice served.

(1) Where compensation is payable by virtue of section 107 in respect of expenditure incurred in carrying out any works on land, any compensation payable in respect of the acquisition of an interest in the land in pursuance of a purchase notice shall be reduced by an amount equal to the value of those works.

(2) Where—

(a) the Secretary of State directs under section 141(3) that, if an application for it is made, planning permission must be granted for the development of any land, and

(b) on a claim made to the local planning authority within the prescribed time and in the prescribed manner, it is shown that the permitted development value of the interest in that land in respect of which the purchase notice was served is less than its **[**F724Schedule 3 value**]**,

that authority shall pay the person entitled to that interest compensation of an amount equal to the difference.

(3) If the planning permission mentioned in subsection (2)(a) would be granted subject to conditions for regulating the design or external appearance, or the size or height of buildings, or for regulating the number of buildings to be erected on the land, the Secretary of State may direct that in assessing any compensation payable under subsection (2) those conditions must be disregarded, either altogether or to such extent as may be specified in the direction.

(4) The Secretary of State may only give a direction under subsection (3) if it appears to him to be reasonable to do so having regard to the local circumstances.

(5) Sections 117 and 118 shall have effect in relation to compensation under subsection (2) as they have effect in relation to compensation to which those sections apply.

(6) In this section—

["F725Schedule 3 value", in relation to such an interest, means the value of that interest calculated on the assumption that planning permission would be granted—

(a) subject to the condition in Schedule 10, for any development of a class specified in paragraph 1 of Schedule 3; and

(b) for any development of a class specified in paragraph 2 of Schedule 3.**]**

"permitted development value", in relation to an interest in land in respect of which a direction is given under section 141(3), means the value of that interest calculated with regard to that direction, but on the assumption that no planning permission would be granted otherwise than in accordance with that direction, and

(7) Where a purchase notice in respect of an interest in land is served in consequence of an order under section 102 or paragraph 1 of Schedule 9, then if—

(a) that interest is acquired in accordance with this Chapter; or

(b) compensation is payable in respect of that interest under subsection (2),

no compensation shall be payable in respect of that order under section 115.

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Textual Amendments

F724 Words in s. 144(2)(b) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 31, **Sch.6 para. 19(a)** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F725 Definition in s. 144(6) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 31, **Sch. 6 para. 19(b)** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

Modifications etc. (not altering text)

C316 S. 144(2) applied (29.7.2021) by Space Industry Act 2018 (c. 5), **ss. 47(3)(a)**, 70(1); S.I. 2021/817, reg. 2, Sch. para. 84 (with reg. 3)

Special provisions for requiring purchase of whole of partially affected agricultural unit

145 Counter-notice requiring purchase of remainder of agricultural unit.

(1) This section applies where—

(a) an acquiring authority is deemed under this Chapter to have served notice to treat in respect of any agricultural land on a person ("the claimant") who has a greater interest in the land than as tenant for a year or from year to year (whether or not he is in occupation of the land), and

(b) the claimant has such an interest in other agricultural land ("the unaffected area") comprised in the same agricultural unit as that to which the notice relates.

(2) Where this section applies the claimant may serve on the acquiring authority a counter-notice—

(a) claiming that the unaffected area is not reasonably capable of being farmed, either by itself or in conjunction with other relevant land, as a separate agricultural unit; and

(b) requiring the acquiring authority to purchase his interest in the whole of the unaffected area.

(3) Subject to subsection (4), "other relevant land" in subsection (2) means—

(a) land which is comprised in the same agricultural unit as the land to which the notice to treat relates and in which the claimant does not have such an interest as is mentioned in subsection (1); and

(b) land which is comprised in any other agricultural unit occupied by the claimant on the date on which the notice to treat is deemed to have been served and in respect of which he is then entitled to a greater interest than as tenant for a year or from year to year.

(4) Where a notice to treat has been served or is deemed under this Chapter or under Part III of the [M55]Compulsory Purchase (Vesting Declarations) Act 1981 to have been served in respect of any of the unaffected area or in respect of other relevant land as defined in subsection (3), then, unless and until the notice to treat is withdrawn, this section and section 146 shall have effect as if that land did not form part of the unaffected land or, as the case may be, did not constitute other relevant land.

(5) Where a counter-notice is served under subsection (2) the claimant shall also serve a copy of it on any other person who has an interest in the unaffected area (but failure to comply with this subsection shall not invalidate the counter-notice).

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(6) A counter-notice under subsection (2) and any copy of that notice required to be served under subsection (5) must be served within the period of two months beginning with the date on which the notice to treat is deemed to have been served.

(7) This section is without prejudice to the rights conferred by sections 93 and 94 of the [M56]Lands Clauses (Consolidation) Act 1845 or section 8(2) and (3) of the [M57]Compulsory Purchase Act 1965 (provisions as to divided land).

Marginal Citations

M55 1981 c. 66.
M56 1845 c. 18.
M57 1965 c. 56.

146 Effect of counter-notice under s. 145.

(1) If the acquiring authority do not within the period of two months beginning with the date of service of a counter-notice under section 145 agree in writing to accept the counter-notice as valid, the claimant or the authority may, within two months after the end of that period, refer it to the **[**[F726]Upper Tribunal**]**.

(2) On such a reference the Tribunal shall determine whether the claim in the counter-notice is justified and declare the counter-notice valid or invalid accordingly.

(3) Where a counter-notice is accepted as valid under subsection (1) or declared to be valid under subsection (2), the acquiring authority shall be deemed—

(a) to be authorised to acquire compulsorily the interest of the claimant in the land to which the requirement in the counter-notice relates under the same provision of this Chapter as they are authorised to acquire the other land in the agricultural unit in question; and

(b) to have served a notice to treat in respect of it on the date on which notice to treat is deemed to have been served under that provision.

(4) A claimant may withdraw a counter-notice at any time before the compensation payable in respect of a compulsory acquisition in pursuance of the counter-notice has been determined by the **[**[F726]Upper Tribunal**]** or at any time before the end of six weeks beginning with the date on which it is determined.

(5) Where a counter-notice is withdrawn by virtue of subsection (4) any notice to treat deemed to have been served in consequence of it shall be deemed to have been withdrawn.

(6) Without prejudice to subsection (5), a notice to treat deemed to have been served by virtue of this section may not be withdrawn under section 31 of the [M58]Land Compensation Act 1961.

(7) The compensation payable in respect of the acquisition of an interest in land in pursuance of a notice to treat deemed to have been served by virtue of this section shall be assessed on the assumptions mentioned in section 5(2), (3) and (4) of the [M59]Land Compensation Act 1973.

(8) Where by virtue of this section the acquiring authority become or will become entitled to a lease of any land but not to the interest of the lessor—

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(a) the authority shall offer to surrender the lease to the lessor on such terms as the authority consider reasonable;

(b) the question of what is reasonable may be referred to the **[**F726Upper Tribunal**]** by the authority or the lessor and, if at the expiration of the period of three months after the date of the offer mentioned in paragraph (a) the authority and the lessor have not agreed on that question and that question has not been referred to the Tribunal by the lessor, it shall be so referred by the authority;

(c) if that question is referred to the Tribunal, the lessor shall be deemed—

(i) to have accepted the surrender of the lease at the expiry of one month after the date of the determination of the Tribunal or on such other date as the Tribunal may direct, and

(ii) to have agreed with the authority on the terms of surrender which the Tribunal has held to be reasonable.

(9) For the purposes of subsection (8) any terms as to surrender contained in the lease shall be disregarded.

(10) Where the lessor—

(a) refuses to accept any sum payable to him by virtue of subsection (8), or

(b) refuses or fails to make out his title to the satisfaction of the acquiring authority,

they may pay into court any such sum payable to the lessor and section 9(2) and (5) of the M60Compulsory Purchase Act 1965 (deposit of compensation in cases of refusal to convey etc.) shall apply to that sum with the necessary modifications.

(11) Where an acquiring authority who become entitled to the lease of any land as mentioned in subsection (8) are a body incorporated by or under any enactment, the corporate powers of the authority shall, if they would not otherwise do so, include the power to farm that land.

Textual Amendments

F726 Words in s. 146(1)(4)(8)(b) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 196**

Marginal Citations

M58 1961 c. 33.
M59 1973 c. 26.
M60 1965 c. 56

147 Provisions supplemental to ss. 145 and 146.

(1) Sections 145 and 146 apply in relation to the acquisition of interests in land by government departments which possess compulsory purchase powers as they apply in relation to the acquisition of interests in land by authorities who are not government departments.

(2) In sections 145, 146 and this section—

"agricultural" and "agricultural land" have the meaning given in section 109 of the M61Agriculture Act 1947 and references to the farming

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of land include references to the carrying on in relation to the land of any agricultural activities;

"agricultural unit" has the meaning given in section 171(1);

"acquiring authority" has the same meaning as in the [M62]Land Compensation Act 1961 ; and

"government departments which possess compulsory purchase powers" means government departments being authorities possessing compulsory purchase powers within the meaning of that Act.

Marginal Citations

M61 1947 c. 48.

M62 1961 c. 33.

Supplemental

[F727]147AApplication of Chapter I to National Parks.

This Chapter shall have effect as if—

(a) the bodies on whom a purchase notice may be served under section 137 included any National Park authority which is the local planning authority for the area in which the land is situated; and

(b) a National Park authority were a local authority for the purposes of this Act and the National Park for which it is the local planning authority were its area;

and the references in this Chapter and in section 288(10)(a) to a council and to a local authority shall be construed accordingly.**]**

Textual Amendments

F727 S. 147A inserted (19.9.1995) by 1995 c. 25, **ss. 67(5)**, 125(2) (with ss. 7(6), 115, 117, Sch. 8 para. 7)

148 Interpretation of Chapter I.

(1) In this Chapter—

"the relevant provisions" means—

(a) the provisions of Part IX, or

(b) in the case of statutory undertakers, any statutory provision (however expressed) under which they have power, or may be authorised, to purchase land compulsorily for the purposes of their undertaking; and

"statutory undertakers" includes **[**[F728]electronic communications code operators and former PTOs**]**.

(2) In the case of a purchase notice served by such a person as is mentioned in subsection (2)(b) of section 137, references in this Chapter to the owner of the land include references to that person unless the context otherwise requires.

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Textual Amendments

F728 Words in s. 148(1) substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 102** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

Modifications etc. (not altering text)

C317 S. 148: power to apply (with modifications) conferred by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1), s. 149(3), **Sch. 29 Pt. II para. 5** as substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(13)**

C318 S. 148 applied (with modifications) (7.6.2004) by The Milton Keynes (Urban Area and Planning Functions) Order 2004 (S.I. 2004/932), art. 5, **Sch. para. 5** (with arts. 6, 7)
S. 148 applied (with modifications) (12.10.2005) by The Thurrock Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2572), **art. 5** (with arts. 6, 7)
S. 148 applied (with modifications) (31.10.2005) by The London Thames Gateway Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2721), **art. 6**
S. 148 applied (with modifications) (6.4.2006) by The West Northamptonshire Development Corporation (Planning Functions) Order 2006 (S.I. 2006/616), **art. 6**
S. 148 applied (with modifications) (7.9.2006) by The Olympic Delivery Authority (Planning Functions) Order 2006 (S.I. 2006/2185), **art. 6**

C319 S. 148 applied (with modifications) (1.10.2012) by The London Legacy Development Corporation (Planning Functions) Order 2012 (S.I. 2012/2167), arts. 1, **7** (with Sch. 1, Sch. 2)

C320 S. 148 applied (with modifications) (1.4.2015) by The Old Oak and Park Royal Development Corporation (Planning Functions) Order 2015 (S.I. 2015/442), arts. 1, **7** (with Sch.)

C321 S. 148 applied (with modifications) (1.7.2015) by The Ebbsfleet Development Corporation (Planning Functions) Order 2015 (S.I. 2015/748), arts. 1, **5** (with Sch.)

C322 S. 148 applied (with modifications) (1.6.2023) by The Middlesbrough Development Corporation (Functions) Order 2023 (S.I. 2023/447), arts. 1(3), **6** (with art. 5, Sch. 1)

C323 S. 148 applied (with modifications) (1.6.2023) by The Hartlepool Development Corporation (Functions) Order 2023 (S.I. 2023/446), arts. 1(3), **6** (with art. 5, Sch. 1)

CHAPTER II

INTERESTS AFFECTED BY PLANNING PROPOSALS: BLIGHT

Preliminary

149 Scope of Chapter II.

(1) This Chapter shall have effect in relation to land falling within any paragraph of Schedule 13 (land affected by planning proposals of public authorities etc.); and in this Chapter such land is referred to as "blighted land".

(2) Subject to the provisions of sections 161 and 162, an interest qualifies for protection under this Chapter if—

(a) it is an interest in a hereditament or part of a hereditament and on the relevant date it satisfies one of the conditions mentioned in subsection (3); or

(b) it is an interest in an agricultural unit or part of an agricultural unit and on the relevant date it is the interest of an owner-occupier of the unit;

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and in this Chapter such an interest is referred to as "a qualifying interest".

(3) The conditions mentioned in subsection (2)(a) are—

(a) that the annual value of the hereditament does not exceed such amount as may be prescribed for the purposes of this paragraph by an order made by the Secretary of State, and the interest is the interest of an owner-occupier of the hereditament; or

(b) that the interest is the interest of a resident owner-occupier of the hereditament.

(4) In this section "the relevant date", in relation to an interest, means the date of service of a notice under section 150 in respect of it.

(5) In this Chapter "blight notice" means a notice served under section 150, 161 or 162.

Blight notices

150 Notices requiring purchase of blighted land.

(1) Where the whole or part of a hereditament or agricultural unit is comprised in blighted land and a person claims that—

(a) he is entitled to a qualifying interest in that hereditament or unit;

(b) he has made reasonable endeavours to sell that interest; **[**F729or the land falls within paragraph **[**F730**21,]** paragraph 22 (disregarding the notes) **[**F731**[**F732or paragraph 24**][**F732, paragraph 24 or paragraph 24ZA**]]** of Schedule 13 and **[**F733(except in the case of land falling within paragraph 24(c) **[**F734or 24ZA(c)**]** of that Schedule)**]** the powers of compulsory acquisition remain exercisable**]** and

(c) in consequence of the fact that the hereditament or unit or a part of it was, or was likely to be, comprised in blighted land, he has been unable to sell that interest except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the hereditament or unit were, or were likely to be, comprised in such land,

he may serve on the appropriate authority a notice in the prescribed form requiring that authority to purchase that interest to the extent specified in, and otherwise in accordance with, this Chapter.

(2) Subject to subsection (3), subsection (1) shall apply in relation to an interest in part of a hereditament or unit as it applies in relation to an interest in the whole of a hereditament or unit.

(3) Subsection (2) shall not enable any person—

(a) if he is entitled to an interest in the whole of a hereditament or agricultural unit, to make any claim or serve any notice under this section in respect of his interest in part of a hereditament or unit; or

(b) if he is entitled to an interest only in part of a hereditament or agricultural unit, to make or serve any such claim or notice in respect of his interest in less than the whole of that part.

(4) In this Chapter—

(a) subject to section 161(1), "the claimant", in relation to a blight notice, means the person who served that notice, and

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(b) any reference to the interest of the claimant, in relation to a blight notice, is a reference to the interest which the notice requires the appropriate authority to purchase as mentioned in subsection (1).

Textual Amendments

F729 Words in s. 150(1)(b) inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 70, **Sch. 15 para.13** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F730 S. 150(1)(b): "21," inserted (1.3.2010) for "21 or" by Planning Act 2008 (c. 29), **ss. 175(3)(a)**, 241 (with s. 226); S.I. 2010/101, **art. 4(f)** (with art. 6)

F731 Words in s. 150(1)(b) inserted (1.3.2010) by Planning Act 2008 (c. 29), **ss. 175(3)(b)**, 241 (with s. 226); S.I. 2010/101, **art. 4(f)** (with art. 6)

F732 Words in s. 150(1)(b) substituted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), **ss. 99(3)(a)**, 147(2) (with s. 84(5)); S.I. 2025/698, art. 3(h)

F733 Words in s. 150(1)(b) inserted (1.3.2010) by Planning Act 2008 (c. 29), **ss. 175(3)(c)**, 241 (with s. 226); S.I. 2010/101, **art. 4(f)** (with art. 6)

F734 Words in s. 150(1)(b) inserted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), **ss. 99(3)(b)**, 147(2) (with s. 84(5)); S.I. 2025/698, art. 3(h)

151 Counter-notices objecting to blight notices.

(1) Where a blight notice has been served in respect of a hereditament or an agricultural unit, the appropriate authority may serve on the claimant a counter-notice in the prescribed form objecting to the notice.

(2) A counter-notice under subsection (1) may be served at any time before the end of the period of two months beginning with the date of service of the blight notice.

(3) Such a counter-notice shall specify the grounds on which the appropriate authority object to the blight notice (being one or more of the grounds specified in subsection (4) or, as relevant, in section 159(1), 161(5) or 162(5)).

(4) Subject to the following provisions of this Act, the grounds on which objection may be made in a counter-notice to a notice served under section 150 are—

(a) that no part of the hereditament or agricultural unit to which the notice relates is comprised in blighted land;

(b) that the appropriate authority (unless compelled to do so by virtue of this Chapter) do not propose to acquire any part of the hereditament, or in the case of an agricultural unit any part of the affected area, in the exercise of any relevant powers;

(c) that the appropriate authority propose in the exercise of relevant powers to acquire a part of the hereditament or, in the case of an agricultural unit, a part of the affected area specified in the counter-notice, but (unless compelled to do so by virtue of this Chapter) do not propose to acquire any other part of that hereditament or area in the exercise of any such powers;

(d) in the case of land falling within paragraph 1, 3 or 13 but not 14, 15 or 16 of Schedule 13, that the appropriate authority (unless compelled to do so by virtue of this Chapter) do not propose to acquire in the exercise of any relevant powers any part of the hereditament or, in the case of an agricultural unit, any part of the affected area during the period of 15 years from the date of the counter-notice or such longer period from that date as may be specified in the counter-notice;

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(e) that, on the date of service of the notice under section 150, the claimant was not entitled to an interest in any part of the hereditament or agricultural unit to which the notice relates;

(f) that (for reasons specified in the counter-notice) the interest of the claimant is not a qualifying interest;

(g) that the conditions specified in paragraphs (b) and (c) of section 150(1) are not fulfilled.

(5) Where the appropriate enactment confers power to acquire rights over land, subsection (4) shall have effect as if—

(a) in paragraph (b) after the word "acquire" there were inserted the words " or to acquire any rights over ";

(b) in paragraph (c) for the words "do not propose to acquire" there were substituted the words " propose neither to acquire, nor to acquire any right over ";

(c) in paragraph (d) after the words "affected area" there were inserted " or to acquire any right over any part of it ".

(6) An objection may not be made on the grounds mentioned in paragraph (d) of subsection (4) if it may be made on the grounds mentioned in paragraph (b) of that subsection.

(7) The grounds on which objection may be made in a counter-notice to a blight notice served by virtue of paragraph 19 of Schedule 13 shall not include those mentioned in subsection (4)(b) or (c).

[[F735](7A) The grounds on which objection may be made in a counter-notice to a blight notice served by virtue of paragraph 25 of Schedule 13 do not include those mentioned in subsection (4)(b).**]**

[[F736](7B) The grounds on which objection may be made in a counter-notice to a blight notice served by virtue of paragraph 26 of Schedule 13 do not include those mentioned in subsection (4)(b).**]**

(8) In this section "relevant powers", in relation to blighted land falling within any paragraph of Schedule 13, means any powers under which the appropriate authority are or could be authorised—

(a) to acquire that land or to acquire any rights over it compulsorily as being land falling within that paragraph; or

(b) to acquire that land or any rights over it compulsorily for any of the relevant purposes;

and "the relevant purposes", in relation to any such land, means the purposes for which, in accordance with the circumstances by virtue of which that land falls within the paragraph in question, it is liable to be acquired or is indicated as being proposed to be acquired.

Textual Amendments

F735 S. 151(7A) inserted (6.4.2009 for certain purposes and otherwise 1.3.2010) by Planning Act 2008 (c. 29), **ss. 175(4)**, 241 (with s. 226); S.I. 2009/400, **art. 3**; S.I. 2010/101, **art. 4(f)** (with art. 6)

F736 S. 151(7B) inserted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), **ss. 99(4)**, 147(2) (with s. 84(5)); S.I. 2025/698, art. 3(h)

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152 Further counter-notices where certain proposals have come into force.

(1) Where—

(a) an appropriate authority have served a counter-notice objecting to a blight notice in respect of any land falling within paragraph 1, 2, 3, 4 or 14 of Schedule 13 by virtue of Note (1) to that paragraph, and

(b) the relevant plan or alterations or, as the case may be, the relevant order or scheme comes into force (whether in its original form or with modifications),

the appropriate authority may serve on the claimant, in substitution for the counter-notice already served, a further counter-notice specifying different grounds of objection.

(2) Such a further counter-notice shall not be served—

(a) at any time after the end of the period of two months beginning with the date on which the relevant plan or alterations come into force; or

(b) if the objection in the counter-notice already served has been withdrawn or the **[**F737Upper Tribunal**]** has already determined whether or not to uphold that objection.

Textual Amendments

F737 Words in s. 152(2)(b) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 197**

153 Reference of objection to [F738Upper Tribunal]: general.

(1) Where a counter-notice has been served under section 151 objecting to a blight notice, the claimant may require the objection to be referred to the **[**F738Upper Tribunal**]**.

F739(2) . . . . . .

(3) On any such reference, if the objection is not withdrawn, the **[**F738Upper Tribunal**]** shall consider—

(a) the matters set out in the notice served by the claimant, and

(b) the grounds of the objection specified in the counter-notice;

and, subject to subsection (4), unless it is shown to the satisfaction of the Tribunal that the objection is not well-founded, the Tribunal shall uphold the objection.

(4) An objection on the grounds mentioned in section 151(4)(b), (c) or (d) shall not be upheld by the Tribunal unless it is shown to the satisfaction of the Tribunal that the objection is well-founded.

[F740(4A) Where the effect of a blight notice would be a compulsory purchase to which Part 1 of the Compulsory Purchase Act 1965 applies, the Upper Tribunal may uphold an objection on the grounds mentioned in section 151(4)(c) only if it is satisfied that the part of the hereditament or affected area proposed to be acquired in the counter-notice—

(a) in the case of a house, building or factory, can be taken without material detriment to the house, building or factory, or

(b) in the case of a park or garden belonging to a house, can be taken without seriously affecting the amenity or convenience of the house.**]**

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(5) If the Tribunal determines not to uphold the objection, the Tribunal shall declare that the notice to which the counter-notice relates is a valid notice.

(6) If the Tribunal upholds the objection, but only on the grounds mentioned in section 151(4)(c), the Tribunal shall declare that the notice is a valid notice in relation to the part of the hereditament, or in the case of an agricultural unit the part of the affected area, specified in the counter-notice as being the part which the appropriate authority propose to acquire as mentioned in that notice, but not in relation to any other part of the hereditament or affected area.

(7) In a case falling within subsection (5) or (6), the Tribunal shall give directions specifying the date on which notice to treat (as mentioned in section 154) is to be deemed to have been served.

(8) This section shall have effect in relation to a further counter-notice served by virtue of section 152(1) as it has effect in relation to the counter-notice for which it is substituted.

Textual Amendments

F738 Words in s. 153 heading substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 198(a)**

F739 Words in s. 153(2) omitted (1.6.2009) by virtue of The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 198(b)**

F740 S. 153(4A) inserted (3.2.2017) by Housing and Planning Act 2016 (c. 22), **ss. 200(2)**, 216(3); S.I. 2017/75, reg. 3(h)

Modifications etc. (not altering text)

C324 S. 153(4A) excluded by 2017 c. 7, s. 8(2) (as amended (24.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(2), **Sch. 14 para. 3**; S.I. 2017/209, reg. 2)

C325 S. 153(4A) excluded by 2017 c. 7, s. 7(2) (as amended (24.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(2), **Sch. 14 para. 2**; S.I. 2017/209, reg. 2)

C326 S. 153(4A) excluded (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), arts. 1, **22(3)** (with arts. 22(4), 32(2))

C327 S. 153(4A) excluded (22.12.2017) by The M20 Junction 10a Development Consent Order 2017 (S.I. 2017/1202), arts. 1, **29(3)(c)** (with arts. 4, 29(4), 37)

C328 S. 153(4A) excluded (4.1.2018) by The Blackpool Tramway (Blackpool North Extension) Order 2017 (S.I. 2017/1214), arts. 1, **30(3)(c)** (with arts. 30(4), 58, 59)

C329 S. 153(4A) excluded (18.4.2018) by The Network Rail (Hope Valley Capacity) Order 2018 (S.I. 2018/446), arts. 1, **21(4)**, 22(3) (with arts. 22(4), 24(8), 33(2))

C330 S. 153(4A) excluded (31.5.2018) by The Silvertown Tunnel Order 2018 (S.I. 2018/574), arts. 1(2), **27(4)(c)** (with art. 27(5))

C331 S. 153(4A) excluded (24.8.2018) by The Network Rail (Werrington Grade Separation) Order 2018 (S.I. 2018/923), arts. 1, **22(3)(c)** (with arts. 22(4), 31(2))

C332 S. 153(4A) excluded (3.10.2018) by The A19/A184 Testos Junction Alteration Development Consent Order 2018 (S.I. 2018/994), arts. 1, **27** (with arts. 3(3), 5)

C333 S. 153(4A) excluded (13.3.2019) by The Port of Tilbury (Expansion) Order 2019 (S.I. 2019/359), arts. 1, **26(3)(c)**(4) (with arts. 55, 56)

C334 S. 153(4A) excluded (3.4.2019) by The Millbrook Gas Fired Generating Station Order 2019 (S.I. 2019/578), arts. 1, **24(3)(c)** (with art. 24(4))

C335 S. 153(4A) excluded (10.10.2019) by The Abergelli Power Gas Fired Generating Station Order 2019 (S.I. 2019/1268), arts. 1, **25(3)(c)** (with art. 25(4))

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C336 S. 153(4A) excluded (25.10.2019) by The Drax Power (Generating Stations) Order 2019 (S.I. 2019/1315), arts. 1, **25(3)(c)** (with art. 25(4))
C337 S. 153(4A) excluded (27.2.2020) by The A30 Chiverton to Carland Cross Development Consent Order 2020 (S.I. 2020/121), arts. 1, **31(3)(c)** (with arts. 3(1), 31(4))
C338 S. 153(4A) excluded (14.4.2020) by The Reinforcement to the North Shropshire Electricity Distribution Network Order 2020 (S.I. 2020/325), arts. 1, **23(3)(c)** (with arts. 7, 23(4))
C339 S. 153(4A) excluded (30.4.2020) by The A585 Windy Harbour to Skippool Highway Development Consent Order 2020 (S.I. 2020/402), arts. 1, **27(3)(c)** (with arts. 5, 27(4), 44)
C340 S. 153(4A) excluded (1.5.2020) by The Riverside Energy Park Order 2020 (S.I. 2020/419), arts. 1, **25(3)(c)** (with arts. 7, 25(4))
C341 S. 153(4A) excluded (21.5.2020) by The Lake Lothing (Lowestoft) Third Crossing Order 2020 (S.I. 2020/474), arts. 1, **27(4)(c)** (with arts. 51, 57)
C342 S. 153(4A) excluded (11.6.2020) by The M42 Junction 6 Development Consent Order 2020 (S.I. 2020/528), arts. 1, **31(3)(c)** (with arts. 31(4), 37)
C343 S. 153(4A) excluded (18.6.2020) by The A63 (Castle Street Improvement, Hull) Development Consent Order 2020 (S.I. 2020/556), arts. 1, **27(3)(c)** (with arts. 5, 27(4), 44)
C344 S. 153(4A) excluded (19.6.2020) by The Cleve Hill Solar Park Order 2020 (S.I. 2020/547), arts. 1, **21(3)(c)** (with arts. 21(4), 37)
C345 S. 153(4A) excluded (6.8.2020) by The A19 Downhill Lane Junction Development Consent Order 2020 (S.I. 2020/746), arts. 1, **27(3)(c)** (with arts. 5, 27(4))
C346 S. 153(4A) excluded (1.9.2020) by The Immingham Open Cycle Gas Turbine Order 2020 (S.I. 2020/847), arts. 1, **24(3)(c)** (with art. 24(4), Sch. 9 para. 144)
C347 S. 153(4A) excluded (15.10.2020) by The Great Yarmouth Third River Crossing Development Consent Order 2020 (S.I. 2020/1075), arts. 1, **33(4)(c)** (with art. 33(5))
C348 S. 153(4A) excluded (29.10.2020) by The Southampton to London Pipeline Development Consent Order 2020 (S.I. 2020/1099), arts. 1, **28(3)(c)** (with arts. 28(4), 32, Sch. 9 para. 36)
C349 S. 153(4A) excluded (22.1.2021) by The Hornsea Three Offshore Wind Farm Order 2020 (S.I. 2020/1656), arts. 1, **23(3)** (with arts. 23(4), 40, 41, Sch. 9 Pt. 5 para. 18)
C350 S. 153(4A) excluded (9.2.2021) by The A1 Birtley to Coal House Development Consent Order 2021 (S.I. 2021/74), arts. 1, **30(3)(c)** (with arts. 5, 30(4), Sch. 27 para. 36)
C351 S. 153(4A) excluded (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 7(2)(c)**, 64(1) (with s. 7(3))
C352 S. 153(4A) excluded (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 6(2)(c)**, 64(1)
C353 S. 153(4A) excluded (19.2.2021) by The A303 Sparkford to Ilchester Dualling Development Consent Order 2021 (S.I. 2021/125), arts. 1, **31(3)(c)** (with arts. 4, 31(4), 47)
C354 S. 153(4A) excluded (22.12.2021) by The Morlais Demonstration Zone Order 2021 (S.I. 2021/1478), arts. 1, **26(3)(c)** (with arts. 15, 50, Sch. 11 para. 29)
C355 S. 153(4A) excluded (1.1.2022) by The Norfolk Boreas Offshore Wind Farm Order 2021 (S.I. 2021/1414), arts. 1, **24(3)(c)** (with arts. 41, 42, Sch. 17 para. 66)
C356 S. 153(4A) excluded (5.3.2022) by The Norfolk Vanguard Offshore Wind Farm Order 2022 (S.I. 2022/138), arts. 1, **24(3)(c)** (with arts. 24(4), 41, 42, Sch. 16)
C357 S. 153(4A) excluded (10.3.2022) by The Thurrock Flexible Generation Plant Development Consent Order 2022 (S.I. 2022/157), arts. 1, **25(4)(c)** (with Sch. 8 Pt. 6 para. 19)
C358 S. 153(4A) excluded (25.3.2022) by The Bridgwater Tidal Barrier Order 2022 (S.I. 2022/299), arts. 1, **35** (with art. 55)
C359 S. 153(4A) excluded (22.4.2022) by The East Anglia ONE North Offshore Wind Farm Order 2022 (S.I. 2022/432), arts. 1(2), **24(3)(c)** (with arts. 40, 41)
C360 S. 153(4A) excluded (22.4.2022) by The East Anglia TWO Offshore Wind Farm Order 2022 (S.I. 2022/433), arts. 1(2), **24(3)(c)** (with arts. 24(4), 40, 41)
C361 S. 153(4A) excluded (12.5.2022) by The M54 to M6 Link Road Development Consent Order 2022 (S.I. 2022/475), arts. 1, **27(3)(c)** (with art. 27(4))

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C362 S. 153(4A) excluded (2.6.2022) by The M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 (S.I. 2022/549), arts. 1, **30(3)(c)** (with arts. 6, 30(4), 34)

C363 S. 153(4A) excluded (6.6.2022) by The M25 Junction 28 Development Consent Order 2022 (S.I. 2022/573), arts. 1, **32(3)(c)** (with arts. 5, 32(4), 36)

C364 S. 153(4A) excluded (13.7.2022) by The A47 Blofield to North Burlingham Development Consent Order 2022 (S.I. 2022/738), arts. 1, **32(3)(c)** (with arts. 4, 32(4), 50)

C365 S. 153(4A) excluded (11.8.2022) by The Sizewell C (Nuclear Generating Station) Order 2022 (S.I. 2022/853), arts. 1, **35** (with arts. 35(4), 62, 76, 87)

C366 S. 153(4A) excluded (2.9.2022) by The A47 North Tuddenham to Easton Development Consent Order 2022 (S.I. 2022/911), arts. 1, **31(3)(c)** (with arts. 4, 31(4), 53)

C367 S. 153(4A) excluded (3.11.2022) by The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 (S.I. 2022/1067), arts. 1, **32(4)(c)** (with art. 32(5))

C368 S. 153(4A) excluded (3.11.2022) by The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 (S.I. 2022/1067), arts. 1, **30(3)(c)** (with art. 30(6))

C369 S. 153(4A) excluded (3.11.2022) by The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 (S.I. 2022/1067), arts. 1, **31(4)(c)** (with art. 31(5))

C370 S. 153(4A) excluded (4.11.2022) by The A47/A11 Thickthorn Junction Development Consent Order 2022 (S.I. 2022/1070), arts. 1, **32(3)(c)** (with arts. 4, 52, Sch. 9 para. 82)

C371 S. 153(4A) excluded (8.9.2022) by The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (S.I. 2022/934), arts. 1, **35(3)(c)**

C372 S. 153(4A) excluded (5.12.2022) by The Portishead Branch Line (MetroWest Phase 1) Order 2022 (S.I. 2022/1194), arts. 1, **31(3)(c)** (with arts. 31(4), 51)

C373 S. 153(4A) excluded (7.12.2022) by The A57 Link Roads Development Consent Order 2022 (S.I. 2022/1206), arts. 1, **29(3)(c)** (with arts. 5, 29(4))

C374 S. 153(4A) excluded (7.12.2022) by The A417 Missing Link Development Consent Order 2022 (S.I. 2022/1248), arts. 1, **32(3)** (with arts. 4, 32(4))

C375 S. 153(4A) excluded (29.12.2022) by The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 (S.I. 2022/1396), arts. 1, **24(3)(c)** (with arts. 24(4), 32, Sch. 10 paras. 26(2), 68)

C376 S. 153(4A) excluded (10.3.2023) by The A47 Wansford to Sutton Development Consent Order 2023 (S.I. 2023/218), arts. 1, **32(3)** (with arts. 4, 50)

C377 S. 153(4A) excluded (18.7.2023) by The Longfield Solar Farm Order 2023 (S.I. 2023/734), arts. 1, **23(3)** (with art. 23(4))

C378 S. 153(4A) excluded (27.7.2023) by The Boston Alternative Energy Facility Order 2023 (S.I. 2023/778), arts. 1, **32(3)(c)** (with arts. 5, 32(4), 53, Sch. 8 paras. 6, 64)

C379 S. 153(4A) excluded (3.8.2023) by The Hornsea Four Offshore Wind Farm Order 2023 (S.I. 2023/800), arts. 1, **25(3)** (with arts. 25(4), 42, 43, Sch. 9 Pt. 1 para. 4, Sch. 9 Pt. 3 para. 6(1), Sch. 9 Pt. 4 para. 20, Sch. 9 Pt. 9 para. 4)

C380 S. 153(4A) excluded (4.8.2023) by The A303 (Amesbury to Berwick Down) Development Consent Order 2023 (S.I. 2023/834), arts. 1, **27(4)** (with arts. 6(2), 18, 27(5), Sch. 11 paras. 5, 30)

C381 S. 153(4A) excluded (7.9.2023) by The A38 Derby Junctions Development Consent Order 2023 (S.I. 2023/923), arts. 1, **31(3)** (with arts. 4, 31(4), 45, Sch. 9 paras. 6, 46, 54(1))

C382 S. 153(4A) excluded (11.10.2023) by The Awel y Môr Offshore Wind Farm Order 2023 (S.I. 2023/1033), arts. 1, **24** (with arts. 36, 37, Sch. 9 paras. 14, 44(1), 76, 103)

C383 S. 153(4A) excluded (7.2.2024) by The Drax Power Station Bioenergy with Carbon Capture and Storage Extension Order 2024 (S.I. 2024/70), arts. 1, **22(3)** (with arts. 22(4), 43, Sch. 12 paras. 5, 24)

C384 S. 153(4A) excluded (9.2.2024) by The A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024/60), arts. 1, **38(3)** (with arts. 4, 38(4), 52, Sch. 11 paras. 6, 24, 39(1), 55(1), 84)

C385 S. 153(4A) excluded (11.3.2024) by The Net Zero Teesside Order 2024 (S.I. 2024/174), arts. 1, **28(3)** (with arts. 28(4), 42, 43, Sch. 12 paras. 5, 51, 91, 129, 136, 234, 345, 356)

C386 S. 153(4A) excluded (13.3.2024) by The Medworth Energy from Waste Combined Heat and Power Facility Order 2024 (S.I. 2024/230), arts. 1, **26(3)** (with art. 26(4), Sch. 11 paras. 5, 22, 37, 47, 82, 110)

C387 S. 153(4A) excluded (28.3.2024) by The A66 Northern Trans-Pennine Development Consent Order 2024 (S.I. 2024/360), arts. 1, **27(3)** (with arts. 18, 27(4), 35, Sch. 9)

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C388 S. 153(4A) excluded (5.4.2024) by virtue of The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 (S.I. 2024/393), arts. 1, **34(3)** (with art. 44, Sch. 15)

C389 S. 153(4A) excluded (11.4.2024) by The HyNet Carbon Dioxide Pipeline Order 2024 (S.I. 2024/436), arts. 1(2), **31(4)** (with arts. 21, 41, Sch. 10)

C390 S. 153(4A) excluded (9.5.2024) by The Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (S.I. 2024/564), arts. 1, **22(4)** (with arts. 22(5), 35, 36, Sch. 14)

C391 S. 153(4A) excluded (14.6.2024) by The A1 in Northumberland: Morpeth to Ellingham Development Consent Order 2024 (S.I. 2024/733), arts. 1, **34(3)** (with art. 6, Sch. 10)

C392 S. 153(4A) excluded (3.8.2024) by The Sunnica Energy Farm Order 2024 (S.I. 2024/802), arts. 1, **22(3)** (with arts. 22(4), 44, Sch. 12)

C393 S. 153(4A) excluded (3.8.2024) by The Gate Burton Energy Park Order 2024 (S.I. 2024/807), arts. 1, **23(3)** (with arts. 23(4), 45, Sch. 14)

C394 S. 153(4A) excluded (3.8.2024) by The Mallard Pass Solar Farm Order 2024 (S.I. 2024/796), arts. 1, **25(3)** (with art. 25(4), Sch. 15)

C395 S. 153(4A) excluded (27.9.2024) by The Cottam Solar Project Order 2024 (S.I. 2024/943), arts. 1, **25(3)** (with arts. 25(4), 48, Sch. 15)

C396 S. 153(4A) excluded (4.10.2024) by The National Grid (Bramford to Twinstead Reinforcement) Order 2024 (S.I. 2024/958), arts. 1, **24(3)** (with art. 40, Sch. 14)

S. 153(4A) excluded (9.10.2024) by The M3 Junction 9 Development Consent Order 2024 (S.I. 2024/752), arts. 1, **32(3)** (with arts. 4, 32(4), Sch. 10) (as amended by S.I. 2024/1020, **Sch**)

C397 S. 153(4A) excluded (18.12.2024) by The Network Rail (Leeds to Micklefield Enhancements) Order 2024 (S.I. 2024/1284), arts. 1, **26(3)** (with art. 26(4), Sch. 15)

C398 S. 153(4A) excluded (15.2.2025) by The West Burton Solar Project Order 2025 (S.I. 2025/116), arts. 1, **25** (with art. 47, Sch. 15)

C399 S. 153(4A) excluded (27.2.2025) by The Associated British Ports (Immingham Green Energy Terminal) Order 2025 (S.I. 2025/165), arts. 1, **25** (with arts. 48, 59, Sch. 14)

C400 S. 153(4A) excluded (4.4.2025) by The North Lincolnshire Green Energy Park Order 2025 (S.I. 2025/362), arts. 1, **30(3)** (with art. 30(4), Sch. 14)

C401 S. 153(4A) excluded (15.4.2025) by The A122 (Lower Thames Crossing) Development Consent Order 2025 (S.I. 2025/462), arts. 1, **33(4)** (with arts. 5, 33(5), 43, 53(7), Sch. 14)

C402 S. 153(4A) excluded (23.4.2025) by The Cambridge Waste Water Treatment Plant Relocation Order 2025 (S.I. 2025/452), arts. 1, **29(3)(c)**, **30(6)(c)**

C403 S. 153(4A) excluded (24.4.2025) by The London Luton Airport Expansion Development Consent Order 2025 (S.I. 2025/463), arts. 1, **31(3)(c)**(4) (with Sch. 8 paras. 36(3), 87)

C404 S. 153(4A) excluded (28.4.2025) by The Rampion 2 Offshore Wind Farm Order 2025 (S.I. 2025/468), arts. 1, **29(3)** (with arts. 47, 48, Sch. 10)

C405 S. 153(4A) excluded (1.5.2025) by The Viking CCS Carbon Dioxide Pipeline Order 2025 (S.I. 2025/509), arts. 1(2), **29(4)** (with art. 41, Sch. 9)

C406 S. 153(4A) excluded (31.5.2025) by The East Yorkshire Solar Farm Order 2025 (S.I. 2025/585), arts. 1, **25(3)** (with arts. 25(4), 49, Sch. 14)

C407 S. 153(4A) excluded (25.6.2025) by The M5 Junction 10 Development Consent Order 2025 (S.I. 2025/795), arts. 1, **29(3)** (with arts. 4, 29(4), 43, Sch. 9)

C408 S. 153(4A) excluded (11.7.2025) by The Oaklands Farm Solar Park Order 2025 (S.I. 2025/739), arts. 1, **22(3)** (with art. 22(4), Sch. 10)

C409 S. 153(4A) excluded (28.7.2025) by The Mona Offshore Wind Farm Order 2025 (S.I. 2025/870), arts. 1, **25(3)** (with arts. 37, 38, Sch. 10)

C410 S. 153(4A) excluded (14.8.2025) by The Byers Gill Solar Order 2025 (S.I. 2025/934), arts. 1, **25(4)** (with art. 43, Sch. 11)

C411 S. 153(4A) excluded (30.9.2025) by The M60/M62/M66 Simister Island Interchange Development Consent Order 2025 (S.I. 2025/1018), arts. 1, **28** (with arts. 5, 34, Sch. 9)

C412 S. 153(4A) excluded (12.10.2025) by The Gatwick Airport (Northern Runway Project) Development Consent Order 2025 (S.I. 2025/1054), arts. 1, **34(3)** (with arts. 5, 9(6), 43, Sch. 9)

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C413 S. 153(4A) excluded (22.10.2025) by The A46 Newark Bypass Development Consent Order 2025 (S.I. 2025/1090), arts. 1, **37(3)** (with arts. 4, 9, 37(4), 51, Sch. 9)
C414 S. 153(4A) excluded (5.11.2025) by The Tillbridge Solar Order 2025 (S.I. 2025/1105), arts. 1, **26(3)** (with arts. 26(4), 49, Sch. 15)
C415 S. 153(4A) excluded (13.11.2025) by The Stonestreet Green Solar Order 2025 (S.I. 2025/1175), arts. 1, **28(3)** (with art. 40, Sch. 13)
C416 S. 153(4A) excluded (27.11.2025) by The Cory Decarbonisation Project Order 2025 (S.I. 2025/1227), arts. 1, **31(3)** (with art. 31(4), Sch. 12)
C417 S. 153(4A) excluded (29.12.2025) by The Helios Renewable Energy Project Order 2025 (S.I. 2025/1372), arts. 1, **25(3)** (with art. 25(4), Sch. 9)
C418 S. 153(4A) excluded (8.1.2026) by The Five Estuaries Offshore Wind Farm Order 2025 (S.I. 2025/1376), arts. 1, **27(3)** (with arts. 39, 40, Sch. 9)
C419 S. 153(4A) excluded (25.2.2026) by The A46 Coventry Junctions (Walsgrave) Development Consent Order 2026 (S.I. 2026/125), arts. 1, **36(3)** (with arts. 36(4), 40, 45, Sch. 9)
C420 S. 153(4A) excluded (4.3.2026) by The Outer Dowsing Offshore Wind Farm Order 2026 (S.I. 2026/138), arts. 1(2), **24(3)** (with arts. 24(4), 42, 43, Sch. 18)
C421 S. 153(4A) excluded (11.3.2026) by The Fenwick Solar Farm Order 2026 (S.I. 2026/151), arts. 1, **26(3)** (with Sch. 14)
C422 S. 153(4A) excluded (30.4.2026) by The Springwell Solar Farm Order 2026 (S.I. 2026/419), arts. 1, **26(3)** (with arts. 26(4), 48)

154 Effect of valid blight notice.

(1) Subsection (2) applies where a blight notice has been served and either—

(a) no counter-notice objecting to that notice is served in accordance with this Chapter; or

(b) where such a counter-notice has been served, the objection is withdrawn or, on a reference to the **[**[F741]Upper Tribunal**]**, is not upheld by the Tribunal.

(2) Where this subsection applies, the appropriate authority shall be deemed—

(a) to be authorised to acquire compulsorily under the appropriate enactment the interest of the claimant in the hereditament, or in the case of an agricultural unit the interest of the claimant in so far as it subsists in the affected area, and

(b) to have served a notice to treat in respect of it on the date mentioned in subsection (3).

(3) The date referred to in subsection (2)—

(a) in a case where, on a reference to the **[**[F741]Upper Tribunal**]**, the Tribunal determines not to uphold the objection, is the date specified in directions given by the Tribunal in accordance with section 153(7);

(b) in any other case, is the date on which the period of two months beginning with the date of service of the blight notice comes to an end.

(4) Subsection (5) applies where the appropriate authority have served a counter-notice objecting to a blight notice on the grounds mentioned in section 151(4)(c) and either—

(a) the claimant, without referring that objection to the **[**[F741]Upper Tribunal**]**, and before the time for so referring it has expired—

(i) gives notice to the appropriate authority that he accepts the proposal of the authority to acquire the part of the hereditament or affected area specified in the counter-notice, and

(ii) withdraws his claim as to the remainder of that hereditament or area; or

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(b) on a reference to the **[**F741Upper Tribunal**]**, the Tribunal makes a declaration in accordance with section 153(6) in respect of that part of the hereditament or affected area.

(5) Where this subsection applies, the appropriate authority shall be deemed—

(a) to be authorised to acquire compulsorily under the appropriate enactment the interest of the claimant in so far as it subsists in the part of the hereditament or affected area specified in the counter-notice (but not in so far as it subsists in any other part of that hereditament or area), and

(b) to have served a notice to treat in respect of it on the date mentioned in subsection (6).

(6) The date referred to in subsection (5)—

(a) in a case falling within paragraph (a) of subsection (4), is the date on which notice is given in accordance with that paragraph; and

(b) in a case falling within paragraph (b) of that subsection, is the date specified in directions given by the **[**F741Upper Tribunal**]** in accordance with section 153(7).

Textual Amendments

F741 Words in s. 154(1)(b)(3)(a)(4)(a)(b)(6)(b) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 199**

155 Effect on powers of compulsory acquisition of counter-notice disclaiming intention to acquire.

(1) Subsection (2) shall have effect where the grounds of objection specified in a counter-notice served under section 151 consist of or include the grounds mentioned in paragraph (b) or (d) of subsection (4) of that section and either—

(a) the objection on the grounds mentioned in that paragraph is referred to and upheld by the **[**F742Upper Tribunal**]**; or

(b) the time for referring that objection to the **[**F742Upper Tribunal**]** expires without its having been so referred.

(2) If—

(a) a compulsory purchase order has been made under the appropriate enactment in respect of land which consists of or includes the whole or part of the hereditament or agricultural unit to which the counter-notice relates, or

(b) the land in question falls within paragraph 21 of Schedule 13,

any power conferred by that order or, as the case may be, by special enactment for the compulsory acquisition of the interest of the claimant in the hereditament or agricultural unit or any part of it shall cease to have effect.

(3) Subsection (4) shall have effect where the grounds of objection specified in a counter-notice under section 151 consist of or include the grounds mentioned in paragraph (c) of subsection (4) of that section and either—

(a) the objection on the grounds mentioned in that paragraph is referred to and upheld by the **[**F742Upper Tribunal**]**; or

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(b) the time for referring that objection to the **[**F742Upper Tribunal**]** expires without its having been so referred;

and in subsection (4) any reference to "the part of the hereditament or affected area not required" is a reference to the whole of that hereditament or area except the part specified in the counter-notice as being the part which the appropriate authority propose to acquire as mentioned in the counter-notice.

(4) If—

(a) a compulsory purchase order has been made under the appropriate enactment in respect of land which consists of or includes any of the part of the hereditament or affected area not required, or

(b) the land in question falls within paragraph 21 of Schedule 13,

any power conferred by that order or, as the case may be, by the special enactment for the compulsory acquisition of the interest of the claimant in any land comprised in the part of the hereditament or affected area not required shall cease to have effect.

Textual Amendments

F742 Words in s. 155(1)(a)(b)(3)(a)(b) substituted (1.6.2009) by virtue of The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 200**

156 Withdrawal of blight notice.

(1) Subject to subsection (3), the person by whom a blight notice has been served may withdraw the notice at any time before the compensation payable in respect of a compulsory acquisition in pursuance of the notice has been determined by the **[**F743Upper Tribunal**]** or, if there has been such a determination, at any time before the end of the period of six weeks beginning with the date of the determination.

(2) Where a blight notice is withdrawn by virtue of subsection (1) any notice to treat deemed to have been served in consequence of it shall be deemed to have been withdrawn.

(3) A person shall not be entitled by virtue of subsection (1) to withdraw a notice after the appropriate authority have exercised a right of entering and taking possession of land in pursuance of a notice to treat deemed to have been served in consequence of that notice.

(4) No compensation shall be payable in respect of the withdrawal of a notice to treat which is deemed to have been withdrawn by virtue of subsection (2).

Textual Amendments

F743 Words in s. 156(1) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 201**

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Compensation

157 Special provisions as to compensation for acquisitions in pursuance of blight notices.

[[F744](A1) Where—

(a) an interest in land is acquired in pursuance of a blight notice,

(b) the interest is one in respect of which a compulsory purchase order is in force, and

(c) the order directs that compensation is to be assessed in accordance with section 14A of the Land Compensation Act 1961,

the compensation payable for the acquisition is to be assessed in accordance with that direction and as if the notice to treat deemed to have been served in respect of the interest under section 154 had been served in pursuance of the compulsory purchase order.**]**

(1) Where—

(a) an interest in land is acquired in pursuance of a blight notice, and

(b) the interest is one in respect of which a compulsory purchase order is in force under section 1 of the [M63]Acquisition of Land Act 1981, as applied by section 47 of the [M64]Planning (Listed Buildings and Conservation Areas) Act 1990 **[**[F745]or section 137 of the Historic Environment (Wales) Act 2023**]**, containing a direction for minimum compensation under section 50 of that Act of 1990 **[**[F746]or section 140 of that Act of 2023**]**,

the compensation payable for the acquisition shall be assessed in accordance with that direction and as if the notice to treat deemed to have been served in respect of the interest under section 154 had been served in pursuance of the compulsory purchase order.

(2) Where—

(a) an interest in land is acquired in pursuance of a blight notice, and

(b) the interest is one in respect of which a compulsory purchase order is in force under section 290 of the [M65]Housing Act 1985 (acquisition of land for clearance);

the compensation payable for the acquisition shall be assessed in accordance with that Act and as if the notice to treat deemed to have been served in respect of the interest under section 154 had been served in pursuance of the compulsory purchase order.

(3) The compensation payable in respect of the acquisition by virtue of section 160 of an interest in land comprised in—

(a) the unaffected area of an agricultural unit; or

(b) if the appropriate authority have served a counter-notice objecting to the blight notice on the grounds mentioned in section 151(4)(c), so much of the affected area of the unit as is not specified in the counter-notice,

shall be assessed on the assumptions mentioned in section 5(2), (3) and (4) of the [M66]Land Compensation Act 1973.

(4) In subsection (3) the reference to "the appropriate authority" shall be construed as if the unaffected area of an agricultural unit were part of the affected area.

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Textual Amendments

F744 S. 157(A1) inserted (31.3.2024 for W. for specified purposes, 30.4.2024 for E.) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 190(5)**, 255(7) (with s. 247); S.I. 2024/92, reg. 4 (with reg. 6(6)); S.I. 2024/389, reg. 2(l)

F745 Words in s. 157(1)(b) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 76(a)** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

F746 Words in s. 157(1)(b) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 76(b)** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

Marginal Citations

M63 1981 c.67.

M64 1990 c. 9.

M65 1985 c.68.

M66 1973 c.26.

Special provisions for requiring purchase of whole of partially affected agricultural unit

158 Inclusion in blight notices of requirement to purchase parts of agricultural units unaffected by blight.

(1) This section applies where—

(a) a blight notice is served in respect of an interest in the whole or part of an agricultural unit, and

(b) on the date of service that unit or part contains land ("the unaffected area") which is not blighted land as well as land ("the affected area") which is such land.

(2) Where this section applies the claimant may include in the blight notice—

(a) a claim that the unaffected area is not reasonably capable of being farmed, either by itself or in conjunction with other relevant land, as a separate agricultural unit; and

(b) a requirement that the appropriate authority shall purchase his interest in the whole of the unit or, as the case may be, in the whole of the part of it to which the notice relates.

(3) Subject to section 159(4), "other relevant land" in subsection (2) means—

(a) if the blight notice is served only in respect of part of land comprised in the agricultural unit, the remainder of it; and

(b) land which is comprised in any other agricultural unit occupied by the claimant on the date of service and in respect of which he is then entitled to an owner's interest as defined in section 168(4).

159 Objections to s. 158 notices.

(1) The grounds on which objection may be made in a counter-notice to a blight notice served by virtue of section 158 shall include the ground that the claim made in the notice is not justified.

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(2) Objection shall not be made to a blight notice served by virtue of section 158 on the grounds mentioned in section 151(4)(c) unless it is also made on the grounds mentioned in subsection (1).

(3) The **[**F747Upper Tribunal**]** shall not uphold an objection to a notice served by virtue of section 158 on the grounds mentioned in section 151(4)(c) unless it also upholds the objection on the grounds mentioned in subsection (1).

(4) Where objection is made to a blight notice served by virtue of section 158 on the ground mentioned in subsection (1) and also on those mentioned in section 151(4)(c), the **[**F747Upper Tribunal**]**, in determining whether or not to uphold the objection, shall treat that part of the affected area which is not specified in the counter-notice as included in "other relevant land" as defined in section 158(3).

(5) If the **[**F747Upper Tribunal**]** upholds an objection but only on the ground mentioned in subsection (1), the Tribunal shall declare that the blight notice is a valid notice in relation to the affected area but not in relation to the unaffected area.

(6) If the Tribunal upholds an objection both on the ground mentioned in subsection (1) and on the grounds mentioned in section 151(4)(c) (but not on any other grounds) the Tribunal shall declare that the blight notice is a valid notice in relation to the part of the affected area specified in the counter-notice as being the part which the appropriate authority propose to acquire as mentioned in that notice but not in relation to any other part of the affected area or in relation to the unaffected area.

(7) In a case falling within subsection (5) or (6), the Tribunal shall give directions specifying a date on which notice to treat (as mentioned in sections 154 and section 160) is to be deemed to have been served.

(8) Section 153(6) shall not apply to any blight notice served by virtue of section 158.

Textual Amendments

F747 Words in s. 159(3)(4)(5) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 202**

160 Effect of notices served by virtue of s. 158.

(1) In relation to a blight notice served by virtue of section 158—

(a) subsection (2) of section 154 shall have effect as if for the words "or in the case of an agricultural unit the interest of the claimant in so far as it subsists in the affected area" there were substituted the words " or agricultural unit "; and

(b) subsections (4) and (5) of that section shall not apply to any such blight notice.

(2) Where the appropriate authority have served a counter-notice objecting to a blight notice on the grounds mentioned in section 159(1), then if either—

(a) the claimant, without referring that objection to the **[**F748Upper Tribunal**]** and before the time for so referring it has expired, gives notice to the appropriate authority that he withdraws his claim as to the unaffected area; or

(b) on a reference to the Tribunal, the Tribunal makes a declaration in accordance with section 159(5),

the appropriate authority shall be deemed—

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(i) to be authorised to acquire compulsorily under the appropriate enactment the interest of the claimant in so far as it subsists in the affected area (but not in so far as it subsists in the unaffected area), and

(ii) to have served a notice to treat in respect of it on the date mentioned in subsection (3).

(3) The date referred to in subsection (2)—

(a) in a case falling within paragraph (a) of subsection (2), is the date on which notice is given in accordance with that paragraph; and

(b) in a case falling within paragraph (b) of that subsection, is the date specified in directions given by the Tribunal in accordance with section 159(7).

(4) Where the appropriate authority have served a counter-notice objecting to a blight notice on the grounds mentioned in section 159(1) and also on the grounds mentioned in section 151(4)(c), then if either—

(a) the claimant, without referring that objection to the **[**[F748]Upper Tribunal**]** and before the time for so referring it has expired—

(i) gives notice to the appropriate authority that he accepts the proposal of the authority to acquire the part of the affected area specified in the counter-notice, and

(ii) withdraws his claim as to the remainder of that area and as to the unaffected area; or

(b) on a reference to the Tribunal, the Tribunal makes a declaration in accordance with section 159(6) in respect of that part of the affected area,

the appropriate authority shall be deemed to be authorised to acquire compulsorily under the appropriate enactment the interest of the claimant in so far as it subsists in the part of the affected area specified in the counter-notice (but not in so far as it subsists in any other part of that area or in the unaffected area) and to have served a notice to treat in respect of it on the date mentioned in subsection (5).

(5) The date referred to in subsection (4)—

(a) in a case falling within paragraph (a) of that subsection, is the date on which notice is given in accordance with that paragraph; and

(b) in a case falling within paragraph (b) of that subsection, is the date specified in directions given by the Tribunal in accordance with section 159(7).

(6) In relation to a blight notice served by virtue of section 158 references to "the appropriate authority" and "the appropriate enactment" shall be construed as if the unaffected area of an agricultural unit were part of the affected area.

Textual Amendments

F748 Words in s. 160(2)(a)(4)(a) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 203**

Personal representatives, mortgagees and partnerships

161 Powers of personal representatives in respect of blight notice.

(1) In relation to any time after the death of a person who has served a blight notice, sections 151(1), 152(1), 153(1), 154(4) and (5), 156(1) and 160(2) and (4) shall apply

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as if any reference in them to the claimant were a reference to the claimant's personal representatives.

(2) Where the whole or part of a hereditament or agricultural unit is comprised in blighted land and a person claims that—

(a) he is the personal representative of a person ("the deceased") who at the date of his death was entitled to an interest in that hereditament or unit;

(b) the interest was one which would have been a qualifying interest if a notice under section 150 had been served in respect of it on that date;

(c) he has made reasonable endeavours to sell that interest **[**F749or the land falls within paragraph 21 or paragraph 22 (disregarding the notes) of Schedule 13 and the powers of compulsory acquisition remain exercisable**]**;

(d) in consequence of the fact that the hereditament or unit or a part of it was, or was likely to be, comprised in blighted land, he has been unable to sell that interest except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the hereditament or unit were, or were likely to be, comprised in such land; and

(e) one or more individuals are (to the exclusion of any body corporate) beneficially entitled to that interest,

he may serve on the appropriate authority a notice in the prescribed form requiring that authority to purchase that interest to the extent specified in, and otherwise in accordance with, this Chapter.

(3) Subject to subsection (4), subsection (2) shall apply in relation to an interest in part of a hereditament or agricultural unit as it applies in relation to an interest in the whole of a hereditament or agricultural unit.

(4) Subsection (3) shall not enable any person—

(a) if the deceased was entitled to an interest in the whole of a hereditament or agricultural unit, to make any claim or serve any notice under this section in respect of the deceased's interest in part of the hereditament or unit; or

(b) if the deceased was entitled to an interest only in part of the hereditament or agricultural unit, to make or serve any such claim or notice in respect of the deceased's interest in less than the whole of that part.

(5) Subject to sections 151(7) and 159(2) and (3), the grounds on which objection may be made in a counter-notice under section 151 to a notice under this section are those specified in paragraphs (a) to (c) of subsection (4) of that section and, in a case to which it applies, the grounds specified in paragraph (d) of that subsection and also the following grounds—

(a) that the claimant is not the personal representative of the deceased or that, on the date of the deceased's death, the deceased was not entitled to an interest in any part of the hereditament or agricultural unit to which the notice relates;

(b) that (for reasons specified in the counter-notice) the interest of the deceased is not such as is specified in subsection (2)(b);

(c) that the conditions specified in subsection (2)(c), (d) or (e) are not satisfied.

Textual Amendments

F749 Words in s. 161(2)(c) inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 70, **Sch. 15 para.13** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

Changes to legislation: *Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

162 Power of mortgagees to serve blight notice.

(1) Where the whole or part of a hereditament or agricultural unit is comprised in blighted land and a person claims that—

(a) he is entitled as mortgagee (by virtue of a power which has become exercisable) to sell an interest in the hereditament or unit, giving immediate vacant possession of the land;

(b) he has made reasonable endeavours to sell that interest **[**[F750]or the land falls within paragraph 21 or paragraph 22 (disregarding the notes) of Schedule 13 and the powers of compulsory acquisition remain exercisable**]**; and

(c) in consequence of the fact that the hereditament or unit or a part of it was, or was likely to be, comprised in blighted land, he has been unable to sell that interest except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the hereditament or unit were, or were likely to be, comprised in such land,

then, subject to the provisions of this section, he may serve on the appropriate authority a notice in the prescribed form requiring that authority to purchase that interest to the extent specified in, and otherwise in accordance with, this Chapter.

(2) Subject to subsection (3), subsection (1) shall apply in relation to an interest in part of a hereditament or unit as it applies in relation to an interest in the whole of a hereditament or unit.

(3) Subsection (2) shall not enable a person—

(a) if his interest as mortgagee is in the whole of a hereditament or agricultural unit, to make any claim or serve any notice under this section in respect of any interest in part of the hereditament or unit; or

(b) if his interest as mortgagee is only in part of a hereditament or agricultural unit, to make or serve any such notice or claim in respect of any interest in less than the whole of that part.

(4) Notice under this section shall not be served unless the interest which the mortgagee claims he has the power to sell—

(a) could be the subject of a notice under section 150 served by the person entitled to it on the date of service of the notice under this section; or

(b) could have been the subject of such a notice served by that person on a date not more than six months before the date of service of the notice under this section.

(5) Subject to sections 151(7) and 159(2) and (3), the grounds on which objection may be made in a counter-notice under section 151 to a notice under this section are those specified in paragraphs (a) to (c) of subsection (4) of that section and, in a case to which it applies, the grounds specified in paragraph (d) of that subsection and also the following grounds—

(a) that, on the date of service of the notice under this section, the claimant had no interest as mortgagee in any part of the hereditament or agricultural unit to which the notice relates;

(b) that (for reasons specified in the counter-notice) the claimant had not on that date the power referred to in subsection (1)(a);

(c) that the conditions specified in subsection (1)(b) and (c) are not fulfilled;

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(d) that (for reasons specified in the counter-notice) neither of the conditions specified in subsection (4) was, on the date of service of the notice under this section, satisfied with regard to the interest referred to in that subsection.

Textual Amendments

F750 Words in s. 162(1)(b) inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 70, **Sch. 15 para.13** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

163 Prohibition on service of simultaneous notices under ss. 150, 161 and 162.

(1) No notice shall be served under section 150 or 161 in respect of a hereditament or agricultural unit, or any part of it, at a time when a notice already served under section 162 is outstanding with respect to it, and no notice shall be served under section 162 at a time when a notice already served under section 150 or 161 is outstanding with respect to the relevant hereditament, unit or part.

(2) For the purposes of subsection (1), a notice shall be treated as outstanding with respect to a hereditament, unit or part—

(a) until it is withdrawn in relation to the hereditament, unit or part; or

(b) in a case where an objection to the notice has been made by a counter-notice under section 151, until either—

(i) the period of two months specified in section 153 elapses without the claimant having required the objection to be referred to the **[**F751Upper Tribunal**]** under that section; or

(ii) the objection, having been so referred, is upheld by the Tribunal with respect to the hereditament, unit or part.

Textual Amendments

F751 Words in s. 163(2)(b)(i) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 204**

164 Special provisions as to partnerships.

(1) This section shall have effect for the purposes of the application of this Chapter to a hereditament or agricultural unit occupied for the purposes of a partnership firm.

(2) Occupation for the purposes of the firm shall be treated as occupation by the firm, and not as occupation by any one or more of the partners individually, and the definitions of "owner-occupier" in section 168(1) and (2) shall apply in relation to the firm accordingly.

(3) If, after the service by the firm of a blight notice, any change occurs (whether by death or otherwise) in the constitution of the firm, any proceedings, rights or obligations consequential upon that notice may be carried on or exercised by or against, or, as the case may be, shall be incumbent upon, the partners for the time being constituting the firm.

(4) Nothing in this Chapter shall be construed as indicating an intention to exclude the operation of the definition of "person" in Schedule 1 to the M67Interpretation Act

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

1978 (by which, unless the contrary intention appears, "person" includes any body of persons corporate or unincorporate) in relation to any provision of this Chapter.

(5) Subsection (2) shall not affect the definition of "resident owner-occupier" in section 168(3).

Marginal Citations

M67 1978 c. 30.

Miscellaneous and supplementary provisions

[F752 164A Power of Welsh Ministers to acquire land identified by National Development Framework for Wales where blight notice served

Where a blight notice has been served in respect of land falling within paragraph 1C of Schedule 13, the Welsh Ministers have power to acquire compulsorily any interest in the land in pursuance of the blight notice served by virtue of that paragraph.**]**

Textual Amendments

F752 S. 164A inserted (6.9.2015 for specified purposes, 4.12.2020 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 10(7)**, 58(2)(b)(4)(b); S.I. 2020/1216, reg. 2(a)

165 Power of Secretary of State to acquire land affected by orders relating to new towns etc. where blight notice served.

(1) Where a blight notice has been served in respect of land falling within paragraph 7, 8 or 9 of Schedule 13, then until such time as a development corporation is established for the new town or, as the case may be, an urban development corporation is established for the urban development area the Secretary of State shall have power to acquire compulsorily any interest in the land in pursuance of the blight notice served by virtue of that paragraph.

(2) Where the Secretary of State acquires an interest under subsection (1), then—

(a) if the land is or becomes land within paragraph 8 or, as the case may be, paragraph 9(b) of Schedule 13, the interest shall be transferred by him to the development corporation established for the new town or, as the case may be, the urban development corporation established for the urban development area; and

(b) in any other case, the interest may be disposed of by him in such manner as he thinks fit.

(3) The [M68]Land Compensation Act 1961 shall have effect in relation to the compensation payable in respect of the acquisition of an interest by the Secretary of State under subsection (1) as if—

(a) the acquisition were by a development corporation under the [M69]New Towns Act 1981 or, as the case may be, by an urban development corporation under Part XVI of the [M70]Local Government, Planning and Land Act 1980;

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(b) in the case of land within paragraph 7 of Schedule 13, the land formed part of an area designated as the site of a new town by an order which has come into operation under section 1 of the New Towns Act 1981; and

(c) in the case of land within paragraph 9(a) of Schedule 13, the land formed part of an area designated as an urban development area by an order under section 134 of the [M71]Local Government, Planning and Land Act 1980 which has come into operation.

Marginal Citations

M68 1961 c. 33.
M69 1981 c. 64.
M70 1980 c. 65.
M71 1980 c. 65.

[F753]165ZAPower of Greater London Authority to acquire land affected by designation of Mayoral development area where blight notice served

(1) Where a blight notice has been served in respect of land falling within paragraph 9A of Schedule 13 then, until such time as a Mayoral development corporation is established for the Mayoral development area, the Greater London Authority has power to acquire compulsorily any interest in the land in pursuance of the blight notice served by virtue of that paragraph.

(2) Where the Greater London Authority acquires an interest under subsection (1), then—

(a) if the land is or becomes land within paragraph 9A(b) of Schedule 13, the interest is to be transferred by the Authority to the Mayoral development corporation established for the Mayoral development area; and

(b) in any other case, the interest may be disposed of by the Authority in such manner as the Authority thinks fit.

(3) The Land Compensation Act 1961 has effect in relation to the compensation payable in respect of the acquisition of an interest by the Greater London Authority under subsection (1) as if—

(a) the acquisition were by a Mayoral development corporation under Chapter 2 of Part 8 of the Localism Act 2011; and

(b) the land formed part of an area for which a Mayoral development corporation has been established.**]**

Textual Amendments

F753 S. 165ZA inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 33**

[F754]165APower of Secretary of State to acquire land identified in national policy statements where blight notice served

Where a blight notice has been served in respect of land falling within paragraph 25 of Schedule 13, the Secretary of State has power to acquire compulsorily any interest in the land in pursuance of the blight notice served by virtue of that paragraph.**]**

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Textual Amendments

F754 S. 165A inserted (6.4.2009 for certain purposes and otherwise 1.3.2010) by Planning Act 2008 (c. 29), **ss. 175(5)**, 241 (with s. 226); S.I. 2009/400, **art. 3**; S.I. 2010/101, **art. 4(f)** (with art. 6)

[F755 165B Power of Welsh Ministers to acquire land identified in infrastructure policy statements where blight notice served

Where a blight notice has been served in respect of land falling within paragraph 26 of Schedule 13, the Welsh Ministers have power to acquire compulsorily any interest in the land in pursuance of the blight notice served by virtue of that paragraph.**]**

Textual Amendments

F755 S. 165B inserted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), **ss. 99(5)**, 147(2) (with s. 84(5)); S.I. 2025/698, art. 3(h)

166 Saving for claimant's right to sell whole hereditament, etc.

(1) The provisions of sections 151(4)(c), 153(6), 154(4) and (5) and 155(3) and (4) relating to hereditaments shall not affect—

(a) the right of a claimant under section 92 of the M72 Lands Clauses Consolidation Act 1845 to sell the whole of the hereditament or, in the case of an agricultural unit, the whole of the affected area, which he has required the authority to purchase; F756...

F756 (b) . . . . . .

F757 (2) . . . . . .

Textual Amendments

F756 S. 166(1)(b) and word omitted (3.2.2017) by virtue of Housing and Planning Act 2016 (c. 22), **ss. 200(3)(a)**, 216(3); S.I. 2017/75, reg. 3(h)

F757 S. 166(2) omitted (3.2.2017) by virtue of Housing and Planning Act 2016 (c. 22), **ss. 200(3)(b)**, 216(3); S.I. 2017/75, reg. 3(h)

Marginal Citations

M72 1845 c. 18.

167 No withdrawal of constructive notice to treat.

Without prejudice to the provisions of section 156(1) and (2), a notice to treat which is deemed to have been served by virtue of this Chapter may not be withdrawn under section 31 of the M73 Land Compensation Act 1961.

Marginal Citations

M73 1961 c. 33.

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168 Meaning of "owner-occupier" and "resident owner-occupier".

(1) Subject to the following provisions of this section, in this Chapter "owner-occupier", in relation to a hereditament, means—

(a) a person who occupies the whole or a substantial part of the hereditament in right of an owner's interest in it, and has so occupied the hereditament or that part of it during the whole of the period of six months ending with the date of service; or

(b) if the whole or a substantial part of the hereditament was unoccupied for a period of not more than 12 months ending with that date, a person who so occupied the hereditament or, as the case may be, that part of it during the whole of a period of six months ending immediately before the period when it was not occupied.

(2) Subject to the following provisions of this section, in this Chapter "owner-occupier", in relation to an agricultural unit, means a person who—

(a) occupies the whole of that unit and has occupied it during the whole of the period of six months ending with the date of service; or

(b) occupied the whole of that unit during the whole of a period of six months ending not more than 12 months before the date of service,

and, at all times material for the purposes of paragraph (a) or, as the case may be, paragraph (b) has been entitled to an owner's interest in the whole or part of that unit.

(3) In this Chapter "resident owner-occupier", in relation to a hereditament, means—

(a) an individual who occupies the whole or a substantial part of the hereditament as a private dwelling in right of an owner's interest in it, and has so occupied the hereditament or, as the case may be, that part during the whole of the period of six months ending with the date of service; or

(b) if the whole or a substantial part of the hereditament was unoccupied for a period of not more than 12 months ending with that date, an individual who so occupied the hereditament or, as the case may be, that part during the whole of a period of six months ending immediately before the period when it was not occupied.

(4) In this section—

"owner's interest", in relation to a hereditament or agricultural unit, means a freehold interest in it or a tenancy of it granted or extended for a term of years certain not less than three years of which remain unexpired on the date of service; and

"date of service", in relation to a hereditament or agricultural unit, means the date of service of a notice in respect of it under section 150.

169 "Appropriate authority" for purposes of Chapter II.

(1) Subject to the following provisions of this section, in this Chapter "the appropriate authority", in relation to any land, means the government department, local authority **[**[F758]National Park authority**]** or other body or person by whom, in accordance with the circumstances by virtue of which the land falls within any paragraph of Schedule 13, the land is liable to be acquired or is indicated as being proposed to be acquired or, as the case may be, any right over the land is proposed to be acquired.

(2) If any question arises—

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(a) whether the appropriate authority in relation to any land for the purposes of this Chapter is the Secretary of State or a local highway authority; or

(b) which of two or more local highway authorities is the appropriate authority in relation to any land for those purposes; or

(c) which of two or more local authorities is the appropriate authority in relation to any land for those purposes,

that question shall be referred to the Secretary of State, whose decision shall be final.

(3) If any question arises which authority is the appropriate authority for the purposes of this Chapter—

(a) section 151(2) shall have effect as if the reference to the date of service of the blight notice were a reference to that date or, if it is later, the date on which that question is determined;

(b) section 162(4)(b) shall apply with the substitution for the period of six months of a reference to that period extended by so long as it takes to obtain a determination of the question; and

(c) section 168(1)(b), (2)(b) and (3)(b) shall apply with the substitution for the reference to 12 months before the date of service of a reference to that period extended by so long as it takes to obtain a determination of the question.

(4) In relation to land falling within paragraph 7, 8 or 9 of Schedule 13, until such time as a development corporation is established for the new town or, as the case may be, an urban development corporation is established for the urban development area, this Chapter shall have effect as if "the appropriate authority" were the Secretary of State.

[F759(4A) In relation to land falling within paragraph 9A of Schedule 13, until such time as a Mayoral development corporation is established for the Mayoral development area, this Chapter has effect as if "the appropriate authority" were the Mayor of London.**]**

(5) In relation to land falling within paragraph 19 of Schedule 13, "the appropriate authority" shall be the highway authority for the highway in relation to which the order mentioned in that paragraph was made.

[F760(6) In relation to land falling within paragraph 25 of Schedule 13, "the appropriate authority" is—

(a) if the national policy statement identifies a statutory undertaker as an appropriate person to carry out the specified description of development in the location, the statutory undertaker;

(b) in any other case, the Secretary of State.

(7) If any question arises by virtue of subsection (6)—

(a) whether the appropriate authority in relation to any land for the purposes of this Chapter is the Secretary of State or a statutory undertaker; or

(b) which of two or more statutory undertakers is the appropriate authority in relation to any land for those purposes,

that question shall be referred to the Secretary of State, whose decision shall be final.

[F761(7A) In relation to land falling within paragraph 26 of Schedule 13, "the appropriate authority" is—

(a) if the infrastructure policy statement identifies a statutory undertaker as an appropriate person to carry out the specified description of development in the location, the statutory undertaker;

(b) in any other case, the Welsh Ministers.

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(7B) If any question arises by virtue of subsection (7A)—

(a) whether the appropriate authority in relation to any land for the purposes of this Chapter is the Welsh Ministers or a statutory undertaker; or

(b) which of two or more statutory undertakers is the appropriate authority in relation to any land for those purposes, that question must be referred to the Welsh Ministers, whose decision is final.**]**

(8) In subsections (6) **[**F762and (7)**][**F762, (7), (7A) and (7B)**]** "statutory undertaker" means a person who is, or is deemed to be, a statutory undertaker for the purposes of any provision of Part 11.**]**

Textual Amendments

F758 Words in s. 169(1) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(5)** (with ss. 7(6), 115, 117, Sch. 8 para. 3); S.I. 1995/2950, **art. 2(1)**

F759 S. 169(4A) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 34**

F760 S. 169(6)-(8) inserted (6.4.2009 for certain purposes and otherwise 1.3.2010) by Planning Act 2008 (c. 29), **ss. 175(6)**, 241 (with s. 226); S.I. 2009/400, **art. 3**; S.I. 2010/101, **art. 4(f)** (with art. 6)

F761 S. 169(7A)(7B) inserted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), **ss. 99(6)(a)**, 147(2) (with s. 84(5)); S.I. 2025/698, art. 3(h)

F762 Words in s. 169(8) substituted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), **ss. 99(6)(b)**, 147(2) (with s. 84(5)); S.I. 2025/698, art. 3(h)

170 "Appropriate enactment" for purposes of Chapter II.

(1) Subject to the following provisions of this section, in this Chapter "the appropriate enactment", in relation to land falling within any paragraph of Schedule 13, means the enactment which provides for the compulsory acquisition of land as being land falling within that paragraph or, as respects paragraph 22(b), the enactment under which the compulsory purchase order referred to in that paragraph was made.

(2) In relation to land falling within paragraph **[**F763**]**1B, 1C,**]** 2, 3 or 4 of that Schedule, an enactment shall for the purposes of subsection (1) be taken to be an enactment which provides for the compulsory acquisition of land as being land falling within that paragraph if—

(a) the enactment provides for the compulsory acquisition of land for the purposes of the functions which are indicated in the development plan as being the functions for the purposes of which the land is allocated or is proposed to be developed; or

(b) where no particular functions are so indicated in the development plan, the enactment provides for the compulsory acquisition of land for the purposes of any of the functions of the government department, local authority **[**F764National Park authority**]** or other body for the purposes of whose functions the land is allocated or is defined as the site of proposed development.

[F765(2A) In relation to land falling within—

(a) paragraph 1B of that Schedule by virtue of Note (2)(c) or (d) to that paragraph, or

(b) paragraph 1C of that Schedule by virtue of Note (1)(b) to that paragraph,

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"the appropriate enactment" is to be determined in accordance with subsection (2) as if references in that subsection to the development plan were references to any such plan, revision or draft as is mentioned in the Note in question.**]**

(3) In relation to land falling within paragraph 2, 3 or 4 of that Schedule by virtue of Note (1) to that paragraph, "the appropriate enactment" shall be determined in accordance with subsection (2) as if references in that subsection to the development plan were references to any such plan, proposal or modifications as are mentioned in paragraph (a), (b) or (c) of that Note.

(4) In relation to land falling within paragraph 5 or 6 of that Schedule, "the appropriate enactment" shall be determined in accordance with subsection (2) as if references in that subsection to the development plan were references to the resolution or direction in question.

(5) In relation to land falling within paragraph 7, 8 **[**F766, 9 or 9A**]** of that Schedule, until such time as a development corporation is established for the new town or, as the case may be, an urban development corporation is established for the urban development area **[**F767or a Mayoral development corporation is established for the Mayoral development area**]** , this Chapter shall have effect as if "the appropriate enactment" were section 165(1).

(6) In relation to land falling within paragraph 10 or 11 of that Schedule, "the appropriate enactment" shall be section 290 of the M74Housing Act 1985.

(7) In relation to land falling within paragraph 19 of that Schedule, "the appropriate enactment" shall be section 239(6) of the M75Highways Act 1980.

(8) In relation to land falling within paragraph 22 of that Schedule by virtue of Note (1) to that paragraph, "the appropriate enactment" shall be the enactment which would provide for the compulsory acquisition of the land or of the rights over the land if the relevant compulsory purchase order were confirmed or made.

[F768(8A) In relation to land falling within paragraph 24(a) or (b) of that Schedule, "the appropriate enactment" is the order granting development consent.

(8B) In relation to land falling within paragraph 24(c) of that Schedule, "the appropriate enactment" is an order in the terms of the order applied for.

(8C) In relation to land falling within paragraph 25 of that Schedule, "the appropriate enactment" is section 165A.**]**

[F769(8D) In relation to land falling within paragraph 24ZA(a) or (b) of that Schedule, "the appropriate enactment" is the infrastructure consent order.

(8E) In relation to land falling within paragraph 24ZA(c) of that Schedule, "the appropriate enactment" is an infrastructure consent order in the terms of the order applied for.

(8F) In relation to land falling within paragraph 26 of that Schedule, "the appropriate enactment is section 165B.**]**

(9) Where, in accordance with the circumstances by virtue of which any land falls within any paragraph of that Schedule, it is indicated that the land is proposed to be acquired for highway purposes, any enactment under which a highway authority are or (subject to the fulfilment of the relevant conditions) could be authorised to acquire that land compulsorily for highway purposes shall, for the purposes of subsection (1), be taken

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to be an enactment providing for the compulsory acquisition of that land as being land falling within that paragraph.

(10) In subsection (9) the reference to the fulfilment of the relevant conditions is a reference to such one or more of the following as are applicable to the circumstances in question—

(a) the coming into operation of any requisite order or scheme made, or having effect as if made, under the provisions of Part II of the Highways Act 1980;

(b) the coming into operation of any requisite scheme made, or having effect as if made, under section 106(3) of that Act;

(c) the making or approval of any requisite plans.

(11) If, apart from this subsection, two or more enactments would be the appropriate enactment in relation to any land for the purposes of this Chapter, the appropriate enactment for those purposes shall be taken to be that one of those enactments under which, in the circumstances in question, it is most likely that (apart from this Chapter) the land would have been acquired by the appropriate authority.

(12) If any question arises as to which enactment is the appropriate enactment in relation to any land for the purposes of this Chapter, that question shall be referred—

(a) where the appropriate authority are a government department, to the Minister in charge of that department;

(b) where the appropriate authority are statutory undertakers, to the appropriate Minister; and

(c) in any other case, to the Secretary of State,

and the decision of the Minister or, as the case may be, the Secretary of State shall be final.

Textual Amendments

F763 Words in s. 170(2) inserted (6.9.2015 for specified purposes, 4.12.2020 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 10(8)(a)**, 58(2)(b)(4)(b); S.I. 2020/1216, reg. 2(a)

F764 Words in s. 170(2) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(5)** (with ss. 7(6), 115, 117); S.I. 1995/2950, **art. 2(1)**

F765 S. 170(2A) inserted (6.9.2015 for specified purposes, 4.12.2020 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 10(8)(b)**, 58(2)(b)(4)(b); S.I. 2020/1216, reg. 2(a)

F766 Words in s. 170(5) substituted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 35(a)**

F767 Words in s. 170(5) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 35(b)**

F768 S. 170(8A)-(8C) inserted (6.4.2009 for certain purposes and otherwise 1.3.2010) by Planning Act 2008 (c. 29), **ss. 175(7)**, 241 (with s. 226); S.I. 2009/400, **art. 3**; S.I. 2010/101, **art. 4(f)** (with art. 6)

F769 S. 170(8D)-(8F) inserted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), **ss. 99(7)**, 147(2) (with s. 84(5)); S.I. 2025/698, art. 3(h)

Marginal Citations

M74 1985 c. 68.

M75 1980 c. 66.

171 General interpretation of Chapter II.

(1) Subject to the following provisions of this section, in this Chapter—

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"the affected area", in relation to an agricultural unit, means so much of that unit as, on the date of service, consists of land falling within any paragraph of Schedule 13;

"agricultural" has the same meaning as in section 109 of the [M76]Agriculture Act 1947 and references to the farming of land include references to the carrying on in relation to the land of agricultural activities;

"agricultural unit" means land which is occupied as a unit for agricultural purposes, including any dwellinghouse or other building occupied by the same person for the purpose of farming the land;

"annual value" means—

(a) in the case of a hereditament which is shown in a local non-domestic rating list and none of which consists of domestic property or property exempt from local non-domestic rating, the value shown in that list as the rateable value of that hereditament on the date of service;

(b) in the case of a hereditament which is shown in a local non-domestic rating list and which includes domestic property or property exempt from local non-domestic rating, the sum of—

(i) the value shown in that list as the rateable value of that hereditament on the date of service; and

(ii) the value attributable to the non-rateable part of that hereditament in accordance with subsections (2) and (3);

(c) in the case of any other hereditament, the value attributable to that hereditament in accordance with subsections (2) and (3);

"blight notice" has the meaning given in section 149(5);

"the claimant" has the meaning given in section 150(4);

"hereditament" means a relevant hereditament within the meaning of section 64(4)(a) to (c) of the [M77]Local Government Finance Act 1988;

[[F770]"infrastructure policy statement has the meaning given by section 127(2) of the Infrastructure (Wales) Act 2024;**]**

[[F771]"national policy statement" has the meaning given by section 5(2) of the Planning Act 2008;**]**

"special enactment" means a local enactment, or a provision contained in an Act other than a local or private Act, which is a local enactment or provision authorising the compulsory acquisition of land specifically identified in it; and in this definition "local enactment" means a local or private Act, or an order confirmed by Parliament or brought into operation in accordance with special parliamentary procedure.

(2) The value attributable to a hereditament, or the non-rateable part of it, in respect of domestic property shall be the value certified by the relevant valuation officer as being 5 per cent. of the compensation which would be payable in respect of the value of that property if it were purchased compulsorily under statute with vacant possession and the compensation payable were calculated in accordance with Part II of the [M78]Land Compensation Act 1961 by reference to the relevant date.

(3) The value attributable to a hereditament, or the non-rateable part of it, in respect of property exempt from local non-domestic rating shall be the value certified by the relevant valuation officer as being the value which would have been shown as the rateable value of that property on the date of service if it were a relevant non-domestic hereditament consisting entirely of non-domestic property, none of which was exempt from local non-domestic rating.

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(4) Land which (apart from this subsection) would comprise separate hereditaments solely by reason of being divided by a boundary between rating areas shall be treated for the purposes of the definition of "hereditament" in subsection (1) as if it were not so divided.

(5) In this section—

"date of service" has the same meaning as in section 168;

"relevant valuation officer" means the valuation officer who would have determined the rateable value in respect of the hereditament for the purposes of Part III of the [M79]Local Government Finance Act 1988 if the hereditament had fulfilled the conditions set out in section 42(1)(b) to (d) of that Act;

"relevant date" is the date by reference to which that determination would have been made;

and expressions used in the definition of "annual value" in subsection (1) or in subsection (2) or (3) which are also used in Part III of that Act have the same meaning as in that Part.

Textual Amendments

F770 Words in s. 171(1) inserted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), **ss. 99(8)**, 147(2) (with s. 84(5)); S.I. 2025/698, art. 3(h)

F771 S. 171(1): definition of "national policy statement" inserted (6.4.2009 for certain purposes and otherwise 1.3.2010) by Planning Act 2008 (c. 29), **ss. 175(8)**, 241 (with s. 226); S.I. 2009/400, **art. 3**; S.I. 2010/101, **art. 4(f)** (with art. 6)

Marginal Citations

M76 1947 c.48.

M77 1988 c. 41.

M78 1961 c. 33.

M79 1988 c.41.

PART VII

ENFORCEMENT

Modifications etc. (not altering text)

C423 Pt. VII (ss. 172-196C) applied (with modifications) (17.7.1992) by S.I. 1992/1492, **regs. 2(1)(b)**, 3-11
Pt. VII (ss. 172-196C) applied (with modifications) (1.4.1996) by 1994 c. 19, s. 20(3), Sch. 5 Pt. III paras. 15(1), **20** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 4, **Sch. 2**

C424 Pt. 7 modified (16.9.2011) by The Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011 (S.I. 2011/2305), regs. 1, **19(2)**

C425 Pt. 7 applied (with modifications) (4.7.2023) by The Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023 (S.I. 2023/753), regs. 1(1), 41, **Sch.** (as amended (E.) (25.4.2024) by The Levelling-up and Regeneration Act 2023 (Consequential Amendments) (No. 2) (England) Regulations 2024 (S.I. 2024/453), regs. 1(2), **4(2)**)

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F772[*Introductory*

Textual Amendments

F772 Ss. 171A, 171B and cross heading inserted (2.1.1992 for certain purposes and otherwise 27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 4(1)**, (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5); S.I. 1992/1630, **art. 2** (with art. 3(1))

F773171A Expressions used in connection with enforcement.

(1) For the purposes of this Act—

(a) carrying out development without the required planning permission; or

(b) failing to comply with any condition or limitation subject to which planning permission has been granted,

constitutes a breach of planning control.

(2) For the purposes of this Act—

[F774(za) the issue of an enforcement warning notice in relation to land in England under section 172ZA;**]**

(a) the issue of an enforcement notice (defined in section 172);

[F775(aa) the issue of an enforcement warning notice **[**F776in relation to land in Wales under section 173ZA**];]** or

(b) the service of a breach of condition notice (defined in section 187A),

constitutes taking enforcement action.

(3) In this Part "planning permission" includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

Textual Amendments

F773 Ss. 171A, 171B inserted (2.1.1992 for certain purposes and otherwise 27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 4(1)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5); S.I. 1992/1630, **art. 2** (with art. 3(1))

F774 S. 171A(2)(za) inserted (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 117(2)(a)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(d)

F775 S. 171A(2)(aa) inserted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 43(3)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(c)

F776 Words in s. 171A(2)(aa) substituted (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 117(2)(b)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(d)

F777171B Time limits.

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of—

[F778(a) in the case of a breach of planning control in England, ten years beginning with the date on which the operations were substantially completed, and

(b) in the case of a breach of planning control in Wales, four years beginning with the date on which the operations were substantially completed.**]**

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(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of—

[
F779(a) in the case of a breach of planning control in England, ten years beginning with the date of the breach, and

(b) in the case of a breach of planning control in Wales, four years beginning with the date of the breach.**]**

[F780(2A) There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).**]**

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(4) The preceding subsections do not prevent—

(a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or

(b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.**]**

Textual Amendments

F777 Ss. 171A, 171B inserted (2.1.1992 for certain purposes and otherwise 27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 4(1)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5); S.I. 1992/1630, **art. 2** (with art. 3(1))

F778 S. 171B(1)(a)(b) substituted for words in s. 171B(1) (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 115(1)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(b) (with reg. 5)

F779 S. 171B(2)(a)(b) substituted for words in s. 171B(2) (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 115(2)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(b) (with reg. 5)

F780 S. 171B(2A) inserted (1.10.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 17 para. 4**; S.I. 2013/2227, art. 2(m)

Modifications etc. (not altering text)

C426 S. 171B(2A) transitional provisions for effects of 2003 c. 24, s. 63, Sch. 17 paras. 1-6 (2.10.2013) by The Town and Country Planning (Isles of Scilly) Order 2013 (S.I. 2013/2148), arts. 1(1), **5(4)(b)**

[F781**171BA Time limits in cases involving concealment**

(1) Where it appears to the local planning authority that there may have been a breach of planning control in respect of any land in England, the authority may apply to a magistrates' court for an order under this subsection (a "planning enforcement order") in relation to that apparent breach of planning control.

(2) If a magistrates' court makes a planning enforcement order in relation to an apparent breach of planning control, the local planning authority may take enforcement action in respect of—

(a) the apparent breach, or

(b) any of the matters constituting the apparent breach,

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at any time in the enforcement year.

(3) "The enforcement year" for a planning enforcement order is the year that begins at the end of 22 days beginning with the day on which the court's decision to make the order is given, but this is subject to subsection (4).

(4) If an application under section 111(1) of the Magistrates' Courts Act 1980 (statement of case for opinion of High Court) is made in respect of a planning enforcement order, the enforcement year for the order is the year beginning with the day on which the proceedings arising from that application are finally determined or withdrawn.

(5) Subsection (2)—

(a) applies whether or not the time limits under section 171B have expired, and

(b) does not prevent the taking of enforcement action after the end of the enforcement year but within those time limits.

Textual Amendments

F781 Ss. 171BA-171BC inserted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 124(1)**, 240(2) (with s. 144); S.I. 2012/628, art. 8(b) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

171BB Planning enforcement orders: procedure

(1) An application for a planning enforcement order in relation to an apparent breach of planning control may be made within the 6 months beginning with the date on which evidence of the apparent breach of planning control sufficient in the opinion of the local planning authority to justify the application came to the authority's knowledge.

(2) For the purposes of subsection (1), a certificate—

(a) signed on behalf of the local planning authority, and

(b) stating the date on which evidence sufficient in the authority's opinion to justify the application came to the authority's knowledge,

is conclusive evidence of that fact.

(3) A certificate stating that matter and purporting to be so signed is to be deemed to be so signed unless the contrary is proved.

(4) Where the local planning authority apply to a magistrates' court for a planning enforcement order in relation to an apparent breach of planning control in respect of any land, the authority must serve a copy of the application—

(a) on the owner and on the occupier of the land, and

(b) on any other person having an interest in the land that is an interest which, in the opinion of the authority, would be materially affected by the taking of enforcement action in respect of the apparent breach.

(5) The persons entitled to appear before, and be heard by, the court hearing an application for a planning enforcement order in relation to an apparent breach of planning control in respect of any land include—

(a) the applicant,

(b) any person on whom a copy of the application was served under subsection (4), and

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(c) any other person having an interest in the land that is an interest which, in the opinion of the court, would be materially affected by the taking of enforcement action in respect of the apparent breach.

(6) In this section "planning enforcement order" means an order under section 171BA(1).

Textual Amendments

F781 Ss. 171BA-171BC inserted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 124(1)**, 240(2) (with s. 144); S.I. 2012/628, art. 8(b) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

171BC Making a planning enforcement order

(1) A magistrates' court may make a planning enforcement order in relation to an apparent breach of planning control only if—

(a) the court is satisfied, on the balance of probabilities, that the apparent breach, or any of the matters constituting the apparent breach, has (to any extent) been deliberately concealed by any person or persons, and

(b) the court considers it just to make the order having regard to all the circumstances.

(2) A planning enforcement order must—

(a) identify the apparent breach of planning control to which it relates, and

(b) state the date on which the court's decision to make the order was given.

(3) In this section "planning enforcement order" means an order under section 171BA(1).**]**

Textual Amendments

F781 Ss. 171BA-171BC inserted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 124(1)**, 240(2) (with s. 144); S.I. 2012/628, art. 8(b) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

F782*[Planning contravention notices*

Textual Amendments

F782 Ss. 171C, 171D and cross heading inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s.1** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

F783171C Power to require information about activities on land.

(1) Where it appears to the local planning authority that there may have been a breach of planning control in respect of any land, they may serve notice to that effect (referred to in this Act as a "planning contravention notice") on any person who—

(a) is the owner or occupier of the land or has any other interest in it; or

(b) is carrying out operations on the land or is using it for any purpose.

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(2) A planning contravention notice may require the person on whom it is served to give such information as to—

(a) any operations being carried out on the land, any use of the land and any other activities being carried out on the land; and

(b) any matter relating to the conditions or limitations subject to which any planning permission in respect of the land has been granted,

as may be specified in the notice.

(3) Without prejudice to the generality of subsection (2), the notice may require the person on whom it is served, so far as he is able—

(a) to state whether or not the land is being used for any purpose specified in the notice or any operations or activities specified in the notice are being or have been carried out on the land;

(b) to state when any use, operations or activities began;

(c) to give the name and **[**F784postal**]** address of any person known to him to use or have used the land for any purpose or to be carrying out, or have carried out, any operations or activities on the land;

(d) to give any information he holds as to any planning permission for any use or operations or any reason for planning permission not being required for any use or operations;

(e) to state the nature of his interest (if any) in the land and the name and **[**F784postal**]** address of any other person known to him to have an interest in the land.

(4) A planning contravention notice may give notice of a time and place at which—

(a) any offer which the person on whom the notice is served may wish to make to apply for planning permission, to refrain from carrying out any operations or activities or to undertake remedial works; and

(b) any representations which he may wish to make about the notice,

will be considered by the authority, and the authority shall give him an opportunity to make in person any such offer or representations at that time and place.

(5) A planning contravention notice must inform the person on whom it is served—

(a) of the likely consequences of his failing to respond to the notice and, in particular, that enforcement action may be taken; and

(b) of the effect of section 186(5)(b).

(6) Any requirement of a planning contravention notice shall be complied with by giving information in writing to the local planning authority.

(7) The service of a planning contravention notice does not affect any other power exercisable in respect of any breach of planning control.

(8) In this section references to operations or activities on land include operations or activities in, under or over the land.

Textual Amendments

F783 Ss. 171C, 171D inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s.1**(with s. 84(5)); S.I. 1991/2905, **art. 3** (subject to art. 5)

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F784 Word in s. 171C(3)(c)(e) inserted (E.) (31.3.2003) by The Town and Country Planning (Electronic Communications) (England) Order 2003 (S.I. 2003/956), **art. 5(a)**; (W.) (1.1.2005) by The Town and Country Planning (Electronic Communications) (Wales) Order 2004 (S.I. 2004/3156), **arts. 5(a)**, 14

Modifications etc. (not altering text)

C427 S. 171C: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C428 S. 171C: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

F785 171D Penalties for non-compliance with planning contravention notice.

(1) If, at any time after the end of the period of twenty-one days beginning with the day on which a planning contravention notice has been served on any person, he has not complied with any requirement of the notice, he shall be guilty of an offence.

(2) An offence under subsection (1) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under that subsection by reference to any period of time following the preceding conviction for such an offence.

(3) It shall be a defence for a person charged with an offence under subsection (1) to prove that he had a reasonable excuse for failing to comply with the requirement.

(4) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) If any person—

(a) makes any statement purporting to comply with a requirement of a planning contravention notice which he knows to be false or misleading in a material particular; or

(b) recklessly makes such a statement which is false or misleading in a material particular,

he shall be guilty of an offence.

(6) A person guilty of an offence under subsection (5) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.**]**

Textual Amendments

F785 Ss. 171C, 171D inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s.1**(with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

Modifications etc. (not altering text)

C429 S. 171D: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

I[F786 Temporary stop notices

Textual Amendments

F786 Ss. 171E-171H and cross-heading inserted (6.8.2004 for specified purposes, 7.3.2005 for E. so far as not already in force, 22.6.2015 for W. so far as not already in force) by Planning and Compulsory

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Purchase Act 2004 (c. 5), **s. 52**, **s. 121(1)-(3)** (with s. 111); S.I. 2004/2097, art. 2; S.I. 2005/204, art. 2; S.I. 2015/340, art. 2(c)

171E Temporary stop notice

(1) This section applies if the local planning authority think—

(a) that there has been a breach of planning control in relation to any land, and

(b) that it is expedient that the activity (or any part of the activity) which amounts to the breach is stopped immediately.

(2) The authority may issue a temporary stop notice.

(3) The notice must be in writing and must—

(a) specify the activity which the authority think amounts to the breach;

(b) prohibit the carrying on of the activity (or of so much of the activity as is specified in the notice);

(c) set out the authority's reasons for issuing the notice.

(4) A temporary stop notice may be served on any of the following—

(a) the person who the authority think is carrying on the activity;

(b) a person who the authority think is an occupier of the land;

(c) a person who the authority think has an interest in the land.

(5) The authority must display on the land—

(a) a copy of the notice;

(b) a statement of the effect of the notice and of section 171G.

(6) A temporary stop notice has effect from the time a copy of it is first displayed in pursuance of subsection (5).

(7) A temporary stop notice ceases to have effect—

(a) at the end of the **[**F787relevant period**]** starting on the day the copy notice is so displayed,

(b) at the end of such shorter period starting on that day as is specified in the notice, or

(c) if it is withdrawn by the local planning authority.

F788(8) **[** In subsection (7)(a), "relevant period" means—

(a) in the case of a notice issued by a local planning authority in England, 56 days;

(b) in the case of a notice issued by a local planning authority in Wales, 28 days.**]**

Textual Amendments

F787 Words in s. 171E(7)(a) substituted (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 116(2)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(c) (with reg. 6)

F788 S. 171E(8) inserted (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 116(3)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(c) (with reg. 6)

171F Temporary stop notice: restrictions

(1) A temporary stop notice does not prohibit—

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(a) the use of a building as a dwelling house;

(b) the carrying out of an activity of such description or in such circumstances as is prescribed.

(2) A temporary stop notice does not prohibit the carrying out of any activity which has been carried out (whether or not continuously) for a period of four years ending with the day on which the copy of the notice is first displayed as mentioned in section 171E(6).

(3) Subsection (2) does not prevent a temporary stop notice prohibiting—

(a) activity consisting of or incidental to building, engineering, mining or other operations, or

(b) the deposit of refuse or waste materials.

(4) For the purposes of subsection (2) any period during which the activity is authorised by planning permission must be ignored.

(5) A second or subsequent temporary stop notice must not be issued in respect of the same activity unless the local planning authority has first taken some other enforcement action in relation to the breach of planning control which is constituted by the activity.

(6) In subsection (5) enforcement action includes obtaining the grant of an injunction under section 187B.

171G Temporary stop notice: offences

(1) A person commits an offence if he contravenes a temporary stop notice—

(a) which has been served on him, or

(b) a copy of which has been displayed in accordance with section 171E(5).

(2) Contravention of a temporary stop notice includes causing or permitting the contravention of the notice.

(3) An offence under this section may be charged by reference to a day or a longer period of time.

(4) A person may be convicted of more than one such offence in relation to the same temporary stop notice by reference to different days or periods of time.

(5) A person does not commit an offence under this section if he proves—

(a) that the temporary stop notice was not served on him, and

(b) that he did not know, and could not reasonably have been expected to know, of its existence.

(6) A person convicted of an offence under this section is liable **[**[F789]on summary conviction, or on conviction on indictment, to a fine**]**.

(7) In determining the amount of the fine the court must have regard in particular to any financial benefit which has accrued or has appeared to accrue to the person convicted in consequence of the offence.

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Textual Amendments

F789 Words in s. 171G(6) substituted (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 4 para. 18(2)** (with reg. 5(1))

171H Temporary stop notice: compensation

(1) This section applies if and only if a temporary stop notice is issued and at least one of the following paragraphs applies—

(a) the activity which is specified in the notice is authorised by planning permission or **[**F790by a development order, a local development order or a neighbourhood development order**]**;

(b) a certificate in respect of the activity is issued under section 191 or granted under that section by virtue of section 195;

(c) the authority withdraws the notice.

(2) Subsection (1)(a) does not apply if the planning permission is granted on or after the date on which a copy of the notice is first displayed as mentioned in section 171E(6).

(3) Subsection (1)(c) does not apply if the notice is withdrawn following the grant of planning permission as mentioned in subsection (2).

(4) A person who at the time the notice is served has an interest in the land to which the notice relates is entitled to be compensated by the local planning authority in respect of any loss or damage directly attributable to the prohibition effected by the notice.

(5) Subsections (3) to (7) of section 186 apply to compensation payable under this section as they apply to compensation payable under that section; and for that purpose references in those subsections to a stop notice must be taken to be references to a temporary stop notice.**]**

Textual Amendments

F790 Words in s. 171H(1)(a) substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2)(5)(j), **Sch. 12 para. 17**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11)

Enforcement notices

[F791172 Issue of enforcement notice.

(1) The local planning authority may issue a notice (in this Act referred to as an "enforcement notice") where it appears to them—

(a) that there has been a breach of planning control; and

(b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.

(2) A copy of an enforcement notice shall be served—

(a) on the owner and on the occupier of the land to which it relates; and

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(b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.

(3) The service of the notice shall take place—

(a) not more than twenty-eight days after its date of issue; and

(b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect.**]**

Textual Amendments

F791 Ss. 172-173A substituted for ss. 172, 173 (25.11.1991 for certain purposes and otherwise 2.1.1992) by 1991 c. 34, **s. 5(1)** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1991/2905, **art.3** (subject to art. 5)

Modifications etc. (not altering text)

C430 S. 172: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C431 S. 172: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

[F792 172ZA Enforcement warning notice: England

(1) The local planning authority may issue a notice (an "enforcement warning notice") where it appears to them that—

(a) there has been a breach of planning control in respect of any land in England, and

(b) there is a reasonable prospect that, if an application for planning permission in respect of the development concerned were made, planning permission would be granted.

(2) The notice must—

(a) state the matters that appear to the authority to constitute the breach of planning control, and

(b) state that, unless an application for planning permission is made within a period specified in the notice, further enforcement action may be taken.

(3) A copy of the notice must be served—

(a) on the owner and the occupier of the land to which it relates, and

(b) on any other person having an interest in the land, being an interest that, in the opinion of the authority, would be materially affected by the taking of any further enforcement action.

(4) The issue of an enforcement warning notice does not affect any other power exercisable in respect of any breach of planning control.**]**

Textual Amendments

F792 S. 172ZA inserted (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 117(3)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(d)

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F793 172A Assurance as regards prosecution for person served with notice

(1) When, or at any time after, an enforcement notice is served on a person, the local planning authority may give the person a letter—

(a) explaining that, once the enforcement notice had been issued, the authority was required to serve the notice on the person,

(b) giving the person one of the following assurances—

(i) that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the enforcement notice, or

(ii) that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the matters relating to the enforcement notice that are specified in the letter,

(c) explaining, where the person is given the assurance under paragraph (b)(ii), the respects in which the person is at risk of being prosecuted under section 179 in connection with the enforcement notice, and

(d) stating that, if the authority subsequently wishes to withdraw the assurance in full or part, the authority will first give the person a letter specifying a future time for the withdrawal that will allow the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.

(2) At any time after a person has under subsection (1) been given a letter containing an assurance, the local planning authority may give the person a letter withdrawing the assurance (so far as not previously withdrawn) in full or part from a time specified in the letter.

(3) The time specified in a letter given under subsection (2) to a person must be such as will give the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.

(4) Withdrawal under subsection (2) of an assurance given under subsection (1) does not withdraw the assurance so far as relating to prosecution on account of there being a time before the withdrawal when steps had not been taken or an activity had not ceased.

(5) An assurance given under subsection (1) (so far as not withdrawn under subsection (2)) is binding on any person with power to prosecute an offence under section 179.**]**

Textual Amendments

F793 S. 172A inserted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 125**, 240(2) (with s. 144); S.I. 2012/628, art. 8(b) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

173 F794 Contents and effect of notice.

(1) An enforcement notice shall state—

(a) the matters which appear to the local planning authority to constitute the breach of planning control; and

(b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.

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(2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.

(3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.

(4) Those purposes are—

(a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or

(b) remedying any injury to amenity which has been caused by the breach.

(5) An enforcement notice may, for example, require—

(a) the alteration or removal of any buildings or works;

(b) the carrying out of any building or other operations;

(c) any activity on the land not to be carried on except to the extent specified in the notice; or

(d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.

(6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a "replacement building") which, subject to subsection (7), is as similar as possible to the demolished building.

(7) A replacement building—

(a) must comply with any requirement imposed by any enactment applicable to the construction of buildings;

(b) may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control;

(c) must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b)).

(8) An enforcement notice shall specify the date on which it is to take effect and, subject to sections 175(4) and 289(4A), shall take effect on that date.

(9) An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities; and, where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.

(10) An enforcement notice shall specify such additional matters as may be prescribed, and regulations may require every copy of an enforcement notice served under section 172 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 174.

(11) Where—

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(a) an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and

(b) all the requirements of the notice have been complied with,

then, so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.

(12) Where—

(a) an enforcement notice requires the construction of a replacement building; and

(b) all the requirements of the notice with respect to that construction have been complied with,

planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of that construction.

Textual Amendments

F794 Ss. 172-173A substituted for ss. 172, 173 (25.11.1991 for certain purposes and otherwise 2.1.1992) by 1991 c. 34, **s. 5(1)** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1991/2905, **art.3** (subject to art. 5)

Modifications etc. (not altering text)

C432 S. 173: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C433 S. 173(10) applied (with modifications) (27.7.1992) by S.I. 1992/1562, reg. 2, **Sch.**

[F795 173ZA Enforcement warning notice: Wales

(1) This section applies where it appears to the local planning authority that—

(a) there has been a breach of planning control in respect of any land in Wales, and

(b) there is a reasonable prospect that, if an application for planning permission in respect of the development concerned were made, planning permission would be granted.

(2) The authority may issue a notice under this section (an "enforcement warning notice").

(3) A copy of an enforcement warning notice is to be served—

(a) on the owner and the occupier of the land to which the notice relates, and

(b) on any other person having an interest in the land, being an interest that, in the opinion of the authority, would be materially affected by the taking of any further enforcement action.

(4) The notice must—

(a) state the matters that appear to the authority to constitute the breach of planning control, and

(b) state that, unless an application for planning permission is made within a period specified in the notice, further enforcement action may be taken.

(5) The issue of an enforcement warning notice does not affect any other power exercisable in respect of any breach of planning control.]

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Textual Amendments

F795 S. 173ZA inserted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 43(2)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(c)

173A [F796]Variation and withdrawal of enforcement notices.

(1) The local planning authority may—

(a) withdraw an enforcement notice issued by them; or

(b) waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 173(9).

(2) The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.

(3) The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.

(4) The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice.

Textual Amendments

F796 Ss. 172-173A substituted for ss. 172, 173 (25.11.1991 for certain purposes and otherwise 2.1.1992) by 1991 c. 34, **s. 5(1)** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1991/2905, **art. 3** (subject to art. 5)

Modifications etc. (not altering text)

C434 S. 173A applied (with modifications) (27.7.1992) by S.I. 1992/1562, reg. 2, **Sch.**
S. 173A: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

174 Appeal against enforcement notice.

(1) A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.

[[F797](2) An appeal may be brought on any of the following grounds—

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

(b) that those matters have not occurred;

(c) that those matters (if they occurred) do not constitute a breach of planning control;

(d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the enforcement notice were not served as required by section 172;

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(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

[[F798](2A) An appeal may not be brought on the ground specified in subsection (2)(a) if—

(a) the land to which the enforcement notice relates is in England, and

(b) the enforcement notice was issued at a time after the making of an application for planning permission that was related to the enforcement notice.

(2AA) For the purposes of subsection (2A)—

(a) an application for planning permission for the development of any land is related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control;

(b) an application for planning permission that the local planning authority or the Secretary of State declined to determine under section 70A, 70B or 70C is to be ignored.

(2AB) But subsection (2A) does not apply if—

(a) the application for planning permission has ceased to be under consideration, and

(b) the enforcement notice was issued after the end of the period of two years beginning with the day on which the application ceased to be under consideration.

(2AC) For the purposes of subsection (2AB), an application for planning permission has ceased to be under consideration if—

(a) the application was refused, or granted subject to conditions, and, in the case of an application determined by the local planning authority, the applicant did not appeal under section 78(1)(a);

(b) the applicant did not appeal in the circumstances mentioned in section 78(2) and the application was not subsequently refused;

(c) the applicant appealed under section 78(1)(a) or section 78(2) and—

(i) the appeal was dismissed,

(ii) the application was on appeal granted subject to conditions, or subject to different conditions, or

(iii) the Secretary of State declined under section 79(6) to determine the appeal.

(2B) For the purposes of subsection (2AB), the day on which the application ceased to be under consideration is—

(a) in a case within subsection (2AC)(a), the day on which the right to appeal arose;

(b) in a case within subsection (2AC)(b), the day after the end of the prescribed period referred to in section 78(2);

(c) in a case within subsection (2AC)(c)(i), the day on which the appeal was dismissed;

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(d) in a case within subsection (2AC)(c)(ii), the day on which the appeal was determined;

(e) in a case within subsection (2AC)(c)(iii) relating to an appeal under section 78(1)(a), the day on which the right to appeal arose;

(f) in a case within subsection (2AC)(c)(iii) relating to an appeal under section 78(2), the day after the end of the prescribed period referred to in section 78(2).**]**

[Where any breach of planning control constituted by the matters stated in the notice F799(2C) relates to relevant demolition (within the meaning of section 196D), an appeal may also be brought on the grounds that—

(a) the relevant demolition was urgently necessary in the interests of safety or health;

(b) it was not practicable to secure safety or health by works of repair or works for affording temporary support or shelter; and

(c) the relevant demolition was the minimum measure necessary.**]**

[An appeal against an enforcement notice may not be brought on the ground that F800(2D) planning permission ought to be granted in respect of a breach of planning control constituted by a matter stated in the notice, as specified in subsection (2)(a), if—

(a) the land to which the enforcement notice relates is in Wales, and

(b) the enforcement notice was issued after a decision to refuse planning permission for a related development was upheld on an appeal under section 78 (and for this purpose development is "related" if granting planning permission for it would involve granting planning permission in respect of the matter concerned).

(2E) An appeal may not be brought on the ground that a condition or limitation ought to be discharged, as specified in subsection (2)(a), if—

(a) the land to which the enforcement notice relates is in Wales, and

(b) the enforcement notice was issued after a decision to grant planning permission subject to the condition or limitation was upheld on an appeal under section 78.

(2F) For the purposes of subsections (2D) and (2E), references to a decision that has been upheld on an appeal include references to a decision in respect of which—

(a) the Welsh Ministers have, under section 79(6), declined to determine an appeal or to proceed with the determination of an appeal;

(b) an appeal has been dismissed under section 79(6A).**]**

(3) An appeal under this section shall be made F801. . . —

(a) by giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect; or

(b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date **[**F802; or

(c) by sending such notice to him using electronic communications at such time that, in the ordinary course of transmission, it would be delivered to him before that date.**]]**

(4) A person who gives notice under subsection (3) shall submit to the Secretary of State, either when giving the notice or within the prescribed time, a statement in writing—

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(a) specifying the grounds on which he is appealing against the enforcement notice; and

(b) giving such further information as may be prescribed.

(5) If, where more than one ground is specified in that statement, the appellant does not give information required under subsection (4)(b) in relation to each of those grounds within the prescribed time, the Secretary of State may determine the appeal without considering any ground as to which the appellant has failed to give such information within that time.

(6) In this section "relevant occupier" means a person who—

(a) on the date on which the enforcement notice is issued occupies the land to which the notice relates by virtue of a licence [F803. . .; and

(b) continues so to occupy the land when the appeal is brought.

Textual Amendments

F797 S. 174(2)(3) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 6(1)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

F798 S. 174(2A)-(2B) substituted for s. 174(2A)(2B) (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 118**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(e) (with reg. 7)

F799 S. 174(2C) inserted (1.10.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 17 para. 5**; S.I. 2013/2227, art. 2(m)

F800 S. 174(2D)-(2F) inserted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 46**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(c) (with art. 14)

F801 Word in s. 174(3) repealed (E.) (31.3.2003) by The Town and Country Planning (Electronic Communications) (England) Order 2003 (S.I. 2003/956), **art. 3** and (W.) (1.1.2005) by The Town and Country Planning (Electronic Communications) (Wales) Order 2004 (S.I. 2004/3156), **arts. 3**, 14

F802 Word and s. 174(3)(c) inserted (E.) (31.3.2003) by The Town and Country Planning (Electronic Communications) (England) Order 2003 (S.I. 2003/956), **art. 3** and added (W.) (1.1.2005) by The Town and Country Planning (Electronic Communications) (Wales) Order 2004 (S.I. 2004/3156), **arts. 3**, 14

F803 Words in s. 174(6) omitted (2.1.1992) by virtue of Planning and Compensation Act 1991 (c. 34, SIF 123:1),s. 32, Sch. 7 para. 22 (with s. 84(5)); S.I. 1991/2905, art.3, **Sch. 1** (subject to art. 5)

Modifications etc. (not altering text)

C435 S. 174: power to apply conferred (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), **s. 25(1)(b)**; S.I. 1992/725, **arts. 2**, 3

C436 S. 174 applied (with modifications) (1.6.1992) by S.I. 1992/656, reg. 18(1), **Sch. 4 Pt. I**
S. 174: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C437 S. 174 applied (with modifications) (E.) (1.6.2015) by The Planning (Hazardous Substances) Regulations 2015 (S.I. 2015/627), regs. 1(1), 15, **Sch. 4 Pt. 1** (with reg. 34)

C438 S. 174(1)(2) applied (with modifications) (W.) (4.9.2015) by The Planning (Hazardous Substances) (Wales) Regulations 2015 (S.I. 2015/1597), regs. 1(1), 16, **Sch. 4 Pt. 1** (with reg. 36)

C439 S. 174(2C) transitional provisions for effects of 2003 c. 24, s. 63, Sch. 17 paras. 1-6 (2.10.2013) by The Town and Country Planning (Isles of Scilly) Order 2013 (S.I. 2013/2148), arts. 1(1), **5(4)(b)**

C440 S. 174(3)-(6) applied (with modifications) (W.) (4.9.2015) by The Planning (Hazardous Substances) (Wales) Regulations 2015 (S.I. 2015/1597), regs. 1(1), 16, **Sch. 4 Pt. 1** (with reg. 36)

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175 Appeals: supplementary provisions.

(1) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under section 174 and, in particular, but without prejudice to the generality of this subsection, may—

(a) require the local planning authority to submit, within such time as may be prescribed, a statement indicating the submissions which they propose to put forward on the appeal;

(b) specify the matters to be included in such a statement;

(c) require the authority or the appellant to give such notice of such an appeal as may be prescribed;

(d) require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be prescribed, a copy of the enforcement notice and a list of the persons served with copies of it.

(2) The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.

(3) Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

[F804(3A) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in England.**]**

[F805(3B) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in Wales.**]**

(4) Where an appeal is brought under section 174 the enforcement notice shall **[**F806subject to any order under section 289(4A)**]** be of no effect pending the final determination or the withdrawal of the appeal.

(5) Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

(6) Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.

F807**[**(7) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings **[**F808in England**]** before the Secretary of State on an appeal under section 174 as if those proceedings were an inquiry held by the Secretary of State under section 250.**]**

Textual Amendments

F804 S. 175(3A) inserted (6.4.2009 for certain purposes and otherwise prosp.) by Planning Act 2008 (c. 29), ss. 196, 241, **Sch. 10 para. 5** (with s. 226); S.I. 2009/400, **art. 3**

F805 S. 175(3B) inserted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 5**

F806 Words in s. 175(4) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 6(2)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

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F807 S. 175(7) inserted (temp.) by virtue of Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 6, Sch. 4 paras. 1, **3** (which temp. insertion falls (2.1.1992 and 6.4.2009) for specified purposes only by virtue of S.I. 1991/2698, **art. 3** and S.I. 2009/849, **art. 2** (with art. 3))

F808 Words in s. 175(7) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 9**; S.I. 2016/52, art. 4(a) (with art. 17)

Modifications etc. (not altering text)

C441 S. 175: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C442 S. 175(1)–(4)(6): power to apply conferred (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), **s. 25(1)(b)**; S.I. 1992/725, **arts. 2**, 3

C443 S. 175(3)(6) applied (with modifications) (1.6.1992) by S.I. 1992/656, reg. 18(1), **Sch. 4 Pt. I**

C444 S. 175(3) applied (with modifications) (E.) (1.6.2015) by The Planning (Hazardous Substances) Regulations 2015 (S.I. 2015/627), regs. 1(1), 15, **Sch. 4 Pt. 1** (with reg. 34)

C445 S. 175(3) applied (with modifications) (W.) (4.9.2015) by The Planning (Hazardous Substances) (Wales) Regulations 2015 (S.I. 2015/1597), regs. 1(1), 16, **Sch. 4 Pt. 1** (with reg. 36)

C446 S. 175(5)(7) applied (27.7.1992) by S.I. 1992/1562, reg. 2, **Sch.**

C447 S. 175(6) applied (with modifications) (E.) (1.6.2015) by The Planning (Hazardous Substances) Regulations 2015 (S.I. 2015/627), regs. 1(1), 15, **Sch. 4 Pt. 1** (with reg. 34)

C448 S. 175(6) applied (with modifications) (W.) (4.9.2015) by The Planning (Hazardous Substances) (Wales) Regulations 2015 (S.I. 2015/1597), regs. 1(1), 16, **Sch. 4 Pt. 1** (with reg. 36)

176 General provisions relating to determination of appeals.

F809[(1) On an appeal under section 174 the Secretary of State may—

(a) correct any defect, error or misdescription in the enforcement notice; or

(b) vary the terms of the enforcement notice,

if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.

(2) Where the Secretary of State determines to allow the appeal, he may quash the notice.

(2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.**]**

(3) The Secretary of State—

(a) may dismiss an appeal if the appellant fails to comply with section 174(4) within the prescribed time; and

(b) may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a), (b), or (d) of section 175(1) within the prescribed period.

(4) If **[**F810section 175(3) would otherwise apply and**]** the Secretary of State proposes to dismiss an appeal under paragraph (a) of subsection (3) **[**F811of this section**]** or to allow an appeal and quash the enforcement notice under paragraph (b) of that subsection, he need not comply with section 175(3).

(5) Where it would otherwise be a ground for determining an appeal under section 174 in favour of the appellant that a person required to be served with a copy of the enforcement notice was not served, the Secretary of State may disregard that fact if

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neither the appellant nor that person has been substantially prejudiced by the failure to serve him.

[F812(6) If at any time before or during the determination of an appeal against an enforcement notice issued by a local planning authority in England it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal, the Secretary of State may—

(a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are so specified for the expedition of the appeal, and

(b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly.**]**

Textual Amendments

F809 S. 176(1)(2)(2A) substituted (2.1.1992) for s. 176(1)(2) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para.23** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5)

F810 Words in s. 176(4) inserted (6.4.2009 for certain purposes and otherwise prosp.) by Planning Act 2008 (c. 29), ss. 196, 241, **Sch. 10 para. 6(a)** (with s. 226); S.I. 2009/400, **art. 3**

F811 Words in s. 176(4) inserted (6.4.2009 for certain purposes and otherwise prosp.) by Planning Act 2008 (c. 29), ss. 196, 241, **Sch. 10 para. 6(b)** (with s. 226); S.I. 2009/400, **art. 3**

F812 S. 176(6) inserted (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 119(2)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(f) (with reg. 8)

Modifications etc. (not altering text)

C449 Ss. 176, 177: power to apply conferred (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), **s. 25(1)(b)**; S.I. 1992/725, **arts. 2**, 3

C450 S. 176 applied (with modifications) (1.6.1992) by S.I. 1992/656, reg. 18(1), **Sch. 4 Pt. I**
S. 176: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C451 S. 176 applied (with modifications) (E.) (1.6.2015) by The Planning (Hazardous Substances) Regulations 2015 (S.I. 2015/627), regs. 1(1), 15, **Sch. 4 Pt. 1** (with reg. 34)

C452 S. 176 applied (with modifications) (W.) (4.9.2015) by The Planning (Hazardous Substances) (Wales) Regulations 2015 (S.I. 2015/1597), regs. 1(1), 16, **Sch. 4 Pt. 1** (with reg. 36)

177 Grant or modification of planning permission on appeals against enforcement notices.

(1) On the determination of an appeal under section 174, the Secretary of State may—

F813**[**(a) grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates;**]**

(b) discharge any condition or limitation subject to which planning permission was granted;

F814**[**(c) determine whether, on the date on which the appeal was made, any existing use of the land was lawful, any operations which had been carried out in, on, over or under the land were lawful or any matter constituting a failure to comply with any condition or limitation subject to which planning permission was granted was lawful and, if so, issue a certificate under section 191.

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(1A) The provisions of sections 191 to 194 mentioned in subsection (1B) shall apply for the purposes of subsection (1)(c) as they apply for the purposes of section 191, but as if—

(a) any reference to an application for a certificate were a reference to the appeal and any reference to the date of such an application were a reference to the date on which the appeal is made; and

(b) references to the local planning authority were references to the Secretary of State.

(1B) Those provisions are: sections 191(5) to (7), 193(4) (so far as it relates to the form of the certificate), (6) and (7) and 194**]**

[F815(1C) **[**F816Subsection**]** (1)(a) applies only if the statement under section 174(4) specifies the ground mentioned in section 174(2)(a).**]**

(2) In considering whether to grant planning permission under subsection (1), the Secretary of State shall have regard to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and to any other material considerations.

F817**[**(3) The planning permission that may be granted under subsection (1) is any planning permission that might be granted on an application under Part III.**]**

(4) Where under subsection (1) the Secretary of State discharges a condition or limitation, he may substitute another condition or limitation for it, whether more or less onerous.

[F818(4A) Section 100ZA (which makes provision about restrictions on the power to impose conditions or limitations on a grant of planning permission in relation to land in England) applies in relation to conditions substituted under subsection (4) as it applies in relation to conditions imposed on a grant of planning permission to develop land which is granted on an application made under Part 3.**]**

(5) **[**F819Where—

(a) an appeal against an enforcement notice is brought under section 174, and

(b)**]** the statement under section 174(4) specifies the ground mentioned in section 174(2)(a),

the appellant shall be deemed to have made an application for planning permission **[**F820in respect of the matters stated in the enforcement notice as constituting a breach of planning control**]**.

F821**[**(5A) Where—

(a) the statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section;

(b) any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and

(c) the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid,

then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.**]**

(6) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.

(7) In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.

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(8) For the purposes of section 69 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.

Textual Amendments

F813 S. 177(1)(a) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 24(1)(a)** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5)

F814 S. 177(1)(c)(1A)(1B) substituted (27.7.1992) for s. 177(1)(c) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 24(1)(b)** (with s. 84(5)); S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

F815 S. 177(1C) inserted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 123(5)**, 240(2) (with s. 144); S.I. 2012/628, art. 8(b) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

F816 Word in s. 177(1C) substituted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 44(2)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(c) (with art. 14)

F817 S. 177(3) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 24(2)** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5)

F818 S. 177(4A) inserted (1.10.2018) by Neighbourhood Planning Act 2017 (c. 20), s. 46(1), **Sch. 3 para. 8**; S.I. 2018/567, reg. 3(b)

F819 S. 177(5)(a)(b) and word substituted for words (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 44(3)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(c) (with art. 14)

F820 Words in s. 177(5) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 24** (3) (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5)

F821 S. 177(5A) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 6(3)**, (with s. 84(5)); S.I. 1991/2905, **art. 3** (subject to art. 5)

Modifications etc. (not altering text)

C453 Ss. 176, 177: power to apply conferred (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), **s. 25(1)(b)**; S.I. 1992/725, **arts. 2**, 3

C454 S. 177 applied (with modifications) (1.6.1992) by S.I.1992/656, reg. 18(1), **Sch. 4 Pt. I**
S. 177: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C455 S. 177 applied (with modifications) (E.) (1.6.2015) by The Planning (Hazardous Substances) Regulations 2015 (S.I. 2015/627), regs. 1(1), 15, **Sch. 4 Pt. 1** (with reg. 34)

C456 S. 177 applied (with modifications) (W.) (4.9.2015) by The Planning (Hazardous Substances) (Wales) Regulations 2015 (S.I. 2015/1597), regs. 1(1), 16, **Sch. 4 Pt. 1** (with reg. 36)

C457 S. 177(1) excluded (W.) (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (S.I. 2017/567), regs. 1(2), **44** (with regs. 1(4), 55(2)(3), 63, 65)

C458 S. 177(1) excluded (E.) (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571), regs. 1(1), **36** (with regs. 47, 70)

178 Execution and cost of works required by enforcement notice.

F822[(1) Where any steps required by an enforcement notice to be taken are not taken within the period for compliance with the notice, the local planning authority may—

(a) enter the land and take the steps; and

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(b) recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.**]**

(2) Where a copy of an enforcement notice has been served in respect of any breach of planning control [F823]. . .—

(a) any expenses incurred by the owner or occupier of any land for the purpose of complying with the notice, and

(b) any sums paid by the owner of any land under subsection (1) in respect of expenses incurred by the local planning authority in taking steps required by such a notice to be taken,

shall be deemed to be incurred or paid for the use and at the request of the person by whom the breach of planning control was committed.

(3) Regulations made under this Act may provide that—

(a) section 276 of the [M80]Public Health Act 1936, (power of local authorities to sell materials removed in executing works under that Act subject to accounting for the proceeds of sale);

(b) section 289 of that Act (power to require the occupier of any premises to permit works to be executed by the owner of the premises); and

(c) section 294 of that Act (limit on liability of persons holding premises as agents or trustees in respect of the expenses recoverable under that Act),

shall apply, subject to such adaptations and modifications as may be specified in the regulations, in relation to any steps required to be taken by an enforcement notice.

(4) Regulations under subsection (3) applying section 289 of the Public Health Act 1936 may include adaptations and modifications for the purpose of giving the owner of land to which an enforcement notice relates the right, as against all other persons interested in the land, to comply with the requirements of the enforcement notice.

(5) Regulations under subsection (3) may also provide for the charging on the land of any expenses recoverable by a local planning authority under subsection (1).

[F824]**[**(6) Any person who wilfully obstructs a person acting in the exercise of powers under subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.**]**

Textual Amendments

F822 S. 178(1) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 7(1)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

F823 Words in s. 178(2) repealed (2.1.1992) by Planning and Compensation Act 1991 (c.34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 25, **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch.2** (subject to art. 5)

F824 178(6) substituted (2.1.1992) for s. 178(6)(7) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 7(2)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

Modifications etc. (not altering text)

C459 S. 178 applied (with modifications) (1.6.1992) by S.I. 1992/656, reg. 20(1), **Sch. 4 Pt. 2**
S. 178: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C460 S. 178: power to modify conferred (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), **s. 25(1)(c)** (as amended (2.1.1992) by 1991 c. 34, s. 84, **Sch. 19**; S.I. 1991/2905, art. 3, **Sch. 2**); S.I. 1992/725, **arts. 2**, 3

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C461 Ss. 178-181 applied (with modifications) (E.) (1.6.2015) by The Planning (Hazardous Substances) Regulations 2015 (S.I. 2015/627), regs. 1(1), 15, **Sch. 4 Pt. 2** (with reg. 34)

C462 Ss. 178-181 applied (with modifications) (W.) (4.9.2015) by The Planning (Hazardous Substances) (Wales) Regulations 2015 (S.I. 2015/1597), regs. 1(1), 18, **Sch. 4 Pt. 2** (with reg. 36)

Marginal Citations

M80 1936 c. 49.

[F825 179 Offence where enforcement notice not complied with.

(1) Where, at any time after the end of the period for compliance with an enforcement notice, any step required by the notice to be taken has not been taken or any activity required by the notice to cease is being carried on, the person who is then the owner of the land is in breach of the notice.

(2) Where the owner of the land is in breach of an enforcement notice he shall be guilty of an offence.

(3) In proceedings against any person for an offence under subsection (2), it shall be a defence for him to show that he did everything he could be expected to do to secure compliance with the notice.

(4) A person who has control of or an interest in the land to which an enforcement notice relates (other than the owner) must not carry on any activity which is required by the notice to cease or cause or permit such an activity to be carried on.

(5) A person who, at any time after the end of the period for compliance with the notice, contravenes subsection (4) shall be guilty of an offence.

(6) An offence under subsection (2) or (5) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under the subsection in question by reference to any period of time following the preceding conviction for such an offence.

(7) Where—

(a) a person charged with an offence under this section has not been served with a copy of the enforcement notice; and

(b) the notice is not contained in the appropriate register kept under section 188,

it shall be a defence for him to show that he was not aware of the existence of the notice.

(8) A person guilty of an offence under this section shall be liable **[**F826on summary conviction, or on conviction on indictment, to a fine**]**.

(9) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.**]**

Textual Amendments

F825 S. 179 substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s.8** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F826 Words in s. 179(8) substituted (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 4 para. 18(3)** (with reg. 5(1))

Modifications etc. (not altering text)

C461 Ss. 178-181 applied (with modifications) (E.) (1.6.2015) by The Planning (Hazardous Substances) Regulations 2015 (S.I. 2015/627), regs. 1(1), 15, **Sch. 4 Pt. 2** (with reg. 34)

C462 Ss. 178-181 applied (with modifications) (W.) (4.9.2015) by The Planning (Hazardous Substances) (Wales) Regulations 2015 (S.I. 2015/1597), regs. 1(1), 18, **Sch. 4 Pt. 2** (with reg. 36)

C463 S. 179: power to modify conferred (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), **s. 25(1)(c)**; S.I. 1992/725, **arts. 2**, 3
S. 179 applied (with modifications) (1.6.1992) by S.I. 1992/656, reg. 20(1), **Sch. 4 Pt. 2**
S. 179 applied (with modifications) (27.7.1992) by S.I. 1992/1562, reg. 2, **Sch.**
S. 179: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**
S. 179 restricted (E.) (13.4.2001) by S.I. 2001/1478, **reg. 3(a)**

C464 S. 179 amendment to earlier affecting provision S.I. 1992/656, Sch. 4 Pt. 2 (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 4 para. 50** (with reg. 5(1))

[F827 180 Effect of planning permission, etc., on enforcement or breach of condition notice.

(1) Where, after the service of—

(a) a copy of an enforcement notice; or

(b) a breach of condition notice,

planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.

(2) Where after a breach of condition notice has been served any condition to which the notice relates is discharged, the notice shall cease to have effect so far as it requires any person to secure compliance with the condition in question.

(3) The fact that an enforcement notice or breach of condition notice has wholly or partly ceased to have effect by virtue of this section shall not affect the liability of any person for an offence in respect of a previous failure to comply, or secure compliance, with the notice.**]**

Textual Amendments

F827 S. 180 substituted (2.1.1992 for certain purposes, otherwise 27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para.26** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5); S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

Modifications etc. (not altering text)

C461 Ss. 178-181 applied (with modifications) (E.) (1.6.2015) by The Planning (Hazardous Substances) Regulations 2015 (S.I. 2015/627), regs. 1(1), 15, **Sch. 4 Pt. 2** (with reg. 34)

C462 Ss. 178-181 applied (with modifications) (W.) (4.9.2015) by The Planning (Hazardous Substances) (Wales) Regulations 2015 (S.I. 2015/1597), regs. 1(1), 18, **Sch. 4 Pt. 2** (with reg. 36)

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C465 S. 180: power to modify conferred (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far as not already in force) by Planning (Hazardous Substances) Act 1990 (C.10,SIF 123:1),s. 25(1)(c); S.I. 1992/725, **arts. 2**,3
S. 180 applied (with modifications) (1.6.1992) by S.I. 1992/656, reg. 20(1), **Sch. 4**
S. 180: power to apply conferred (10.11.1993) by 1993 c.28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**
C466 S. 180(1)(3) applied (with modifications) (27.7.1992) by S.I. 1992/1562, reg. 2, **Sch.**

181 Enforcement notice to have effect against subsequent development.

(1) Compliance with an enforcement notice, whether in respect of—

(a) the completion, **[**F828removal**]** or alteration of any buildings or works;

(b) the discontinuance of any use of land; or

(c) any other requirements contained in the notice,

shall not discharge the notice.

(2) Without prejudice to subsection (1), any provision of an enforcement notice requiring a use of land to be discontinued shall operate as a requirement that it shall be discontinued permanently, to the extent that it is in contravention of Part III; and accordingly the resumption of that use at any time after it has been discontinued in compliance with the enforcement notice shall to that extent be in contravention of the enforcement notice.

(3) Without prejudice to subsection (1), if any development is carried out on land by way of reinstating or restoring buildings or works which have been **[**F829removed**]** or altered in compliance with an enforcement notice, the notice shall, notwithstanding that its terms are not apt for the purpose, be deemed to apply in relation to the buildings or works as reinstated or restored as it applied in relation to the buildings or works before they were **[**F829removed**]** or altered; and, subject to subsection (4), the provisions of section 178(1) and (2) shall apply accordingly.

(4) Where, at any time after an enforcement notice takes effect—

(a) any development is carried out on land by way of reinstating or restoring buildings or works which have been **[**F829removed**]** or altered in compliance with the notice; and

(b) the local planning authority propose, under section 178(1), to take any steps required by the enforcement notice for the **[**F828removal**]** or alteration of the buildings or works in consequence of the reinstatement or restoration,

the local planning authority shall, not less than 28 days before taking any such steps, serve on the owner and occupier of the land a notice of their intention to do so.

(5) Where without planning permission a person carries out any development on land by way of reinstating or restoring buildings or works which have been **[**F829removed**]** or altered in compliance with an enforcement notice—

(a) he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale, and

(b) no person shall be liable under **[**F830section 179(2)**]** for failure to take any steps required to be taken by an enforcement notice by way of **[**F828removal**]** or alteration of what has been so reinstated or restored.

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Textual Amendments

F828 Word in s. 181(1)(a)(4)(b)(5)(b) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 27(a)** (with s. 84(5)); S.I. 1991/2905, art.3, **Sch. 1** (subject to art. 5)

F829 Word in s. 181(3)(4)(5) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 27(b)** (with s. 84(5)); S.I. 1991/2905, art.3, **Sch. 1**(subject to art. 5)

F830 Words in s. 181(5)(b) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 27(c)** (with s. 84(5)); S.I. 1991/2905, art.3, **Sch. 1** (subject to art. 5)

Modifications etc. (not altering text)

C461 Ss. 178-181 applied (with modifications) (E.) (1.6.2015) by The Planning (Hazardous Substances) Regulations 2015 (S.I. 2015/627), regs. 1(1), 15, **Sch. 4 Pt. 2** (with reg. 34)

C462 Ss. 178-181 applied (with modifications) (W.) (4.9.2015) by The Planning (Hazardous Substances) (Wales) Regulations 2015 (S.I. 2015/1597), regs. 1(1), 18, **Sch. 4 Pt. 2** (with reg. 36)

C467 S. 181: power to modify conferred (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), **s. 25(1)(c)**; S.I. 1992/725, **arts. 2**, 3

C468 S. 181 applied (with modifications) (1.6.1992) by S.I. 1992/656, reg. 20(1), **Sch. 4 Pt. 2**
S. 181 applied (with modifications) (27.7.1992) by S.I. 1992/1562, reg. 2, **Sch.**
S. 181: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

182 Enforcement by the Secretary of State.

(1) If it appears to the Secretary of State to be expedient that an enforcement notice should be issued in respect of any land, he may issue such a notice.

(2) The Secretary of State shall not issue such a notice without consulting the local planning authority.

(3) An enforcement notice issued by the Secretary of State shall have the same effect as a notice issued by the local planning authority.

(4) In relation to an enforcement notice issued by the Secretary of State, sections 178 and 181 shall apply as if for any reference in those sections to the local planning authority there were substituted a reference to the Secretary of State.

Modifications etc. (not altering text)

C469 S. 182: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

Stop notices

183 Stop notices.

F831[(1) Where the local planning authority consider it expedient that any relevant activity should cease before the expiry of the period for compliance with an enforcement notice, they may, when they serve the copy of the enforcement notice or afterwards, serve a notice (in this Act referred to as a "stop notice") prohibiting the carrying out of that activity on the land to which the enforcement notice relates, or any part of that land specified in the stop notice.

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(2) In this section and sections 184 and 186 "relevant activity" means any activity specified in the enforcement notice as an activity which the local planning authority require to cease and any activity carried out as part of that activity or associated with that activity.

(3) A stop notice may not be served where the enforcement notice has taken effect.

(4) A stop notice shall not prohibit the use of any building as a dwellinghouse.

(5) A stop notice shall not prohibit the carrying out of any activity if the activity has been carried out (whether continuously or not) for a period of more than four years ending with the service of the notice; and for the purposes of this subsection no account is to be taken of any period during which the activity was authorised by planning permission.

(5A) Subsection (5) does not prevent a stop notice prohibiting any activity consisting of, or incidental to, building, engineering, mining or other operations or the deposit of refuse or waste materials.**]**

(6) A stop notice may be served by the local planning authority on any person who appears to them to have an interest in the land or to be engaged in any activity prohibited by the notice.

(7) The local planning authority may at any time withdraw a stop notice (without prejudice to their power to serve another) by serving notice to that effect on persons served with the stop notice.

Textual Amendments

F831 S. 183(1)-(5A) substituted (2.1.1992) for s. 183(1)-(5) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 9(1)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

Modifications etc. (not altering text)

C470 S. 183: power to modify conferred (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), **s. 25(1)(c)**; S.I. 1992/725, **arts. 2**, 3

C471 S. 183 applied (with modifications) (27.7.1992) by S.I. 1992/1562, reg. 2, **Sch**
S. 183: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C472 S. 183(1): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

184 Stop notices: supplementary provisions.

(1) A stop notice must refer to the enforcement notice to which it relates and have a copy of that notice annexed to it.

(2) A stop notice must specify the date on which it will take effect (and it cannot be contravened until that date).

F832**[**(3) That date—

(a) must not be earlier than three days after the date when the notice is served, unless the local planning authority consider that there are special reasons for specifying an earlier date and a statement of those reasons is served with the stop notice; and

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(b) must not be later than twenty-eight days from the date when the notice is first served on any person.**]**

(4) A stop notice shall cease to have effect when—

(a) the enforcement notice to which it relates is withdrawn or quashed; or

(b) the **[**[F833]period for compliance with the enforcement notice**]** expires; or

(c) notice of the withdrawal of the stop notice is first served under section 183(7).

(5) A stop notice shall also cease to have effect if or to the extent that the activities prohibited by it cease, on a variation of the enforcement notice, to be **[**[F834]relevant activities**]**.

(6) Where a stop notice has been served in respect of any land, the local planning authority may display there a notice (in this section and section 187 referred to as a "site notice") —

(a) stating that a stop notice has been served and that any person contravening it may be prosecuted for an offence under section 187,

(b) giving the date when the stop notice takes effect, and

(c) indicating its requirements.

(7) If under section 183(7) the local planning authority withdraw a stop notice in respect of which a site notice was displayed, they must display a notice of the withdrawal in place of the site notice.

(8) A stop notice shall not be invalid by reason that a copy of the enforcement notice to which it relates was not served as required by section **[**[F835]172**]**if it is shown that the local planning authority took all such steps as were reasonably practicable to effect proper service.

Textual Amendments

F832 S. 184(3) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 9(2)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

F833 Words in s. 184(4)(b) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 28(a)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

F834 Words in s. 184(5) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 28(b)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

F835 Word in s. 184(8) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 28(c)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

Modifications etc. (not altering text)

C473 S. 184: power to modify conferred (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), **s. 25(1)(c)**; S.I. 1992/725, **art. 2**, 3

C474 S. 184 applied (with modifications) (27.7.1992) by S.I. 1992/1562, reg. 2, **Sch.**
S. 184: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

185 Service of stop notices by Secretary of State.

(1) If it appears to the Secretary of State to be expedient that a stop notice should be served in respect of any land, he may himself serve such a notice.

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(2) A notice served by the Secretary of State under subsection (1) shall have the same effect as if it had been served by the local planning authority.

(3) The Secretary of State shall not serve such a notice without consulting the local planning authority.

Modifications etc. (not altering text)
C475 S. 185: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

186 Compensation for loss due to stop notice.

(1) Where a stop notice is served under section 183 compensation may be payable under this section in respect of a prohibition contained in the notice only if—

(a) the enforcement notice is quashed on grounds other than those mentioned in paragraph (a) of section 174(2);

(b) the enforcement notice is varied (otherwise than on the grounds mentioned in that paragraph) so that **[**F836any activity the carrying out of which is prohibited by the stop notice ceases to be a relevant activity**]**;

(c) the enforcement notice is withdrawn by the local planning authority otherwise than in consequence of the grant by them of planning permission for the development to which the notice relates F837. . . ; or

(d) the stop notice is withdrawn.

(2) A person who, when the stop notice is first served, has an interest in or occupies the land to which the notice relates shall be entitled to be compensated by the local planning authority in respect of any loss or damage directly attributable to the prohibition contained in the notice or, in a case within subsection (1)(b), **[**F838the prohibition of such of the activities prohibited by the stop notice as cease to be relevant activities**]**.

(3) A claim for compensation under this section shall be made to the local planning authority within the prescribed time and in the prescribed manner.

(4) The loss or damage in respect of which compensation is payable under this section in respect of a prohibition shall include any sum payable in respect of a breach of contract caused by the taking of action necessary to comply with the prohibition.

[F839(5) No compensation is payable under this section—

(a) in respect of the prohibition in a stop notice of any activity which, at any time when the notice is in force, constitutes or contributes to a breach of planning control; or

(b) in the case of a claimant who was required to provide information under section 171C or 330 or section 16 of the M81Local Government (Miscellaneous Provisions) Act 1976, in respect of any loss or damage suffered by him which could have been avoided if he had provided the information or had otherwise co-operated with the local planning authority when responding to the notice.**]**

(6) Except in so far as may be otherwise provided by any regulations made under this Act, any question of disputed compensation under this Part shall be referred to and determined by the **[**F840Upper Tribunal**]**.

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(7) In relation to the determination of any such question, the provisions of **[**F841section**]** 4 of the M82Land Compensation Act 1961 shall apply subject to any necessary modifications and to the provisions of any regulations made under this Act.

Textual Amendments

F836 Words in s. 186(1)(b) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1) s. 32, Sch. 7 para. 29(a) (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

F837 Words in s. 186(1)(c) repealed (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 29(b), **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1991/2905, art.3, Schs. 1, **2** (subject to art. 5)

F838 Words in s. 186(2) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 29(c)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

F839 S. 186(5) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 9(3)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

F840 Words in s. 186(6) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 206(a)**

F841 Word in s. 186(7) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 206(b)**

Modifications etc. (not altering text)

C476 S. 186 applied (with modifications) (27.7.1992) by S.I. 1992/1562, reg. 2, **Sch.**

Marginal Citations

M81 1976 c. 57

M82 1961 c.33.

187 Penalties for contravention of stop notice.

F842**[**(1) If any person contravenes a stop notice after a site notice has been displayed or the stop notice has been served on him he shall be guilty of an offence.

(1A) An offence under this section may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under this section by reference to any period of time following the preceding conviction for such an offence.

(1B) References in this section to contravening a stop notice include causing or permitting its contravention.

(2) A person guilty of an offence under this section shall be liable **[**F843on summary conviction, or on conviction on indictment, to a fine**]**.

(2A) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.**]**

(3) In proceedings for an offence under this section it shall be a defence for the accused to prove—

(a) that the stop notice was not served on him, and

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(b) that he did not know, and could not reasonably have been expected to know, of its existence.

Textual Amendments

F842 S. 187(1)(1A)(1B)(2)(2A) substituted (2.1.1992) for s. 187(1)(2) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 9(4)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

F843 Words in s. 187(2) substituted (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 4 para. 18(4)** (with reg. 5(1))

Modifications etc. (not altering text)

C477 S. 187: power to modify conferred (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), **s. 25(1)(c)**; S.I. 1992/725, **arts. 2**, 3

C478 S. 187 applied (27.7.1992) by S.I. 1992/1562, reg. 2, **Sch.**
S. 187: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**
S. 187 restricted (E.) (13.4.2001) by S.I. 2001/1478, **reg. 3(a)**

F844 [*Breach of condition*

Textual Amendments

F844 S. 187A and cross heading inserted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s.2** (with s. 84(5)); S.I. 1992/1630, **art. 2** (with art. 3(1))

F845 187A Enforcement of conditions.

(1) This section applies where planning permission for carrying out any development of land has been granted subject to conditions.

(2) The local planning authority may, if any of the conditions is not complied with, serve a notice (in this Act referred to as a "breach of condition notice") on—

(a) any person who is carrying out or has carried out the development; or

(b) any person having control of the land,

requiring him to secure compliance with such of the conditions as are specified in the notice.

(3) References in this section to the person responsible are to the person on whom the breach of condition notice has been served.

(4) The conditions which may be specified in a notice served by virtue of subsection (2)(b) are any of the conditions regulating the use of the land.

(5) A breach of condition notice shall specify the steps which the authority consider ought to be taken, or the activities which the authority consider ought to cease, to secure compliance with the conditions specified in the notice.

(6) The authority may by notice served on the person responsible withdraw the breach of condition notice, but its withdrawal shall not affect the power to serve on him a

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further breach of condition notice in respect of the conditions specified in the earlier notice or any other conditions.

(7) The period allowed for compliance with the notice is—

(a) such period of not less than twenty-eight days beginning with the date of service of the notice as may be specified in the notice; or

(b) that period as extended by a further notice served by the local planning authority on the person responsible.

(8) If, at any time after the end of the period allowed for compliance with the notice—

(a) any of the conditions specified in the notice is not complied with; and

(b) the steps specified in the notice have not been taken or, as the case may be, the activities specified in the notice have not ceased,

the person responsible is in breach of the notice.

(9) If the person responsible is in breach of the notice he shall be guilty of an offence.

(10) An offence under subsection (9) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under that subsection by reference to any period of time following the preceding conviction for such an offence.

(11) It shall be a defence for a person charged with an offence under subsection (9) to prove—

(a) that he took all reasonable measures to secure compliance with the conditions specified in the notice; or

(b) where the notice was served on him by virtue of subsection (2)(b), that he no longer had control of the land.

(12) A person who is guilty of an offence under subsection (9) shall be liable on summary conviction—

[[F846](a) to a fine, if the land is in England, or

(b) to a fine not exceeding level 3 on the standard scale, if the land is in Wales.**]**

(13) In this section—

(a) "conditions" includes limitations; and

(b) references to carrying out any development include causing or permitting another to do so.**]**

Textual Amendments

F845 S. 187A and cross heading inserted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s.2** (with s. 84(5)); S.I. 1992/1630, **art. 2** (with art. 3(1))

F846 S. 187A(12)(a)(b) substituted for s. 187A(12)(a)(b) and words (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 120(1)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(g) (with reg. 9)

Modifications etc. (not altering text)

C479 S. 187A: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C480 S. 187A: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**
S. 187A restricted (E.) (13.4.2001) by S.I. 2001/1478, **reg. 3(a)**

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F847[Injunctions

Textual Amendments

F847 S. 187B and cross heading inserted (25.11.1991 for certain purposes and otherwise 2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s.3** (with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1991/2905, **art.3** (subject to art. 5)

F848187B Injunctions restraining breaches of planning control.

(1) Where a local planning authority consider it necessary or expedient for any actual or apprehended breach of planning control to be restrained by injunction, they may apply to the court for an injunction, whether or not they have exercised or are proposing to exercise any of their other powers under this Part.

(2) On an application under subsection (1) the court may grant such an injunction as the court thinks appropriate for the purpose of restraining the breach.

(3) Rules of court may provide for such an injunction to be issued against a person whose identity is unknown.

(4) In this section "the court" means the High Court or the county court.**]**

Textual Amendments

F848 S. 187B and cross heading inserted (25.11.1991 for certain purposes and otherwise 2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s.3** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1991/2905, **art.3** (subject to art. 5)

Modifications etc. (not altering text)

C481 S. 187B: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C482 S. 187B: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

Registers

188 Register of enforcement and stop notices [F849and other enforcement action].

(1) Every district planning authority **[**F850, every local planning authority for an area in Wales**]** and the council of every metropolitan district or London borough shall keep, in such manner as may be prescribed by a development order, a register containing such information as may be so prescribed with respect—

[F851(za) to planning enforcement orders,**]**

[F852(zb) to enforcement warning notices under section 172ZA (enforcement warning notice: England),**]**

(a) to enforcement notices; F853. . .

[F854(aa) to enforcement warning notices **[**F855under section 173ZA (enforcement warning notice: Wales)**]**,**]**

(b) to stop notices, **[**F856and

(c) to breach of condition notices**]**

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which relate to land in their area.

(2) A development order may make provision—

(a) for the entry relating to any **[**F857planning enforcement order,**]** enforcement notice, **[**F858enforcement warning notice under section 172ZA or 173ZA**]**, **[**F859stop notice or breach of condition notice**]**, and everything relating to **[**F860any planning enforcement order or**]** any such notice, to be removed from the register in such circumstances as may be specified in the **[**F861development**]** order; and

(b) for requiring a county planning authority to supply to a district planning authority such information as may be so specified with regard to enforcement notices **[**F862and enforcement warning notices under section 172ZA**]** issued and stop notices **[**F863and breach of condition notices**]** served by **[**F864, and planning enforcement orders made on applications made by,**]** the county planning authority.

(3) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

[F865(4) In this section "planning enforcement order" means an order under section 171BA(1).**]**

Textual Amendments

F849 Words in s. 188 heading inserted (15.1.2012 for specified purposes, 6.4.2012 for specified purposes) by Localism Act 2011 (c. 20), **ss. 124(2)(e)**, 240(2) (with s. 144); S.I. 2012/57, art. 4(1)(i) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

F850 Words in s. 188(1) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. 2 para. 24(5)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F851 S. 188(1)(za) inserted (15.1.2012 for specified purposes, 6.4.2012 for specified purposes) by Localism Act 2011 (c. 20), **ss. 124(2)(a)**, 240(2) (with s. 144); S.I. 2012/57, art. 4(1)(i) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

F852 S. 188(1)(zb) inserted (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 117(4)(a)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(d)

F853 Word in s. 188(1)(a) repealed (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 30(a), **Sch. 19 Pt. 1** (with s. 84(5)); S.I. 1992/1630, art. 2, Schs. 1, **2** (with art. 3(1))

F854 S. 188(1)(aa) inserted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 43(4)(a)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(c)

F855 Words in s. 188(1)(aa) inserted (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 117(4)(b)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(d)

F856 S. 188(1)(c) and 'and' preceding it inserted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 30(a)** (with s. 84(5)); S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

F857 Words in s. 188(2)(a) inserted (15.1.2012 for specified purposes, 6.4.2012 for specified purposes) by Localism Act 2011 (c. 20), **ss. 124(2)(b)(i)**, 240(2) (with s. 144); S.I. 2012/57, art. 4(1)(i) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

F858 Words in s. 188(2)(a) substituted (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 117(5)(a)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(d)

F859 Words in s. 188(2)(a) substituted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 30(b)** (with s. 84(5)); S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

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F860 Words in s. 188(2)(a) inserted (15.1.2012 for specified purposes, 6.4.2012 for specified purposes) by Localism Act 2011 (c. 20), **ss. 124(2)(b)(ii)**, 240(2) (with s. 144); S.I. 2012/57, art. 4(1)(i) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

F861 Word in s. 188(2)(a) inserted (15.1.2012 for specified purposes, 6.4.2012 for specified purposes) by Localism Act 2011 (c. 20), **ss. 124(2)(b)(iii)**, 240(2) (with s. 144); S.I. 2012/57, art. 4(1)(i) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

F862 Words in s. 188(2)(b) inserted (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 117(5)(b)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(d)

F863 Words in s. 188(2)(b) inserted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 30(c)** (with s. 84(5)); S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

F864 Words in s. 188(2)(b) inserted (15.1.2012 for specified purposes, 6.4.2012 for specified purposes) by Localism Act 2011 (c. 20), **ss. 124(2)(c)**, 240(2) (with s. 144); S.I. 2012/57, art. 4(1)(i) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

F865 S. 188(4) inserted (15.1.2012 for specified purposes, 6.4.2012 for specified purposes) by Localism Act 2011 (c. 20), **ss. 124(2)(d)**, 240(2) (with s. 144); S.I. 2012/57, art. 4(1)(i) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

Modifications etc. (not altering text)

C483 Ss. 178(1)–(5), (7), 179–181, 183, 184, 187, 188: power to apply conferred (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), **s. 25(1)(c)**; S.I. 1992/725, **arts. 2**, 3

C484 S. 188 applied (27.7.1992) by S.I. 1992/1562, reg. 2, **Sch.**
S. 188 applied (with modifications) (1.6.1992) by S.I. 1992/656, reg. 21(1), **Sch. 4 Pt. 3**
S. 188: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C485 S. 188 applied (with modifications) (E.) (1.6.2015) by The Planning (Hazardous Substances) Regulations 2015 (S.I. 2015/627), regs. 1(1), 15, **Sch. 4 Pt. 3** (with reg. 34)

C486 S. 188(1) applied (with modifications) (7.1.2019) by The Sustainable Drainage (Enforcement) (Wales) Order 2018 (S.I. 2018/1182), regs. 1(2), **11**

Enforcement of orders for discontinuance of use, etc.

189 Penalties for contravention of orders under s. 102 and Schedule 9.

(1) Any person who without planning permission—

(a) uses land, or causes or permits land to be used—

(i) for any purpose for which an order under section 102 or paragraph 1 of Schedule 9 has required that its use shall be discontinued; or

(ii) in contravention of any condition imposed by such an order by virtue of subsection (1) of that section or, as the case may be, sub-paragraph (1) of that paragraph; or

(b) resumes, or causes or permits to be resumed, development consisting of the winning and working of minerals **[**[F866] or involving the depositing of mineral waste**]** the the resumption of which an order under paragraph 3 of that Schedule has prohibited; or

(c) contravenes, or causes or permits to be contravened, any such requirement as is specified in sub-paragraph (3) or (4) of that paragraph,

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shall be guilty of an offence.

(2) Any person who contravenes any requirement of an order under paragraph 5 or 6 of that Schedule or who causes or permits any requirement of such an order to be contravened shall be guilty of an offence.

(3) Any person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum; and

(b) on conviction on indictment, to a fine.

(4) It shall be a defence for a person charged with an offence under this section to prove that he took all reasonable measures and exercised all due diligence to avoid commission of the offence by himself or by any person under his control.

(5) If in any case the defence provided by subsection (4) involves an allegation that the commission of the offence was due to the act or default of another person or due to reliance on information supplied by another person, the person charged shall not, without the leave of the court, be entitled to rely on the defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of the other person as was then in his possession.

Textual Amendments

F866 Words in s. 189(1)(b) inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 21 Sch. 1 para. 11** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

Modifications etc. (not altering text)

C487 S. 189: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

190 Enforcement of orders under s. 102 and Schedule 9.

(1) This section applies where—

(a) any step required by an order under section 102 or paragraph 1 of Schedule 9 to be taken for the alteration or removal of any buildings or works or any plant or machinery;

(b) any step required by an order under paragraph 3 of that Schedule to be taken—

(i) for the alteration or removal of plant or machinery; or

(ii) for the removal or alleviation of any injury to amenity; or

(c) any step for the protection of the environment required to be taken by an order under paragraph 5 or 6 of that Schedule,

has not been taken within the period specified in the order or within such extended period as the local planning authority or, as the case may be, the mineral planning authority may allow.

(2) Where this section applies the local planning authority or, as the case may be, the mineral planning authority may enter the land and take the required step.

(3) Where the local planning authority or, as the case may be, the mineral planning authority have exercised their power under subsection (2) they may recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.

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F867(4) . . . . . .

(5) Section 276 of the M83Public Health Act 1936 shall apply in relation to any works executed by an authority under subsection (2) as it applies in relation to works executed by a local authority under that Act.

Textual Amendments

F867 S. 190(4) repealed (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32 , 84(6), Sch. 7 para. 31, **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1991/2905, art. 3, Sch. 1, **Sch.2** (subject to art. 5)

Modifications etc. (not altering text)

C488 S. 190: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

Marginal Citations

M83 1936 c.49.

I[F868] Certificate of lawful use or development

Textual Amendments

F868 Ss. 191 - 194 substituted (25.11.1991 for certain purposes and otherwise 27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 10(1)** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/1630, **art. 2** (with art. 3(1)(2))

F869191 Certificate of lawfulness of existing use or development.

(1) If any person wishes to ascertain whether—

(a) any existing use of buildings or other land is lawful;

(b) any operations which have been carried out in, on, over or under land are lawful; or

(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,

he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

(2) For the purposes of this Act uses and operations are lawful at any time if—

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and

(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

(3) For the purposes of this Act any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if—

(a) the time for taking enforcement action in respect of the failure has then expired; and

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(b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.

F870(3A) **[** In determining for the purposes of this section whether the time for taking enforcement action in respect of a matter has expired, that time is to be taken not to have expired if—

(a) the time for applying for an order under section 171BA(1) (a "planning enforcement order") in relation to the matter has not expired,

(b) an application has been made for a planning enforcement order in relation to the matter and the application has neither been decided nor been withdrawn, or

(c) a planning enforcement order has been made in relation to the matter, the order has not been rescinded and the enforcement year for the order (whether or not it has begun) has not expired.**]**

(4) If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(5) A certificate under this section shall—

(a) specify the land to which it relates;

(b) describe the use, operations or other matter in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

(c) give the reasons for determining the use, operations or other matter to be lawful; and

(d) specify the date of the application for the certificate.

(6) The lawfulness of any use, operations or other matter for which a certificate is in force under this section shall be conclusively presumed.

(7) A certificate under this section in respect of any use shall also have effect, for the purposes of the following enactments, as if it were a grant of planning permission—

(a) section 3(3) of the M84Caravan Sites and Control of Development Act 1960 **[**F871or section 7(1) of the Mobile Homes (Wales) Act 2013;**]**

(b) section 5(2) of the M85Control of Pollution Act 1974; and

(c) section 36(2)(a) of the M86Environmental Protection Act 1990.

Textual Amendments

F869 S. 191 substituted (25.11.1991 for certain purposes and otherwise 27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 10(1)** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/1630, **art. 2** (with art. 3(1)(2))

F870 S. 191(3A) inserted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 124(3)**, 240(2) (with s. 144); S.I. 2012/628, art. 8(b) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

F871 Words in s. 191(7)(a) inserted (5.11.2013) by Mobile Homes (Wales) Act 2013 (anaw 6), s. 64(1), **Sch. 4 para. 6(3)** (with Sch. 5 para. 7) (this amendment is to be treated as not having effect until 1.10.2014 by virtue of S.I. 2014/11, art. 3(2))

Modifications etc. (not altering text)

C489 S. 191: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

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C490 S. 191 modified (1.8.2000) by S.I. 2000/1973, **reg. 10(3)** (with reg. 10(14))
C491 S. 191(4): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

Marginal Citations
M84 1960 c. 62.
M85 1974 c. 40.
M86 1990 c. 43.

F872 192 Certificate of lawfulness of proposed use or development.

(1) If any person wishes to ascertain whether—
(a) any proposed use of buildings or other land; or
(b) any operations proposed to be carried out in, on, over or under land,
would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(3) A certificate under this section shall—
(a) specify the land to which it relates;
(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);
(c) give the reasons for determining the use or operations to be lawful; and
(d) specify the date of the application for the certificate.

(4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

Textual Amendments
F872 S. 192 substituted (25.11.1991 for certain purposes and otherwise 27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 10(1)** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/1630, **art. 2** (with art. 3(1)(2))

Modifications etc. (not altering text)
C492 S. 192: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**
C493 S. 192 modified (1.8.2000) by S.I. 2000/1973, **reg. 10(5)** (with reg. 10(14))
C494 S. 192(2): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

F873 193 Certificates under sections 191 and 192: supplementary provisions.

(1) An application for a certificate under section 191 or 192 shall be made in such manner as may be prescribed by a development order and shall include such particulars, and

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be verified by such evidence, as may be required by such an order or by any directions given under such an order or by the local planning authority.

(2) Provision may be made by a development order for regulating the manner in which applications for certificates under those sections are to be dealt with by local planning authorities.

(3) In particular, such an order may provide for requiring the authority—

(a) to give to any applicant within such time as may be prescribed by the order such notice as may be so prescribed as to the manner in which his application has been dealt with; and

(b) to give to the Secretary of State and to such other persons as may be prescribed by or under the order, such information as may be so prescribed with respect to such applications made to the authority, including information as to the manner in which any application has been dealt with.

(4) A certificate under either of those sections may be issued—

(a) for the whole or part of the land specified in the application; and

(b) where the application specifies two or more uses, operations or other matters, for all of them or some one or more of them;

and shall be in such form as may be prescribed by a development order.

(5) A certificate under section 191 or 192 shall not affect any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted unless that matter is described in the certificate.

(6) In section 69 references to applications for planning permission shall include references to applications for certificates under section 191 or 192.

(7) A local planning authority may revoke a certificate under either of those sections if, on the application for the certificate—

(a) a statement was made or document used which was false in a material particular; or

(b) any material information was withheld.

(8) Provision may be made by a development order for regulating the manner in which certificates may be revoked and the notice to be given of such revocation.

Textual Amendments

F873 S. 193 substituted (25.11.1991 for certain purposes and otherwise 27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 10(1)** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/1630, **art. 2** (with art. 3(1)(2))

Modifications etc. (not altering text)

C495 S. 193: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

F874 194 Offences.

(1) If any person, for the purpose of procuring a particular decision on an application (whether by himself or another) for the issue of a certificate under section 191 or 192—

(a) knowingly or recklessly makes a statement which is false or misleading in a material particular;

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(b) with intent to deceive, uses any document which is false or misleading in a material particular; or

(c) with intent to deceive, withholds any material information,

he shall be guilty of an offence.

(2) A person guilty of an offence under subsection (1) shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment, to imprisonment for a term not exceeding two years, or a fine, or both.

(3) Notwithstanding section 127 of the [M87]Magistrates' Courts Act 1980, a magistrates' court may try an information in respect of an offence under subsection (1) whenever laid.**]**

Textual Amendments

F874 S. 194 substituted (25.11.1991 for certain purposes and otherwise 27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 10(1)** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/1630, **art. 2** (with art. 3(1)(2))

Modifications etc. (not altering text)

C496 S. 194: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

Marginal Citations

M87 1980 c. 43.

195 Appeals against refusal or failure to give decision on application.

(1) Where an application is made to a local planning authority for **[**[F875]a certificate under section 191 or 192**]** and—

(a) the application is refused or is refused in part, or

(b) the authority do not give notice to the applicant of their decision on the application within such period as may be prescribed by a development order or within such extended period as may at any time be agreed upon in writing between the applicant and the authority,

the applicant may by notice appeal to the Secretary of State.

[[F876](1B) A notice of appeal under this section must be—

(a) served within such time and in such manner as may be prescribed by a development order;

(b) accompanied by such information as may be prescribed by such an order.

(1C) The time prescribed for the service of a notice of appeal under this section must not be less than—

(a) 28 days from the date of notification of the decision on the application; or

(b) in the case of an appeal under subsection (1)(b), 28 days from—

(i) the end of the period prescribed as mentioned in subsection (1)(b), or

(ii) as the case may be, the extended period mentioned in subsection (1)(b).

[F877](1D) . . . . . .

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[Once notice of an appeal under this section to the Welsh Ministers has been served, F878(1DA) the application to which it relates may not be varied, except in such circumstances as may be prescribed by a development order.

(1DB) A development order which makes provision under subsection (1DA) must provide for an application which is varied to be subject to such further consultation as the Welsh Ministers consider appropriate.**]**

F877(1E) . . . . . .

F877(1F) . . . . . .**]**

(2) On any such appeal, if and so far as the Secretary of State is satisfied—

(a) in the case of an appeal under subsection (1)(a), that the authority's refusal is not well-founded, or

(b) in the case of an appeal under subsection (1)(b), that if the authority had refused the application their refusal would not have been well-founded,

he shall grant the appellant **[**F879a certificate under section 191 or, as the case may be, 192**]** accordingly or, in the case of a refusal in part, modify the certificate granted by the authority on the application.

(3) If and so far as the Secretary of State is satisfied that the authority's refusal is or, as the case may be, would have been well-founded, he shall dismiss the appeal.

[F880(3A) Where the local planning authority referred to in subsection (1) is in England, if at any time before or during the determination of an appeal under subsection (1)(a) or (b) it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal, the Secretary of State may—

(a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are so specified for the expedition of the appeal, and

(b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly.**]**

[F881(4) References in this section to a refusal of an application in part include a modification or substitution of the description in the application of the use, operations or other matter in question.**]**

(5) For the purposes of the application **[**F882in relation to England**]** of **[**F883section 288(10)(b)**][**F883sections 196(1A), 288(10)(b) and 319A(7)(d)**]** in relation to an appeal in a case within subsection (1)(b) it shall be assumed that the authority decided to refuse the application in question.

[F884(5A) For the purposes of the application in relation to Wales of sections 288(10)(b) and 319B(7)(d) in relation to an appeal in a case within subsection (1)(b) it shall be assumed that the authority decided to refuse the application in question.**]**

(6) Schedule 6 applies to appeals under this section.

Textual Amendments

F875 Words in s. 195(1) substituted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 32(a)** (with s. 84(5)); S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

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F876 S. 195(1B)-(1F) inserted (6.4.2009 for E., 30.4.2012 for W.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 11 para. 3** (with s. 226); S.I. 2009/400, art. 5(d); S.I. 2012/802, art. 2(b)

F877 S. 195(1D)-(1F) omitted (6.9.2015) by virtue of Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 7(3)**

F878 S. 195(1DA)(1DB) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 47(2)**, 58(2)(b)(4)(b); S.I. 2017/546, art. 3(b) (with art. 4)

F879 Words in s. 195(2) substituted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch.7 para. 32(b)** (with s. 84(5)); S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

F880 S. 195(3A) inserted (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 119(3)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(f) (with reg. 8)

F881 S. 195(4) substituted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 32(c)** (with s. 84(5)); S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

F882 Words in s. 195(5) inserted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 6**

F883 Words in s. 195(5) substituted (25.4.2024 for specified purposes) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 10 para. 7** (with s. 226); S.I. 2024/452, reg. 2(b)

F884 S. 195(5A) inserted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 6**

Modifications etc. (not altering text)

C497 S. 195: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

196 Further provisions as to references and appeals to the Secretary of State.

(1) Before determining [F885]. . . an appeal to him under section 195(1), the Secretary of State shall, if either the **[**[F886]appellant**]** or the local planning authority so wish, give each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

[[F887](1A) Subsection (1) does not apply to an appeal against a decision of a local planning authority in England.**]**

[[F888](1B) Subsection (1) does not apply to an appeal to the Welsh Ministers.**]**

(2) Where the Secretary of State grants **[**[F889]a certificate under section 191 or 192 on**]** such a reference or **[**[F890]an appeal under section 195(1)**]**, he shall give notice to the local planning authority of that fact.

(3) The decision of the Secretary of State on such [F891]. . . appeal shall be final.

(4) The information which may be prescribed as being required to be contained in a register kept under section 69 shall include information with respect to **[**[F892]certificates under section 191 or 192**]** granted by the Secretary of State.

[F893](5) . . . . . .

[F893](6) . . . . . .

[F893](7) . . . . . .

[[F894](8) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings **[**[F895]in England**]** before the Secretary of State on an appeal under section 195 as if those proceedings were an inquiry held by the Secretary of State under section 250.**]**

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Textual Amendments

F885 Words in s. 196(1) repealed (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 33(a), **Sch. 19 Pt. 1** (with s. 84(5)); S.I. 1992/1630, art. 2, Schs. 1, **2** (with art. 3(1))

F886 Word in s. 196(1) substituted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 33(a)** (with s. 84(5)); S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

F887 S. 196(1A) inserted (25.4.2024 for specified purposes) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 10 para. 8(2)** (with s. 226); S.I. 2024/452, reg. 2(b)

F888 S. 196(1B) inserted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 7(2)**

F889 Words in s. 196(2) substituted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 33(b)** (with s. 84(5)); S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

F890 Words in s. 196(2) substituted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 7(3)** and (25.4.2024 for specified purposes) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 10 para. 8(3)** (with s. 226); S.I. 2024/452, reg. 2(b)

F891 Words in s. 196(3) repealed (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 33(c), **Sch. 19 Pt. 1** (with s. 84(5)); S.I. 1992/1630, art. 2, Schs. 1, **2** (with art. 3(1))

F892 Words in s. 196(4) substituted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 33(d)** (with s. 84(5)); S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

F893 S. 196(5)-(7) repealed (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 33(e), **Sch. 19 Pt. 1** (with s. 84(5)); S.I. 1992/1630, art. 2, Schs. 1, **2** (with art. 3(1))

F894 S. 196(8) inserted (temp.) by virtue of Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 6, Sch. 4 paras. 1, **4** (which temp. insertion falls (2.1.1992 and 6.4.2009) for specified purposes only by virtue of S.I. 1991/2698, **art. 3** and S.I. 2009/849, **art. 2** (with art. 3))

F895 Words in s. 196(8) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 10**; S.I. 2016/52, art. 4(a) (with art. 17)

Modifications etc. (not altering text)

C498 S. 196: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

F896[*Rights of entry for enforcement purposes*

Textual Amendments

F896 Ss. 196A - 196C inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 11(1)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

F897196A Rights to enter without warrant.

(1) Any person duly authorised in writing by a local planning authority may at any reasonable hour enter any land—

(a) to ascertain whether there is or has been any breach of planning control on the land or any other land;

(b) to determine whether any of the powers conferred on a local planning authority by this Part should be exercised in relation to the land or any other land;

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(c) to determine how any such power should be exercised in relation to the land or any other land;

(d) to ascertain whether there has been compliance with any requirement imposed as a result of any such power having been exercised in relation to the land or any other land,

if there are reasonable grounds for entering for the purpose in question.

(2) Any person duly authorised in writing by the Secretary of State may at any reasonable hour enter any land to determine whether an enforcement notice should be issued in relation to the land or any other land, if there are reasonable grounds for entering for that purpose.

(3) The Secretary of State shall not so authorise any person without consulting the local planning authority.

(4) Admission to any building used as a dwellinghouse shall not be demanded as of right by virtue of subsection (1) or (2) unless twenty-four hours' notice of the intended entry has been given to the occupier of the building.

Textual Amendments

F897 S. 196A: ss. 196A - 196C inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 11(1)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

Modifications etc. (not altering text)

C499 S. 196A: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C500 S. 196A: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

F898 196B Right to enter under warrant.

(1) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

(a) that there are reasonable grounds for entering any land for any of the purposes mentioned in section 196A(1) or (2); and

(b) that—

(i) admission to the land has been refused, or a refusal is reasonably apprehended; or

(ii) the case is one of urgency,

the justice may issue a warrant authorising any person duly authorised in writing by a local planning authority or, as the case may be, the Secretary of State to enter the land.

(2) For the purposes of subsection (1)(b)(i) admission to land shall be regarded as having been refused if no reply is received to a request for admission within a reasonable period.

(3) A warrant authorises entry on one occasion only and that entry must be—

(a) within one month from the date of the issue of the warrant; and

(b) at a reasonable hour, unless the case is one of urgency.

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Textual Amendments

F898 196B: Ss. 196A- 196C inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 11(1)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

Modifications etc. (not altering text)

C501 S. 196B: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

F899 196C Rights of entry: supplementary provisions.

(1) A person authorised to enter any land in pursuance of a right of entry conferred under or by virtue of section 196A or 196B (referred to in this section as "a right of entry")—

(a) shall, if so required, produce evidence of his authority and state the purpose of his entry before so entering;

(b) may take with him such other persons as may be necessary; and

(c) on leaving the land shall, if the owner or occupier is not then present, leave it as effectively secured against trespassers as he found it.

(2) Any person who wilfully obstructs a person acting in the exercise of a right of entry shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) If any damage is caused to land or chattels in the exercise of a right of entry, compensation may be recovered by any person suffering the damage from the authority who gave the written authority for the entry or, as the case may be, the Secretary of State.

(4) The provisions of section 118 shall apply in relation to compensation under subsection (3) as they apply in relation to compensation under Part IV.

(5) If any person who enters any land, in exercise of a right of entry, discloses to any person any information obtained by him while on the land as to any manufacturing process or trade secret, he shall be guilty of an offence.

(6) Subsection (5) does not apply if the disclosure is made by a person in the course of performing his duty in connection with the purpose for which he was authorised to enter the land.

(7) A person who is guilty of an offence under subsection (5) shall be liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(8) In sections 196A and 196B and this section references to a local planning authority include, in relation to a building situated in Greater London, a reference to the Historic Buildings and Monuments Commission for England.**]**

Textual Amendments

F899 S. 196C: ss. 196A- 196C inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 11(1)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

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Modifications etc. (not altering text)
C502 S. 196C: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

[F900 Conservation areas

Textual Amendments
F900 S. 196D and cross-heading inserted (1.10.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 17 para. 6**; S.I. 2013/2227, art. 2(m)

196D Offence of failing to obtain planning permission for demolition of unlisted etc buildings in conservation areas in England

(1) It is an offence for a person to carry out or cause or permit to be carried out relevant demolition without the required planning permission.

(2) It is also an offence for a person to fail to comply with any condition or limitation subject to which planning permission for relevant demolition is granted.

(3) In this section "relevant demolition" means the demolition of a building that—

(a) is situated in a conservation area in England; and

(b) is not a building to which section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply by virtue of section 75 of that Act (listed buildings, certain ecclesiastical buildings, scheduled monuments and buildings described in a direction of the Secretary of State under that section).

(4) It is a defence for a person accused of an offence under this section to prove the following matters—

(a) that the relevant demolition was urgently necessary in the interests of safety or health;

(b) that it was not practicable to secure safety or health by works of repair or works for affording temporary support or shelter;

(c) that the relevant demolition was the minimum measure necessary; and

(d) that notice in writing of the relevant demolition was given to the local planning authority as soon as reasonably practicable.

(5) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding **[**F901the general limit in a magistrates' court**]** or a fine or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine or both.

(6) In relation to an offence committed before **[**F9022 May 2022**]**, subsection (5)(a) has effect as if the reference to **[**F903the general limit in a magistrates' court**]** were to 6 months.

(7) In relation to an offence committed before the coming into force of section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, subsection (5)(a) has effect as if the reference to a fine were a reference to a fine not exceeding £20,000.

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(8) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court must in particular have regard to any financial benefit which has accrued or appears likely to accrue to that person in consequence of the offence.

(9) Where, after a person commits an offence under this section, planning permission is granted for any development carried out before the grant of the permission, that grant does not affect the person's liability for the offence.**]**

Textual Amendments

F901 Words in s. 196D(5)(a) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**

F902 Words in s. 196D(6) substituted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), 5(1), **Sch. Pt. 1**

F903 Words in s. 196D(6) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**

Modifications etc. (not altering text)

C503 S. 196D transitional provisions for effects of 2003 c. 24, s. 63, **Sch. 17 paras. 1-6** (2.10.2013) by The Town and Country Planning (Isles of Scilly) Order 2013 (S.I. 2013/2148), arts. 1(1), **5(4)(b)**

I[F904 Relief from enforcement

Textual Amendments

F904 S. 196E and cross-heading inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 121**, 255(3)(a) (with s. 247)

196E Power to provide relief from enforcement of planning conditions

(1) The Secretary of State may by regulations provide that a local planning authority in England may not take, or is subject to specified restrictions in how it may take, relevant enforcement measures in relation to any actual or apparent failure to comply with a relevant planning condition.

(2) The Secretary of State may make regulations under subsection (1) only if the Secretary of State considers that it is appropriate to make the regulations for the purposes of national defence or preventing or responding to civil emergency or significant disruption to the economy of the United Kingdom or any part of the United Kingdom.

(3) The power in subsection (1) may only be exercised in respect of an actual or apparent failure which occurs during a specified period of not more than one year (the "relief period") or which is apprehended during the relief period to so occur (but see subsections (7) and (8)).

(4) A "relevant enforcement measure" is anything which may be done by a local planning authority in England for the purposes of investigating, preventing, remedying or penalising an actual or apparent failure to comply with a relevant planning condition.

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(5) A relevant enforcement measure includes, in particular—

(a) the exercise of a power under—

(i) section 171BA (power to apply for planning enforcement order);

(ii) section 187B (power to apply to court for injunction);

(iii) section 196A (power to enter without a warrant);

(iv) section 196B (power to apply for, and enter under, warrant);

(b) the issue of—

(i) a planning contravention notice under section 171C,

(ii) a temporary stop notice under section 171E,

(iii) an enforcement notice under section 172,

(iv) an enforcement warning notice under section 172ZA,

(v) a stop notice under section 183, or

(vi) a breach of condition notice under section 187A.

(6) A "relevant planning condition" is a condition or limitation subject to which planning permission for development of land in England is granted, but does not include a condition under—

(a) section 90A and Schedule 7A (condition relating to biodiversity gain);

(b) section 90B (condition relating to development progress reports);

(c) section 91 (condition limiting duration of planning permission);

(d) section 92 (conditions for outline planning permission).

(7) Regulations under subsection (1) may make provision as to the treatment of an actual or apparent failure to comply with a relevant planning condition, which—

(a) starts before, but continues after, the start of the relief period, or

(b) starts during, but continues after, that period.

(8) Regulations under subsection (1) may provide that an actual or apparent failure to comply with a relevant planning condition is not to be treated as occurring during the relief period, if the failure—

(a) occurs wholly during the period, and

(b) is not remedied by a specified time after the period.

(9) Regulations under subsection (1) may make provision that, where anything relating to the taking of a relevant enforcement measure is to be or may be done by a time during the relief period, it is to be or may be instead done by a specified time after that period.

(10) Regulations under subsection (1) may—

(a) apply in relation to all, or only specified, local planning authorities in England;

(b) apply in relation to all, or only specified, relevant planning conditions;

(c) apply in relation to all, or only specified, relevant enforcement measures;

(d) prevent the taking of relevant enforcement measures indefinitely or only for a specified period of time.

(11) In this section, "specified" means specified or described in regulations under subsection (1).**]**

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PART VIII

SPECIAL CONTROLS

Modifications etc. (not altering text)

C504 Pt. VIII (ss. 197-225) except s. 223 applied (with modifications) (17.7.1992) by S.I. 1992/1492, **reg. 2(1)(b)**
Pt. VIII (ss. 197-225) applied (with modifications) (17.7.1992) by S.I. 1992/1492, **reg. 2(2)**
Pt. VIII (ss. 197-225) modified (1.4.1996) by 1994 c. 19, s. 20(3), Sch. 5 Pt. III paras. 15(1), **20** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 4, **Sch. 2**

CHAPTER I

TREES

General duty of planning authorities as respects trees

197 Planning permission to include appropriate provision for preservation and planting of trees.

It shall be the duty of the local planning authority—

(a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and

(b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.

[[F905]Nothing in this section applies in relation to neighbourhood development orders.**]**

Textual Amendments

F905 Words in s. 197 inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 18**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2

Modifications etc. (not altering text)

C505 S. 197: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C506 S. 197: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Tree preservation orders

198 Power to make tree preservation orders.

(1) If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

(2) An order under subsection (1) is in this Act referred to as a "tree preservation order".

(3) **[**F906A tree preservation order may, in particular, make provision—

(a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees except with the consent of the local planning authority, and for enabling that authority to give their consent subject to conditions;

(b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the order;

(c) for applying, in relation to any consent under the order, and to applications for such consent, any of the provisions of this Act mentioned in subsection (4), subject to such adaptations and modifications as may be specified in the order.**]**

(4) **[**F906The provisions referred to in subsection (3)(c) are—

(a) the provisions of Part III relating to planning permission and to applications for planning permission, except sections 56, 62, 65 F907. . ., 69(3) and (4), 71, F908. . ., 91 to 96, 100 and 101 and Schedule 8; and

(b) sections 137 to 141, 143 and 144 (except so far as they relate to purchase notices served in consequence of such orders as are mentioned in section 137(1)(b) or (c));

(c) section 316.**]**

(5) A tree preservation order may be made so as to apply, in relation to trees to be planted pursuant to any such conditions as are mentioned in section 197(a), as from the time when those trees are planted.

(6) **[**F909Without prejudice to any other exemptions for which provision may be made by a tree preservation order, no such order shall apply—

(a) to the cutting down, uprooting, topping or lopping of trees which are dying or dead or have become dangerous, or

(b) to the cutting down, uprooting, topping or lopping of any trees in compliance with any obligations imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance.**]**

(7) **[**F910This section**]****[**F910Tree preservation regulations**]** shall have effect subject to—

(a) section 39(2) of the M88Housing and Planning Act 1986 (saving for effect of section 2(4) of the M89Opencast Coal Act 1958 on land affected by a tree preservation order despite its repeal); and

(b) section 15 of the M90Forestry Act 1967 (licences under that Act to fell trees comprised in a tree preservation order).

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[F911(8) **[**F912In relation to an application for consent under a tree preservation order the appropriate authority may by regulations make provision as to—

(a) the form and manner in which the application must be made;

(b) particulars of such matters as are to be included in the application;

(c) the documents or other materials as are to accompany the application.**]**

(9) **[**F912The appropriate authority is—

(a) the Secretary of State in relation to England;

(b) the National Assembly for Wales in relation to Wales,

and in the case of regulations made by the National Assembly for Wales section 333(3) must be ignored.**]]**

Textual Amendments

F906 S. 198(3)(4) repealed (6.4.2012 for E.) by Planning Act 2008 (c. 29), ss. 192(2)(a), 241(3)(4), **Sch. 13** (with s. 226); S.I. 2012/601, art. 2(a)(c), Sch.

F907 Words in s. 198(4)(a) repealed (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 34, **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1992/1491, art. 2, Schs. 1, **2**

F908 Words in s. 198(4)(a) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 20, **Sch. 19 Pt. II** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F909 S. 198(6) repealed (6.4.2012 for E.) by Planning Act 2008 (c. 29), ss. 192(2)(b), 241(3)(4), **Sch. 13** (with s. 226); S.I. 2012/601, art. 2(a)(c), Sch.

F910 Words in s. 198(7) substituted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 8 para. 8** (with s. 226); S.I. 2012/601, art. 2(a)

F911 S. 198(8)(9) inserted (6.8.2004 for certain purposes and otherwise prosp.) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 42(3)**, 121 (with s. 111); S.I. 2004/2097, **art. 2**

F912 S. 198(8)(9) repealed (6.4.2012 for E.) by Planning Act 2008 (c. 29), ss. 192(2)(c), 241(3)(4), **Sch. 13** (with s. 226); S.I. 2012/601, art. 2(a)(c), Sch.

Modifications etc. (not altering text)

C507 S. 198: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C508 S. 198: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

Marginal Citations

M88 1986 c. 63.

M89 1958 c.69.

M90 1967 c.10.

199 Form of and procedure applicable to orders.

[F913(1) A tree preservation order shall not take effect until it is confirmed by the local planning authority and the local planning authority may confirm any such order either without modification or subject to such modifications as they consider expedient.

(2) Provision may be made by regulations under this Act with respect—

(a) to the form of tree preservation orders, and

(b) to the procedure to be followed in connection with the making and confirmation of such orders.

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) Without prejudice to the generality of subsection (2), the regulations may make provision—

(a) that, before a tree preservation order is confirmed by the local planning authority, notice of the making of the order shall be given to the owners and occupiers of land affected by the order and to such other persons, if any, as may be specified in the regulations;

(b) that objections and representations with respect to the order, if duly made in accordance with the regulations, shall be considered before the order is confirmed by the local planning authority; and

(c) that copies of the order, when confirmed by the authority, shall be served on such persons as may be specified in the regulations.**]**

Textual Amendments

F913 S. 199 repealed (6.4.2012 for E.) by Planning Act 2008 (c. 29), ss. 192(3), 241(3)(4), **Sch. 13** (with s. 226); S.I. 2012/601, art. 2(a)(c), Sch.

Modifications etc. (not altering text)

C509 S. 199: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C510 S. 199: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

[F915200 Tree preservation orders: Forestry Commissioners [F914and Natural Resources Body for Wales]

(1) **[**F916A tree preservation order does not**][**F916Tree preservation regulations do not**]** have effect in respect of anything done—

(a) by or on behalf of the Forestry Commissioners **[**F917or the Natural Resources Body for Wales**]** on land placed at their disposal in pursuance of the Forestry Act 1967 or otherwise under their management or supervision;

(b) by or on behalf of any other person in accordance with a relevant plan which is for the time being in force.

(2) A relevant plan is a plan of operations or other working plan approved by the Forestry Commissioners **[**F918or the Natural Resources Body for Wales**]** under—

(a) a forestry dedication covenant within the meaning of section 5 of the Forestry Act 1967, or

(b) conditions of a grant or loan made **[**F919by the Forestry Commissioners**]** under section 1 of the Forestry Act 1979 **[**F920or made by the Natural Resources Body for Wales under article 10B of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I.2012/1903) for or in connection with the use or management of land for forestry purposes**]**.

(3) A reference to a provision of the Forestry Act 1967 or the Forestry Act 1979 includes a reference to a corresponding provision replaced by that provision or any earlier corresponding provision.**]**

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Textual Amendments

F914 Words in s. 200 heading inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 199(4)** (with Sch. 7)

F915 S. 200 substituted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 85**, 121 (with s. 111); S.I. 2006/1281, **art. 2**

F916 Words in s. 200(1) substituted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 8 para. 9** (with s. 226); S.I. 2012/601, art. 2(a)

F917 Words in s. 200(1)(a) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 199(2)** (with Sch. 7)

F918 Words in s. 200(2) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 199(3)(a)** (with Sch. 7)

F919 Words in s. 200(2)(b) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 199(3)(b)(i)** (with Sch. 7)

F920 Words in s. 200(2)(b) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 199(3)(b)(ii)** (with Sch. 7)

Modifications etc. (not altering text)

C511 S. 200: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C512 S. 200: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

201 Provisional tree preservation orders.

[F921(1) If it appears to a local planning authority that a tree preservation order proposed to be made by that authority should take effect immediately without previous confirmation, they may include in the order as made by them a direction that this section shall apply to the order.

(2) Notwithstanding section 199(1), an order which contains such a direction—

(a) shall take effect provisionally on such date as may be specified in it, and

(b) shall continue in force by virtue of this section until—

(i) the expiration of a period of six months beginning with the date on which the order was made; or

(ii) the date on which the order is confirmed,

whichever first occurs.**]**

Textual Amendments

F921 S. 201 repealed (6.4.2012 for E.) by Planning Act 2008 (c. 29), ss. 192(4), 241(3)(4), **Sch. 13** (with s. 226); S.I. 2012/601, art. 2(a)(c), Sch.

Modifications etc. (not altering text)

C513 S. 201: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**
S. 201 applied (2.8.1999) by S.I. 1999/1892, reg. 2(1), **Sch. art. 3**

C514 S. 201: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

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202 Power for Secretary of State to make tree preservation orders.

(1) If it appears to the Secretary of State, after consultation with the local planning authority, to be expedient that a tree preservation order or an order amending or revoking such an order should be made, he may himself make such an order.

(2) Any order so made by the Secretary of State shall **[**F922have the same effect as if it had been made by the local planning authority and confirmed by them under this Chapter.**][**F922, once it has taken effect in accordance with tree preservation regulations, have the same effect as if it had been made by the local planning authority under section 198(1).**]**

(3) **[**F923The provisions of this Chapter and of any regulations made under it with respect to the procedure to be followed in connection with the making and confirmation of any order to which subsection (1) applies and the service of copies of it as confirmed shall have effect, subject to any necessary modifications—

(a) in relation to any proposal by the Secretary of State to make such an order,

(b) in relation to the making of it by the Secretary of State, and

(c) in relation to the service of copies of it as so made.**]**

Textual Amendments

F922 Words in s. 202(2) substituted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 8 para. 10** (with s. 226); S.I. 2012/601, art. 2(a)

F923 S. 202(3) repealed (6.4.2012 for E.) by Planning Act 2008 (c. 29), ss. 192(5), 241(3)(4), **Sch. 13** (with s. 226); S.I. 2012/601, art. 2(a)(c), Sch.

Modifications etc. (not altering text)

C515 S. 202: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C516 S. 202: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

[F924202ATree preservation regulations: general

(1) The appropriate national authority may by regulations make provision in connection with tree preservation orders.

(2) Sections 202B to 202G make further provision about what may, in particular, be contained in regulations under subsection (1).

(3) In this section and those sections "tree preservation order" includes an order under section 202(1).

(4) In this Act "tree preservation regulations" means regulations under subsection (1).

(5) In subsection (1) "the appropriate national authority"—

(a) in relation to England means the Secretary of State, and

(b) in relation to Wales means the Welsh Ministers.

F925(6) . . . . . .

F925(7) . . . . . .

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Textual Amendments

F924 Ss. 202A-202G inserted (6.4.2012 for E.) by Planning Act 2008 (c. 29), **ss. 192(7)**, 241(3)(4) (with s. 226) (as amended (1.6.2009) by S.I. 2009/1307, art. 5(1)(2), Sch. 1 para. 295); S.I. 2012/601, art. 2(a)

F925 S. 202A(6)(7) omitted (6.9.2015) by virtue of Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 4(3)**

202B Tree preservation regulations: making of tree preservation orders

(1) Tree preservation regulations may make provision about—

(a) the form of tree preservation orders;

(b) the procedure to be followed in connection with the making of tree preservation orders;

(c) when a tree preservation order takes effect.

(2) If tree preservation regulations make provision for tree preservation orders not to take effect until confirmed, tree preservation regulations may—

(a) make provision for tree preservation orders to take effect provisionally until confirmed;

(b) make provision about who is to confirm a tree preservation order;

(c) make provision about the procedure to be followed in connection with confirmation of tree preservation orders.

Textual Amendments

F924 Ss. 202A-202G inserted (6.4.2012 for E.) by Planning Act 2008 (c. 29), **ss. 192(7)**, 241(3)(4) (with s. 226) (as amended (1.6.2009) by S.I. 2009/1307, art. 5(1)(2), Sch. 1 para. 295); S.I. 2012/601, art. 2(a)

202C Tree preservation regulations: prohibited activities

(1) Tree preservation regulations may make provision for prohibiting all or any of the following—

(a) cutting down of trees;

(b) topping of trees;

(c) lopping of trees;

(d) uprooting of trees;

(e) wilful damage of trees;

(f) wilful destruction of trees.

(2) A prohibition imposed on a person may (in particular) relate to things whose doing the person causes or permits (as well as to things the person does).

(3) A prohibition may be imposed subject to exceptions.

(4) In particular, provision may be made for a prohibition not to apply to things done with consent.

(5) In this section "tree" means a tree in respect of which a tree preservation order is in force.

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Textual Amendments

F924 Ss. 202A-202G inserted (6.4.2012 for E.) by Planning Act 2008 (c. 29), **ss. 192(7)**, 241(3)(4) (with s. 226) (as amended (1.6.2009) by S.I. 2009/1307, art. 5(1)(2), Sch. 1 para. 295); S.I. 2012/601, art. 2(a)

202D Tree preservation regulations: consent for prohibited activities

(1) This section applies if tree preservation regulations make provision under section 202C(4).

(2) Tree preservation regulations may make provision—

(a) about who may give consent;

(b) for the giving of consent subject to conditions;

(c) about the procedure to be followed in connection with obtaining consent.

(3) The conditions for which provision may be made under subsection (2)(b) include—

(a) conditions as to planting of trees;

(b) conditions requiring approvals to be obtained from the person giving the consent;

(c) conditions limiting the duration of the consent.

(4) The conditions mentioned in subsection (3)(a) include—

(a) conditions requiring trees to be planted;

(b) conditions about the planting of any trees required to be planted by conditions within paragraph (a), including conditions about how, where or when planting is to be done;

(c) conditions requiring things to be done, or installed, for the protection of any trees planted in pursuance of conditions within paragraph (a).

(5) In relation to any tree planted in pursuance of a condition within subsection (4)(a), tree preservation regulations may make provision —

(a) for the tree preservation order concerned to apply to the tree;

(b) authorising the person imposing the condition to specify that the tree preservation order concerned is not to apply to the tree.

(6) "The tree preservation order concerned" is the order in force in relation to the tree in respect of which consent is given under tree preservation regulations.

(7) The provision that may be made under subsection (2)(c) includes provision about applications for consent, including provision as to—

(a) the form or manner in which an application is to be made;

(b) what is to be in, or is to accompany, an application.

(8) Tree preservation regulations may make provision for appeals—

(a) against refusal of consent;

(b) where there is a failure to decide an application for consent;

(c) against conditions subject to which consent is given;

(d) against refusal of an approval required by a condition;

(e) where there is a failure to decide an application for such an approval.

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(9) Tree preservation regulations may make provision in connection with appeals under provision made under subsection (8), including—

(a) provision imposing time limits;

(b) provision for further appeals;

(c) provision in connection with the procedure to be followed on an appeal (or further appeal);

(d) provision about who is to decide an appeal (or further appeal);

(e) provision imposing duties, or conferring powers, on a person deciding an appeal (or further appeal).

Textual Amendments

F924 Ss. 202A-202G inserted (6.4.2012 for E.) by Planning Act 2008 (c. 29), **ss. 192(7)**, 241(3)(4) (with s. 226) (as amended (1.6.2009) by S.I. 2009/1307, art. 5(1)(2), Sch. 1 para. 295); S.I. 2012/601, art. 2(a)

202E Tree preservation regulations: compensation

(1) Tree preservation regulations may make provision for the payment of compensation—

(a) where any consent required under tree preservation regulations is refused;

(b) where any such consent is given subject to conditions;

(c) where any approval required under such a condition is refused.

(2) Tree preservation regulations may provide for entitlement conferred under subsection (1) to apply only in, or to apply except in, cases specified in tree preservation regulations.

(3) Tree preservation regulations may provide for entitlement conferred by provision under subsection (1) to be subject to conditions, including conditions as to time limits.

(4) Tree preservation regulations may, in relation to compensation under provision under subsection (1), make provision about—

(a) who is to pay the compensation;

(b) who is entitled to the compensation;

(c) what the compensation is to be paid in respect of;

(d) the amount, or calculation of, the compensation.

(5) Tree preservation regulations may make provision about the procedure to be followed in connection with claiming any entitlement conferred by provision under subsection (1).

(6) Tree preservation regulations may make provision for the determination of disputes about entitlement conferred by provision under subsection (1), including provision for and in connection with the referral of any such disputes to, and their determination by, the First-tier Tribunal or the Upper Tribunal.

Textual Amendments

F924 Ss. 202A-202G inserted (6.4.2012 for E.) by Planning Act 2008 (c. 29), **ss. 192(7)**, 241(3)(4) (with s. 226) (as amended (1.6.2009) by S.I. 2009/1307, art. 5(1)(2), Sch. 1 para. 295); S.I. 2012/601, art. 2(a)

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202F Tree preservation regulations: registers

Tree preservation regulations may make provision for the keeping of, and public access to, registers containing information related to tree preservation orders.

Textual Amendments

F924 Ss. 202A-202G inserted (6.4.2012 for E.) by Planning Act 2008 (c. 29), **ss. 192(7)**, 241(3)(4) (with s. 226) (as amended (1.6.2009) by S.I. 2009/1307, art. 5(1)(2), Sch. 1 para. 295); S.I. 2012/601, art. 2(a)

202G Tree preservation regulations: supplementary

(1) Tree preservation regulations may provide for the application (with or without modifications) of, or make provision comparable to, any provision of this Act mentioned in subsection (2).

(2) The provisions are any provision of Part 3 relating to planning permission or applications for planning permission, except sections 56, 62, 65, 69(3) and (4), 71, 91 to 96, 100 and 101 and Schedule 8.

(3) Tree preservation regulations may make provision comparable to—

(a) any provision made by the Town and Country Planning (Tree Preservation Order) Regulations 1969 or the Town and Country Planning (Trees) Regulations 1999;

(b) any provision that could have been made under section 199(2) and (3).

[F926(4) . . . . . .**]**

Textual Amendments

F924 Ss. 202A-202G inserted (6.4.2012 for E.) by Planning Act 2008 (c. 29), **ss. 192(7)**, 241(3)(4) (with s. 226) (as amended (1.6.2009) by S.I. 2009/1307, art. 5(1)(2), Sch. 1 para. 295); S.I. 2012/601, art. 2(a)

F926 S. 202G(4) omitted (26.12.2023) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), **ss. 130(3)(d)**, 255(3)(a) (with s. 247)

Compensation for loss or damage caused by orders, etc.

203 Compensation in respect of tree preservation orders.

[F927A tree preservation order may make provision for the payment by the local planning authority, subject to such exceptions and conditions as may be specified in the order, of compensation in respect of loss or damage caused or incurred in consequence—

(a) of the refusal of any consent required under the order, or

(b) of the grant of any such consent subject to conditions.**]**

Textual Amendments

F927 Ss. 203-205 repealed (6.4.2012 for E.) by Planning Act 2008 (c. 29), ss. 192(6), 241(3)(4), **Sch. 13** (with s. 226); S.I. 2012/601, art. 2(a)(c), Sch.

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Modifications etc. (not altering text)

C517 S. 203: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

204 Compensation in respect of requirement as to replanting of trees.

[[F927](1) This section applies where—

(a) in pursuance of provision made by a tree preservation order, a direction is given by the local planning authority or the Secretary of State for securing the replanting of all or any part of a woodland area which is felled in the course of forestry operations permitted by or under the order; and

(b) the **[**[F928]Natural Resources Body for Wales**]** decide not to make any grant or loan under **[**[F929]article 10B of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I.2012/1903)**]** in respect of the replanting by reason that the direction frustrates the use of the woodland area for the growing of timber or other forest products for commercial purposes and in accordance with the rules or practice of good forestry.

(2) Where this section applies, the local planning authority exercising functions under the tree preservation order shall be liable, on the making of a claim in accordance with this section, to pay compensation in respect of such loss or damage, if any, as is caused or incurred in consequence of compliance with the direction.

(3) The **[**[F928]Natural Resources Body for Wales**]** shall, at the request of the person under a duty to comply with such a direction as is mentioned in subsection (1)(a), give a certificate stating—

(a) whether they have decided not to make such a grant or loan as is mentioned in subsection (1)(b), and

(b) if so, the grounds for their decision.

(4) A claim for compensation under this section must be served on the local planning authority—

(a) within 12 months from the date on which the direction was given, or

(b) where an appeal has been made to the Secretary of State against the decision of the local planning authority, within 12 months from the date of the decision of the Secretary of State on the appeal,

but subject in either case to such extension of that period as the local planning authority may allow.**]**

Textual Amendments

F927 Ss. 203-205 repealed (6.4.2012 for E.) by Planning Act 2008 (c. 29), ss. 192(6), 241(3)(4), **Sch. 13** (with s. 226); S.I. 2012/601, art. 2(a)(c), Sch.

F928 Words in s. 204 substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 200(2)** (with Sch. 7)

F929 Words in s. 204(1)(b) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 200(3)** (with Sch. 7)

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Modifications etc. (not altering text)

C518 S. 204: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

205 Determination of compensation claims.

[F927(1) Except in so far as may be otherwise provided by any tree preservation order or any regulations made under this Act, any question of disputed compensation under section 203 or 204 shall be referred to and determined by the **[**F930Upper Tribunal**]**.

(2) In relation to the determination of any such question, the provisions of **[**F931section**]** 4 of the M91Land Compensation Act 1961 shall apply subject to any necessary modifications and to the provisions of any regulations made under this Act.**]**

Textual Amendments

F927 Ss. 203-205 repealed (6.4.2012 for E.) by Planning Act 2008 (c. 29), ss. 192(6), 241(3)(4), **Sch. 13** (with s. 226); S.I. 2012/601, art. 2(a)(c), Sch.

F930 Words in s. 205(1) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 207(a)**

F931 Word in s. 205(2) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 207(b)**

Modifications etc. (not altering text)

C519 S. 205: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

Marginal Citations

M91 1961 c.33.

Consequences of tree removal, etc.

206 Replacement of trees.

(1) If any tree in respect of which a tree preservation order is for the time being in force—

(a) is removed, uprooted or destroyed in contravention of **[**F932the order**][**F932tree preservation regulations**]**, or

(b) except in the case of a tree to which the order applies as part of a woodland, is removed, uprooted or destroyed or dies **[**F933at a time when its cutting down or uprooting is authorised only by virtue of section 198(6)(a),**][**F933at a prescribed time,**]**

it shall be the duty of the owner of the land to plant another tree of an appropriate size and species at the same place as soon as he reasonably can.

(2) The duty imposed by subsection (1) does not apply to an owner if on application by him the local planning authority dispense with it.

(3) In respect of trees in a woodland it shall be sufficient for the purposes of this section to replace the trees removed, uprooted or destroyed by planting the same number of trees—

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(a) on or near the land on which the trees removed, uprooted or destroyed stood, or

(b) on such other land as may be agreed between the local planning authority and the owner of the land,

and in such places as may be designated by the local planning authority.

(4) In relation to any tree planted pursuant to this section, the relevant tree preservation order shall apply as it applied to the original tree.

(5) The duty imposed by subsection (1) on the owner of any land shall attach to the person who is from time to time the owner of the land.

Textual Amendments

F932 Words in s. 206(1)(a) substituted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 8 para. 11(a)** (with s. 226); S.I. 2012/601, art. 2(a)

F933 Words in s. 206(1)(b) substituted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 8 para. 11(b)** (with s. 226); S.I. 2012/601, art. 2(a)

Modifications etc. (not altering text)

C520 S. 206: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C521 S. 206: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

C522 S. 206(1) excluded (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **35(2)(b)**

C523 S. 206(1) excluded (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **38(2)(b)** (with arts. 12, 13, Sch. 12)

C524 S. 206(1) excluded (31.12.2014) by The Hornsea One Offshore Wind Farm Order 2014 (S.I. 2014/3331), arts. 1, **28(2)(b)** (with arts. 37, 38)

C525 S. 206(1) restricted (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **36(2)(b)** (with arts. 40, 41, Sch. 12)

C526 S. 206(1) excluded (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **36(3)**

C527 S. 206(1) restricted (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **36(2)(b)** (with arts. 40, 41)

C528 S. 206(1) excluded (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **38(2)(b)** (with art. 39)

C529 S. 206(1) excluded (7.9.2016) by The Hornsea Two Offshore Wind Farm Order 2016 (S.I. 2016/844), arts. 1(2), **31(2)(b)** (with arts. 37, 38)

C530 S. 206(1) excluded (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **34(4)** (with arts. 39, 40, Sch. 8 para. 19)

C531 S. 206(1) restricted (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), **arts. 1**, 26(2)(b)

C532 S. 206(1) excluded (29.3.2017) by The Glyn Rhonwy Pumped Storage Generating Station Order 2017 (S.I. 2017/330), arts. 1, **23(3)(b)** (with art. 31)

C533 S. 206(1) excluded (24.8.2017) by The National Grid (Richborough Connection Project) Development Consent Order 2017 (S.I. 2017/817), arts. 1, **41(2)(b)** (with art. 22)

C534 S. 206(1) restricted (22.12.2017) by The M20 Junction 10a Development Consent Order 2017 (S.I. 2017/1202), arts. 1, **39(2)(b)** (with arts. 4, 37)

C535 S. 206(1) excluded (3.10.2018) by The A19/A184 Testos Junction Alteration Development Consent Order 2018 (S.I. 2018/994), arts. 1, **35(2)(b)** (with arts. 3(3), 5)

C536 S. 206(1) excluded (27.2.2020) by The A30 Chiverton to Carland Cross Development Consent Order 2020 (S.I. 2020/121), arts. 1, **40(4)** (with art. 3(1))

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C537 S. 206(1) excluded (21.5.2020) by The Lake Lothing (Lowestoft) Third Crossing Order 2020 (S.I. 2020/474), arts. 1, **19(2)(b)** (with arts. 51, 57)

C538 S. 206(1) restricted (19.6.2020) by The Cleve Hill Solar Park Order 2020 (S.I. 2020/547), arts. 1, **33(2)(b)** (with art. 37)

C539 S. 206(1) excluded (22.7.2020) by The Norfolk Vanguard Offshore Wind Farm Order 2020 (S.I. 2020/706), arts. 1, **39(3)(b)** (with arts. 41, 42, Sch. 16 para. 66)

C540 S. 206(1) excluded (15.10.2020) by The Great Yarmouth Third River Crossing Development Consent Order 2020 (S.I. 2020/1075), arts. 1, **54(3)(b)**

C541 S. 206(1) excluded (11.11.2020) by The West Burton C (Gas Fired Generating Station) Order 2020 (S.I. 2020/1148), arts. 1, **14(3)(c)**

C542 S. 206(1) excluded (22.1.2021) by The Hornsea Three Offshore Wind Farm Order 2020 (S.I. 2020/1656), arts. 1, **35(3)(b)** (with arts. 40, 41, Sch. 9 Pt. 5 para. 18)

C543 S. 206(1) excluded (9.2.2021) by The A1 Birtley to Coal House Development Consent Order 2021 (S.I. 2021/74), arts. 1, **38(2)(b)** (with art. 5, Sch. 27 para. 36)

C544 S. 206(1) excluded (2.12.2021) by The South Humber Bank Energy Centre Order 2021 (S.I. 2021/1259), arts. 1, **17(7)** (with Sch. 8 para. 48)

C545 S. 206(1) excluded (5.3.2022) by The Norfolk Vanguard Offshore Wind Farm Order 2022 (S.I. 2022/138), arts. 1, **36(3)(b)** (with arts. 41, 42, Sch. 16)

C546 S. 206(1) excluded (22.4.2022) by The East Anglia TWO Offshore Wind Farm Order 2022 (S.I. 2022/433), arts. 1(2), **35(2)(b)** (with arts. 40, 41)

C547 S. 206(1) excluded (12.5.2022) by The M54 to M6 Link Road Development Consent Order 2022 (S.I. 2022/475), arts. 1, **35(2)(b)**

C548 S. 206(1) excluded (2.6.2022) by The M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 (S.I. 2022/549), arts. 1, **40(2)(b)** (with arts. 6, 34)

C549 S. 206(1) excluded (8.9.2022) by The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (S.I. 2022/934), arts. 1, **43(3)(b)**

C550 S. 206(1) excluded (7.12.2022) by The A57 Link Roads Development Consent Order 2022 (S.I. 2022/1206), arts. 1, **38(2)(b)** (with art. 5)

C551 S. 206(1) excluded (10.3.2023) by The A47 Wansford to Sutton Development Consent Order 2023 (S.I. 2023/218), arts. 1, **40(2)(b)** (with arts. 4, 50)

C552 S. 206(1) excluded (18.7.2023) by The Longfield Solar Farm Order 2023 (S.I. 2023/734), arts. 1, **37(2)(b)** (with art. 19)

C553 S. 206(1) excluded (7.9.2023) by The A38 Derby Junctions Development Consent Order 2023 (S.I. 2023/923), arts. 1, **40(2)** (with arts. 4, 45, Sch. 9 paras. 6, 46, 54(1))

C554 S. 206(1) excluded (11.10.2023) by The Awel y Môr Offshore Wind Farm Order 2023 (S.I. 2023/1033), arts. 1, **34(3)(b)** (with arts. 36, 37, Sch. 9 paras. 14, 44(1), 76, 103)

C555 S. 206(1) excluded (9.2.2024) by The A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024/60), arts. 1, **47(3)** (with arts. 4, 52, Sch. 11 paras. 6, 24, 39(1), 55(1), 84)

C556 S. 206(1) excluded (28.3.2024) by The A66 Northern Trans-Pennine Development Consent Order 2024 (S.I. 2024/360), arts. 1, **17(4)** (with arts. 18, 35, Sch. 9)

C557 S. 206(1) excluded (5.4.2024) by The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 (S.I. 2024/393), arts. 1, **46(4)** (with art. 44, Sch. 15)

C558 S. 206(1) excluded (11.4.2024) by The HyNet Carbon Dioxide Pipeline Order 2024 (S.I. 2024/436), arts. 1(2), **40(2)** (with arts. 21, 41, Sch. 10)

C559 S. 206(1) excluded (9.5.2024) by The Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (S.I. 2024/564), arts. 1, **34(2)** (with arts. 35, 36, Sch. 14)

C560 S. 206(1) excluded (14.6.2024) by The A1 in Northumberland: Morpeth to Ellingham Development Consent Order 2024 (S.I. 2024/733), arts. 1, **42(2)** (with art. 6, Sch. 10)

C561 S. 206(1) excluded (3.8.2024) by The Gate Burton Energy Park Order 2024 (S.I. 2024/807), arts. 1, **37(2)** (with art. 45, Sch. 14)

C562 S. 206(1) excluded (3.8.2024) by The Sunnica Energy Farm Order 2024 (S.I. 2024/802), arts. 1, **36(2)(b)** (with art. 44, Sch. 12)

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C563 S. 206(1) excluded (27.9.2024) by The Cottam Solar Project Order 2024 (S.I. 2024/943), arts. 1, **39(2)(b)** (with art. 48, Sch. 15)

C564 S. 206(1) excluded (4.10.2024) by The National Grid (Bramford to Twinstead Reinforcement) Order 2024 (S.I. 2024/958), arts. 1, **48(3)(b)** (with art. 40, Sch. 14)
S. 206(1) excluded (9.10.2024) by The M3 Junction 9 Development Consent Order 2024 (S.I. 2024/752), arts. 1, **40(2)** (with art. 4, Sch. 10) (as amended by S.I. 2024/1020, **Sch**)

C565 S. 206(1) excluded (25.10.2024) by The Associated British Ports (Immingham Eastern Ro-Ro Terminal) Development Consent Order 2024 (S.I. 2024/1014), arts. 1, **31(3)** (with arts. 36, 40, Sch. 4)

C566 S. 206(1) excluded (15.2.2025) by The West Burton Solar Project Order 2025 (S.I. 2025/116), arts. 1, **39** (with art. 47, Sch. 15)

C567 S. 206(1) excluded (17.2.2025) by The Heckington Fen Solar Park Order 2025 (S.I. 2025/85), arts. 1, **36(2)** (with art. 43, Sch. 13)

C568 S. 206(1) excluded (27.2.2025) by The Associated British Ports (Immingham Green Energy Terminal) Order 2025 (S.I. 2025/165), arts. 1, **53(2)**, 54(3) (with arts. 48, 59, Sch. 14)

C569 S. 206(1) excluded (4.4.2025) by The North Lincolnshire Green Energy Park Order 2025 (S.I. 2025/362), arts. 1, **39(6)** (with Sch. 14)

C570 S. 206(1) excluded (15.4.2025) by The A122 (Lower Thames Crossing) Development Consent Order 2025 (S.I. 2025/462), arts. 1, **24(3)** (with arts. 5, 43, 53(7), Sch. 14)

C571 S. 206(1) excluded (23.4.2025) by The Cambridge Waste Water Treatment Plant Relocation Order 2025 (S.I. 2025/452), arts. 1, **24(2)(b)**

C572 S. 206(1) excluded (28.4.2025) by The Rampion 2 Offshore Wind Farm Order 2025 (S.I. 2025/468), arts. 1, **43(3)** (with arts. 47, 48, Sch. 10)

C573 S. 206(1) excluded (1.5.2025) by The Viking CCS Carbon Dioxide Pipeline Order 2025 (S.I. 2025/509), arts. 1(2), **40(2)** (with art. 41, Sch. 9)

C574 S. 206(1) excluded (31.5.2025) by The East Yorkshire Solar Farm Order 2025 (S.I. 2025/585), arts. 1, **39(3)** (with art. 49, Sch. 14)

C575 S. 206(1) excluded (25.6.2025) by The M5 Junction 10 Development Consent Order 2025 (S.I. 2025/795), arts. 1, **37(2)** (with arts. 4, 43, Sch. 9)

C576 S. 206(1) excluded (11.7.2025) by The Oaklands Farm Solar Park Order 2025 (S.I. 2025/739), arts. 1, **37(2)** (with Sch. 10)

C577 S. 206(1) excluded (28.7.2025) by The Mona Offshore Wind Farm Order 2025 (S.I. 2025/870), arts. 1, **35(3)(b)** (with arts. 37, 38, Sch. 10)

C578 S. 206(1) excluded (14.8.2025) by The Byers Gill Solar Order 2025 (S.I. 2025/934), arts. 1, **39(2)(b)** (with art. 43, Sch. 11)

C579 S. 206(1) excluded (22.10.2025) by The A46 Newark Bypass Development Consent Order 2025 (S.I. 2025/1090), arts. 1, **46(2)** (with arts. 4, 9, 51, Sch. 9)

C580 S. 206(1) excluded (5.11.2025) by The Tillbridge Solar Order 2025 (S.I. 2025/1105), arts. 1, **40(3)** (with art. 49, Sch. 15)

C581 S. 206(1) excluded (29.12.2025) by The Helios Renewable Energy Project Order 2025 (S.I. 2025/1372), arts. 1, **38(2)** (with Sch. 9)

C582 S. 206(1) excluded (8.1.2026) by The Five Estuaries Offshore Wind Farm Order 2025 (S.I. 2025/1376), arts. 1, **37(3)** (with arts. 39, 40, Sch. 9)

C583 S. 206(1) excluded (25.2.2026) by The A46 Coventry Junctions (Walsgrave) Development Consent Order 2026 (S.I. 2026/125), arts. 1, **25(2)** (with arts. 40, 45, Sch. 9)

C584 S. 206(1) excluded (4.3.2026) by The Outer Dowsing Offshore Wind Farm Order 2026 (S.I. 2026/138), arts. 1(2), **36(3)** (with arts. 42, 43, Sch. 18)

C585 S. 206(1) excluded (11.3.2026) by The Fenwick Solar Farm Order 2026 (S.I. 2026/151), arts. 1, **40(3)** (with Sch. 14)

C586 S. 206(1) excluded (30.4.2026) by The Springwell Solar Farm Order 2026 (S.I. 2026/419), arts. 1, **40(2)** (with art. 48)

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207 Enforcement of duties as to replacement of trees.

(1) If it appears to the local planning authority that—

(a) the provisions of section 206, or

(b) any conditions of a consent given under **[**F934a tree preservation order**][**F934tree preservation regulations**]** which require the replacement of trees,

are not complied with in the case of any tree or trees, that authority may serve on the owner of the land a notice requiring him, within such period as may be specified in the notice, to plant a tree or trees of such size and species as may be so specified.

(2) A notice under subsection (1) may only be served within four years from the date of the alleged failure to comply with those provisions or conditions.

F935**[**(3) A notice under subsection (1) shall specify a period at the end of which it is to take effect.

F935(4) The specified period shall be a period of not less than twenty-eight days beginning with the date of service of the notice.**]**

(5) The duty imposed by section 206(1) may only be enforced as provided by this section and not otherwise.

Textual Amendments

F934 Words in s. 207(1)(b) substituted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 8 para. 12** (with s. 226); S.I. 2012/601, art. 2(a)

F935 S. 207(3)(4) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 23(1)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

Modifications etc. (not altering text)

C587 S. 207: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C588 S. 207: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

208 Appeals against s. 207 notices.

(1) A person on whom a notice under section 207(1) is served may appeal to the Secretary of State against the notice on any of the following grounds—

(a) that the provisions of section 206 or, as the case may be, the conditions mentioned in section 207(1)(b) are not applicable or have been complied with;

F936**[**(aa) that in all the circumstances of the case the duty imposed by section 206(1) should be dispensed with in relation to any tree;**]**

(b) that the requirements of the notice are unreasonable in respect of the period or the size or species of trees specified in it;

(c) that the planting of a tree or trees in accordance with the notice is not required in the interests of amenity or would be contrary to the practice of good forestry;

(d) that the place on which the tree is or trees are required to be planted is unsuitable for that purpose.

F937**[**(2) An appeal under subsection (1) shall be made either—

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(a) by giving written notice of the appeal to the Secretary of State before the end of the period specified in accordance with section 207(3); or

(b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before the end of that period.**]**

[F938(4) The notice shall—

(a) indicate the grounds of the appeal,

(b) state the facts on which the appeal is based, and

(c) be accompanied by such information as may be prescribed.

(4A) The power to make regulations under subsection (4)(c) is exercisable by—

(a) the Secretary of State, in relation to England;

(b) the Welsh Ministers, in relation to Wales.

F939(4B) . . . . . .

F939(4C) . . . . . .**]**

(5) On **[**F940an appeal under subsection (1)**]** the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

[F941(5B) Subsection (5) does not apply to an appeal to the Welsh Ministers.**]**

(6) Where **[**F942an appeal is brought under subsection (1)**]**, the notice under section 207(1) shall be of no effect pending the final determination or the withdrawal of the appeal.

F943**[**(7) On such an appeal the Secretary of State may—

(a) correct any defect, error or misdescription in the notice; or

(b) vary any of its requirements,

if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.

F943(8) Where the Secretary of State determines to allow the appeal, he may quash the notice.

F943(8A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.**]**

(9) Schedule 6 applies to appeals under this section.

(10) Where any person has appealed to the Secretary of State under this section against a notice, neither that person nor any other shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

F944(11) . . . . . .

Textual Amendments

F936 S. 208(1)(aa) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 23(2)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

F937 S. 208(2) substituted (2.1.1992) for s. 208(2)(3) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 23(3)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

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F938 S. 208(4)-(4C) substituted for s. 208(4) (6.4.2009 for E., 30.4.2012 for W.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 11 para. 4(2)** (with s. 226); S.I. 2009/400, art. 5(d); S.I. 2012/802, art. 2(b)

F939 S. 208(4B)(4C) omitted (6.9.2015) by virtue of Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 4(4)**

F940 Words in s. 208(5) substituted (6.4.2009 for E., 30.4.2012 for W.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 11 para. 4(3)** (with s. 226); S.I. 2009/400, art. 5(d); S.I. 2012/802, art. 2(b)

F941 S. 208(5B) inserted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 8(2)**

F942 Words in s. 208(6) substituted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 8(3)**

F943 S. 208(7)(8)(8A) substituted (2.1.1992) for s. 208(7)(8) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 23(4)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

F944 S. 208(11) omitted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by virtue of Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 11**; S.I. 2016/52, art. 4(a) (with art. 17)

Modifications etc. (not altering text)

C589 S. 208: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C590 S. 208: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

209 Execution and cost of works required by s. 207 notice.

(1) If, within the period specified in a notice under section 207(1) for compliance with it, or within such extended period as the local planning authority may allow, any trees which are required to be planted by a notice under that section have not been planted, the local planning authority may—

(a) enter the land and plant those trees, and

(b) recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.

(2) Where such a notice has been served—

(a) any expenses incurred by the owner of any land for the purpose of complying with the notice, and

(b) any sums paid by the owner of any land under subsection (1) in respect of expenses incurred by the local planning authority in planting trees required by such a notice to be planted,

shall be deemed to be incurred or paid for the use and at the request of any person, other than the owner, responsible for the cutting down, destruction or removal of the original tree or trees.

(3) Regulations made under this Act may provide that—

(a) section 276 of the [M92]Public Health Act 1936 (power of local authorities to sell materials removed in executing works under that Act subject to accounting for the proceeds of sale);

(b) section 289 of that Act (power to require the occupier of any premises to permit works to be executed by the owner of the premises); or

(c) section 294 of that Act (limit on liability of persons holding premises as agents or trustees in respect of the expenses recoverable under that Act),

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shall apply, subject to such adaptations and modifications as may be specified in the regulations, in relation to any steps required to be taken by a notice under section 207(1).

(4) Regulations under subsection (3) applying section 289 of the Public Health Act 1936 may include adaptations and modifications for the purpose of giving the owner of land to which such a notice relates the right, as against all other persons interested in the land, to comply with the requirements of the notice.

(5) Regulations under subsection (3) may also provide for the charging on the land of any expenses recoverable by a local authority **[**F945or National Park authority**]** under subsection (1).

F946**[**(6) Any person who wilfully obstructs a person acting in the exercise of the power under subsection (1)(a) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.**]**

Textual Amendments

F945 Words in s. 209(5) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(6)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

F946 S. 209(6) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 23(5)**(with s. 84(5)); S.I. 1991/2905, **art. 3** (subject to art. 5)

Modifications etc. (not altering text)

C591 S. 209: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C592 S. 209: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

C593 S. 209(1)(2)(6) applied (with modifications) (1.6.1997) by S.I. 1997/1160, **reg. 8(3)(4)**

Marginal Citations

M92 1936 c.49.

210 Penalties for non-compliance with tree preservation [F947order][F947regulations] .

(1) If any person, in contravention of **[**F948a tree preservation order**][**F948tree preservation regulations**]** —

(a) cuts down, uproots or wilfully destroys a tree, **[**F949or**]**

(b) wilfully damages, tops or lops a tree in such a manner as to be likely to destroy it, **[**F950or

(c) causes or permits the carrying out of any of the activities in paragraph (a) or (b),**]**

he shall be guilty of an offence.

(2) A person guilty of an offence under subsection (1) shall be liable **[**F951on summary conviction, or on conviction on indictment, to a fine**]**.

(3) In determining the amount of any fine to be imposed on a person convicted F952. . . of an offence under subsection (1), the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.

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(4) If any person contravenes the provisions of **[**F953a tree preservation order**]****[**F953tree preservation regulations**]** otherwise than as mentioned in subsection (1), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

[F954(4A) Proceedings for an offence under subsection (4) may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings came to the prosecutor's knowledge.

(4B) Subsection (4A) does not authorise the commencement of proceedings for an offence more than 3 years after the date on which the offence was committed.

(4C) For the purposes of subsection (4A), a certificate—

(a) signed by or on behalf of the prosecutor, and

(b) stating the date on which evidence sufficient in the prosecutor's opinion to justify the proceedings came to the prosecutor's knowledge,

is conclusive evidence of that fact.

(4D) A certificate stating that matter and purporting to be so signed is to be deemed to be so signed unless the contrary is proved.

(4E) Subsection (4A) does not apply in relation to an offence in respect of a tree in Wales.**]**

F955(5) . . . . . .

Textual Amendments

F947 Word in s. 210 side-note substituted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 8 para. 13(4)** (with s. 226); S.I. 2012/601, art. 2(a)

F948 Words in s. 210(1) substituted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 8 para. 13(2)(a)** (with s. 226); S.I. 2012/601, art. 2(a)

F949 Word in s. 210(1)(a) omitted (6.4.2012 for E.) by virtue of Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 8 para. 13(2)(b)** (with s. 226); S.I. 2012/601, art. 2(a)

F950 S. 210(1)(c) and word inserted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 8 para. 13(2)(c)** (with s. 226); S.I. 2012/601, art. 2(a)

F951 Words in s. 210(2) substituted (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 4 para. 18(5)** (with reg. 5(1))

F952 Words in s. 210(3) repealed (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 23(6)(b), 84(6), **Sch. 19 PtI** (with s. 84(5)); S.I. 1991/2905, art.3, **Sch. 2** (subject to art. 5)

F953 Words in s. 210(4) substituted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 8 para. 13(3)** (with s. 226); S.I. 2012/601, art. 2(a)

F954 S. 210(4A)-(4E) inserted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 126(3)**, 240(2) (with ss. 126(5), 144); S.I. 2012/628, art. 8(b) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

F955 S. 210(5) repealed (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 23(6)(c), 84(6), **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1991/2905, art.3, **Sch. 2** (subject to art. 5)

Modifications etc. (not altering text)

C594 S. 210: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C595 S. 210: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

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Trees in conservation areas

211 Preservation of trees in conservation areas.

(1) Subject to the provisions of this section and section 212, any person who, in relation to a tree to which this section applies, does any act **[**F956which might by virtue of section 198(3)(a) be prohibited by a tree preservation order**][**F956which might by virtue of section 202C be prohibited by tree preservation regulations**]** shall be guilty of an offence.

[F957(1A) Subsection (1) does not apply so far as the act in question is authorised by an order granting development consent **[**F958or by infrastructure consent order**].]**

(2) Subject to section 212, this section applies to any tree in a conservation area in respect of which no tree preservation order is for the time being in force.

(3) It shall be a defence for a person charged with an offence under subsection (1) to prove—

(a) that he served notice of his intention to do the act in question (with sufficient particulars to identify the tree) on the local planning authority in whose area the tree is or was situated; and

(b) that he did the act in question—

(i) with the consent of the local planning authority in whose area the tree is or was situated, or

(ii) after the expiry of the period of six weeks from the date of the notice but before the expiry of the period of two years from that date.

(4) Section 210 shall apply to an offence under this section as it applies to a contravention of **[**F959a tree preservation order**][**F959tree preservation regulations**]** .

[F960(5) An emanation of the Crown must not, in relation to a tree to which this section applies, do an act mentioned in subsection (1) above unless—

(a) the first condition is satisfied, and

(b) either the second or third condition is satisfied.

[F961(5A) Subsection (5) does not apply so far as the act in question is authorised by an order granting development consent **[**F962or by infrastructure consent order**].]**

(6) The first condition is that the emanation serves notice of an intention to do the act (with sufficient particulars to identify the tree) on the local planning authority in whose area the tree is situated.

(7) The second condition is that the act is done with the consent of the authority.

(8) The third condition is that the act is done—

(a) after the end of the period of six weeks starting with the date of the notice, and

(b) before the end of the period of two years starting with that date.**]**

Textual Amendments

F956 Words in s. 211(1) substituted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 8 para. 14(a)** (with s. 226); S.I. 2012/601, art. 2(a)

F957 S. 211(1A) inserted (1.3.2010) by Planning Act 2008 (c. 29), ss. 36, 241, **Sch. 2 para. 36(2)** (with s. 226); S.I. 2010/101, **art. 2** (with art. 6)

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F958 Words in s. 211(1A) inserted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(14)(a)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F959 Words in s. 211(4) substituted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 8 para. 14(b)** (with s. 226); S.I. 2012/601, art. 2(a)

F960 S. 211(5)-(8) inserted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 86**, 121 (with s. 111); S.I. 2006/1281, **art. 2**

F961 S. 211(5A) inserted (1.3.2010) by Planning Act 2008 (c. 29), ss. 36, 241, **Sch. 2 para. 36(3)** (with s. 226); S.I. 2010/101, **art. 2** (with art. 6)

F962 Words in s. 211(5A) inserted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(14)(b)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

Modifications etc. (not altering text)

C596 S. 211: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**
S. 211 excluded (2.8.1999) by S.I. 1999/1892, **reg. 10(1)**

C597 S. 211: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

C598 S. 211 excluded (E.) (6.4.2012) by The Town and Country Planning (Tree Preservation)(England) Regulations 2012 (S.I. 2012/605), regs. 1(1), **15**

C599 S. 211(1) excluded (18.12.1996) by 1996 c. 61, **s. 28(1)(b)**

C600 S. 211(1) excluded (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), **art. 28(4)(b)** (with art. 38)

C601 S. 211(1) excluded (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), **art. 45** (with art. 51)
S. 211(1) excluded (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), **art. 43(4)** (with art. 52)
S. 211(1) excluded (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), **art. 33(4)**

C602 S. 211(1) excluded (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 19**

C603 S. 211(1) excluded (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 30**, 70(1)

C604 S. 211(1) excluded (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 2 para. 7(8)(b)**

C605 S. 211(1) excluded (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 25**, 64(1)

C606 S. 211(1A) modified (22.10.2025) by The A46 Newark Bypass Development Consent Order 2025 (S.I. 2025/1090), arts. 1, **46(8)** (with arts. 4, 9, 51, Sch. 9)

C607 S. 211(5) excluded (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 19**

C608 S. 211(5) excluded (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 30**, 70(1)

C609 S. 211(5) excluded (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 2 para. 7(8)(b)**

C610 S. 211(5) excluded (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 25**, 64(1)

212 Power to disapply s. 211.

(1) The Secretary of State may by regulations direct that section 211 shall not apply in such cases as may be specified in the regulations.

(2) Without prejudice to the generality of subsection (1), the regulations may be framed so as to exempt from the application of that section cases defined by reference to all or any of the following matters—

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(a) acts of such descriptions or done in such circumstances or subject to such conditions as may be specified in the regulations;

(b) trees in such conservation areas as may be so specified;

(c) trees of a size or species so specified; or

(d) trees belonging to persons or bodies of a description so specified.

(3) The regulations may, in relation to any matter by reference to which an exemption is conferred by them, make different provision for different circumstances.

(4) **[**F963Regulations under subsection (1) may in particular, but without prejudice to the generality of that subsection, exempt from the application of section 211 cases exempted from section 198 by subsection (6) of that section.**]**

Textual Amendments

F963 S. 212(4) repealed (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), Sch. 8 para. 15, **Sch. 13** (with s. 226); S.I. 2012/601, art. 2(a)(c), Sch.

Modifications etc. (not altering text)

C611 S. 212: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C612 S. 212: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

213 Enforcement of controls as respects trees in conservation areas.

(1) If any tree to which section 211 applies—

(a) is removed, uprooted or destroyed in contravention of that section; or

(b) is removed, uprooted or destroyed or dies **[**F964at a time when its cutting down or uprooting is authorised only by virtue of the provisions of such regulations under subsection (1) of section 212 as are mentioned in subsection (4) of that section,**][**F964at a prescribed time,**]**

it shall be the duty of the owner of the land to plant another tree of an appropriate size and species at the same place as soon as he reasonably can.

(2) The duty imposed by subsection (1) does not apply to an owner if on application by him the local planning authority dispense with it.

(3) The duty imposed by subsection (1) on the owner of any land attaches to the person who is from time to time the owner of the land and may be enforced as provided by section 207 and not otherwise.

Textual Amendments

F964 Words in s. 213(1)(b) substituted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 8 para. 16** (with s. 226); S.I. 2012/601, art. 2(a)

Modifications etc. (not altering text)

C613 S. 213: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C614 S. 213: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

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C615 S. 213(1) restricted (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), **arts. 1**, 27(5)(b)
C616 S. 213(1) restricted (5.12.2022) by The Portishead Branch Line (MetroWest Phase 1) Order 2022 (S.I. 2022/1194), arts. 1, **43(6)** (with art. 51)
C617 S. 213(1) restricted (9.2.2024) by The A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024/60), arts. 1, **47(8)** (with arts. 4, 52, Sch. 11 paras. 6, 24, 39(1), 55(1), 84)
C618 S. 213(1) excluded (22.10.2025) by The A46 Newark Bypass Development Consent Order 2025 (S.I. 2025/1090), arts. 1, **46(7)** (with arts. 4, 9, 51, Sch. 9)

214 Registers of s. 211 notices.

It shall be the duty of a local planning authority to compile and keep available for public inspection free of charge at all reasonable hours and at a convenient place a register containing such particulars as the Secretary of State may determine of notices under section 211 affecting trees in their area.

Modifications etc. (not altering text)
C619 S. 214: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**
C620 S. 214: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

F965[Injunctions]

Textual Amendments
F965 S. 214A and cross heading inserted (25.11.1991 for certain purposes so far as it relates to s. 214A(2) and otherwise 2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 23(7)** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1991/2905, **art.3** (subject to art. 5)

[F966214AInjunctions.

(1) Where a local planning authority consider it necessary or expedient for an actual or apprehended offence under section 210 or 211 to be restrained by injunction, they may apply to the court for an injunction, whether or not they have exercised or are proposing to exercise any of their other powers under this Chapter.

(2) Subsections (2) to (4) of section 187B apply to an application under this section as they apply to an application under that section.]

Textual Amendments
F966 S. 214A inserted (25.11.1991 for certain purposes so far as it relates to s. 214A(2) and otherwise 2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 23(7)** (with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1991/2905, **art.3** (subject to art. 5)

Modifications etc. (not altering text)
C621 S. 214A: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

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C622 S. 214A: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

F967[Rights of entry]

Textual Amendments

F967 Crossheading inserted (2.1.1992 by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 23(7)** (with s. 84(5)); S.I. 1991/2905, **art. 3** (subject to art. 5)

214B [F968Rights to enter without warrant.]

(1) Any person duly authorised in writing by a local planning authority may enter any land for the purpose of—

(a) surveying it in connection with making or confirming a tree preservation order with respect to the land;

(b) ascertaining whether an offence under section 210 or 211 has been committed on the land; or

(c) determining whether a notice under section 207 should be served on the owner of the land,

if there are reasonable grounds for entering for the purpose in question.

(2) Any person duly authorised in writing by the Secretary of State may enter any land for the purpose of surveying it in connection with making, amending or revoking a tree preservation order with respect to the land, if there are reasonable grounds for entering for that purpose.

(3) Any person who is duly authorised in writing by a local planning authority may enter any land in connection with the exercise of any functions conferred on the authority by or under this Chapter.

(4) Any person who is an officer of the Valuation Office may enter any land for the purpose of surveying it, or estimating its value, in connection with a claim for compensation in respect of any land which is payable by the local planning authority under this Chapter (other than section 204).

(5) Any person who is duly authorised in writing by the Secretary of State may enter any land in connection with the exercise of any functions conferred on the Secretary of State by or under this Chapter.

(6) The Secretary of State shall not authorise any person as mentioned in subsection (2) without consulting the local planning authority.

(7) Admission shall not be demanded as of right—

(a) by virtue of subsection (1) or (2) to any building used as a dwellinghouse; or

(b) by virtue of subsection (3), (4) or (5) to any land which is occupied,

unless twenty-four hours' notice of the intended entry has been given to the occupier.

(8) Any right to enter by virtue of this section shall be exercised at a reasonable hour.

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Textual Amendments

F968 S. 214B inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 23(7)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

Modifications etc. (not altering text)

C623 S. 214B: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C624 S. 214B: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

[F969 214C Right to enter under warrant.

(1) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

(a) that there are reasonable grounds for entering any land for any of the purposes mentioned in section 214B(1) or (2); and

(b) that—

(i) admission to the land has been refused, or a refusal is reasonably apprehended; or

(ii) the case is one of urgency,

the justice may issue a warrant authorising any person duly authorised in writing by a local planning authority or, as the case may be, the Secretary of State to enter the land.

(2) For the purposes of subsection (1)(b)(i) admission to land shall be regarded as having been refused if no reply is received to a request for admission within a reasonable period.

(3) A warrant authorises entry on one occasion only and that entry must be—

(a) within one month from the date of the issue of the warrant; and

(b) at a reasonable hour, unless the case is one of urgency.**]**

Textual Amendments

F969 S. 214C inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 23(7)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

Modifications etc. (not altering text)

C625 S. 214C: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C626 S. 214C: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

[F970 214D Rights of entry: supplementary provisions.

(1) Any power conferred under or by virtue of section 214B or 214C to enter land (referred to in this section as "a right of entry") shall be construed as including power to take samples from any tree and samples of the soil.

(2) A person authorised to enter land in the exercise of a right of entry—

(a) shall, if so required, produce evidence of his authority and state the purpose of his entry before so entering;

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(b) may take with him such other persons as may be necessary; and

(c) on leaving the land shall, if the owner or occupier is not then present, leave it as effectively secured against trespassers as he found it.

(3) Any person who wilfully obstructs a person acting in the exercise of a right of entry shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) If any damage is caused to land or chattels in the exercise of a right of entry, compensation may be recovered by any person suffering the damage from the authority who gave the written authority for the entry or, as the case may be, the Secretary of State.

(5) The provisions of section 118 shall apply in relation to compensation under subsection (4) as they apply in relation to compensation under Part IV.**]**

Textual Amendments

F970 S. 214D inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 23**(7 (with s. 84(5)); S.I. 1991/2905, **art. 3** (subject to art. 5)

Modifications etc. (not altering text)

C627 S. 214D: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C628 S. 214D: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

CHAPTER II

LAND ADVERSELY AFFECTING AMENITY OF NEIGHBOURHOOD

215 Power to require proper maintenance of land.

(1) If it appears to the local planning authority that the amenity of a part of their area, or of an adjoining area, is adversely affected by the condition of land in their area, they may serve on the owner and occupier of the land a notice under this section.

(2) The notice shall require such steps for remedying the condition of the land as may be specified in the notice to be taken within such period as may be so specified.

(3) Subject to the following provisions of this Chapter, the notice shall take effect at the end of such period as may be specified in the notice.

(4) That period shall not be less than 28 days after the service of the notice.

Modifications etc. (not altering text)

C629 S. 215: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C630 S. 215 modified (19.9.2007) by London Local Authorities Act 2007 (c. ii), ss. 1(3), **32(1)**

C631 S. 215(1): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

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216 Penalty for non-compliance with s. 215 notice.

(1) The provisions of this section shall have effect where a notice has been served under section 215.

(2) If any owner or occupier of the land on whom the notice was served fails to take steps required by the notice within the period specified in it for compliance with it, he shall be guilty of an offence and liable on summary conviction—

[[F971](a) to a fine, if the land is England, or

(b) to a fine not exceeding level 3 on the standard scale, if the land is in Wales.**]**

(3) Where proceedings have been brought under subsection (2) against a person as the owner of the land and he has, at some time before the end of the compliance period, ceased to be the owner of the land, if he—

(a) duly lays information to that effect, and

(b) gives the prosecution not less than three clear days' notice of his intention,

he shall be entitled to have the person who then became the owner of the land brought before the court in the proceedings.

(4) Where proceedings have been brought under subsection (2) against a person as the occupier of the land and he has, at some time before the end of the compliance period, ceased to be the occupier of the land, if he—

(a) duly lays information to that effect, and

(b) gives the prosecution not less than three clear days' notice of his intention,

he shall be entitled to have brought before the court in the proceedings the person who then became the occupier of the land or, if nobody then became the occupier, the person who is the owner at the date of the notice.

(5) Where in such proceedings—

(a) it has been proved that any steps required by the notice under section 215 have not been taken within the compliance period, and

(b) the original defendant proves that the failure to take those steps was attributable, in whole or in part, to the default of a person specified in a notice under subsection (3) or (4),

then—

(i) that person may be convicted of the offence; and

(ii) if the original defendant also proves that he took all reasonable steps to ensure compliance with the notice, he shall be acquitted of the offence.

(6) If, after a person has been convicted under the previous provisions of this section, he does not as soon as practicable do everything in his power to secure compliance with the notice, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding **[**[F972]the relevant amount**]** for each day following his first conviction on which any of the requirements of the notice remain unfulfilled.

[[F973](6A) In subsection (6) "the relevant amount" means—

(a) if the land is in England, one-tenth of the greater of—

(i) £5000, or

(ii) level 4 on the standard scale;

(b) if the land is in Wales, one-tenth of level 3 on the standard scale.**]**

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(7) Any reference in this section to the compliance period, in relation to a notice, is a reference to the period specified in the notice for compliance with it or such extended period as the local planning authority who served the notice may allow for compliance.

Textual Amendments

F971 S. 216(2)(a)(b) substituted for words in s. 216(2) (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 120(2)(a)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(g) (with reg. 9)

F972 Words in s. 216(6) substituted (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 120(2)(b)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(g) (with reg. 9)

F973 S. 216(6A) inserted (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 120(2)(c)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(g) (with reg. 9)

Modifications etc. (not altering text)

C632 S. 216: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**
S. 216 restricted (E.) (13.4.2001) by S.I. 2001/1478, **reg. 3(a)**

217 [F974Appeal against a section 215 notice].

(1) A person on whom a notice under section 215 is served, or any other person having an interest in the land to which the notice relates, may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal against the notice on any of the following grounds—

(a) that the condition of the land to which the notice relates does not adversely affect the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area;

(b) that the condition of the land to which the notice relates is attributable to, and such as results in the ordinary course of events from, the carrying on of operations or a use of land which is not in contravention of Part III;

(c) that the requirements of the notice exceed what is necessary for preventing the condition of the land from adversely affecting the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area;

(d) that the period specified in the notice as the period within which any steps required by the notice are to be taken falls short of what should reasonably be allowed.

(2) Any appeal under this section shall be made**[**F975—

(a) in the case of a notice relating to land in Wales, to the Welsh Ministers;

(b) in the case of a notice relating to land in England,**]**

F976to a magistrates' court . . .

(3) Where such an appeal is brought, the notice to which it relates shall be of no effect pending the final determination or withdrawal of the appeal.

(4) On such an appeal **[**F977the Welsh Ministers or (as the case may be)**]** the magistrates' court may correct any informality, defect or error in the notice if satisfied that the informality, defect or error is not material.

(5) On the determination of such an appeal **[**F978the Welsh Ministers or (as the case may be)**]** the magistrates' court shall give directions for giving effect to their determination,

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including, where appropriate, directions for quashing the notice or for varying the terms of the notice in favour of the appellant.

(6) Where any person has appealed [F979]... under this section against a notice, neither that person nor any other shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

[[F980](7) The Welsh Ministers may by regulations make provision, in respect of appeals made to them under this section—

(a) as to steps to be taken in connection with bringing an appeal (including as to the form and content of any notice required to be given, and persons to whom copies of it are to be provided);

(b) about information to be provided to the Welsh Ministers in connection with an appeal;

(c) as to the procedure by which an appeal under this section is to be considered (including provision about circumstances in which the appellant or the local planning authority must be given the opportunity of appearing before and being heard by a person appointed by the Welsh Ministers for the purpose).**]**

Textual Amendments

F974 S. 217 title substituted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 48(1)**, 58(2)(b)(4)(b); S.I. 2017/546, art. 3(b) (with art. 5)

F975 S. 217(2)(a)(b) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 48(2)**, 58(2)(b)(4)(b); S.I. 2017/546, art. 3(b) (with art. 5)

F976 Words in s. 217(2) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110, Sch. 8 para. 343, **Sch. 10**; S.I. 2005/910, **art. 3(y)(aa)**

F977 Words in s. 217(4) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 48(3)**, 58(2)(b)(4)(b); S.I. 2017/546, art. 3(b) (with art. 5)

F978 Words in s. 217(5) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 48(4)**, 58(2)(b)(4)(b); S.I. 2017/546, art. 3(b) (with art. 5)

F979 Words in s. 217(6) omitted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by virtue of Planning (Wales) Act 2015 (anaw 4), **ss. 48(5)**, 58(2)(b)(4)(b); S.I. 2017/546, art. 3(b) (with art. 5)

F980 S. 217(7) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 48(6)**, 58(2)(b)(4)(b); S.I. 2017/546, art. 3(b) (with art. 5)

Modifications etc. (not altering text)

C633 S. 217: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C634 S. 217 restricted (28.4.2025) by The Rampion 2 Offshore Wind Farm Order 2025 (S.I. 2025/468), art. 1, **Sch. 10 Pt. 6 para. 5(2)** (with arts. 47, 48, Sch. 10)

C635 S. 217(1)(b) restricted (19.9.2007) by London Local Authorities Act 2007 (c. ii), ss. 1(3), **32(2)**

[F981]218 [F981]Further appeal to the Crown Court: England]

Where an appeal has been brought **[**[F982]to a magistrates' court**]** under section 217, an appeal against the decision of the magistrates' court on that appeal may be brought to the Crown Court by the appellant or by the local planning authority who served the notice in question under section 215.

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Textual Amendments

F981 S. 218 title substituted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 48(7)**, 58(2)(b)(4)(b); S.I. 2017/546, art. 3(b) (with art. 5)

F982 Words in s. 218 inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 48(7)**, 58(2)(b)(4)(b); S.I. 2017/546, art. 3(b) (with art. 5)

Modifications etc. (not altering text)

C636 S. 218: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

219 Execution and cost of works required by s. 215 notice.

(1) If, within the period specified in a notice under section 215 in accordance with subsection (2) of that section, or within such extended period as the local planning authority who served the notice may allow, any steps required by the notice to be taken have not been taken, the local planning authority who served the notice may—

(a) enter the land and take those steps, and

(b) recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.

(2) Where a notice has been served under section 215—

(a) any expenses incurred by the owner or occupier of any land for the purpose of complying with the notice, and

(b) any sums paid by the owner of any land under subsection (1) in respect of expenses incurred by the local planning authority in taking steps required by such a notice,

shall be deemed to be incurred or paid for the use and at the request of the person who caused or permitted the land to come to be in the condition in which it was when the notice was served.

(3) Regulations made under this Act may provide that—

(a) section 276 of the [M93]Public Health Act 1936 (power of local authorities to sell materials removed in executing works under that Act subject to accounting for the proceeds of sale);

(b) section 289 of that Act (power to require the occupier of any premises to permit works to be executed by the owner of the premises); or

(c) section 294 of that Act (limit on liability of persons holding premises as agents or trustees in respect of the expenses recoverable under that Act),

shall apply, subject to such adaptations and modifications as may be specified in the regulations, in relation to any steps required to be taken by a notice under section 215.

(4) Regulations under subsection (3) applying section 289 of the Public Health Act 1936 may include adaptations and modifications for the purpose of giving the owner of land to which a notice under section 215 relates the right, as against all other persons interested in the land, to comply with the requirements of the enforcement notice.

(5) Regulations under subsection (3) may also provide for the charging on the land of any expenses recoverable by a local authority under subsection (1).

[F983](6) . . . . . .

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Textual Amendments

F983 S. 219(6) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 36, **Sch. 19 Pt.I**; S.I. 1991/2067, **art.3** (subject to art. 4)

Modifications etc. (not altering text)

C637 S. 219: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

Marginal Citations

M93 1936 c.49.

CHAPTER III

ADVERTISEMENTS

Advertisement regulations

220 Regulations controlling display of advertisements.

(1) Regulations under this Act shall make provision for restricting or regulating the display of advertisements so far as appears to the Secretary of State to be expedient in the interests of amenity or public safety.

(2) Without prejudice to the generality of subsection (1), any such regulations may provide—

(a) for regulating the dimensions, appearance and position of advertisements which may be displayed, the sites on which advertisements may be displayed and the manner in which they are to be affixed to the land;

(b) for requiring the consent of the local planning authority to be obtained for the display of advertisements, or of advertisements of any class specified in the regulations;

(c) for applying, in relation to any such consent and to applications for such consent, any of the provisions mentioned in subsection (3), subject to such adaptations and modifications as may be specified in the regulations;

(d) for the constitution, for the purposes of the regulations, of such advisory committees as may be prescribed by the regulations, and for determining the manner in which the expenses of any such committee are to be defrayed.

[F984(2A) The regulations may also make provision as to—

(a) the form and manner in which an application for consent must be made;

(b) particulars of such matters as are to be included in the application;

(c) any documents or other materials which must accompany the application.**]**

(3) The provisions referred to in subsection (2)(c) are—

(a) the provisions of Part III relating to planning permission and to applications for planning permission, except sections 56, **[**F985**62]** , 65 F986. . ., 69(3) and (4), 71, F987. . ., 91 to 96, 100 and 101 and Schedule 8;

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(b) sections 137 to 141, 143 and 144 (except so far as they relate to purchase notices served in consequence of such orders as are mentioned in section 137(1)(b) or (c));

(c) section 316.

(4) Without prejudice to the generality of the powers conferred by this section, regulations made for the purposes of this section may provide that any appeal from the decision of the local planning authority, on an application for their consent under the regulations, shall be to an independent tribunal constituted in accordance with the regulations, instead of being an appeal to the Secretary of State.

(5) If any tribunal is so constituted, the Secretary of State may pay to the chairman and members of the tribunal such remuneration, whether by way of salaries or by way of fees, and such reasonable allowances in respect of expenses properly incurred in the performance of their duties, as he may with the consent of the Treasury determine.

Textual Amendments

F984 S. 220(2A) inserted (6.8.2004 for certain purposes and prosp. otherwise) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 42(4)**, 121 (with s. 111); S.I. 2004/2097, **art. 2**

F985 Words in s. 220(3) repealed (6.8.2004 for certain purposes and prosp. otherwise) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 120, 121, **Sch. 9** (with s. 111); S.I. 2004/2097, **art. 2**

F986 Words in s. 220(3)(a) repealed (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 37, **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1992/1491, art. 2, Schs. 1, **2**

F987 Words in s. 220(3)(a) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(4), 84(6), Sch. 6 para. 21, **Sch. 19 Pt. II** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

Modifications etc. (not altering text)

C638 S. 220: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C639 S. 220: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

221 Power to make different advertisement regulations for different areas.

(1) Regulations made for the purposes of section 220 may make different provision with respect to different areas, and in particular may make special provision—

(a) with respect to conservation areas;

(b) with respect to areas defined for the purposes of the regulations as experimental areas, and

(c) with respect to areas defined for the purposes of the regulations as areas of special control.

(2) An area may be defined as an experimental area for a prescribed period for the purpose of assessing the effect on amenity or public safety of advertisements of a prescribed description.

(3) An area may be defined as an area of special control if it is—

(a) a rural area, or

(b) an area which appears to the Secretary of State to require special protection on grounds of amenity.

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(4) Without prejudice to the generality of subsection (1), the regulations may prohibit the display in an area of special control of all advertisements except advertisements of such classes (if any) as may be prescribed.

(5) Areas of special control for the purposes of regulations under this section may be defined by means of orders made or approved by the Secretary of State in accordance with the provisions of the regulations.

(6) Where the Secretary of State is authorised by the regulations to make or approve any such order as is mentioned in subsection (5), the regulations shall provide—

(a) for the publication of notice of the proposed order in such manner as may be prescribed,

(b) for the consideration of objections duly made to it, and

(c) for the holding of such inquiries or other hearings as may be prescribed,

before the order is made or approved.

(7) Subject to subsection (8), regulations made under section 220 may be made so as to apply—

(a) to advertisements which are being displayed on the date on which the regulations come into force, or

(b) to the use for the display of the advertisements of any site which was being used for that purpose on that date.

(8) Any regulations made in accordance with subsection (7) shall provide for exempting from them—

(a) the continued display of any such advertisements as there mentioned; and

(b) the continued use for the display of advertisements of any such site as there mentioned,

during such period as may be prescribed.

(9) Different periods may be prescribed under subsection (8) for the purposes of different provisions of the regulations.

Modifications etc. (not altering text)
C640 S. 221: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

222 Planning permission not needed for advertisements complying with regulations.

Where the display of advertisements in accordance with regulations made under section 220 involves development of land—

(a) planning permission for that development shall be deemed to be granted by virtue of this section, and

(b) no application shall be necessary for that development under Part III.

Modifications etc. (not altering text)
C641 S. 222: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

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Repayment of expense of removing prohibited advertisements

223 Repayment of expense of removing prohibited advertisements.

(1) Where, for the purpose of complying with any regulations made under section 220, works are carried out by any person—

(a) for removing an advertisement which was being displayed on 1st August 1948; or

(b) for discontinuing the use for the display of advertisements of a site used for that purpose on that date,

that person shall, on a claim made to the local planning authority within such time and in such manner as may be prescribed, be entitled to recover from that authority compensation in respect of any expenses reasonably incurred by him in carrying out those works.

(2) Except in so far as may be otherwise provided by any regulations made under this Act, any question of disputed compensation under this section shall be referred to and determined by the **[**F988Upper Tribunal**]**.

(3) In relation to the determination of any such question, the provisions of **[**F989section**]** 4 of the M94Land Compensation Act 1961 shall apply subject to any necessary modifications and to the provisions of any regulations made under this Act.

Textual Amendments

F988 Words in s. 223(2) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 208(a)**

F989 Word in s. 223(3) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 208(b)**

Marginal Citations

M94 1961 c.33.

Enforcement of control over advertisements

224 Enforcement of control as to advertisements.

(1) Regulations under section 220 may make provision for enabling the local planning authority to require—

(a) the removal of any advertisement which is displayed in contravention of the regulations, or

(b) the discontinuance of the use for the display of advertisements of any site which is being so used in contravention of the regulations.

(2) For that purpose the regulations may apply any of the provisions of Part VII with respect to enforcement notices or the provisions of section 186, subject to such adaptations and modifications as may be specified in the regulations.

(3) Without prejudice to any provisions included in such regulations by virtue of subsection (1) or (2), if any person displays an advertisement in contravention of the regulations he shall be guilty of an offence and liable on summary conviction to a fine

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of such amount as may be prescribed, not exceeding **[**F990level 4**]** on the standard scale and, in the case of a continuing offence, **[**F991one-tenth of **[**F990level 4**]** on the standard scale**]** for each day during which the offence continues after conviction.

(4) Without prejudice to the generality of subsection (3), a person shall be deemed to display an advertisement for the purposes of that subsection if—

(a) he is the owner or occupier of the land on which the advertisement is displayed; or

(b) the advertisement gives publicity to his goods, trade, business or other concerns.

(5) A person shall not be guilty of an offence under subsection (3) by reason only—

(a) of his being the owner or occupier of the land on which an advertisement is displayed, or

(b) of his goods, trade, business or other concerns being given publicity by the advertisement,

if he proves **[**F992either of the matters specified in subsection (6)**]** .

[F993(6) The matters are that—

(a) the advertisement was displayed without his knowledge; or

(b) he took all reasonable steps to prevent the display or, after the advertisement had been displayed, to secure its removal.**]**

[F994(7) Proceedings for an offence under subsection (3) may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings came to the prosecutor's knowledge.

(8) Subsection (7) does not authorise the commencement of proceedings for an offence more than 3 years after the date on which the offence was committed.

(9) For the purposes of subsection (7), a certificate—

(a) signed by or on behalf of the prosecutor, and

(b) stating the date on which evidence sufficient in the prosecutor's opinion to justify the proceedings came to the prosecutor's knowledge,

is conclusive evidence of that fact.

(10) A certificate stating that matter and purporting to be so signed is to be deemed to be so signed unless the contrary is proved.

(11) Subsection (7) does not apply in relation to an offence in respect of an advertisement in Wales.**]**

Textual Amendments

F990 Words in s. 224(3) substituted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), **s. 53**; S.I. 2003/3300, **art. 2(d)**

F991 Words in s. 224(3) substituted (6.4.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para.38** (with s. 84(5)); S.I. 1992/665, **art. 2**

F992 Words in s. 224(5) substituted (7.6.2005) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 33(2)**, 108 (with s. 33(4))

F993 S. 224(6) inserted (7.6.2005) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 33(3)**, 108 (with s. 33(4))

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F994 S. 224(7)-(11) inserted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 126(4)**, 240(2) (with ss. 126(5), 144); S.I. 2012/628, art. 8(b) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

Modifications etc. (not altering text)

C642 S. 224: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C643 S. 224 applied (with modifications) (13.7.2004) by London Local Authorities Act 2004 (c. i), ss. 1, **25**

C644 S. 224(3) restricted (19.9.2007) by London Local Authorities Act 2007 (c. ii), ss. 1(3)-(5), **8(3)**

C645 S. 224(3) applied (with modifications) (19.9.2007) by London Local Authorities Act 2007 (c. ii), ss. 1(3)-(5), 31, **Sch. 2 Pt. 1**

225 Power to remove or obliterate placards and posters.

(1) Subject to subsections (2) and (3), the local planning authority may remove or obliterate any placard or poster—

(a) which is displayed in their area; and

(b) which in their opinion is so displayed in contravention of regulations made under section 220.

(2) Subsection (1) does not authorise the removal or obliteration of a placard or poster displayed within a building to which there is no public right of access.

(3) Subject to subsection (4), where a placard or poster identifies the person who displayed it or caused it to be displayed, the local planning authority shall not exercise any power conferred by subsection (1) unless they have first given him notice in writing—

(a) that in their opinion it is displayed in contravention of regulations made under section 220; and

(b) that they intend to remove or obliterate it on the expiry of a period specified in the notice **[**F995and recover from him the costs they may reasonably incur in doing so**]** .

(4) Subsection (3) does not apply if—

(a) the placard or poster does not give his address, and

(b) the authority do not know it and are unable to ascertain it after reasonable inquiry.

(5) The period specified in a notice under subsection (3) must be not less than two days from the date of service of the notice.

[F996(6) Where—

(a) a local planning authority serve a notice on a person under subsection (3) in relation to a placard or poster, and

(b) the person fails to remove or obliterate it within the period specified in the notice,

the authority may recover from that person the costs they may reasonably incur in exercising their power under subsection (1).**]**

[F997(7) This subsection applies in relation to a placard or poster where—

(a) the placard or poster does not identify the person who displayed it or caused it to be displayed, or

(b) it does do so, but subsection (3) does not apply by reason of subsection (4), and

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the placard or poster publicises the goods, services or concerns of an identifiable person.

(8) Where subsection (7) applies, subsections (3) to (6) have effect as if the reference in subsection (3) to the person who displayed the placard or poster or caused it to be displayed were a reference to the person whose goods, services or concerns are publicised.**]**

[F998(9) Where any damage is caused to land or chattels in the exercise of the power under subsection (1) in relation to a placard or poster, compensation may be recovered by any person suffering the damage from the local planning authority exercising the power.

(10) Subsection (9) does not permit the recovery of compensation by the person who displayed the placard or poster or caused it to be displayed.

(11) The provisions of section 118 apply in relation to compensation under subsection (9) as they apply in relation to compensation under Part 4.**]**

Textual Amendments

F995 Words in s. 225(3)(b) inserted (6.4.2006 for E. and 27.10.2006 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 34(2)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 2(g)**

F996 S. 225(6) inserted (6.4.2006 for E. and 27.10.2006 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 34(3)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 2(g)**

F997 S. 225(7)(8) inserted (6.4.2006 for E. and 27.10.2006 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 34(4)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 2(g)**

F998 S. 225(9)(10)(11) inserted (6.4.2006 for E. and 27.10.2006 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 34(5)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 2(g)**

Modifications etc. (not altering text)

C646 S. 225: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**
S. 225 modified (8.1.1996) by 1995 c. x, **s. 10**

[F999**225APower to remove structures used for unauthorised display**

(1) Subject to subsections (2), (3) and (5) and the right of appeal under section 225B, the local planning authority for an area in England may remove, and then dispose of, any display structure—

(a) which is in their area; and

(b) which, in the local planning authority's opinion, is used for the display of advertisements in contravention of regulations under section 220.

(2) Subsection (1) does not authorise the removal of a display structure in a building to which there is no public right of access.

(3) The local planning authority may not under subsection (1) remove a display structure unless the local planning authority have first served a removal notice on a person who appears to the local planning authority to be responsible for the erection or maintenance of the display structure.

(4) Subsection (3) applies only if there is a person—

(a) who appears to the local planning authority to be responsible for the erection or maintenance of the display structure; and

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(b) whose name and address are either known by the local planning authority or could be ascertained by the local planning authority after reasonable enquiry.

(5) If subsection (3) does not apply, the local planning authority may not under subsection (1) remove a display structure unless the local planning authority have first—

(a) fixed a removal notice to the display structure or exhibited a removal notice in the vicinity of the display structure; and

(b) served a copy of that notice on the occupier of the land on which the display structure is situated.

(6) Subsection (5)(b) applies only if the local planning authority know who the occupier is or could identify the occupier after reasonable enquiry.

(7) Where—

(a) the local planning authority has served a removal notice in accordance with subsection (3) or (5)(b), and

(b) the display structure is not removed by the time specified in the removal notice,

the local planning authority may recover, from any person on whom the removal notice has been served under subsection (3) or (5)(b), expenses reasonably incurred by the local planning authority in exercising the local planning authority's power under subsection (1).

(8) Expenses are not recoverable under subsection (7) from a person if the person satisfies the local planning authority that the person was not responsible for the erection of the display structure and is not responsible for its maintenance.

(9) Where in the exercise of power under subsection (1) any damage is caused to land or chattels, compensation may be recovered by any person suffering the damage from the local planning authority exercising the power, but compensation is not recoverable under this subsection or section 325(6)—

(a) for damage caused to the display structure; or

(b) for damage reasonably caused in removing the display structure.

(10) The provisions of section 118 apply in relation to compensation under subsection (9) as they apply in relation to compensation under Part 4.

(11) In this section "removal notice", in relation to a display structure, means notice—

(a) stating that in the local planning authority's opinion the display structure is used for the display of advertisements in contravention of regulations under section 220;

(b) stating that the local planning authority intend after a time specified in the notice to remove the display structure; and

(c) stating the effect of subsections (7) and (8).

(12) A time specified under subsection (11)(b) may not be earlier than the end of 22 days beginning with the date of the notice.

(13) In this section "display structure" means (subject to subsection (14))—

(a) a hoarding or similar structure used, or designed or adapted for use, for the display of advertisements;

(b) anything (other than a hoarding or similar structure) principally used, or designed or adapted principally for use, for the display of advertisements;

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(c) a structure that is itself an advertisement; or

(d) fitments used to support anything within any of paragraphs (a) to (c).

(14) Something is a "display structure" for the purpose of this section only if—

(a) its use for the display of advertisement requires consent under this Chapter, and

(b) that consent has not been granted and is not deemed to have been granted.

(15) In subsection (13) "structure" includes movable structure.

Textual Amendments

F999 Ss. 225A-225E inserted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 127(1)**, 240(2) (with s. 144); S.I. 2012/628, art. 8(b) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

225B Appeal against notice under section 225A

(1) A person on whom a removal notice has been served in accordance with section 225A(3) or (5)(b) may appeal to a magistrates' court on any of the following grounds—

(a) that the display structure concerned is not used for the display of advertisements in contravention of regulations under section 220;

(b) that there has been some informality, defect or error in, or in connection with, the notice;

(c) that the period between the date of the notice and the time specified in the notice is not reasonably sufficient for the removal of the display structure;

(d) that the notice should have been served on another person.

(2) For the purposes of subsection (3), a person is a "permitted appellant" in relation to a removal notice if—

(a) the removal notice has been fixed or exhibited in accordance with section 225A(5)(a);

(b) the person is an owner or occupier of the land on which the display structure concerned is situated; and

(c) no copy of the removal notice has been served on the person in accordance with section 225A(5)(b).

(3) A person who is a permitted appellant in relation to a removal notice may appeal to a magistrates' court on any of the following grounds—

(a) that the display structure concerned is not used for the display of advertisements in contravention of regulations under section 220;

(b) that there has been some informality, defect or error in, or in connection with, the notice;

(c) that the period between the date of the notice and the time specified in the notice is not reasonably sufficient for the removal of the display structure.

(4) So far as an appeal under this section is based on the ground mentioned in subsection (1)(b) or (3)(b), the court must dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

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(5) If an appeal under subsection (1) is based on the ground mentioned in subsection (1)(d), the appellant must serve a copy of the notice of appeal on each person who the appellant considers is a person on whom the removal notice should have been served in accordance with section 225A(3) or (5)(b).

(6) If—

(a) a removal notice is served on a person in accordance with section 225A(3) or (5)(b), and

(b) the local planning authority bring proceedings against the person for the recovery under section 225A(7) of any expenses,

it is not open to the person to raise in the proceedings any question which the person could have raised in an appeal under subsection (1).

(7) In this section "removal notice" and "display structure" have the same meaning as in section 225A.

Textual Amendments

F999 Ss. 225A-225E inserted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 127(1)**, 240(2) (with s. 144); S.I. 2012/628, art. 8(b) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

225C Remedying persistent problems with unauthorised advertisements

(1) Subsections (2) and (3) apply if the local planning authority for an area in England have reason to believe that there is a persistent problem with the display of unauthorised advertisements on a surface of—

(a) any building, wall, fence or other structure or erection; or

(b) any apparatus or plant.

(2) The local planning authority may serve an action notice on the owner or occupier of the land in or on which the surface is situated.

(3) If after reasonable enquiry the local planning authority—

(a) are unable to ascertain the name and address of the owner, and

(b) are unable to ascertain the name and address of the occupier,

the local planning authority may fix an action notice to the surface.

(4) For the purposes of this section "an action notice", in relation to a surface, is a notice requiring the owner or occupier of the land in or on which the surface is situated to carry out the measures specified in the notice by a time specified in the notice.

(5) A time may be specified in an action notice if it is a reasonable time not earlier than the end of 28 days beginning with the date of the notice.

(6) Measures may be specified in an action notice if they are reasonable measures to prevent or reduce the frequency of the display of unauthorised advertisements on the surface concerned.

(7) The time by which an owner or occupier must comply with an action notice may be postponed by the local planning authority.

(8) This section has effect subject to—

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(a) the other provisions of the enactments relating to town and country planning;

(b) the provisions of the enactments relating to historic buildings and ancient monuments; and

(c) Part 2 of the Food and Environmental Protection Act 1985 (which relates to deposits in the sea).

(9) Subsection (10) applies if—

(a) an action notice is served under subsection (2) or fixed under subsection (3); and

(b) the measures specified in the notice are not carried out by the time specified in the notice.

(10) The local planning authority may—

(a) carry out the measures; and

(b) recover expenses reasonably incurred by the local planning authority in doing that from the person required by the action notice to do it.

(11) Power under subsection (10)(a) is subject to the right of appeal under section 225D.

(12) Where in the exercise of power under subsection (10)(a) any damage is caused to land or chattels, compensation may be recovered by any person suffering the damage from the local planning authority exercising the power, but compensation is not recoverable under this subsection for damage reasonably caused in carrying out the measures.

(13) The provisions of section 118 apply in relation to compensation under subsection (12) as they apply in relation to compensation under Part 4.

(14) The local planning authority may not recover expenses under subsection (10)(b) in respect of a surface that—

(a) forms part of a flat or a dwellinghouse;

(b) is within the curtilage of a dwellinghouse; or

(c) forms part of the boundary of the curtilage of a dwellinghouse.

(15) Each of sections 275 and 291 of the Public Health Act 1936 (provision for authority to agree to take the required measures at expense of owner or occupier, and provision for expenses to be recoverable also from owner's successor or from occupier and to be charged on premises concerned) applies as if the reference in that section to that Act included a reference to this section.

(16) In this section—

"dwellinghouse" does not include a building containing one or more flats, or a flat contained within such a building;

"flat" means a separate and self-contained set of premises constructed or adapted for use as a dwelling and forming part of a building from some other part of which it is divided horizontally;

"unauthorised advertisement" means an advertisement in respect of which an offence—

(a) under section 224(3), or

(b) under section 132 of the Highways Act 1980 (unauthorised marks on highway),

is committed after the coming into force of this section.

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Textual Amendments

F999 Ss. 225A-225E inserted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 127(1)**, 240(2) (with s. 144); S.I. 2012/628, art. 8(b) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

225D Right to appeal against notice under section 225C

(1) A person on whom notice has been served under section 225C(2) may appeal to a magistrates' court on any of the following grounds—

(a) that there is no problem with the display of unauthorised advertisements on the surface concerned or any such problem is not a persistent one;

(b) that there has been some informality, defect or error in, or in connection with, the notice;

(c) that the time within which the measures specified in the notice are to be carried out is not reasonably sufficient for the purpose;

(d) that the notice should have been served on another person.

(2) The occupier or owner of premises which include a surface to which a notice has been fixed under section 225C(3) may appeal to a magistrates' court on any of the following grounds—

(a) that there is no problem with the display of unauthorised advertisements on the surface concerned or any such problem is not a persistent one;

(b) that there has been some informality, defect or error in, or in connection with, the notice;

(c) that the time within which the measures specified in the notice are to be carried out is not reasonably sufficient for the purpose.

(3) So far as an appeal under this section is based on the ground mentioned in subsection (1)(b) or (2)(b), the court must dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) If an appeal under subsection (1) is based on the ground mentioned in subsection (1)(d), the appellant must serve a copy of the notice of appeal on each person who the appellant considers is a person on whom the notice under section 225C(2) should have been served.

(5) If—

(a) notice under section 225C(2) is served on a person, and

(b) the local planning authority bring proceedings against the person for the recovery under section 225C(10)(b) of any expenses,

it is not open to the person to raise in the proceedings any question which the person could have raised in an appeal under subsection (1).

Textual Amendments

F999 Ss. 225A-225E inserted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 127(1)**, 240(2) (with s. 144); S.I. 2012/628, art. 8(b) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

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225E Applying section 225C to statutory undertakers' operational land

(1) Subsection (2) and (3) apply where the local planning authority serves a notice under section 225C(2) requiring a statutory undertaker to carry out measures in respect of the display of unauthorised advertisements on a surface on its operational land.

(2) The statutory undertaker may, within 28 days beginning with the date of service of the notice, serve a counter-notice on the local planning authority specifying alternative measures which will in the statutory undertaker's reasonable opinion have the effect of preventing or reducing the frequency of the display of unauthorised advertisements on the surface to at least the same extent as the measures specified in the notice.

(3) Where a counter-notice is served under subsection (2), the notice under section 225C(2) is to be treated—

(a) as requiring the alternative measures specified in the counter-notice to be carried out (instead of the measures actually required by the notice under section 225C(2)); and

(b) as having been served on the date on which the counter-notice is served.

(4) The time by which a statutory undertaker must carry out the measures specified in a counter-notice served under subsection (2) may be postponed by the local planning authority.**]**

Textual Amendments

F999 Ss. 225A-225E inserted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 127(1)**, 240(2) (with s. 144); S.I. 2012/628, art. 8(b) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

[F1000**CHAPTER 4**

REMEDYING DEFACEMENT OF PREMISES

Textual Amendments

F1000 Pt. 8 Chs. 4, 5 inserted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 127(2)**, 240(2) (with s. 144); S.I. 2012/628, art. 8(b) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

225F Power to remedy defacement of premises

(1) Subsections (2) and (3) apply if—

(a) premises in England include a surface that is readily visible from a place to which the public have access;

(b) either—

(i) the surface does not form part of the operational land of a statutory undertaker, or

(ii) the surface forms part of the operational land of a statutory undertaker and subsection (11) applies to the surface;

(c) there is a sign on the surface; and

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(d) the local planning authority consider the sign to be detrimental to the amenity of the area or offensive.

(2) The local planning authority may serve on the occupier of the premises a notice requiring the occupier to remove or obliterate the sign by a time specified in the notice.

(3) If it appears to the local planning authority that there is no occupier of the premises, the local planning authority may fix to the surface a notice requiring the owner or occupier of the premises to remove or obliterate the sign by a time specified in the notice.

(4) A time specified under subsection (2) or (3) may not be earlier than the end of 15 days beginning the date of service or fixing of the notice.

(5) Subsection (6) applies if—

(a) a notice is served under subsection (2) or fixed under subsection (3); and

(b) the sign is neither removed nor obliterated by the time specified in the notice.

(6) The local planning authority may—

(a) remove or obliterate the sign; and

(b) recover expenses reasonably incurred by the local planning authority in doing that from the person required by the notice to do it.

(7) Power under subsection (6)(a) is subject to the right of appeal under section 225I.

(8) Expenses may not be recovered under subsection (6)(b) if the surface—

(a) forms part of a flat or a dwellinghouse;

(b) is within the curtilage of a dwellinghouse; or

(c) forms part of the boundary of the curtilage of a dwellinghouse.

(9) Section 291 of the Public Health Act 1936 (provision for expenses to be recoverable also from owner's successor or from occupier and to be charged on premises concerned) applies as if the reference in that section to that Act included a reference to this section.

(10) For the purposes of this section, a universal postal service provider is treated as being the occupier of any plant or apparatus that consists of a universal postal service letter box or a universal postal service pouch-box belonging to it.

(11) This subsection applies to a surface if the surface abuts on, or is one to which access is given directly from, either—

(a) a street; or

(b) any place, other than a street, to which the public have access as of right.

(12) In this section—

"dwellinghouse" does not include a building containing one or more flats, or a flat contained within such a building;

"flat" means a separate and self-contained set of premises constructed or adapted for use as a dwelling and forming part of a building from some other part of which it is divided horizontally;

"premises" means building, wall, fence or other structure or erection, or apparatus or plant;

"sign"—

(a) includes any writing, letter, picture, device or representation, but

(b) does not include an advertisement;

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"statutory undertaker" does not include a relevant airport operator (within the meaning of Part 5 of the Airports Act 1986);

"street" includes any highway, any bridge carrying a highway and any road, lane, mews, footway, square, court, alley or passage, whether a thoroughfare or not;

"universal postal service letter box" has the meaning given in section 86(4) of the Postal Services Act 2000;

"universal postal service pouch-box" has the meaning given in paragraph 1(10) of Schedule 6 to that Act.

225G Notices under section 225F in respect of post boxes

(1) The local planning authority may serve a notice under section 225F(2) on a universal postal service provider in respect of a universal postal service letter box, or universal postal service pouch-box, belonging to the provider only if—

(a) the authority has served on the provider written notice of the authority's intention to do so; and

(b) the period of 28 days beginning with the date of service of that notice has ended.

(2) In this section—

"universal postal service letter box" has the meaning given in section 86(4) of the Postal Services Act 2000;

"universal postal service pouch-box" has the meaning given in paragraph 1(10) of Schedule 6 to that Act.

225H Section 225F powers as respects bus shelters and other street furniture

(1) The local planning authority may exercise the power conferred by section 225F(6)(a) to remove or obliterate a sign from any surface on a bus shelter, or other street furniture, of a statutory undertaker that is not situated on operational land of the statutory undertaker only if—

(a) the authority has served on the statutory undertaker notice of the authority's intention to do so;

(b) the notice specified the bus shelter, or other street furniture, concerned; and

(c) the period of 28 days beginning with the date of service of the notice has ended.

(2) In this section "statutory undertaker" does not include an airport operator (within the meaning of Part 5 of the Airports Act 1986).

225I Right to appeal against notice under section 225F

(1) A person on whom notice has been served under section 225F(2) may appeal to a magistrates' court on any of the following grounds—

(a) that the sign concerned is neither detrimental to the amenity of the area nor offensive;

(b) that there has been some informality, defect or error in, or in connection with, the notice;

(c) that the time within which the sign concerned is to be removed or obliterated is not reasonably sufficient for the purpose;

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(d) that the notice should have been served on another person.

(2) The occupier or owner of premises which include a surface to which a notice has been fixed under section 225F(3) may appeal to a magistrates' court on any of the following grounds—

(a) that the sign concerned is neither detrimental to the amenity of the area nor offensive;

(b) that there has been some informality, defect or error in, or in connection with, the notice;

(c) that the time within which the sign concerned is to be removed or obliterated is not reasonably sufficient for the purpose.

(3) So far as an appeal under this section is based on the ground mentioned in subsection (1)(b) or (2)(b), the court must dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) If an appeal under subsection (1) is based on the ground mentioned in subsection (1)(d), the appellant must serve a copy of the notice of appeal on each person who the appellant considers is a person on whom the notice under section 225F(2) should have been served.

(5) If—

(a) notice under section 225F(2) is served on a person, and

(b) the local planning authority bring proceedings against the person for the recovery under section 225F(6)(b) of any expenses,

it is not open to the person to raise in the proceedings any question which the person could have raised in an appeal under subsection (1).

225J Remedying defacement at owner or occupier's request

(1) Subsection (2) applies if—

(a) premises in England include a surface that is readily visible from a place to which the public have access;

(b) there is a sign on the surface; and

(c) the owner or occupier of the premises asks the local planning authority to remove or obliterate the sign.

(2) The local planning authority may—

(a) remove or obliterate the sign; and

(b) recover expenses reasonably incurred by the local planning authority in doing that from the person who asked the local planning authority to do it.

(3) In this section "premises" means building, wall, fence or other structure or erection, or apparatus or plant.

(4) In this section "sign"—

(a) includes—

(i) any writing, letter, picture, device or representation, and

(ii) any advertisement, but

(b) does not include an advertisement for the display of which deemed or express consent has been granted under Chapter 3.

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CHAPTER 5

APPLICATION OF PROVISIONS OF CHAPTERS 3 AND 4 TO STATUTORY UNDERTAKERS

225K Action under sections 225A, 225C and 225F: operational land

(1) This section applies in relation to the exercise by the local planning authority of—

(a) power conferred by section 225A(1), or section 324(3) so far as applying for the purposes of section 225A(1), to—

(i) enter on any operational land of a statutory undertaker, or

(ii) remove a display structure situated on operational land of a statutory undertaker;

(b) power conferred by section 225C(10)(a), or section 324(3) so far as applying for the purposes of section 225C(10)(a), to—

(i) enter on any operational land of a statutory undertaker, or

(ii) carry out any measures to prevent or reduce the frequency of the display of unauthorised advertisements on a surface on operational land of a statutory undertaker; or

(c) power conferred by section 225F(6)(a), or section 324(3) so far as applying for the purposes of section 225F(6)(a), to—

(i) enter on any operational land of a statutory undertaker, or

(ii) remove or obliterate a sign on a surface of premises that are, or are on, operational land of a statutory undertaker.

(2) The authority may exercise the power only if—

(a) the authority has served on the statutory undertaker notice of the authority's intention to do so;

(b) the notice specified the display structure, surface or sign concerned and its location; and

(c) the period of 28 days beginning with the date of service of the notice has ended.

(3) If—

(a) a notice under subsection (2) is served on a statutory undertaker, and

(b) within 28 days beginning with the date the notice is served, the statutory undertaker serves a counter-notice on the local planning authority specifying conditions subject to which the power is to be exercised,

the power may only be exercised subject to, and in accordance with, the conditions specified in the counter-notice.

(4) The conditions which may be specified in a counter-notice under subsection (3) are conditions which are—

(a) necessary or expedient in the interests of safety or the efficient and economic operation of the undertaking concerned; or

(b) for the protection of any works, apparatus or other property not vested in the statutory undertaker which are lawfully present on, in, under or over the land upon which entry is proposed to be made.

(5) If—

(a) a notice under subsection (2) is served on a statutory undertaker, and

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(b) within 28 days beginning with the date the notice is served, the statutory undertaker serves a counter-notice on the local planning authority requiring the local planning authority to refrain from exercising the power,

the power may not be exercised.

(6) A counter-notice under subsection (5) may be served only if the statutory undertaker has reasonable grounds to believe, for reasons connected with the operation of its undertaking, that the power cannot be exercised under the circumstances in question—

(a) without risk to the safety of any person; or

(b) without unreasonable risk to the efficient and economic operation of the statutory undertaker's undertaking.

(7) In this section "statutory undertaker" does not include an airport operator (within the meaning of Part 5 of the Airports Act 1986).**]**

PART IX

ACQUISITION AND APPROPRIATION OF LAND FOR PLANNING PURPOSES, ETC.

Modifications etc. (not altering text)

C647 Pt. 9 applied (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **8(4)**

C648 Pt. 9 (ss. 226-246) modified (1.4.1996) by 1994 c. 19, s. 20(3), Sch. 5 Pt. III paras. 15(1), **20** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 4, **Sch. 2**

C649 Pt. 9 applied (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **21(4)**

C650 Pt. 9 applied (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), **9(2)**

C651 Pt. 9 applied (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **13(4)**

C652 Pt. 9 applied (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **9(4)**

C653 Pt. 9 applied (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **10(4)**

C654 Pt. 9 applied (7.5.2024) by The North East Mayoral Combined Authority (Establishment and Functions) Order 2024 (S.I. 2024/402), arts. 1(3), **36(3)** (with art. 9)

C655 Pt. 9 applied (5.2.2025) by The Lancashire Combined County Authority Regulations 2025 (S.I. 2025/118), regs. 1(2), **8(2)**

C656 Pt. 9 applied (5.2.2025) by The Hull and East Yorkshire Combined Authority Order 2025 (S.I. 2025/113), arts. 1(2), **17(2)**

C657 Pt. 9 applied (5.2.2025) by The Devon and Torbay Combined County Authority Regulations 2025 (S.I. 2025/115), regs. 1(2), **8(2)**

C658 Pt. 9 applied (5.2.2025) by The Greater Lincolnshire Combined County Authority Regulations 2025 (S.I. 2025/117), regs. 1(2), **9(2)**

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Acquisition for planning and public purposes

226 Compulsory acquisition of land for development and other planning purposes.

(1) A local authority to whom this section applies shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area [F1001]... —

[[F1002](a) if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land,**]**

(b) **[**[F1003]which**]** is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

[[F1004](1A) But a local authority must not exercise the power under paragraph (a) of subsection (1) unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects—

(a) the promotion or improvement of the economic well-being of their area;

(b) the promotion or improvement of the social well-being of their area;

(c) the promotion or improvement of the environmental well-being of their area.**]**

[[F1005](1B) In the application of subsections (1) and (1A) in England, "improvement" includes regeneration.**]**

[F1006](2) . . . . . .

[[F1007](2A) The Secretary of State must not authorise the acquisition of any interest in Crown land unless—

(a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and

(b) the appropriate authority consents to the acquisition.**]**

(3) Where a local authority exercise their power under subsection (1) in relation to any land, they shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily—

(a) any land adjoining that land which is required for the purpose of executing works for facilitating its development or use; or

(b) where that land forms part of a common or open space or fuel or field garden allotment, any land which is required for the purpose of being given in exchange for the land which is being acquired.

(4) It is immaterial by whom the local authority propose that any activity or purpose mentioned in subsection (1) or (3)(a) should be undertaken or achieved (and in particular the local authority need not propose to undertake an activity or to achieve that purpose themselves).

(5) Where under subsection (1) the Secretary of State has power to authorise a local authority to whom this section applies to acquire any land compulsorily he may, after the requisite consultation, authorise the land to be so acquired by another authority, being a local authority within the meaning of this Act.

(6) Before giving an authorisation under subsection (5), the Secretary of State shall—

(a) if the land is in a non-metropolitan county **[**[F1008]in England**]**, consult with the councils of the county and the district;

(b) if the land is in a metropolitan district, consult with the council of the district;

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[F1009(bb) if the land is in Wales, consult with the council of the county or county borough;**]** and

(c) if the land is in a London borough, consult with the council of the borough.

(7) The M95Acquisition of Land Act 1981 shall apply to the compulsory acquisition of land under this section.

(8) The local authorities to whom this section applies are the councils of counties, **[**F1010county boroughs,**]** districts and London boroughs.

[F1011(9) Crown land must be construed in accordance with Part 13.**]**

Textual Amendments

F1001 Word in s. 226(1) repealed (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 99(2)(a), 120, 121, **Sch. 9** (with ss. 99(5), 111); S.I. 2004/2593, **art. 2**

F1002 S. 226(1)(a) substituted (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 99(2)(b)**, 121 (with ss. 99(5), 111); S.I. 2004/2593, **art. 2**

F1003 Word in s. 226(1)(b) inserted (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 99(2)(c)**, 121 (with ss. 99(5), 111); S.I. 2004/2593, **art. 2**

F1004 S. 226(1A) inserted (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 99(3)**, 121 (with ss. 99(5), 111); S.I. 2004/2593, **art. 2**

F1005 S. 226(1B) inserted (31.1.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 180**, 255(7) (with s. 247); S.I. 2024/92, reg. 2(i)

F1006 S. 226(2) repealed (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 99(4), 120, 121, **Sch. 9** (with ss. 99(5), 111); S.I. 2004/2593, **art. 2**

F1007 S. 226(2A) inserted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 121, **Sch. 3 para. 3(2)** (with s. 111); S.I. 2006/1281, **art. 2**

F1008 Words in s. 226(6)(a) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(6)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F1009 S. 226(6)(bb) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(6)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)): S.I. 1996/396, art. 3, **Sch. 1**

F1010 Words in s. 226(8) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(6)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F1011 S. 226(9) inserted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 121, **Sch. 3 para. 3(3)** (with s. 111); S.I. 2006/1281, **art. 2**

Modifications etc. (not altering text)

C659 S. 226: functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **6(1)(a)**(2), 15(1)(a)(ii) (with art. 7)

C660 S. 226: functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **19(1)(a)**

C661 S. 226: functions made exercisable concurrently (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), **7(1)(a)**

C662 S. 226: functions made exercisable concurrently (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **11(1)(a)(2)(3)** (with art. 12)

C663 S. 226: functions made exercisable concurrently (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **8**

C664 S. 226: functions made exercisable concurrently (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **8** (with reg. 9)

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C665 S. 226: functions made exercisable concurrently (7.5.2024) by The North East Mayoral Combined Authority (Establishment and Functions) Order 2024 (S.I. 2024/402), arts. 1(3), **35** (with art. 9)
C666 S. 226: functions made exercisable concurrently (5.2.2025) by The Devon and Torbay Combined County Authority Regulations 2025 (S.I. 2025/115), regs. 1(2), **6** (with reg. 7)
C667 S. 226: functions made exercisable concurrently (5.2.2025) by The Greater Lincolnshire Combined County Authority Regulations 2025 (S.I. 2025/117), regs. 1(2), **7** (with reg. 8)
C668 S. 226: functions made exercisable concurrently (5.2.2025) by The Lancashire Combined County Authority Regulations 2025 (S.I. 2025/118), regs. 1(2), **6** (with reg. 7)
C669 S. 226: functions made exercisable concurrently (5.2.2025) by The Hull and East Yorkshire Combined Authority Order 2025 (S.I. 2025/113), arts. 1(2), **16**

Marginal Citations
M95 1981 c.67.

227 Acquisition of land by agreement.

(1) The council of any county, **[**[F1012]county borough,**]** district or London borough may acquire by agreement any land which they require for any purpose for which a local authority may be authorised to acquire land under section 226.

(2) The provisions of Part 1 of the [M96]Compulsory Purchase Act 1965 (so far as applicable), other than sections 4 to 8, section 10 and section 31, shall apply in relation to the acquisition of land under this section.

Textual Amendments
F1012 Words in s. 227(1) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(7)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

Modifications etc. (not altering text)
C670 S. 227 functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **6(1)(b)**(2)
C671 S. 227 functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **19(1)(b)**
C672 S. 227 functions made exercisable concurrently (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), **7(1)(b)**
C673 S. 227 functions made exercisable concurrently (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **11(1)(b)(2)**
C674 S. 227 functions made exercisable concurrently (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **8**
C675 S. 227: functions made exercisable concurrently (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **8**
C676 S. 227: functions made exercisable concurrently (7.5.2024) by The North East Mayoral Combined Authority (Establishment and Functions) Order 2024 (S.I. 2024/402), arts. 1(3), **35** (with art. 9)
C677 S. 227: functions made exercisable concurrently (5.2.2025) by The Greater Lincolnshire Combined County Authority Regulations 2025 (S.I. 2025/117), regs. 1(2), **7**
C678 S. 227: functions made exercisable concurrently (5.2.2025) by The Devon and Torbay Combined County Authority Regulations 2025 (S.I. 2025/115), regs. 1(2), **6**
C679 S. 227: functions made exercisable concurrently (5.2.2025) by The Lancashire Combined County Authority Regulations 2025 (S.I. 2025/118), regs. 1(2), **6**
C680 S. 227: functions made exercisable concurrently (5.2.2025) by The Hull and East Yorkshire Combined Authority Order 2025 (S.I. 2025/113), arts. 1(2), **16**

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Marginal Citations

M96 1965 c.56.

228 Compulsory acquisition of land by the [F1013Secretary of State for [F1014Housing, Communities and Local Government]] .

(1) The **[**F1013Secretary of State for **[**F1015Housing, Communities and Local Government**]]** may acquire compulsorily—

(a) any land necessary for the public service; and

(b) any land which it is proposed to use not only for the public service but also—

(i) to meet the interests of proper planning of the area, or

(ii) to secure the best or most economic development or use of the land,

otherwise than for the public service.

[F1016(1A) But subsection (1) does not permit the acquisition of any interest in Crown land unless—

(a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and

(b) the appropriate authority consents to the acquisition.**]**

(2) Where the Secretary of State has acquired or proposes to acquire any land under subsection (1) ("the primary land") and in his opinion other land ought to be acquired together with the primary land—

(a) in the interests of the proper planning of the area concerned; or

(b) for the purpose of ensuring that the primary land can be used, or developed and used, (together with that other land) in what appears to him to be the best or most economic way; or

(c) where the primary land or any land acquired, or which he proposes to acquire, by virtue of paragraph (a) or (b) of this subsection or of section 122(1)(a) or (b) of the Local M97 Government, Planning and Land Act 1980, forms part of a common, open space or fuel or field garden allotment, for the purpose of being given in exchange for that land,

he may compulsorily acquire that other land.

(3) Subject to subsection (4), the power of acquiring land compulsorily under this section shall include power to acquire an easement or other right over land by the grant of a new right.

(4) Subsection (3) shall not apply to an easement or other right over any land which would for the purposes of the M98Acquisition of Land Act 1981 form part of a common, open space or fuel or field garden allotment.

(5) References in this section to the public service include the service in the United Kingdom—

(a) of any international organisation or institution whether or not the United Kingdom or Her Majesty's Government in the United Kingdom is or is to become a member;

(b) of any office or agency established by such an organisation or institution or for its purposes, or established in pursuance of a treaty (whether or not the United Kingdom is or is to become a party to the treaty);

(c) of a foreign sovereign Power or the Government of such a Power.

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(6) For the purposes of subsection (5)(b) "treaty" includes any international agreement and any protocol or annex to a treaty or international agreement.

(7) The Acquisition of Land Act 1981 shall apply to any compulsory acquisition by the Secretary of State for **[**F1017Housing, Communities and Local Government**]** under this section.

[F1018(8) Crown land must be construed in accordance with Part 13.**]**

Textual Amendments

F1013 Words in s. 228 substituted (21.8.2006) by The Secretary of State for Communities and Local Government Order 2006 (S.I. 2006/1926), art. 9, **Sch. para. 3(2)**

F1014 Words in s. 228 heading substituted (30.10.2024) by The Transfer of Functions (Secretary of State for Housing, Communities and Local Government) Order 2024 (S.I. 2024/991), art. 1(2), **Sch. para. 3(2)(a)** (with art. 7)

F1015 Words in s. 228(1) substituted (30.10.2024) by The Transfer of Functions (Secretary of State for Housing, Communities and Local Government) Order 2024 (S.I. 2024/991), art. 1(2), **Sch. para. 3(2)(a)** (with art. 7)

F1016 S. 228(1A) inserted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 121, **Sch. 3 para. 4(2)** (with s. 111); S.I. 2006/1281, **art. 2**

F1017 Words in s. 228(7) substituted (30.10.2024) by The Transfer of Functions (Secretary of State for Housing, Communities and Local Government) Order 2024 (S.I. 2024/991), art. 1(2), **Sch. para. 3(2)(a)** (with art. 7)

F1018 S. 228(8) inserted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 121, **Sch. 3 para. 4(3)** (with s. 111); S.I. 2006/1281, **art. 2**

Modifications etc. (not altering text)

C681 S. 228: functions of the First Secretary of State transferred to the Secretary of State for Communities and Local Government (21.8.2006) by The Secretary of State for Communities and Local Government Order 2006 (S.I. 2006/1926), **art. 4(1)(b)**

C682 S. 228(1) extended (1.10.2009) by Constitutional Reform Act 2005 (c. 4), **ss. 50(3)**, 148; S.I. 2009/1604, **art. 2**
S. 228(1) extended (19.9.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), **ss. 41(3)(b)**, 148; S.I. 2007/2709, **art. 2(a)**

Marginal Citations

M97 1980 c. 65.

M98 1981 c.67.

229 Appropriation of land forming part of common, etc.

(1) Any local authority may be authorised, by an order made by that authority and confirmed by the Secretary of State, to appropriate for any purpose for which that authority can be authorised to acquire land under any enactment any land to which this subsection applies which is for the time being held by them for other purposes.

(2) Subsection (1) applies to land which is or forms part of a common or fuel or field garden allotment (including any such land which is specially regulated by any enactment, whether public general or local or private), other than land which is Green Belt land within the meaning of the **M99**Green Belt (London and Home Counties) Act 1938.

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(3) Section 19 of the [M100]Acquisition of Land Act 1981 (special provision with respect to compulsory purchase orders under that Act relating to land forming part of a common, open space or fuel or field garden allotment) shall apply to an order under this section authorising the appropriation of land as it applies to a compulsory purchase order under that Act.

(4) Where land appropriated under this section was acquired under an enactment incorporating the Lands Clauses Acts, any works executed on the land after the appropriation has been effected shall, for the purposes of section 68 of the [M101]Lands Clauses Consolidation Act 1845 and section 10 of the [M102]Compulsory Purchase Act 1965, be deemed to have been authorised by the enactment under which the land was acquired.

(5) On an appropriation of land by a local authority under this section, where—

(a) the authority is not an authority to whom Part II of the 1959 Act applies;

(b) the land was immediately before the appropriation held by the authority for the purposes of a grant-aided function (within the meaning of that Act); or

(c) the land is appropriated by the authority for the purposes of such a function,

such adjustments shall be made in the accounts of the local authority as the Secretary of State may direct.

(6) On an appropriation under this section which does not fall within subsection (5), such adjustment of accounts shall be made as is required by section 24(1) of the 1959 Act.

Modifications etc. (not altering text)

C683 S. 229 functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **6(1)(c)**(2)

C684 S. 229 functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **19(1)(c)**

C685 S. 229 functions made exercisable concurrently (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), **7(1)(c)**

C686 S. 229 functions made exercisable concurrently (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **11(1)(c)(2)**

C687 S. 229 functions made exercisable concurrently (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **8**

C688 S. 229: functions made exercisable concurrently (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **8**

C689 S. 229: functions made exercisable concurrently (7.5.2024) by The North East Mayoral Combined Authority (Establishment and Functions) Order 2024 (S.I. 2024/402), arts. 1(3), **35** (with art. 9)

C690 S. 229: functions made exercisable concurrently (5.2.2025) by The Lancashire Combined County Authority Regulations 2025 (S.I. 2025/118), regs. 1(2), **6**

C691 S. 229: functions made exercisable concurrently (5.2.2025) by The Hull and East Yorkshire Combined Authority Order 2025 (S.I. 2025/113), arts. 1(2), **16**

C692 S. 229: functions made exercisable concurrently (5.2.2025) by The Greater Lincolnshire Combined County Authority Regulations 2025 (S.I. 2025/117), regs. 1(2), **7**

C693 S. 229: functions made exercisable concurrently (5.2.2025) by The Devon and Torbay Combined County Authority Regulations 2025 (S.I. 2025/115), regs. 1(2), **6**

Marginal Citations

M99 1938 c. xciii.

M100 1981 c. 67.

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

M101 1845 c.18.
M102 1965 c.56.

230 Acquisition of land for purposes of exchange.

(1) Without prejudice to the generality of the powers conferred by sections 226 and 227, any power of a local authority to acquire land under those sections, whether compulsorily or by agreement, shall include power to acquire land required for giving in exchange—

(a) for land appropriated under section 229; or

(b) for Green Belt land appropriated in accordance with the Green Belt (London and Home Counties) Act 1938 for any purpose specified in a development plan.

(2) In subsection (1) "Green Belt land" has the same meaning as in that Act.

Modifications etc. (not altering text)

C694 S. 230(1)(a) functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **6(1)(d)**(2)

C695 S. 230(1)(a) functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **19(1)(d)**

C696 S. 230(1)(a) functions made exercisable concurrently (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), **7(1)(d)**

C697 S. 230(1)(a) functions made exercisable concurrently (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **11(1)(d)(2)**

C698 S. 230(1)(a) functions made exercisable concurrently (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **8**

C699 S. 230(1)(a): functions made exercisable concurrently (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **8**

C700 S. 230(1)(a): functions made exercisable concurrently (7.5.2024) by The North East Mayoral Combined Authority (Establishment and Functions) Order 2024 (S.I. 2024/402), arts. 1(3), **35** (with art. 9)

C701 S. 230(1)(a): functions made exercisable concurrently (5.2.2025) by The Hull and East Yorkshire Combined Authority Order 2025 (S.I. 2025/113), arts. 1(2), **16**

C702 S. 230(1)(a): functions made exercisable concurrently (5.2.2025) by The Greater Lincolnshire Combined County Authority Regulations 2025 (S.I. 2025/117), regs. 1(2), **7**

C703 S. 230(1)(a): functions made exercisable concurrently (5.2.2025) by The Lancashire Combined County Authority Regulations 2025 (S.I. 2025/118), regs. 1(2), **6**

C704 S. 230(1)(a): functions made exercisable concurrently (5.2.2025) by The Devon and Torbay Combined County Authority Regulations 2025 (S.I. 2025/115), regs. 1(2), **6**

231 Power of Secretary of State to require acquisition or development of land.

(1) If the Secretary of State is satisfied after holding a local inquiry that the council of a county, **[**[F1019]county borough,**]** district or London borough have failed to take steps for the acquisition of any land which in his opinion ought to be acquired by them under section 226 [F1020]. . ., he may by order require the council to take such steps as may be specified in the order for acquiring the land.

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(2) If the Secretary of State is satisfied after holding a local inquiry that a local authority have failed to carry out, on land acquired by them under section 226 (or section 68 of the 1962 Act or section 112 of the 1971 Act) or appropriated by them under section 229 (or section 121 of the 1971 Act), any development which in his opinion ought to be carried out, he may by order require the authority to take such steps as may be specified in the order for carrying out the development.

(3) An order under this section shall be enforceable on the application of the Secretary of State by mandamus.

Textual Amendments

F1019 Words in s. 231(1) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(7)** (with ss. 54(5)(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F1020 Words in s. 231 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 70, 84(6), Sch. 15 Pt. II para. 29, **Sch. 19 Pt. III** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 5)

Modifications etc. (not altering text)

C705 S. 231 power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

Appropriation, disposal and development of land held for planning purposes, etc.

232 Appropriation of land held for planning purposes.

(1) Where any land has been acquired or appropriated by a local authority for planning purposes and is for the time being held by them for the purposes for which it was so acquired or appropriated, the authority may appropriate the land for any purpose for which they are or may be authorised in any capacity to acquire land by virtue of or under any enactment not contained in this Part or in Chapter V of Part I of the [M103]Planning (Listed Buildings and Conservation Areas) Act 1990 **[**[F1021]or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023**]**.

(2) Land which consists or forms part of a common, or formerly consisted or formed part of a common, and is held or managed by a local authority in accordance with a local Act shall not be appropriated under this section without the consent of the Secretary of State.

(3) Such consent may be given—

(a) either in respect of a particular appropriation or in respect of appropriations of any class, and

(b) either subject to or free from any conditions or limitations.

(4) Before appropriating under this section any land which consists of or forms part of an open space, a local authority—

(a) shall publish a notice of their intention to do so for at least two consecutive weeks in a newspaper circulating in their area; and

(b) shall consider any objections to the proposed appropriation which may be made to them.

(5) In relation to any appropriation under this section—

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(a) subsection (4) of section 122 of the [M104]Local Government Act 1972 (which relates to the operation of section 68 of the [M105]Lands Clauses Consolidation Act 1845 and section 10 of the [M106]Compulsory Purchase Act 1965) shall have effect as it has effect in relation to appropriations under section 122 of that Act of 1972; and

(b) subsections (5) and (6) of section 229 of this Act shall have effect as they have effect in relation to appropriations under that section.

(6) In relation to any such land as is mentioned in subsection (1), this section shall have effect to the exclusion of the provisions of section 122(1) of the [M107]Local Government Act 1972.

Textual Amendments

F1021 Words in s. 232(1) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 77** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

Modifications etc. (not altering text)

C706 Ss. 232, 233, 235(1) amended by Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9, SIF 123:1), **s. 66(2)**

C707 S. 232: functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **6(1)(e)**(2)

C708 S. 232: functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **19(1)(e)**

C709 S. 232: functions made exercisable concurrently (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), **7(1)(e)**

C710 S. 232: functions made exercisable concurrently (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **11(1)(e)(2)**

C711 S. 232: functions made exercisable concurrently (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **8**

C712 S. 232: functions made exercisable concurrently (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **8**

C713 S. 232: functions made exercisable concurrently (7.5.2024) by The North East Mayoral Combined Authority (Establishment and Functions) Order 2024 (S.I. 2024/402), arts. 1(3), **35** (with art. 9)

C714 S. 232: functions made exercisable concurrently (5.2.2025) by The Lancashire Combined County Authority Regulations 2025 (S.I. 2025/118), regs. 1(2), **6**

C715 S. 232: functions made exercisable concurrently (5.2.2025) by The Hull and East Yorkshire Combined Authority Order 2025 (S.I. 2025/113), arts. 1(2), **16**

C716 S. 232: functions made exercisable concurrently (5.2.2025) by The Greater Lincolnshire Combined County Authority Regulations 2025 (S.I. 2025/117), regs. 1(2), **7**

C717 S. 232: functions made exercisable concurrently (5.2.2025) by The Devon and Torbay Combined County Authority Regulations 2025 (S.I. 2025/115), regs. 1(2), **6**

Marginal Citations

M103 1990 c. 9.

M104 1972 c. 70.

M105 1845 c.18.

M106 1965 c.56.

M107 1972 c. 70.

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233 Disposal by local authorities of land held for planning purposes.

(1) Where any land has been acquired or appropriated by a local authority for planning purposes and is for the time being held by them for the purposes for which it was so acquired or appropriated, the authority may dispose of the land to such person, in such manner and subject to such conditions as appear to them to be expedient in order—

(a) to secure the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out on it (whether by themselves or by any other person), or

(b) to secure the erection, construction or carrying out on it of any buildings or works appearing to them to be needed for the proper planning of the area of the authority.

(2) Land which consists of or forms part of a common, or formerly consisted or formed part of a common, and is held or managed by a local authority in accordance with a local Act shall not be disposed of under this section without the consent of the Secretary of State.

(3) The consent of the Secretary of State is also required where the disposal is to be for a consideration less than the best that can reasonably be obtained and is not—

(a) the grant of a term of seven years or less; or

(b) the assignment of a term of years of which seven years or less are unexpired at the date of the assignment.

[[F1022](3A) The Secretary of State may give consent under subsection (3)—

(a) in relation to any particular disposal or disposals, or in relation to a particular class of disposals,

(b) in relation to local authorities generally, or local authorities of a particular class, or to any particular local authority or authorities, and

(c) either unconditionally or subject to conditions (either generally, or in relation to any particular disposal or disposals or class of disposals).**]**

(4) Before disposing under this section of any land which consists of or forms part of an open space, a local authority—

(a) shall publish a notice of their intention to do so for at least two consecutive weeks in a newspaper circulating in their area; and

(b) shall consider any objections to the proposed disposal which may be made to them.

(5) In relation to land acquired or appropriated for planning purposes for a reason mentioned in section 226(1)(a) or (3) the powers conferred by this section on a local authority, and on the Secretary of State in respect of the giving of consent to disposals under this section, shall be so exercised as to secure to relevant occupiers, so far as may be practicable, a suitable opportunity for accommodation.

(6) A person is a relevant occupier for the purposes of subsection (5) if—

(a) he was living or carrying on business or other activities on any such land as is mentioned in that subsection which the authority have acquired as mentioned in subsection (1),

(b) he desires to obtain accommodation on such land, and

(c) he is willing to comply with any requirements of the authority as to the development and use of such land;

and in this subsection "development" includes redevelopment.

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(7) In subsection (5) a suitable opportunity for accommodation means, in relation to any person, an opportunity to obtain accommodation on the land in question which is suitable to his reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from him.

(8) In relation to any such land as is mentioned in subsection (1), this section shall have effect to the exclusion of section 123 of the [M108]Local Government Act 1972 (disposal of land by principal councils).

[[F1023](9) Section 128(2) of the Local Government Act 1972 (which already gives protection to purchasers etc in respect of certain land transactions, including disposals under this section by certain authorities) applies in relation to every disposal of land under this section by a local authority for an area in England; and section 29 of the Town and Country Planning Act 1959 does not apply in relation to such a disposal.**]**

Textual Amendments

F1022 S. 233(3A) inserted (25.6.2013 for E.) by Growth and Infrastructure Act 2013 (c. 27), **ss. 8(2)**, 35(1); S.I. 2013/1124, art. 3

F1023 S. 233(9) inserted (25.6.2013 for E.) by Growth and Infrastructure Act 2013 (c. 27), **ss. 8(3)**, 35(1); S.I. 2013/1124, art. 3

Modifications etc. (not altering text)

C718 Ss. 232, 233, 235(1) amended by Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9, SIF 123:1), **s. 66(2)**

C719 S. 233 functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **6(1)(f)**(2)

C720 S. 233 functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **19(1)(f)**

C721 S. 233 functions made exercisable concurrently (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), **7(1)(f)**

C722 S. 233 functions made exercisable concurrently (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **11(1)(f)(2)**

C723 S. 233 functions made exercisable concurrently (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **8**

C724 S. 233: functions made exercisable concurrently (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **8**

C725 S. 233: functions made exercisable concurrently (7.5.2024) by The North East Mayoral Combined Authority (Establishment and Functions) Order 2024 (S.I. 2024/402), arts. 1(3), **35** (with art. 9)

C726 S. 233: functions made exercisable concurrently (5.2.2025) by The Devon and Torbay Combined County Authority Regulations 2025 (S.I. 2025/115), regs. 1(2), **6**

C727 S. 233: functions made exercisable concurrently (5.2.2025) by The Greater Lincolnshire Combined County Authority Regulations 2025 (S.I. 2025/117), regs. 1(2), **7**

C728 S. 233: functions made exercisable concurrently (5.2.2025) by The Hull and East Yorkshire Combined Authority Order 2025 (S.I. 2025/113), arts. 1(2), **16**

C729 S. 233: functions made exercisable concurrently (5.2.2025) by The Lancashire Combined County Authority Regulations 2025 (S.I. 2025/118), regs. 1(2), **6**

Marginal Citations

M108 1972 c. 70.

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234 Disposal by Secretary of State of land acquired under s. 228.

(1) The Secretary of State may dispose of land held by him and acquired by him or any other Minister under section 228 to such person, in such manner and subject to such conditions as appear to him expedient.

(2) In particular, the Secretary of State may under subsection (1) dispose of land held by him for any purpose in order to secure its use for that purpose.

Modifications etc. (not altering text)

C730 S. 234 applied (with modifications) (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 49(4)(a)**, 70(1)

C731 S. 234 applied (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 45(4)(a)**, 64(1)

235 Development of land held for planning purposes.

(1) A local authority may—

(a) erect, construct or carry out on any land to which this section applies any building or work other than a building or work for the erection, construction or carrying out of which, whether by that local authority or by any other person, statutory power exists by virtue of, or could be conferred under, an alternative enactment; and

(b) repair, maintain and insure any buildings or works on such land and generally deal with such land in a proper course of management.

(2) This section applies to any land which—

(a) has been acquired or appropriated by a local authority for planning purposes, and

(b) is for the time being held by the authority for the purposes for which it was so acquired or appropriated.

(3) A local authority may exercise the powers conferred by subsection (1) notwithstanding any limitation imposed by law on their capacity by virtue of their constitution.

(4) A local authority may enter into arrangements with an authorised association for the carrying out by the association of any operation which, apart from the arrangements, the local authority would have power under this section to carry out, on such terms (including terms as to the making of payments or loans by the authority to the association) as may be specified in the arrangements.

(5) Nothing in this section shall be construed—

(a) as authorising any act or omission on the part of a local authority which is actionable at the suit of any person on any grounds other than such a limitation as is mentioned in subsection (3); or

(b) as authorising an authorised association to carry out any operation which they would not have power to carry out apart from subsection (4).

(6) In this section—

"alternative enactment" means any enactment which is not contained in this Part, in section 2, 5 or 6 of the [M109]Local Authorities (Land) Act 1963, in section 14(1) or (4) or 17(3) of the [M110]Industrial Development Act 1982 or

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in Chapter V of Part I of the [M111]Planning (Listed Buildings and Conservation Areas) Act 1990 **[**[F1024]or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023**]**; and

"authorised association" means any society, company or body of persons—

(a) whose objects include the promotion, formation or management of garden cities, garden suburbs or garden villages and the erection, improvement or management of buildings for the working classes and others, and

(b) which does not trade for profit or whose constitution forbids the issue of any share or loan capital with interest or dividend exceeding the rate for the time being fixed by the Treasury.

Textual Amendments

F1024 Words in s. 235(6) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 78** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

Modifications etc. (not altering text)

C732 S. 235: functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **6(1)(g)**(2)

C733 S. 235: functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **19(1)(g)**

C734 S. 235: functions made exercisable concurrently (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), **7(1)(g)**

C735 S. 235: functions made exercisable concurrently (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **11(1)(g)(2)**

C736 S. 235: functions made exercisable concurrently (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **8**

C737 S. 235: functions made exercisable concurrently (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **8**

C738 S. 235: functions made exercisable concurrently (7.5.2024) by The North East Mayoral Combined Authority (Establishment and Functions) Order 2024 (S.I. 2024/402), arts. 1(3), **35** (with art. 9)

C739 S. 235: functions made exercisable concurrently (5.2.2025) by The Devon and Torbay Combined County Authority Regulations 2025 (S.I. 2025/115), regs. 1(2), **6**

C740 S. 235: functions made exercisable concurrently (5.2.2025) by The Lancashire Combined County Authority Regulations 2025 (S.I. 2025/118), regs. 1(2), **6**

C741 S. 235: functions made exercisable concurrently (5.2.2025) by The Greater Lincolnshire Combined County Authority Regulations 2025 (S.I. 2025/117), regs. 1(2), **7**

C742 S. 235: functions made exercisable concurrently (5.2.2025) by The Hull and East Yorkshire Combined Authority Order 2025 (S.I. 2025/113), arts. 1(2), **16**

C743 Ss. 232, 233, 235(1) amended by Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9, SIF 123:1), **s. 66(2)**

Marginal Citations

M109 1963 c.29.

M110 1982 c.52.

M111 1990 c. 9.

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Extinguishment of certain rights affecting acquired or appropriated land

236 Extinguishment of rights over land compulsorily acquired.

(1) Subject to the provisions of this section, upon the completion of a compulsory acquisition of land under section 226, 228 or 230—

(a) all private rights of way and rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land shall be extinguished, and

(b) any such apparatus shall vest in the acquiring authority.

(2) Subsection (1) shall not apply—

(a) to any right vested in, or apparatus belonging to, statutory undertakers for the purpose of the carrying on of their undertaking, or

(b) to any right conferred by or in accordance with the **[**F1025electronic communications code**]** on the operator of **[**F1026an electronic communications code network**]** , or

(c) to any **[**F1027electronic communications apparatus**]** kept installed for the purposes of any such **[**F1028network**]**.

(3) In respect of any right or apparatus not falling within subsection (2), subsection (1) shall have effect subject—

(a) to any direction given by the acquiring authority before the completion of the acquisition that subsection (1) shall not apply to any right or apparatus specified in the direction; and

(b) to any agreement which may be made (whether before or after the completion of the acquisition) between the acquiring authority and the person in or to whom the right or apparatus in question is vested or belongs.

(4) Any person who suffers loss by the extinguishment of a right or the vesting of any apparatus under this section shall be entitled to compensation from the acquiring authority.

(5) Any compensation payable under this section shall be determined in accordance with the M112Land Compensation Act 1961.

Textual Amendments

F1025 Words in s. 236(2) substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(a)(2)(a)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

F1026 Words in s. 236(2) substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(a)(2)(b)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

F1027 Words in s. 236(2) substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(a)(2)(c)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

F1028 Word in s. 236(2) substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(a)(2)(e)** (with transitional

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provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

Modifications etc. (not altering text)

C744 S. 236 functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **6(1)(h)**(2)

C745 S. 236 functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **19(1)(h)**

C746 S. 236 applied (with modifications) (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 49(4)(a)**, 70(1)

C747 S. 236 functions made exercisable concurrently (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), **7(1)(h)**

C748 S. 236 functions made exercisable concurrently (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **11(1)(h)(2)**

C749 S. 236 applied (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 45(4)(a)**, 64(1)

C750 S. 236 functions made exercisable concurrently (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **8**

C751 S. 236: functions made exercisable concurrently (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **8**

C752 S. 236: functions made exercisable concurrently (7.5.2024) by The North East Mayoral Combined Authority (Establishment and Functions) Order 2024 (S.I. 2024/402), arts. 1(3), **35** (with art. 9)

C753 S. 236: functions made exercisable concurrently (5.2.2025) by The Devon and Torbay Combined County Authority Regulations 2025 (S.I. 2025/115), regs. 1(2), **6**

C754 S. 236: functions made exercisable concurrently (5.2.2025) by The Greater Lincolnshire Combined County Authority Regulations 2025 (S.I. 2025/117), regs. 1(2), **7**

C755 S. 236: functions made exercisable concurrently (5.2.2025) by The Lancashire Combined County Authority Regulations 2025 (S.I. 2025/118), regs. 1(2), **6**

C756 S. 236: functions made exercisable concurrently (5.2.2025) by The Hull and East Yorkshire Combined Authority Order 2025 (S.I. 2025/113), arts. 1(2), **16**

Marginal Citations

M112 1961 c.33.

F1029 237 Power to override easements and other rights.

. . . . . .

Textual Amendments

F1029 S. 237 omitted (13.7.2016) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 19 para. 9**; S.I. 2016/733, reg. 3(m)

Modifications etc. (not altering text)

C757 S. 237 functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **6(1)(i)**(2)

C758 S. 237 functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **19(1)(i)**

C759 S. 237 applied (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 49(5)**, 70(1)

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C760 S. 237 applied (with modifications) (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 49(4)(b)**, 70(1)

238 Use and development of consecrated land.

(1) Notwithstanding any obligation or restriction imposed under ecclesiastical law or otherwise in respect of consecrated land, any such land, which has been the subject of a relevant acquisition or appropriation, may subject to the following provisions of this section—

(a) if it has been acquired by a Minister, be used in any manner by him or on his behalf for any purpose for which he acquired the land; and

(b) in any other case, be used by any person in any manner in accordance with planning permission.

(2) Subsection (1) applies whether or not the land includes a building but it does not apply to land which consists of or forms part of a burial ground.

(3) Any use of consecrated land authorised by subsection (1) shall be subject—

(a) to compliance with the prescribed requirements with respect—

(i) to the removal and reinterment of any human remains, and

(ii) to the disposal of monuments and fixtures and furnishings; and

(b) to such provisions as may be prescribed for prohibiting or restricting the use of the land, either absolutely or until the prescribed consent has been obtained, so long as any church or other building used or formerly used for religious worship, or any part of it, remains on the land.

(4) Any use of land other than consecrated land which—

(a) has been the subject of a relevant acquisition or appropriation, and

(b) at the time of acquisition or appropriation included a church or other building used or formerly used for religious worship or the site of such a church or building,

shall be subject to compliance with such requirements as are mentioned in subsection (3)(a).

(5) Any regulations made for the purposes of subsection (3) or (4)—

(a) shall contain such provisions as appear to the Secretary of State to be requisite for securing that any use of land which is subject to compliance with the regulations shall, as nearly as may be, be subject to the same control as is imposed by law in the case of a similar use authorised by an enactment not contained in this Act or by a Measure, or as it would be proper to impose on a disposal of the land in question otherwise than in pursuance of an enactment or Measure;

(b) shall contain such requirements relating to the disposal of any such land as is mentioned in subsection (3) or (4) as appear to the Secretary of State requisite for securing that the provisions of those subsections are complied with in relation to the use of the land; and

(c) may **[**F1030in particular by virtue of section 333(2B) include provision as to the closing of registers**]**.

(6) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other

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than contravention of any such obligation, restriction or enactment as is mentioned in subsection (1).

Textual Amendments

F1030 Words in s. 238(5)(c) substituted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 130(2)**, 255(3)(a) (with s. 247)

Modifications etc. (not altering text)

C761 Ss. 238, 239 modified by National Health Service Act 1977 (c. 49, SIF 113:2), **s. 87(6)** as substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 40**

C762 Ss. 238, 239 excluded (with modifications) by S.I. 2000/90, **art. 4** (with art. 2(5))

C763 Ss. 238-240 applied (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 118, 411, **Sch. 4 para. 3(5)(6)(a)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)
Ss. 238-240 applied (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 34, 199, **Sch. 4 para. 86**; S.I. 2004/759 {art. 2}
S. 238 applied (1.3.2007) by National Health Service Act 2006 (c. 41), **ss. 211(7)**, 277
S. 238 applied (1.3.2007) by National Health Service (Wales) Act 2006 (c. 42), **ss. 159(7)**, 208 (with s. 19(3))

C764 Ss. 238, 239 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **20(15)** (with art. 43)

C765 S. 238: functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **6(1)(j)**(2)

C766 S. 238 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **Sch. 19 Pt. 1 para. 9(2)**

C767 S. 238: functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **19(1)(j)**

C768 S. 238 applied (with modifications) (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 49(4)(c)**, 70(1)

C769 S. 238 applied (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 49(5)**, 70(1)

C770 S. 238: functions made exercisable concurrently (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), **7(1)(i)**

C771 S. 238: functions made exercisable concurrently (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **11(1)(i)(2)**

C772 S. 238 applied (with modifications) (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 45(4)(b)**(5), 64(1)

C773 S. 238: functions made exercisable concurrently (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **8**

C774 Ss. 238, 239 applied (with modifications) (9.2.2024) by The A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024/60), arts. 1, **57(1)**(2) (with arts. 4, 52, Sch. 11 paras. 6, 24, 39(1), 55(1), 84)

C775 S. 238: functions made exercisable concurrently (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **8**

C776 S. 238: functions made exercisable concurrently (7.5.2024) by The North East Mayoral Combined Authority (Establishment and Functions) Order 2024 (S.I. 2024/402), arts. 1(3), **35** (with art. 9)

C777 S. 238: functions made exercisable concurrently (5.2.2025) by The Lancashire Combined County Authority Regulations 2025 (S.I. 2025/118), regs. 1(2), **6**

C778 S. 238: functions made exercisable concurrently (5.2.2025) by The Greater Lincolnshire Combined County Authority Regulations 2025 (S.I. 2025/117), regs. 1(2), **7**

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C779 S. 238: functions made exercisable concurrently (5.2.2025) by The Devon and Torbay Combined County Authority Regulations 2025 (S.I. 2025/115), regs. 1(2), **6**

C780 S. 238: functions made exercisable concurrently (5.2.2025) by The Hull and East Yorkshire Combined Authority Order 2025 (S.I. 2025/113), arts. 1(2), **16**

C781 Ss. 238, 239 applied (27.2.2025) by The Associated British Ports (Immingham Green Energy Terminal) Order 2025 (S.I. 2025/165), arts. 1, **21(19)** (with arts. 48, 59, Sch. 14)

C782 S. 238 applied (23.4.2025) by The Cambridge Waste Water Treatment Plant Relocation Order 2025 (S.I. 2025/452), art. 1, **Sch. 17 para. 5(2)**

C783 S. 238(1)(b) modified (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **20(15)** (with art. 43)

C784 S. 238(1)(b) modified (27.2.2025) by The Associated British Ports (Immingham Green Energy Terminal) Order 2025 (S.I. 2025/165), arts. 1, **21(19)** (with arts. 48, 59, Sch. 14)

239 Use and development of burial grounds.

(1) Notwithstanding anything in any enactment relating to burial grounds or any obligation or restriction imposed under ecclesiastical law or otherwise in respect of them, any land consisting of a burial ground or part of a burial ground, which has been the subject of a relevant acquisition or appropriation, may—

(a) if it has been acquired by a Minister, be used in any manner by him or on his behalf for any purpose for which he acquired the land; and

(b) in any other case, be used by any person in any manner in accordance with planning permission.

(2) This section does not apply to land which has been used for the burial of the dead until the prescribed requirements with respect to the removal and reinterment of human remains, and the disposal of monuments, in or upon the land have been complied with.

(3) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than contravention of any such enactment, obligation or restriction as is mentioned in subsection (1).

Modifications etc. (not altering text)

C764 Ss. 238, 239 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **20(15)** (with art. 43)

C774 Ss. 238, 239 applied (with modifications) (9.2.2024) by The A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024/60), arts. 1, **57(1)**(2) (with arts. 4, 52, Sch. 11 paras. 6, 24, 39(1), 55(1), 84)

C781 Ss. 238, 239 applied (27.2.2025) by The Associated British Ports (Immingham Green Energy Terminal) Order 2025 (S.I. 2025/165), arts. 1, **21(19)** (with arts. 48, 59, Sch. 14)

C785 Ss. 238, 239 modified by National Health Service Act 1977 (c. 49, SIF 113:2), **s. 87(6)** as substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 40**

C786 Ss. 238, 239 extended (with modifications) (8.2.2000) by S.I. 2000/90, **art. 4** (with art. 2(5))

C787 Ss. 238-240 applied (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 118, 411, **Sch. 4 para. 3(5)(6)(a)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)
Ss. 238-240 applied (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 34, 199, **Sch. 4 para. 86**; S.I. 2004/759, **art. 2**
S. 239 applied (1.3.2007) by National Health Service Act 2006 (c. 41), **ss. 211(7)**, 277

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S. 239 applied (1.3.2007) by National Health Service (Wales) Act 2006 (c. 42), **ss. 159(7)**, 208 (with s. 19(3))

C788 S. 239: functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **6(1)(k)**(2)

C789 S. 239 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, Sch. 19 Pt. 1 para. 9(2)

C790 S. 239: functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **19(1)(k)**

C791 S. 239 applied (with modifications) (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 49(4)(c)**, 70(1)

C792 S. 239 applied (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 49(5)**, 70(1)

C793 S. 239: functions made exercisable concurrently (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), **7(1)(j)**

C794 S. 239 applied (11.6.2020) by The M42 Junction 6 Development Consent Order 2020 (S.I. 2020/528), arts. 1, **48(17)** (with art. 37)

C795 S. 239 applied (with modifications) (15.10.2020) by The Great Yarmouth Third River Crossing Development Consent Order 2020 (S.I. 2020/1075), arts. 1, **55(18)**

C796 S. 239 applied (29.10.2020) by The Southampton to London Pipeline Development Consent Order 2020 (S.I. 2020/1099), arts. 1, **37(17)** (with art. 32, Sch. 9 para. 36)

C797 S. 239: functions made exercisable concurrently (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **11(1)(j)**(2)

C798 S. 239 applied (with modifications) (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 45(4)(b)**(5), 64(1)

C799 S. 239 applied (11.8.2022) by The Sizewell C (Nuclear Generating Station) Order 2022 (S.I. 2022/853), art. 1, **Sch. 25 para. 4(2)** (with arts. 62, 76, 87)

C800 S. 239 applied (2.9.2022) by The A47 North Tuddenham to Easton Development Consent Order 2022 (S.I. 2022/911), arts. 1, **48(1)** (with arts. 4, 53)

C801 S. 239 applied (8.9.2022) by The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (S.I. 2022/934), arts. 1, **52(17)**

C802 S. 239 applied (10.3.2023) by The A47 Wansford to Sutton Development Consent Order 2023 (S.I. 2023/218), arts. 1, **51(16)** (with arts. 4, 50)

C803 S. 239 applied (4.8.2023) by The A303 (Amesbury to Berwick Down) Development Consent Order 2023 (S.I. 2023/834), arts. 1, **16(18)** (with arts. 6(2), 18, Sch. 11 paras. 5, 30)

C804 S. 239: functions made exercisable concurrently (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **8**

C805 S. 239: functions made exercisable concurrently (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **8**

C806 S. 239 applied (28.3.2024) by The A66 Northern Trans-Pennine Development Consent Order 2024 (S.I. 2024/360), arts. 1, **16(18)** (with arts. 18, 35, Sch. 9)

C807 S. 239: functions made exercisable concurrently (7.5.2024) by The North East Mayoral Combined Authority (Establishment and Functions) Order 2024 (S.I. 2024/402), arts. 1(3), **35** (with art. 9)

C808 S. 239: functions made exercisable concurrently (5.2.2025) by The Hull and East Yorkshire Combined Authority Order 2025 (S.I. 2025/113), arts. 1(2), **16**

C809 S. 239: functions made exercisable concurrently (5.2.2025) by The Lancashire Combined County Authority Regulations 2025 (S.I. 2025/118), regs. 1(2), **6**

C810 S. 239: functions made exercisable concurrently (5.2.2025) by The Devon and Torbay Combined County Authority Regulations 2025 (S.I. 2025/115), regs. 1(2), **6**

C811 S. 239: functions made exercisable concurrently (5.2.2025) by The Greater Lincolnshire Combined County Authority Regulations 2025 (S.I. 2025/117), regs. 1(2), **7**

C812 S. 239 applied (15.4.2025) by The A122 (Lower Thames Crossing) Development Consent Order 2025 (S.I. 2025/462), arts. 1, **22(18)** (with arts. 5, 43, 53(7), Sch. 14)

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C813 S. 239 applied (23.4.2025) by The Cambridge Waste Water Treatment Plant Relocation Order 2025 (S.I. 2025/452), art. 1, **Sch. 17 para. 5(2)**

C814 S. 239 applied (25.6.2025) by The M5 Junction 10 Development Consent Order 2025 (S.I. 2025/795), arts. 1, **38(17)** (with arts. 4, 43, Sch. 9)

C815 S. 239 applied (22.10.2025) by The A46 Newark Bypass Development Consent Order 2025 (S.I. 2025/1090), arts. 1, **50(17)** (with arts. 4, 9, 51, Sch. 9)

240 Provisions supplemental to ss. 238 and 239.

(1) Provision shall be made by any regulations made for the purposes of sections 238(3) and (4) and 239(2)—

(a) for requiring the persons in whom the land is vested to publish notice of their intention to carry out the removal and reinterment of any human remains or the disposal of any monuments;

(b) for enabling the personal representatives or relatives of any deceased person themselves to undertake—

(i) the removal and reinterment of the remains of the deceased, and

(ii) the disposal of any monument commemorating the deceased,

and for requiring the persons in whom the land is vested to defray the expenses of such removal, reinterment and disposal (not exceeding such amount as may be prescribed);

(c) for requiring compliance—

(i) with such reasonable conditions (if any) as may be imposed in the case of consecrated land, by the bishop of the diocese, with respect to the manner of removal and the place and manner of reinterment of any human remains and the disposal of any monuments, and

(ii) with any directions given in any case by the Secretary of State with respect to the removal and reinterment of any human remains.

(2) Subject to the provisions of any such regulations, no faculty is required—

(a) for the removal and reinterment in accordance with the regulations of any human remains, or

(b) for the removal or disposal of any monuments,

and section 25 of the [M113]Burial Act 1857 (prohibition of removal of human remains without the licence of the Secretary of State except in certain cases) does not apply to a removal carried out in accordance with the regulations.

(3) In sections 238 and 239 and this section—

"burial ground" includes any churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of interment,

"monument" includes a tombstone or other memorial, and

"relevant acquisition or appropriation" means an acquisition made by a Minister, a local authority or statutory undertakers under this Part or Chapter V of Part I of the [M114]Planning (Listed Buildings and Conservation Areas) Act 1990 **[**[F1031]or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023**]** or compulsorily under any other enactment, or an appropriation by a local authority for planning purposes.

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Textual Amendments

F1031 Words in s. 240(3) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 79** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

Modifications etc. (not altering text)

C816 Ss. 238-240 applied (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 118, 411, **Sch. 4 para. 3(5)(6)(a)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)
Ss. 238-240 applied (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 34, 199, **Sch. 4 para. 86**; S.I. 2004/759, **art. 2**

C817 S. 240 modified (10.3.2023) by The A47 Wansford to Sutton Development Consent Order 2023 (S.I. 2023/218), arts. 1, **51(17)** (with arts. 4, 50)

C818 S. 240 modified (25.6.2025) by The M5 Junction 10 Development Consent Order 2025 (S.I. 2025/795), arts. 1, **38(17)** (with arts. 4, 43, Sch. 9)

C819 S. 240(1) modified (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **20(15)** (with art. 43)

C820 S. 240(1) modified (29.10.2020) by The Southampton to London Pipeline Development Consent Order 2020 (S.I. 2020/1099), arts. 1, **37(17)** (with art. 32, Sch. 9 para. 36)

C821 S. 240(1)(3) modified (4.8.2023) by The A303 (Amesbury to Berwick Down) Development Consent Order 2023 (S.I. 2023/834), arts. 1, **16(18)** (with arts. 6(2), 18, Sch. 11 paras. 5, 30)

C822 S. 240(1) modified (9.2.2024) by The A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024/60), arts. 1, **57(3)** (with arts. 4, 52, Sch. 11 paras. 6, 24, 39(1), 55(1), 84)

C823 S. 240(1) modified (28.3.2024) by The A66 Northern Trans-Pennine Development Consent Order 2024 (S.I. 2024/360), arts. 1, **16(18)** (with arts. 18, 35, Sch. 9)

C824 S. 240(1) modified (27.2.2025) by The Associated British Ports (Immingham Green Energy Terminal) Order 2025 (S.I. 2025/165), arts. 1, **21(19)** (with arts. 48, 59, Sch. 14)

C825 S. 240(1) modified (15.4.2025) by The A122 (Lower Thames Crossing) Development Consent Order 2025 (S.I. 2025/462), arts. 1, **22(18)** (with arts. 5, 43, 53(7), Sch. 14)

C826 S. 240(1)(3) modified (22.10.2025) by The A46 Newark Bypass Development Consent Order 2025 (S.I. 2025/1090), arts. 1, **50(17)** (with arts. 4, 9, 51, Sch. 9)

C827 S. 240(3) modified (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **20(15)** (with art. 43)

C828 S. 240(3) modified (29.10.2020) by The Southampton to London Pipeline Development Consent Order 2020 (S.I. 2020/1099), arts. 1, **37(17)** (with art. 32, Sch. 9 para. 36)

C829 S. 240(3) modified (9.2.2024) by The A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024/60), arts. 1, **57(4)** (with arts. 4, 52, Sch. 11 paras. 6, 24, 39(1), 55(1), 84)

C830 S. 240(3) modified (28.3.2024) by The A66 Northern Trans-Pennine Development Consent Order 2024 (S.I. 2024/360), arts. 1, **16(18)** (with arts. 18, 35, Sch. 9)

C831 S. 240(3) modified (27.2.2025) by The Associated British Ports (Immingham Green Energy Terminal) Order 2025 (S.I. 2025/165), arts. 1, **21(19)** (with arts. 48, 59, Sch. 14)

C832 S. 240(3) modified (15.4.2025) by The A122 (Lower Thames Crossing) Development Consent Order 2025 (S.I. 2025/462), arts. 1, **22(18)** (with arts. 5, 43, 53(7), Sch. 14)

Marginal Citations

M113 1857 c. 81.

M114 1990 c. 9.

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

241 Use and development of open spaces.

(1) Notwithstanding anything in any enactment relating to land which is or forms part of a common, open space or fuel or field garden allotment or in any enactment by which the land is specially regulated, such land which has been acquired by a Minister, a local authority or statutory undertakers under this Part or under Chapter V of Part I of the Planning (Listed Buildings and Conservation Areas) Act 1990 **[**F1032or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023**]** or compulsorily under any other enactment, or which has been appropriated by a local authority for planning purposes—

(a) if it has been acquired by a Minister, may be used in any manner by him or on his behalf for any purpose for which he acquired the land; and

(b) in any other case, may be used by any person in any manner in accordance with planning permission.

(2) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than contravention of any such enactment as is mentioned in subsection (1).

Textual Amendments

F1032 Words in s. 241(1) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 80** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

Modifications etc. (not altering text)

C833 S. 241 applied (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 118, 411, **Sch. 4 para. 3(5)(6)(b)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

C834 S. 241: functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **6(1)(l)**(2)

C835 S. 241: functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **19(1)(l)**

C836 S. 241 applied (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 49(5)**, 70(1)

C837 S. 241 applied (with modifications) (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 49(4)(c)**, 70(1)

C838 S. 241: functions made exercisable concurrently (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), **7(1)(k)**

C839 S. 241: functions made exercisable concurrently (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **11(1)(k)(2)**

C840 S. 241 applied (with modifications) (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 45(4)(b)**(5), 64(1)

C841 S. 241: functions made exercisable concurrently (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **8**

C842 S. 241: functions made exercisable concurrently (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **8**

C843 S. 241: functions made exercisable concurrently (7.5.2024) by The North East Mayoral Combined Authority (Establishment and Functions) Order 2024 (S.I. 2024/402), arts. 1(3), **35** (with art. 9)

C844 S. 241: functions made exercisable concurrently (5.2.2025) by The Devon and Torbay Combined County Authority Regulations 2025 (S.I. 2025/115), regs. 1(2), **6**

C845 S. 241: functions made exercisable concurrently (5.2.2025) by The Greater Lincolnshire Combined County Authority Regulations 2025 (S.I. 2025/117), regs. 1(2), **7**

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C846 S. 241: functions made exercisable concurrently (5.2.2025) by The Lancashire Combined County Authority Regulations 2025 (S.I. 2025/118), regs. 1(2), **6**

C847 S. 241: functions made exercisable concurrently (5.2.2025) by The Hull and East Yorkshire Combined Authority Order 2025 (S.I. 2025/113), arts. 1(2), **16**

242 Overriding of rights of possession.

If the Secretary of State certifies that possession of a house which—

(a) has been acquired or appropriated by a local authority for planning purposes, and

(b) is for the time being held by the authority for the purposes for which it was acquired or appropriated,

is immediately required for those purposes, nothing in the [M115]Rent Act 1977 or Part I of the [M116]Housing Act 1988 shall prevent the acquiring or appropriating authority from obtaining possession of the house.

Marginal Citations

M115 1977 c.42.

M116 1988 c. 50.

Constitution of joint body to hold land for planning purposes

243 Constitution of joint body to hold land for planning purposes.

(1) If it appears to the Secretary of State, after consultation with the local authorities concerned, to be expedient that any land acquired by a local authority for planning purposes should be held by a joint body, consisting of representatives of that authority and of any other local authority, he may by order provide for the establishment of such a joint body and for the transfer to that body of the land so acquired.

(2) Any order under this section providing for the establishment of a joint body may make such provision as the Secretary of State considers expedient with respect to the constitution and functions of that body.

(3) The provisions which may be included under subsection (2) include provisions—

(a) for incorporating the joint body;

(b) for conferring on them, in relation to land transferred to them as mentioned in subsection (1), any of the powers conferred on local authorities by this Part or Chapter V of Part I of the [M117]Planning (Listed Buildings and Conservation Areas) Act 1990 **[**[F1033]or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023**]** in relation to land acquired and held by such authorities for the purposes of this Part or that Chapter;

(c) for determining the manner in which their expenses are to be defrayed.

(4) Regulations under this Act may make such provision consequential upon or supplementary to the provisions of this section as appears to the Secretary of State to be necessary or expedient.

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Textual Amendments

F1033 Words in s. 243(3)(b) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 81** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

Marginal Citations

M117 1990 c. 9.

General and supplementary provisions

244 Powers of joint planning boards under Part IX.

(1) A joint planning board [F1034]. . . shall, on being authorised to do so by the Secretary of State, have the same power to acquire land compulsorily as the local authorities to whom section 226 applies have under that section.

(2) Such a board shall have the same power to acquire land by agreement as the local authorities mentioned in subsection (1) of section 227 have under that subsection.

(3) Sections 226(1) and (7), 227, 229, 230, 232, 233 and 235 to 242 apply with the necessary modifications as if any such board were a local authority to which those sections applied.

(4) On being authorised to do so by the Secretary of State such a board shall have, for any purpose for which by virtue of this section they may acquire land compulsorily, the power which section 13 of the [M118]Local Government (Miscellaneous Provisions) Act 1976 confers on the local authorities to whom subsection (1) of that section applies to purchase compulsorily rights over land not in existence when their compulsory purchase is authorised, and subsections (2) to (5) of that section shall accordingly apply to the purchase of rights under this subsection as they apply to the purchase of rights under subsection (1) of that section.

Textual Amendments

F1034 Words in s. 244(1) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

Marginal Citations

M118 1976 c.57.

[F1035 244A Powers of National Park authorities under Part IX.

(1) A National Park authority shall, on being authorised to do so by the Secretary of State, have the same power to acquire land compulsorily as the local authorities to whom section 226 applies have under that section.

(2) A National Park authority shall have the same power to acquire land by agreement as the local authorities mentioned in subsection (1) of section 227 have under that subsection.

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(3) Sections 226(1) and (7), 227, 229, 230, 232, 233 and 235 to 242 shall apply with the necessary modifications as if a National Park authority were a local authority to which those sections applied and as if the Park in relation to which it carries out functions were the authority's area.**]**

Textual Amendments

F1035 S. 244A inserted (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 2(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

245 Modification of incorporated enactments for purposes of this Part.

(1) Where—

(a) it is proposed that land should be acquired compulsorily under section 226 or 228, and

(b) a compulsory purchase order relating to that land is submitted to the confirming authority in accordance with Part II of the **M119** Acquisition of Land Act 1981 or, as the case may be, is made in draft by **[F1036** the Secretary of State for **[F1037** Housing, Communities and Local Government**]]** in accordance with Schedule 1 to that Act,

the confirming authority or, as the case may be, that Secretary of State may disregard for the purposes of that Part or, as the case may be, that Schedule any objection to the order or draft which, in the opinion of that authority or Secretary of State, amounts in substance to an objection to the provisions of the development plan defining the proposed use of that or any other land.

(2) **F1038** . . . . . .

(3) **F1038** . . . . . .

(4) In construing the **M120** Compulsory Purchase Act 1965 in relation to any of the provisions of this Part—

F1039 (a) . . . . . .

(b) in relation to the erection, construction or carrying out of any buildings or works so authorised, references in section 10 of that Act to the acquiring authority shall be construed as references to the person by whom the buildings or works in question are erected, constructed or carried out; and

(c) references to the execution of the works shall be construed as including also references to any erection, construction or carrying out of buildings or works on behalf of a Minister or statutory undertakers on land acquired by that Minister or those undertakers, where the buildings or works are erected, constructed or carried out for the purposes for which the land was acquired.

Textual Amendments

F1036 Words in s. 245 substituted (21.8.2006) by The Secretary of State for Communities and Local Government Order 2006 (S.I. 2006/1926), art. 9, **Sch. para. 3(3)**

F1037 Words in s. 245(1)(b) substituted (30.10.2024) by The Transfer of Functions (Secretary of State for Housing, Communities and Local Government) Order 2024 (S.I. 2024/991), art. 1(2), **Sch. para. 3(2)(b)** (with art. 7)

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F1038 S. 245(2)(3) repealed (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 120, 121, Sch. 6 para. 7, **Sch. 9** (with s. 111, Sch. 6 para. 7(2)); S.I. 2004/2593, **art. 2**

F1039 S. 245(4)(a) omitted (13.7.2016) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 19 para. 10**; S.I. 2016/733, reg. 3(m)

Modifications etc. (not altering text)

C848 S. 245 applied (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 49(4)(d)**, 70(1)

C849 S. 245 applied (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 45(4)(c)**, 64(1)

C850 S. 245(1)(b): functions of the First Secretary of State transferred to the Secretary of State for Communities and Local Government (21.8.2006) by The Secretary of State for Communities and Local Government Order 2006 (S.I. 2006/1926), **art. 4(1)(b)**

Marginal Citations

M119 1981 c.67.

M120 1965 c.56.

246 Interpretation of Part IX.

(1) In this Part—

(a) any reference to the acquisition of land for planning purposes is a reference to the acquisition of it under section 226 or 227 of this Act or section 52 of the [M121]Planning (Listed Buildings and Conservation Areas) Act 1990 **[**[F1040]or section 136 of the Historic Environment (Wales) Act 2023**]** (or, as the case may be, under section 112 or 119 of the 1971 Act or section 68 or 71 of the 1962 Act); and

(b) any reference to the appropriation of land for planning purposes is a reference to the appropriation of it for purposes for which land can be (or, as the case may be, could have been) acquired under those sections.

(2) Nothing in sections **[**[F1041]238**]** to 241 shall be construed as authorising any act or omission on the part of a local authority or body corporate in contravention of any limitation imposed by law on their capacity by virtue of their constitution.

(3) Any power conferred by section 238, 239 or 241 to use land in a manner mentioned in those sections shall be construed as a power so to use the land, whether or not it involves the erection, construction or carrying out of any building or work or the maintenance of any building or work.

Textual Amendments

F1040 Words in s. 246(1)(a) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 82** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

F1041 Word in s. 246(2) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 19 para. 11**; S.I. 2016/733, reg. 3(m)

Marginal Citations

M121 1990 c. 9.

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PART X

HIGHWAYS

Orders made by Secretary of State

247 Highways affected by development: orders by Secretary of State.

(1) The Secretary of State may by order authorise the stopping up or diversion of any highway **[**F1042outside Greater London**]** if he is satisfied that it is necessary to do so in order to enable development to be carried out—

(a) in accordance with planning permission granted under **[**F1043Part III **[**F1044or section 293A**]][**F1043Parts 3 or 13**]**, or

(b) by a government department.

(2) Such an order may make such provision as appears to the Secretary of State to be necessary or expedient for the provision or improvement of any other highway **[**F1045outside Greater London**]**.

[F1046(2A) The council of a London borough may by order authorise the stopping up or diversion of any highway within the borough, or within another London borough if the council of that borough consents, if it is satisfied that it is necessary to do so in order to enable development to be carried out—

(a) in accordance with planning permission granted under Part III **[**F1044or **[**F1047Part 13**]]**, or

(b) by a government department.

(2B) Such an order may make such provision as appears to the council to be necessary or expedient for the provision or improvement of any other highway within the borough.**]**

(3) **[**F1048An order under subsection (1) or (2A)**]** may direct—

(a) that any highway provided or improved by virtue of it shall for the purposes of the M122Highways Act 1980 be a highway maintainable at the public expense;

(b) that the Secretary of State, **[**F1049a strategic highways company,**]** or any county council, **[**F1050county borough council,**]** metropolitan district council or London borough council specified in the order or, if it is so specified, the Common Council of the City of London, shall be the highway authority for that highway;

(c) in the case of a highway for which the Secretary of State **[**F1051or a strategic highways company**]** is to be the highway authority, that the highway shall, on such date as may be specified in the order, become a trunk road within the meaning of the Highways Act 1980.

[F1052(3A) An order under subsection (2A) may not provide that—

(a) the Secretary of State,

[F1053(aa) a strategic highways company,**]**

(b) Transport for London, or

(c) a London borough other than the one whose council is making the order,

shall be the highway authority for a highway unless the Secretary of State, **[**F1054the strategic highways company,**]** Transport for London or the council, as the case may be, so consents.**]**

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(4) An order made under this section may contain such incidental and consequential provisions as appear to the Secretary of State **[**F1055or the council of the London borough**]** to be necessary or expedient, including in particular—

(a) provision for authorising the Secretary of State **[**F1055or the council of the London borough**]**, or requiring any other authority or person specified in the order—

(i) to pay, or to make contributions in respect of, the cost of doing any work provided for by the order or any increased expenditure to be incurred which is attributable to the doing of any such work; or

(ii) to repay, or to make contributions in respect of, any compensation paid by the highway authority in respect of restrictions imposed under section 1 or 2 of the M123Restriction of Ribbon Development Act 1935 in relation to any highway stopped up or diverted under the order;

(b) provision for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across the highway to which the order relates.

(5) An order may be made under this section authorising the stopping up or diversion of any highway which is temporarily stopped up or diverted under any other enactment.

(6) The provisions of this section shall have effect without prejudice to—

(a) any power conferred on the Secretary of State **[**F1056or a London borough**]** by any other enactment to authorise the stopping up or diversion of a highway;

(b) the provisions of Part VI of the M124Acquisition of Land Act 1981; or

(c) the provisions of section 251(1).

Textual Amendments

F1042 Words in s. 247(1) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 3(2)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. 1**

F1043 Words in s. 247(1)(a) substituted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 10 para. 4** (with s. 247); S.I. 2025/430, reg. 2(b)

F1044 Words in s. 247(1)(a)(2A)(a) inserted (7.6.2006) by The Planning and Compulsory Purchase Act 2004 (Commencement No. 9 and Consequential Provisions) Order 2006 (S.I. 2006/1281), **art. 5(b)**

F1045 Words in s. 247(2) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 3(3)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch**

F1046 S. 247(2A)(2B) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 3(4)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1047 Words in s. 247(2A)(a) substituted (1.5.2025) by The Town and Country Planning (Fees and Consequential Amendments) Regulations 2025 (S.I. 2025/418), regs. 1(3), **13(9)**

F1048 Words in s. 247(3) substituted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 3(5)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1049 Words in s. 247(3)(b) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 104(2)(a)**; S.I. 2015/481, reg. 2(a)

F1050 Words in s. 247(3)(b) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(9)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F1051 Words in s. 247(3)(c) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 104(2)(b)**; S.I. 2015/481, reg. 2(a)

F1052 S. 247(3A) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 3(6)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

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F1053 S. 247(3A)(aa) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 104(3)(a)**; S.I. 2015/481, reg. 2(a)

F1054 Words in s. 247(3A) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 104(3)(b)**; S.I. 2015/481, reg. 2(a)

F1055 Words in s. 247(4) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 3(7)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1056 Words in s. 247(6)(a) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 3(8)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

Marginal Citations

M122 1980 c. 66.

M123 1935 c. 67.

M124 1981 c. 67.

248 Highways crossing or entering route of proposed new highway, etc.

(1) This section applies where—

(a) planning permission is granted under Part III **[**F1057or, in relation to England, Part 13**]** for constructing or improving, or the Secretary of State **[**F1058or a strategic highways company**]** proposes to construct or improve, a highway ("the main highway"); and

(b) another highway crosses or enters the route of the main highway or is, or will be, otherwise affected by the construction or improvement of the main highway.

(2) Where this section applies **[**F1059and the place where the other highway crosses or enters the route of the main highway or is otherwise affected is outside Greater London**]**, if it appears to the Secretary of State expedient to do so—

(a) in the interests of the safety of users of the main highway; or

(b) to facilitate the movement of traffic on the main highway,

he may by order authorise the stopping up or diversion of the other highway.

[F1060(2A) Where this section applies and the place where the other highway crosses or enters the route of the main highway or is otherwise affected is within a London borough, if it appears to the council of that borough expedient to do so—

(a) in the interests of the safety of users of the main highway; or

(b) to facilitate the movement of traffic on the main highway,

it may by order authorise the stopping up or diversion of the other highway.**]**

(3) Subsections (2) **[**F1061and (2B)**]** to (6) of section 247 shall apply to an order under this section as they apply to an order under that section, taking the reference in **[**F1062subsections (2) and (2B)**]** of that section to any other highway as a reference to any highway other than that which is stopped up or diverted under this section and the references in subsection (3) to a highway provided or improved by virtue of an order under that section as including a reference to the main highway.

Textual Amendments

F1057 Words in s. 248(1)(a) inserted (1.5.2025) by The Town and Country Planning (Fees and Consequential Amendments) Regulations 2025 (S.I. 2025/418), regs. 1(3), **13(10)**

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F1058 Words in s. 248(1)(a) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 105**; S.I. 2015/481, reg. 2(a)

F1059 Words in s. 248(2) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 4(2)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1060 S. 248(2A) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 4(3)** (with Sch. 12 para. 9(1));S.I.2000/801, art. 2(2)(c), **Sch.**

F1061 Words in s. 248(3) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 4(4)(a)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1062 Words in s. 248(3) substituted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 4(4)(b)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

249 Order extinguishing right to use vehicles on highway.

(1) This section applies where—

(a) a local planning authority by resolution adopt a proposal for improving the amenity of part of their area, and

(b) the proposal involves the public ceasing to have any right of way with vehicles over a highway in that area, being a highway which is neither a trunk road **[**F1063, a GLA road**]** nor a road classified as a principal road.

(2) **[**F1064Where the public is to cease to have such a right of way at a place outside Greater London,**]** the Secretary of State may, on an application by a local planning authority who have so resolved, by order provide for the extinguishment of any right which persons may have to use vehicles on that highway.

[F1065(2A) Where—

(a) the public is to cease to have such a right of way at a place within a London borough, and

(b) the conditions mentioned in subsection (2B)(a) or (b) are satisfied,

the council of that borough may by order provide for the extinguishment of any right which persons may have to use vehicles on that highway.

(2B) The conditions are that—

(a) the council is a local planning authority for the place where the right of way is to cease and it resolves that the right should be extinguished, or

(b) another authority is a local planning authority for that place and, having resolved to do so, it applies to the council of the borough for the right to be extinguished.**]**

(3) An order under subsection (2) **[**F1066or (2A)**]** may include such provision as the Secretary of State **[**F1067or, as the case may be, the council of the London borough**]** (after consultation with every authority who are a local planning authority for the area in question and the highway authority) thinks fit for permitting the use on the highway of vehicles (whether mechanically propelled or not) in such cases as may be specified in the order, notwithstanding the extinguishment of any such right as is mentioned in that subsection.

(4) Such provision as is mentioned in subsection (3) may be framed by reference to—

(a) particular descriptions of vehicles, or

(b) particular persons by whom, or on whose authority, vehicles may be used, or

(c) the circumstances in which, or the times at which, vehicles may be used for particular purposes.

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(5) No provision contained in, or having effect under, any enactment, being a provision prohibiting or restricting the use of footpaths, footways or bridleways shall affect any use of a vehicle on a highway in relation to which an order under subsection (2) **[**F1068or (2A)**]** has effect, where the use is permitted in accordance with provisions of the order included by virtue of subsection (3).

(6) If any authority who are a local planning authority for the area in which a highway to which an order under subsection (2) **[**F1069or (2A)**]** relates is situated apply to the Secretary of State **[**F1070or, as the case may be, the council of the borough**]** in that behalf, **[**F1071the Secretary of State or council**]** may by order revoke that order, and, if **[**F1072the order is revoked**]**, any right to use vehicles on the highway in relation to which the order was made which was extinguished by virtue of the order under that subsection shall be reinstated.

(7) Such an order as is mentioned in subsection (6) may make provision requiring the removal of any obstruction of a highway resulting from the exercise of powers under Part VIIA of the M125Highways Act 1980 **[**F1073or sections 1 to 9 of the Business and Planning Act 2020**]**.

(8) Before making an application under subsection (2) **[**F1074, (2A)**]** or (6) the local planning authority shall consult with the highway authority (if different) and any other authority who are a local planning authority for the area in question.

(9) Subsections (2) **[**F1075, (2B)**]**, (3), (4) and (6) of section 247 shall apply to an order under this section as they apply to an order under that section.

Textual Amendments

F1063 Words in s. 249(1)(b) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 5(2)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1064 Words in s. 249(2) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 5(3)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1065 S. 249(2A)(2B) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 5(4)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1066 Words in s. 249(3) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 5(5)(a)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1067 Words in s. 249(3) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 5(5)(b)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1068 Words in s. 249(5) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 5(6)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1069 Words in s. 249(6) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 5(7)(a)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1070 Words in s. 249(6) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 5(7)(b)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1071 Words in s. 249(6) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 5(7)(c)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1072 Words in s. 249(6) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 5(7)(d)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1073 Words in s. 249(7) inserted (31.3.2024) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(9)(a), **Sch. 22 para. 12** (with s. 247 Sch. 22 para. 18); S.I. 2024/389, reg. 2(u)

F1074 Words in s. 249(8) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 5(8)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

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F1075 Words in s. 249(9) inserted (3.7.2000) by virtue of 1999 c. 29, s. 270, **Sch. 22 para. 5(9)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

Modifications etc. (not altering text)

C851 S. 249: power to apply (with modifications) conferred by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1), s. 149(3)(b), **Sch. 29 Pt. II para. 6** as substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(13)**

C852 S. 249: power to modify conferred (10.11.1993) by 1993 c. 28, **s. 171(3)(b)**; S.I. 1993/2762, **art. 3**

C853 S. 249 applied (with modifications) (7.6.2004) by The Milton Keynes (Urban Area and Planning Functions) Order 2004 (S.I. 2004/932), art. 5, **Sch. para. 6** (with arts. 6, 7)
S. 249 applied (with modifications) (12.10.2005) by The Thurrock Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2572), **art. 5** (with arts. 6, 7)
S. 249 applied (with modifications) (31.10.2005) by The London Thames Gateway Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2721), **art. 6**
S. 249 applied (with modifications) (6.4.2006) by The West Northamptonshire Development Corporation (Planning Functions) Order 2006 (S.I. 2006/616), **art. 6**
S. 249 applied (with modifications) (7.9.2006) by The Olympic Delivery Authority (Planning Functions) Order 2006 (S.I. 2006/2185), **art. 6**

C854 S. 249 applied (with modifications) (1.10.2012) by The London Legacy Development Corporation (Planning Functions) Order 2012 (S.I. 2012/2167), arts. 1, **7** (with Sch. 1, Sch. 2)

C855 S. 249 applied (with modifications) (1.4.2015) by The Old Oak and Park Royal Development Corporation (Planning Functions) Order 2015 (S.I. 2015/442), arts. 1, **7** (with Sch.)

C856 S. 249 applied (with modifications) (1.7.2015) by The Ebbsfleet Development Corporation (Planning Functions) Order 2015 (S.I. 2015/748), arts. 1, **5** (with Sch.)

C857 S. 249 applied (with modifications) (1.6.2023) by The Middlesbrough Development Corporation (Functions) Order 2023 (S.I. 2023/447), arts. 1(3), **6** (with art. 5, Sch. 1)

C858 S. 249 applied (with modifications) (1.6.2023) by The Hartlepool Development Corporation (Functions) Order 2023 (S.I. 2023/446), arts. 1(3), **6** (with art. 5, Sch. 1)

Marginal Citations

M125 1980 c. 66.

250 Compensation for orders under s. 249.

(1) Any person who, at the time of an order under section 249(2) **[**[F1076], (2B)**]** coming into force, has an interest in land having lawful access to a highway to which the order relates shall be entitled to be compensated by the local planning authority on whose application the order was made in respect of—

(a) any depreciation in the value of his interest which is directly attributable to the order; and

(b) any other loss or damage which is so attributable.

[F1077](2) . . . . . .

(3) A claim for compensation under this section shall be made to the local planning authority on whose application the order was made within the prescribed time and in the prescribed manner.

(4) For the purpose of assessing any such compensation the rules set out in section 5 of the [M126]Land Compensation Act 1961 shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.

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(5) Where an interest in land is subject to a mortgage—

(a) any compensation to which this section applies which is payable in respect of depreciation of the value of that interest shall be assessed as if the interest were not subject to the mortgage;

(b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;

(c) no compensation to which this section applies shall be payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage); and

(d) any compensation to which this section applies which is payable in respect of the interest which is subject to the mortgage shall be paid to the mortgagee (or, if there is more than one mortgagee, to the first mortgagee) and shall in either case be applied by him as if it were proceeds of sale.

(6) Except in so far as may be otherwise provided by any regulations made under this Act, any question of disputed compensation under this section shall be referred to and determined by the **[**F1078Upper Tribunal**]**.

(7) In relation to the determination of any such question, the provisions of **[**F1079section**]** 4 of the Land Compensation Act 1961 shall apply subject to any necessary modifications and to the provisions of any regulations made under this Act.

Textual Amendments

F1076 Words in s. 250(1) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 6(2)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1077 S. 250(2) repealed (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 39, **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1992/1630, art. 2, Schs. 1, **2** (with art. 3(1))

F1078 Words in s. 250(6) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 209(a)**

F1079 Word in s. 250(7) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 208(b)**

Modifications etc. (not altering text)

C859 S. 250: power to modify conferred (10.11.1993) by 1993 c. 28, **s. 171(3)(b)**; S.I. 1993/2762, **art. 3**

Marginal Citations

M126 1961 c. 33.

251 Extinguishment of public rights of way over land held for planning purposes.

(1) Where any land has been acquired or appropriated for planning purposes and is for the time being held by a local authority for the purposes for which it was acquired or appropriated, the Secretary of State may by order extinguish any public right of way over the land if he is satisfied—

(a) that an alternative right of way has been or will be provided; or

(b) that the provision of an alternative right of way is not required.

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(2) In this section any reference to the acquisition or appropriation of land for planning purposes shall be construed in accordance with section 246(1) as if this section were in Part IX.

(3) Subsection (1) shall also apply (with the substitution of a reference to the Broads Authority for the reference to the local authority) in relation to any land within the Broads which is held by the Broads Authority and which was acquired by, or vested in, the Authority for any purpose connected with the discharge of any of its functions.

Modifications etc. (not altering text)

C860 S. 251: power to apply (with modifications) conferred by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1), s. 149(3)(b), **Sch. 29 Pt. II para. 7** as substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(13)**

C861 S. 251 restricted (17.7.1992) by S.I. 1992/1492, **reg. 15(5)**
S. 251: power to modify conferred (10.11.1993) by 1993 c. 28, **s. 171(3)(b)**; S.I. 1993/2762, **art. 3**

C862 S. 251 applied (with modifications) (7.6.2004) by The Milton Keynes (Urban Area and Planning Functions) Order 2004 (S.I. 2004/932), art. 5, **Sch. para. 7** (with arts. 6, 7)
S. 251 applied (with modifications) (12.10.2005) by The Thurrock Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2572), **art. 5** (with arts. 6, 7)
S. 251 applied (with modifications) (31.10.2005) by The London Thames Gateway Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2721), **art. 6**
S. 251 applied (with modifications) (6.4.2006) by The West Northamptonshire Development Corporation (Planning Functions) Order 2006 (S.I. 2006/616), **art. 6**
S. 251 applied (with modifications) (7.9.2006) by The Olympic Delivery Authority (Planning Functions) Order 2006 (S.I. 2006/2185), **art. 6**

C863 S. 251 applied (with modifications) (1.10.2012) by The London Legacy Development Corporation (Planning Functions) Order 2012 (S.I. 2012/2167), arts. 1, **7** (with Sch. 1, Sch. 2)

C864 S. 251 applied (with modifications) (1.4.2015) by The Old Oak and Park Royal Development Corporation (Planning Functions) Order 2015 (S.I. 2015/442), arts. 1, **7** (with Sch.)

C865 S. 251 applied (with modifications) (1.7.2015) by The Ebbsfleet Development Corporation (Planning Functions) Order 2015 (S.I. 2015/748), arts. 1, **5** (with Sch.)

C866 S. 251 applied (with modifications) (1.6.2023) by The Hartlepool Development Corporation (Functions) Order 2023 (S.I. 2023/446), arts. 1(3), **6** (with art. 5, Sch. 1)

C867 S. 251 applied (with modifications) (1.6.2023) by The Middlesbrough Development Corporation (Functions) Order 2023 (S.I. 2023/447), arts. 1(3), **6** (with art. 5, Sch. 1)

C868 S. 251(1) extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 2(3)(a)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

252 Procedure for making of orders.

(1) Before making an order under section 247, 248, 249 or 251 the Secretary of State **[**[F1080]or, as the case may be, the council of a London borough**]** shall publish in at least one local newspaper circulating in the relevant area, and in the London Gazette, a notice—

(a) stating the general effect of the order;

(b) specifying a place in the relevant area where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours during a period of 28 days from the date of the publication of the notice ("the publication date"); and

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(c) stating that any person may within that period by notice to the Secretary of State **[**F1081or, as the case may be, the council of the London borough**]** object to the making of the order.

(2) Not later than the publication date, the Secretary of State **[**F1082or, as the case may be, the council of the London borough**]** shall serve a copy of the notice, together with a copy of the draft order and of any relevant map or plan—

(a) on every local authority in whose area any highway or, as the case may be, any land to which the order relates is situated, and

[F1083(aa) on any National Park authority which is the local planning authority for the area in which any highway or, as the case may be, any land to which the order relates is situated, and**]**

(b) on any water, sewerage, hydraulic power or electricity undertakers or **[**F1084public gas transporter**]** having any cables, mains, sewers, pipes or wires laid along, across, under or over any highway to be stopped up or diverted, or, as the case may be, any land over which a right of way is proposed to be extinguished, under the order.

(3) Not later than the publication date, the Secretary of State **[**F1085or, as the case may be, the council of the London borough**]** shall also cause a copy of the notice to be displayed in a prominent position at the ends of so much of any highway as is proposed to be stopped up or diverted or, as the case may be, of the right of way proposed to be extinguished under the order.

F1086(3A) . . . . . .

(4) If before the end of the period of 28 days mentioned in subsection (1)(b) an objection is received by the Secretary of State **[**F1087or, as the case may be, the council of the London borough,**]** from any local authority **[**F1088National Park authority**]** or undertakers or **[**F1084public gas transporter**]** on whom a notice is required to be served under subsection (2), or from any other person appearing to **[**F1089to the Secretary of State or, as the case may be, the council**]** to be affected by the order, and the objection is not withdrawn, then

[F1090(a) in a case where the Secretary of State is proposing to make an order, he shall cause a local inquiry to be held unless subsection (5) applies, or

(b) in a case where the council of a London borough is proposing to make an order, it shall notify the Mayor of London of the objections and shall cause a local inquiry to be held unless subsection (5A) applies.**]**

(5) If, in a case where **[**F1091the Secretary of State is proposing to make an order and**]** the objection is made by a person other than such a local authority or undertakers or **[**F1084transporter**]**, the Secretary of State is satisfied that in the special circumstances of the case the holding of such an inquiry is unnecessary he may dispense with the inquiry.

[F1092(5A) In a case where—

(a) the council of a London borough is proposing to make the order,

(b) the council has under subsection (4)(b) notified the Mayor of London of the objections, and

(c) none of the objections notified is made by such a local authority or undertakers or transporter as are mentioned in that subsection,

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the Mayor of London shall decide whether, in the special circumstances of the case, the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the council which may dispense with the inquiry.**]**

(6) Subsections (2) to (5) of section 250 of the [M127]Local Government Act 1972 (local inquiries: evidence and costs) shall apply in relation to an inquiry caused to be held by the Secretary of State **[**[F1093]or the council of a London borough**]** under subsection (4).

[[F1094](6A) In their application to an inquiry caused to be held by the council of a London borough—

(a) subsection (4) of section 250 of the Local Government Act 1972 shall be treated as if—

(i) for the reference to a Minister there were substituted a reference to the council of a London borough,

(ii) for the reference to him there were substituted a reference to the council,

(iii) for the reference to he there were substituted a reference to the council acting with the consent of the Mayor of London, and

(iv) for the references to the Minister there were substituted references to the council of the London borough, and

(b) subsection (5) of that section shall be treated as if—

(i) for the reference to the Minister there were substituted a reference to the council of a London borough, and

(ii) the power to make an order as to the costs of parties were subject to a requirement to act with the consent of the Mayor of London.**]**

[F1095](6B) . . . . . .

[F1096](6C) . . . . . .

[F1097](6D) . . . . . .

(7) Where publication of the notice mentioned in subsection (1) takes place on more than one day, the references in this section to the publication date are references to the latest date on which it is published.

(8) **[**[F1098]Where the Secretary of State is proposing to make an order,**]** after considering any objections to the order which are not withdrawn and, where a local inquiry is held, the report of the person who held the inquiry, the Secretary of State may, subject to subsection (9), make the order either without modification or subject to such modifications as he thinks fit.

[[F1099](8A) Where the council of a London borough is proposing to make an order, after—

(a) considering any objections to the order which are not withdrawn, and

(b) where a local inquiry is held—

(i) considering the report of the person who held the inquiry, and

(ii) obtaining the consent of the Mayor of London to the making of the order,

the council may, subject to subsection (9), make the order either without modification or subject to such modification as it thinks fit.**]**

(9) Where—

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(a) the order contains a provision requiring any such payment, repayment or contribution as is mentioned in section 247(4)(a); and

(b) objection to that provision is duly made by an authority or person who would be required by it to make such a payment, repayment or contribution; and

(c) the objection is not withdrawn,

the order shall be subject to special parliamentary procedure.

(10) Immediately after the order has been made, the Secretary of State **[**F1100or, as the case may be, the council of the London borough**]** shall publish, in the manner specified in subsection (1), a notice stating that the order has been made and naming a place where a copy of the order may be seen at all reasonable hours.

[F1101(10A) Nothing in subsection (2) shall require the council of a London borough to serve anything on itself.**]**

(11) Subsections (2), (3) and (7) shall have effect in relation to a notice under subsection (10) as they have effect in relation to a notice under subsection (1).

(12) In this section—

F1102...

"the relevant area", in relation to an order, means the area in which any highway or land to which the order relates is situated;

"local authority" means the council of a county, **[**F1103 county borough,**]** district, parish **[**F1104, community**]** or London borough, **[**F1105a **[**F1106police and crime commissioner, the Mayor's Office for Policing and Crime,**]**F1107... **]** a joint authority established by Part IV of the M128Local Government Act 1985, **[**F1108an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, a combined authority established under section 103 of that Act,**][**F1109a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023,**][**F1110 a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,**][**F1111the London Fire Commissioner,**]** a housing action trust established under Part III of the M129Housing Act 1988 F1112... and the parish meeting of a F1113... parish not having a separate parish council;

and in subsection (2)—

(i) the reference to water undertakers shall be construed as including a reference to **[**F1114the Environment Agency and the Natural Resources Body for Wales, and**]**

(ii) the reference to electricity undertakers shall be construed as a reference to holders of licences under section 6 of the M130Electricity Act 1989 who are entitled to exercise any power conferred by paragraph 1 of Schedule 4 to that Act.

Textual Amendments

F1080 Words in s. 252(1) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 7(2)(a)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1081 Words in s. 252(1) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 7(2)(b)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1082 Words in s. 252(2) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 7(3)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

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F1083 S. 252(2)(aa) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(7)(a)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

F1084 Words in s. 252(2)(b)(4)(5) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 18(1)(a)(b)(c)**; S.I. 1996/218, **art. 2**

F1085 Words in s. 252(3) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 7(4)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1086 S. 252(3A) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(15)(a)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1087 Words in s. 252(4) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 7(5)(a)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1088 Words in s. 252(4) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(7)(b)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

F1089 Words in s. 252(4) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 7(5)(b)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1090 S. 252(4)(a)(b) substituted (3.7.2000) for words in s. 252(5) by 1999 c. 29, s. 270, **Sch. 22 para. 7(5)(c)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1091 Words in s. 252(5) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 7(6)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1092 S. 252(5A) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 7(7)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1093 Words in s. 252(6) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 7(8)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1094 S. 252(6A) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 7(9)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1095 S. 252(6B) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(15)(a)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1096 S. 252(6C) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(15)(a)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1097 S. 252(6D) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(15)(a)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1098 Words in s. 252(8) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 7(10)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1099 S. 252(8A) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 7(11)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1100 Words in s. 252(10) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 7(12)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1101 S. 252(10A) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 7(13)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1102 Words in s. 252(12) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(15)(b)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1103 Words in the definition of "local authority" in s. 252(12) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(10)(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F1104 Words in the definition of "local authority" in s. 252(12) inserted (1.10.1995) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(10)(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/2490, art. 4(1), **Sch. 2**

F1105 Words in the definition of "local authority" in s. 252(12) inserted (1.10.1994 for specified purposes and otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 63**; S.I. 1994/2025, **art. 6(1)(2)(g)** (with art. 6(6)); S.I. 1994/3262, art. 4(1), **Sch.**

F1106 Words in s. 252(12) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 209**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 56)

F1107 Words in s. 252(12) omitted (1.4.2002) by 2001 c. 16, s. 137, **Sch. 7 Pt. 5(1)**; S.I. 2002/344, **art. 3(j)(m)** (with transitional provisions in art. 4)

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F1108 S. 252(12): words in definition of "local authority" inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148, 149, **Sch. 6 para. 82(2)**; S.I. 2009/3318, **art. 2**

F1109 Words in s. 252(12) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2)(c), **Sch. 4 para. 107** (with s. 247)

F1110 Words in s. 252(12) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 69**; S.I. 2017/399, reg. 2, Sch. para. 38

F1111 Words in s. 252(12) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 93**; S.I. 2018/227, **reg. 4(c)**

F1112 Words in s. 252(12) omitted (W.) (10.9.2025) by virtue of Legislation (Procedure, Publication and Repeals) (Wales) Act 2025 (asc 3), s. 9(2)(d), **Sch. 1 para. 33**

F1113 Word in the definition of "local authority" in s. 252(12) repealed (8.11.1995) by 1995 c. 44, s. 1(1), **Sch. 1 Pt. VI**

F1114 Words in s. 252(12)(i) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 201** (with Sch. 7)

Modifications etc. (not altering text)

C869 S. 252 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 2(b)**

Marginal Citations

M127 1972 c. 70.
M128 1985 c. 51.
M129 1988 c. 50.
M130 1989 c. 29.

253 Procedure in anticipation of planning permission.

(1) Where—

(a) the Secretary of State **[**F1115or the council of a London borough**]** would, if planning permission for any development had been granted F1116..., have power to make an order under section 247 or 248 authorising the stopping up or diversion of a highway in order to enable that development to be carried out, F1117...

F1117(b) . . . . . .

then, notwithstanding that such permission has not been granted, the Secretary of State **[**F1118or, as the case may be, the council of the London borough**]** may publish notice of the draft of such an order in accordance with section 252.

[F1119(1A) Where—

(a) the Welsh Ministers would, if planning permission for any development had been granted under Part 3, have power to make an order under section 247 or 248 authorising the stopping up or diversion of a highway in order to enable that development to be carried out, and

(b) subsection (2), (3) or (4) applies,

then, notwithstanding that such permission has not been granted, the Welsh Ministers may publish notice of the draft of such an order in accordance with section 252.**]**

(2) This subsection applies where the relevant development is the subject of an application for planning permission and either—

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(a) that application is made by a local authority **[**F1120National Park authority**]** or statutory undertakers F1121. . .; or

[F1122(aa) that application has been made to the Welsh Ministers under section F1123... 62M or 62O; or**]**

(b) that application stands referred to the **[**F1124Welsh Ministers**]** in pursuance of a direction under section 77; or

(c) the applicant has appealed to the **[**F1124Welsh Ministers**]** under section 78 against a refusal of planning permission or of approval required under a development order **[**F1125or a local development order**]** or against a condition of any such permission or approval.

(3) This subsection applies where—

(a) the relevant development is to be carried out by a local authority **[**F1120National Park authority**]** or statutory undertakers and requires, by virtue of an enactment, the authorisation of a government department; and

(b) the developers have made an application to the department for that authorisation and also requested a direction under section 90(1) that planning permission be deemed to be granted for that development.

(4) This subsection applies where the council of a county **[**F1126or county borough,**]** a National Park authority or a joint planning board certify that they have begun to take such steps, in accordance with regulations made by virtue of section 316, as are required to enable them to obtain planning permission for the relevant development.

(5) Section 252(8) shall not be construed as authorising the Secretary of State **[**F1127, the council of a London borough or the Welsh Ministers**]** to make an order under section 247 or 248 of which notice has been published by virtue of subsection (1) **[**F1128or, as the case may be, (1A)**]** until planning permission is granted for the development which occasions the making of the order.

Textual Amendments

F1115 Words in s. 253(1) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 8(2)(a)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1116 Words in s. 253(1)(a) omitted (1.5.2025) by virtue of The Town and Country Planning (Fees and Consequential Amendments) Regulations 2025 (S.I. 2025/418), regs. 1(3), **13(11)**

F1117 S. 253(1)(b) omitted (25.6.2013) by virtue of Growth and Infrastructure Act 2013 (c. 27), **ss. 11(2)**, 35(3)

F1118 Words in s. 253(1) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 8(2)(b)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1119 S. 253(1A) inserted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 11(3)**, 35(3)

F1120 Words in s. 253(2)(a)(3)(a) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(8)(a)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

F1121 Words in s. 253(2)(a) repealed (31.10.1994) by 1994 c. 21, s. 67, Sch. 9 para. 39(1), **Sch. 11 Pt. II** (with s. 40(7)); S.I. 1994/2553, **art. 2**

F1122 S. 253(2)(aa) inserted (W.) (6.9.2015 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 13**

F1123 Words in s. 253(2)(aa) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(16)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1124 Words in s. 253(2) substituted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 11(4)(a)**, 35(3)

F1125 Words in s. 253(2) substituted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 11(4)(b)**, 35(3)

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F1126 Words in s. 253(4) substituted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 11(5)**, 35(3)
F1127 Words in s. 253(5) substituted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 11(6)(a)**, 35(3)
F1128 Words in s. 253(5) inserted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 11(6)(b)**, 35(3)

254 Compulsory acquisition of land in connection with highways.

(1) The Secretary of State, or a local highway authority **[**F1129or a strategic highways company**]** on being authorised by the Secretary of State to do so, may acquire land compulsorily—

(a) for the purpose of providing or improving any highway which is to be provided or improved in pursuance of an order under section 247, 248 or 249 or for any other purpose for which land is required in connection with the order; or

(b) for the purpose of providing any public right of way which is to be provided as an alternative to a right of way extinguished under an order under section 251.

(2) The M131Acquisition of Land Act 1981 shall apply to the acquisition of land under this section.

Textual Amendments
F1129 Words in s. 254(1) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 106**; S.I. 2015/481, reg. 2(a)

Marginal Citations
M131 1981 c. 67.

255 Concurrent proceedings in connection with highways.

(1) In relation to orders under sections 247, 248 and 249, regulations made under this Act may make provision for securing that any proceedings required to be taken for the purposes of the acquisition of land under section 254 (as mentioned in subsection (1)(a) of that section) may be taken concurrently with any proceedings required to be taken for the purposes of the order.

(2) In relation to orders under section 251, regulations made under this Act may make provision for securing—

(a) that any proceedings required to be taken for the purposes of such an order may be taken concurrently with any proceedings required to be taken for the purposes of the acquisition of the land over which the right of way is to be extinguished; or

(b) that any proceedings required to be taken for the purposes of the acquisition of any other land under section 254 (as mentioned in subsection (1)(b) of that section) may be taken concurrently with either or both of the proceedings referred to in paragraph (a).

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256 Telecommunication apparatus: orders by Secretary of State.

(1) Where—

(a) in pursuance of an order under section 247, 248 or 249 a highway is stopped up or diverted or, as the case may be, any right to use vehicles on that highway is extinguished; and

(b) immediately before the date on which the order came into force there was under, in, on, over, along or across the highway any **[**F1130electronic communications apparatus**]** kept installed for the purposes of **[**F1131an electronic communications code network**]**,

the operator of that **[**F1132network**]** shall have the same powers in respect of the apparatus as if the order had not come into force.

(2) Notwithstanding subsection (1), any person entitled to land over which the highway subsisted shall be entitled to require the alteration of the apparatus.

(3) Where—

(a) any such order provides for the improvement of a **[**F1133highway for which the Secretary of State is not the highway authority**]**, and

(b) immediately before the date on which the order came into force there was under, in, on, over, along or across the highway any **[**F1130electronic communications apparatus**]** kept installed for the purposes of **[**F1131an electronic communications code network**]** ,the F1134... highway authority shall be entitled to require the alteration of the apparatus.

(4) Subsection (3) does not have effect so far as it relates to the alteration of any apparatus for the purpose of **[**F1135major highway works, major bridge works or major transport works within the meaning of Part III of the New Roads and Street Works Act 1991**]**.

(5) **[**F1136Paragraph **[**F1137108(2)**]** of Schedule 3A to the Communications Act 2003 (the electronic communications code)**]** (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of this section as it applies for the purposes of that code.

(6) **[**F1138Part 6 of the electronic communications code (rights to require removal of electronic communications apparatus)**]** shall apply in relation to any entitlement conferred by this section to require the alteration, moving or replacement of any **[**F1130electronic communications apparatus**]** as it applies in relation to an entitlement to require the removal of any such apparatus.

Textual Amendments

F1130 Words in s. 256 substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(c)(2)(c)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

F1131 Words in s. 256 substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(c)(2)(b)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

F1132 Word in s. 256 substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(c)(2)(e)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

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F1133 Words in s. 256(3) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 126(1)(2)**; S.I. 1991/2288, art. 3, **Sch.**

F1134 Word in s. 256(3) omitted (5.3.2015) by virtue of Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 107**; S.I. 2015/481, reg. 2(a)

F1135 Words in s. 256(4) substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 126(1)(3)**; S.I. 1992/2984, art. 2(2), **Sch. 2**

F1136 Words in s. 256(5) substituted (28.12.2017) by Digital Economy Act 2017 (c. 30), s. 118(6), **Sch. 3 para. 29(2)**; S.I. 2017/1286, reg. 2(d)

F1137 Word in s. 256(5) substituted (28.12.2017 immediately after Digital Economy Act 2017 (c. 30), Sch. 3 comes into force) by The Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Primary Legislation) Regulations 2017 (S.I. 2017/1285), reg. 1(1)(2), **Sch. 1 para. 6(2)**

F1138 Words in s. 256(6) substituted (28.12.2017) by Digital Economy Act 2017 (c. 30), s. 118(6), **Sch. 3 para. 29(3)**; S.I. 2017/1286, reg. 2(d)

Orders by other authorities

257 Footpaths [F1139, bridleways and restricted byways] affected by development: orders by other authorities.

(1) Subject to section 259, a competent authority may by order authorise the stopping up or diversion of any footpath **[**F1140, bridleway or restricted byway**]** if they are satisfied that it is necessary to do so in order to enable development to be carried out—

(a) in accordance with planning permission granted under **[**F1141Part III **[**F1142or section 293A**]][**F1141Parts 3 or 13**]**, or

(b) by a government department.

[F1143(1A) Subject to section 259, a competent authority may by order authorise the stopping up or diversion F1144... of any footpath, bridleway or restricted byway if they are satisfied that—

(a) an application for planning permission in respect of development has been made under Part 3, and

(b) if the application were granted it would be necessary to authorise the stopping up or diversion in order to enable the development to be carried out.**]**

(2) An order under this section may, if the competent authority are satisfied that it should do so, provide—

(a) for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;

(b) for authorising or requiring works to be carried out in relation to any footpath **[**F1140, bridleway or restricted byway**]** for whose stopping up or diversion, creation or improvement provision is made by the order;

(c) for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath **[**F1140, bridleway or restricted byway**]**;

(d) for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.

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(3) An order may be made under this section authorising the stopping up or diversion of a footpath **[**F1140, bridleway or restricted byway**]** which is temporarily stopped up or diverted under any other enactment.

(4) In this section "competent authority" means—

(a) in the case of development authorised by a planning permission, the local planning authority who granted the permission or, in the case of a permission granted by the Secretary of State **[**F1145or by the Welsh Ministers**]**, who would have had power to grant it; F1146...

(b) in the case of development carried out by a government department, the local planning authority who would have had power to grant planning permission on an application in respect of the development in question if such an application had fallen to be made.

[F1147(c) in the case of development in respect of which an application for planning permission has been made under Part 3, the local planning authority to whom the application has been made or, in the case of an application made to the Secretary of State under section 62A **[**F1148or to the Welsh Ministers under section F1149... 62M or 62O**]**, the local planning authority to whom the application would otherwise have been made.**]**

Textual Amendments

F1139 Words in s. 257 sidenote substituted (2.5.2006 for E. and 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), **Sch. 1 Pt. 1** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

F1140 Words in s. 257(1)(2)(b)(c)(3) substituted (2.5.2006 for E. and 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), **Sch. 1 Pt. 1** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

F1141 Words in s. 257(1)(a) substituted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 10 para. 5** (with s. 247); S.I. 2025/430, reg. 2(b)

F1142 Words in s. 257(1)(a) inserted (7.6.2006) by The Planning and Compulsory Purchase Act 2004 (Commencement No. 9 and Consequential Provisions) Order 2006 (S.I. 2006/1281), **art. 5(c)**

F1143 S. 257(1A) inserted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 12(2)**, 35(3)

F1144 Words in s. 257(1A) omitted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by virtue of Planning (Wales) Act 2015 (anaw 4), **ss. 38(2)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(b)

F1145 Words in s. 257(4)(a) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 14(a)**; S.I. 2016/52, art. 3(e)

F1146 Word in s. 257(4) omitted (25.6.2013) by virtue of Growth and Infrastructure Act 2013 (c. 27), **ss. 12(3)(a)**, 35(3)

F1147 S. 257(4)(c) inserted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 12(3)(b)**, 35(3)

F1148 Words in s. 257(4)(c) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 14(b)**; S.I. 2016/52, art. 3(e)

F1149 Words in s. 257(4)(c) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(17)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

Modifications etc. (not altering text)

C870 S. 257 modified by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 5, **Sch. 3 para. 8(1)**

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C871 Ss. 257-261 applied (2.5.2006 for E. and 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), reg. 2(1), **Sch. Pt. 1** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

258 Extinguishment of public rights of way over land held for planning purposes.

(1) Where any land has been acquired or appropriated for planning purposes and is for the time being held by a local authority for the purposes for which it was acquired or appropriated, then, subject to section 259, the local authority may by order extinguish any public right of way over the land, being a footpath **[**F1150, bridleway or restricted byway**]** , if they are satisfied—

(a) that an alternative right of way has been or will be provided; or

(b) that the provision of an alternative right of way is not required.

(2) In this section any reference to the acquisition or appropriation of land for planning purposes shall be construed in accordance with section 246(1) as if this section were in Part IX.

(3) Subsection (1) shall also apply (with the substitution of a reference to the Broads Authority for the reference to the local authority) in relation to any land within the Broads which is held by the Broads Authority and which was acquired by, or vested in, the Authority for any purpose connected with the discharge of any of its functions.

Textual Amendments

F1150 Words in s. 258(1) substituted (2.5.2006 for E. and 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), **Sch. 1 Pt. 1** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

Modifications etc. (not altering text)

C872 S. 258: power to apply (with modifications) conferred by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1), s. 149(3)(b), **Sch. 29 Pt. II para. 8** as substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(13)**

C873 S. 258: power to modify conferred (10.11.1993) by 1993 c. 28, **s. 171(3)(b)**; S.I. 1993/2762, **art. 3**

C874 S. 258 applied (with modifications) (7.6.2004) by The Milton Keynes (Urban Area and Planning Functions) Order 2004 (S.I. 2004/932), art. 5, **Sch. para. 8** (with arts. 6, 7)
S. 258 applied (with modifications) (12.10.2005) by The Thurrock Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2572), **art. 5** (with arts. 6, 7)
S. 258 applied (with modifications) (31.10.2005) by The London Thames Gateway Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2721), **art. 6**
S. 258 applied (with modifications) (6.4.2006) by The West Northamptonshire Development Corporation (Planning Functions) Order 2006 (S.I. 2006/616), **art. 6**

C875 Ss. 257-261 applied (2.5.2006 for E. and 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), reg. 2(1), **Sch. Pt. 1** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))
S. 258 applied (with modifications) (7.9.2006) by The Olympic Delivery Authority (Planning Functions) Order 2006 (S.I. 2006/2185), **art. 6**

C876 S. 258 applied (with modifications) (1.10.2012) by The London Legacy Development Corporation (Planning Functions) Order 2012 (S.I. 2012/2167), arts. 1, **7** (with Sch. 1, Sch. 2)

C877 S. 258 applied (with modifications) (1.4.2015) by The Old Oak and Park Royal Development Corporation (Planning Functions) Order 2015 (S.I. 2015/442), arts. 1, **7** (with Sch.)

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C878 S. 258 applied (with modifications) (1.7.2015) by The Ebbsfleet Development Corporation (Planning Functions) Order 2015 (S.I. 2015/748), arts. 1, **5** (with Sch.)
C879 S. 258 applied (with modifications) (1.6.2023) by The Middlesbrough Development Corporation (Functions) Order 2023 (S.I. 2023/447), arts. 1(3), **6** (with art. 5, Sch. 1)
C880 S. 258 applied (with modifications) (1.6.2023) by The Hartlepool Development Corporation (Functions) Order 2023 (S.I. 2023/446), arts. 1(3), **6** (with art. 5, Sch. 1)
C881 S. 258(1) extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 2(3)(a)** (with ss. 7(6), 115, 118, Sch. 8 para. 7)

259 Confirmation of orders made by other authorities.

(1) An order made under section 257 or 258 shall not take effect unless confirmed by the **[**F1151appropriate national authority**]** or unless confirmed, as an unopposed order, by the authority who made it.

[F1152(1A) An order under section 257(1A) may not be confirmed unless the **[**F1153appropriate national authority**]** or (as the case may be) the authority is satisfied—

(a) that planning permission in respect of the development has been granted, and

(b) it is necessary to authorise the stopping up or diversion in order to enable the development to be carried out in accordance with the permission.**]**

(2) The **[**F1154appropriate national authority**]** shall not confirm **[**F1155any order under section 257(1) or 258**]** unless satisfied as to every matter as to which the authority making the order are required under section 257 or, as the case may be, section 258 to be satisfied.

(3) The time specified—

(a) in an order under section 257 as the time from which a footpath **[**F1156, bridleway or restricted byway**]** is to be stopped up or diverted; or

(b) in an order under section 258 as the time from which a right of way is to be extinguished,

shall not be earlier than confirmation of the order.

(4) Schedule 14 shall have effect with respect to the confirmation of orders under section 257 or 258 and the publicity for such orders after they are confirmed.

[F1157(5) The appropriate national authority, for the purposes of this section, is—

(a) in relation to England, the Secretary of State;

(b) in relation to Wales, the Welsh Ministers.**]**

Textual Amendments

F1151 Words in s. 259(1) substituted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 38(3)(a)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(b)
F1152 S. 259(1A) inserted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 12(4)**, 35(3)
F1153 Words in s. 259(1A) substituted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 38(3)(a)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(b)
F1154 Words in s. 259(2) substituted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 38(3)(a)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(b)
F1155 Words in s. 259(2) substituted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 12(5)**, 35(3)

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F1156 Words in s. 259(3)(a) substituted (2.5.2006 for E. and 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), **Sch. 1 Pt. 1** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

F1157 S. 259(5) inserted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 38(3)(b)**, 58(2)(b)(4)(b); S.I. 2016/52, art. 5(b)

Modifications etc. (not altering text)

C882 Ss. 257-261 applied (2.5.2006 for E. and 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), reg. 2(1), **Sch. Pt. 1** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

260 Telecommunication apparatus: orders by or on application of other authorities.

(1) This section applies where—

(a) any order is made by a local authority under section 258(1), or on the application of a local authority under section 251(1), which extinguishes a public right of way; or

(b) any order is made by a competent authority under section 257 which authorises the stopping up or diversion of a footpath **[**F1158, bridleway or restricted byway**]**,

and at the time of the publication of the notice required by section 252(1) or, as the case may be, paragraph 1 of Schedule 14 any **[**F1159electronic communications apparatus**]** was kept installed for the purposes of **[**F1160an electronic communications code network**]** under, in, on, over, along or across the land over which the right of way subsisted.

(2) In subsection (1) "competent authority" has the same meaning as in section 257 and in the following provisions of this section references to the authority are to the authority who made the order or, as the case may be, to the authority on whose application it was made.

(3) The power of the operator of **[**F1161the electronic communications code network**]** to remove the apparatus—

(a) shall, notwithstanding the making of the order, be exercisable at any time not later than the end of the period of three months from the date on which the right of way is extinguished or authorised to be stopped up or diverted; and

(b) if before the end of that period the operator of the **[**F1162network**]** has given notice to the authority of his intention to remove the apparatus or a part of it, shall be exercisable in respect of the whole or, as the case may be, that part of the apparatus after the end of that period.

(4) The operator of the **[**F1162network**]** may by notice given in that behalf to the authority not later than the end of that period abandon the **[**F1159electronic communications apparatus**]** or any part of it.

(5) Subject to subsection (4), the operator of the **[**F1162network**]** shall be deemed at the end of that period to have abandoned any part of the apparatus which the operator has then neither removed nor given notice of his intention to remove.

(6) The operator of the **[**F1162network**]** shall be entitled to recover from the authority the expense of providing, in substitution for the apparatus and any other **[**F1159electronic communications apparatus**]** connected with it which is rendered useless in consequence of the removal or abandonment of the first-mentioned apparatus, any

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[[F1163]electronic communications apparatus**]** in such other place as the operator may require.

(7) Where under the previous provisions of this section the operator of the **[**[F1162]network**]** has abandoned the whole or any part of any **[**[F1159]electronic communications apparatus**]** , that apparatus or that part of it shall vest in the authority and shall be deemed, with its abandonment, to cease to be kept installed for the purposes of **[**[F1160]an electronic communications code network**]** .

(8) As soon as reasonably practicable after the making of any such order as is mentioned in paragraph (a) or (b) of subsection (1) in circumstances in which that subsection applies in relation to the operator of **[**[F1160]an electronic communications code network**]** , the person by whom the order was made shall give notice to the operator of the making of the order.

(9) Subsections (5) and (6) of section 256 apply for the purposes of this section as they apply for the purposes of that section.

Textual Amendments

F1158 Words in s. 260(1)(b) substituted (2.5.2006 for E. and 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), **Sch. 1 Pt. 1** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

F1159 Words in s. 260 substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(d)(2)(c)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

F1160 Words in s. 260 substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(d)(2)(b)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

F1161 Words in s. 260 substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(d)(2)(d)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

F1162 Words in s. 260 substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(d)(2)(e)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

F1163 Words in s. 260 substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(c)(2)(c)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

Modifications etc. (not altering text)

C883 S. 260 applied (25.11.1998 for specified purposes otherwise 3.7.2000) by 1998 c. 45, s. 23, **Sch. 6**, para. 16(2); S.I. 1998/2952, **art. 2(1)**; S.I. 2000/1173, **art. 2(2)(c)**

C884 Ss. 257-261 applied (2.5.2006 for E. and 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), reg. 2(1), **Sch. Pt. 1** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

C885 S. 260(1) extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(1), **Sch. 8 para. 2(3)(a)**

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Temporary highway orders: mineral workings

261 Temporary stopping up of highways for mineral workings.

(1) Where the Secretary of State **[**F1164or the council of a London borough**]** is satisfied—

(a) that an order made by him **[**F1165or, as the case may be, the council**]** under section 247 for the stopping up or diversion of a highway is required for the purpose of enabling minerals to be worked by surface working; and

(b) that the highway can be restored, after the minerals have been worked, to a condition not substantially less convenient to the public,

the order may provide for the stopping up or diversion of the highway during such period as may be prescribed by or under the order and for its restoration at the expiration of that period.

(2) Where a competent authority within the meaning of section 257 are satisfied—

(a) that an order made by them under that section for the stopping up or diversion of a footpath **[**F1166, bridleway or restricted byway**]** is required for the purpose of enabling minerals to be worked by surface working; and

(b) that the footpath **[**F1166, bridleway or restricted byway**]** can be restored, after the minerals have been worked, to a condition not substantially less convenient to the public,

the order may provide for the stopping up or diversion of the footpath **[**F1166, bridleway or restricted byway**]** during such period as may be prescribed by or under the order and for its restoration at the expiration of that period.

(3) Without prejudice to the provisions of section 247 or 257, any such order as is authorised by subsection (1) or (2) may contain such provisions as appear to the Secretary of State **[**F1167, the council of the London borough or**]** the competent authority **[**F1168(as the case may be)**]** to be expedient—

(a) for imposing upon persons who, apart from the order, would be subject to any liability with respect to the repair of the original highway during the period prescribed by or under the order a corresponding liability in respect of any highway provided in pursuance of the order;

(b) for the stopping up at the expiry of that period of any highway so provided and for the reconstruction and maintenance of the original highway;

and any provision included in the order in accordance with subsection (4) of section 247 or subsection (2) of section 257 requiring payment to be made in respect of any cost or expenditure under the order may provide for the payment of a capital sum in respect of the estimated amount of that cost or expenditure.

(4) In relation to any highway which is stopped up or diverted by virtue of an order under section 247 or 248, sections 271 and 272 shall have effect—

(a) as if for references to land which has been acquired as there mentioned and to the acquiring or appropriating authority there were substituted respectively references to land over which the highway subsisted and to the person entitled to possession of that land; and

(b) as if references in subsection (5) of each of those sections to a local authority or statutory undertakers included references to any person (other than a Minister) who is entitled to possession of that land,

and sections 275 to 278 shall have effect accordingly.

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(5) Subsection (4) shall not apply to land constituting the site of a highway in respect of which opencast planning permission (within the meaning of section 51 of the [M132]Opencast Coal Act 1958) has been granted.

Textual Amendments

F1164 Words in s. 261(1) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 9(2)(a)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1165 Words in s. 261(1) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 9(2)(b)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1166 Words in s. 261(2) substituted (2.5.2006 for E. and 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), **Sch. 1 Pt. 1** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

F1167 Words in s. 261(3) substituted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 9(3)(a)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1168 Words in s. 261(3) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 9(3)(b)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

Modifications etc. (not altering text)

C886 S. 261 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 2(3)(a)**

C887 Ss. 257-261 applied (2.5.2006 for E. and 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), reg. 2(1), **Sch. Pt. 1** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

Marginal Citations

M132 1958 c. 69.

PART XI

STATUTORY UNDERTAKERS

Modifications etc. (not altering text)

C888 Pt XI (ss. 262-283) applied (10.11.1993) by 1993 c. 28, s. 169, **Sch. 20 Pt. II para. 19(3)**; S.I. 1993/2762, **art. 3**
Pt. XI (ss. 262-283) modified (1.11.1995) by 1995 c. 25, s. 96, **Sch. 13 para. 15(4)(a)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**
Pt. XI (ss. 262-283) applied (25.11.1998 for specified purposes otherwise 3.7.2000) by 1998 c. 45, s. 23, **Sch. 6 para. 16(2)(3)**; S.I. 1998/2952, **art. 2(1)**; S.I. 2000/1173, **art. 2(2)(c)**
Pt. XI (ss. 262-283) modified (1.11.1995) by 1995 c. 25, s. 96, **Sch. 14 para. 13(4)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**

Preliminary

262 Meaning of "statutory undertakers".

(1) Subject to the following provisions of this section, in this Act "statutory undertakers" means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier

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or lighthouse undertaking or any undertaking for the supply of hydraulic power and a relevant airport operator (within the meaning of Part V of the [M133]Airports Act 1986).

(2) Subject to the following provisions of this section, in this Act "statutory undertaking" shall be construed in accordance with subsection (1) and, in relation to a relevant airport operator (within the meaning of that Part), means an airport to which that Part of that Act applies.

(3) Subject to **[**[F1169]subsections (5) to (5B)**]**, for the purposes of the provisions mentioned in subsection (4) any public gas transporter, water or **[**[F1170]sewerage undertaker, the Environment Agency, the Natural Resources Body for Wales, any universal**]** postal service provider in connection with the provision of a universal postal service **[**[F1171], the Civil Aviation Authority and a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services)**]** shall be deemed to be statutory undertakers and their undertakings statutory undertakings.

(4) The provisions referred to in subsection (3) are sections 55, 90, 101, 108(3), [F1172]. . ., 139 to 141, 143, 148, 170(12)(b), 236(2)(a), 237 to 241, 245, 247(4)(b), 253, 257(2), 263(1) and (2), 264, 266 to 283, 288(10)(a), 306, 325(9), 336(2) and (3), paragraph 18 of Schedule 1 and Schedules 8, 13 and 14.

(5) Subsection (4) shall apply—

(a) as respects **[**[F1173]a universal postal service provider in connection with the provision of a universal postal service**]**, as if the reference to sections 55, 247(4)(b), 253 and 257(2) were omitted; and

(b) as respects **[**[F1174]a universal postal service provider in connection with the provision of a universal postal service**][**[F1175], the Civil Aviation Authority and a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services)**]** as if—

(i) the references to sections 245, 263(1) and (2) and 336(2) and (3) were omitted; and

(ii) after the words " 266 to 283" there were inserted the words " (except section 271 as applied by section 13 of the Opencast Coal Act 1958) ".

[[F1176](5A) For the purposes of this Act

(a) a person who holds a licence under Chapter I of Part I of the Transport Act 2000 shall not be considered to be a statutory undertaker unless the person is carrying out activities authorised by the licence;

(b) the person's undertaking shall not be considered to be a statutory undertaking except to the extent that it is the person's undertaking as licence holder.**]**

[[F1177](5B) The undertaking of a universal postal service provider so far as relating to the provision of a universal postal service shall be taken to be his statutory undertaking for the purposes of this Act; and references in this Act to his undertaking shall be construed accordingly.**]**

(6) Any holder of a licence under section 6 of the [M134]Electricity Act 1989 shall be deemed to be a statutory undertaker and his undertaking a statutory undertaking—

(a) for the purposes of the provisions mentioned in subsection (7)(a), if he holds a licence under subsection (1) of that section;

(b) for the purposes of the provisions mentioned in subsection (7)(b), if he is entitled to exercise any power conferred by Schedule 3 to that Act; and

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(c) for the purposes of the provisions mentioned in subsection (7)(c), if he is entitled to exercise any power conferred by paragraph 1 of Schedule 4 to that Act.

(7) The provisions referred to in subsection (6) are—

(a) sections 55, 108(3), [F1172]. . ., 139 to 141, 143, 148, 236(2)(a), 237, 245, 253, 263(1) and (2), 264, 266 to 283, 288(10)(a), 306, 325(9) and 336(2) and (3), paragraph 18 of Schedule 1 and Schedule 13;

(b) sections 170(12)(b) and 238 to 241; and

(c) sections 247(4) and 257(2) and Schedule 14.

Textual Amendments

F1169 Words in s. 262(3) substituted (26.3.2001) by S.I. 2001/1149, arts. 1(2), 3(1), **Sch. 1**, para. 80(2)(a)

F1170 Words in s. 262(3) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 202** (with Sch. 7)

F1171 Words in s. 262(3) substituted (1.4.2001) by 2000 c. 38, s. 37, **Sch. 5 para. 6(2)**; S.I. 2001/869, **art. 2**

F1172 Word in s. 262(4)(7)(a) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 22, **Sch. 19 Pt. II** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F1173 Words in s. 262(5)(a) substituted (26.3.2001) by S.I. 2001/1149, arts. 1(2), 3(1), **Sch. 1 para. 80(3)**

F1174 Words in s. 262(5)(b) substituted (26.3.2001) by S.I. 2001/1149, arts. 1(2), 3(1), **Sch. 1 para. 80(3)**

F1175 Words in s. 262(5)(b) substituted (1.4.2001) by 2000 c. 38, s. 37, **Sch. 5 para. 6(3)**; S.I. 2001/869, **art. 2**

F1176 S. 262(5A) inserted (1.4.2001) by 2000 c. 38, s. 37, **Sch. 5 para. 6(4)**; S.I. 2001/869, **art. 2**

F1177 S. 262(5B) inserted (26.3.2001) by S.I. 2001/1149, arts. 1(2), 3(1), **Sch. 1 para. 80(4)**

Modifications etc. (not altering text)

C889 S. 262 applied (10.11.1993) by 1993 c. 28, s. 169, **Sch. 20 Pt. II para. 19(2)**; S.I. 1993/2762, **art. 3**

C890 S. 262 applied (20.2.2013) by The Kentish Flats Extension Order 2013 (S.I. 2013/343), arts. 1, **8(2)** (with arts. 13, 14)

C891 S. 262 modified (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **6(2)** (with arts. 11, 12)

C892 S. 262 modified (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **6(2)** (with arts. 40, 41, Sch. 12)

C893 S. 262 modified (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **48(3)** (with arts. 51, 53)

C894 S. 262 modified (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **6(3)** (with arts. 40, 41)

C895 S. 262 modified (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **11(4)** (with art. 39)

C896 S. 262 applied (with modifications) (29.3.2017) by The Glyn Rhonwy Pumped Storage Generating Station Order 2017 (S.I. 2017/330), art. 1, **Sch. 7 para. 5(3)** (with art. 31)

C897 S. 262(1) extended (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), **art. 34** (with art. 38)
S. 262(1) modified (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 18(4), 49(1) (with art. 52)
S. 262(1) modified (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), **art. 18(4)**

C898 S. 262(1) modified (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **19(2)** (with arts. 57, 58, Sch. 11 para. 19)

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Marginal Citations
M133 1986 c. 31.
M134 1989 c. 29.

263 Meaning of "operational land".

(1) Subject to the following provisions of this section and to section 264, in this Act "operational land" means, in relation to statutory undertakers—

(a) land which is used for the purpose of carrying on their undertaking; and

(b) land in which an interest is held for that purpose.

(2) Paragraphs (a) and (b) of subsection (1) do not include land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings.

[F1178(2A) Subsection (1) does not apply in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000.

(2B) Subject to section 264, in this Act "operational land" means, in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000, land—

(a) which is used by the licence holder, or by a company associated with it, for the purpose of carrying out activities authorised by the licence, or

(b) in which the licence holder, or a company associated with it, holds an interest for that purpose.

(2C) If for the purposes of this Act a question arises whether land is operational land in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000 the question must be decided by the Secretary of State.**]**

[F1179(2D) Subsection (1) does not apply in relation to a universal postal service provider.

F1179(2E) Subject to subsections (3) and (4) and section 264, in this Act "operational land" means, in relation to a universal postal service provider, land—

(a) which is used by the provider, or by a company associated with him, for any purpose in connection with the provision of a universal postal service, or

(b) in which the provider, or a company associated with him, holds an interest for any such purpose.**]**

(3) In sections 108(3), F1180. . ., 266 to 283 and Part II of Schedule 8 "operational land", in relation to **[**F1181a universal postal service provider**]** and the Civil Aviation Authority, means land of the **[**F1182provider's**]** or, as the case may be, of the Authority's of any such class as may be prescribed by regulations.

(4) Such regulations—

(a) shall be made—

(i) in the case of **[**F1183a universal postal service provider**]**, by the appropriate Minister and the Secretary of State acting jointly; and

(ii) in the case of the Civil Aviation Authority, by the appropriate Minister;

(b) may define a class of land by reference to any circumstances whatsoever, and

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(c) in the case of the Civil Aviation Authority, may make provision for different circumstances, including prescribing different classes of land for the purposes of different provisions.

Textual Amendments

F1178 S. 263(2A)(2B)(2C) inserted (1.4.2001) by 2000 c. 38, s. 37, **Sch. 5 para. 7** (with s. 106); S.I. 2001/869, **art. 2**

F1179 S. 263(2D)(2E) inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 81(2)**

F1180 Words in s. 263(3) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 23, **Sch. 19 Pt. II** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F1181 Words in s. 263(3) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 81(3)(a)**

F1182 Words in s. 263(3) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 81(3)(b)**

F1183 Words in s. 263(4)(a)(i) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 81(4)**

264 Cases in which land is to be treated as not being operational land.

(1) This section applies where an interest in land is held by statutory undertakers for the purpose of carrying on their undertaking and—

(a) the interest was acquired by them on or after 6th December 1968; or

(b) it was held by them immediately before that date but the circumstances were then such that the land did not fall to be treated as operational land for the purposes of the 1962 Act.

(2) Where this section applies in respect of any land then, notwithstanding the provisions of section 263, the land shall not be treated as operational land for the purposes of this Act unless it falls within subsection (3) or (4).

(3) Land falls within this subsection if—

(a) there is, or at some time has been, in force with respect to it a specific planning permission for its development; and

(b) that development, if carried out, would involve or have involved its use for the purpose of the carrying on of the statutory undertakers' undertaking.

(4) Land falls within this subsection if—

(a) the undertakers' interest in the land was acquired by them as the result of a transfer under the provisions of the [M135]Transport Act 1968, the [M136]Transport (London) Act 1969, the [M137]Gas Act 1986, the [M138]Airports Act 1986 **[**[F1184]the Water Act 1989 or the Water Industry Act 1991**][**[F1185]or, in the case of land held by Canal & River Trust, the Public Bodies Act 2011**]** from other statutory undertakers; and

(b) immediately before transfer the land was operational land of those other undertakers.

[[F1186](4A) For the purposes of this section an interest in land acquired by Transport for London or any of its subsidiaries (within the meaning of the Greater London Authority Act 1999) under or by virtue of that Act shall be taken to have been acquired by Transport for London or that subsidiary at the time and in the manner in which it was acquired by the relevant predecessor.

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(4B) In subsection (4A) "relevant predecessor" means London Regional Transport or such other predecessor in title of Transport for London or the subsidiary of Transport for London as last acquired the interest in question—

(a) as the result of such a transfer as is mentioned in paragraph (a) of subsection (4); and

(b) in such circumstances as are mentioned in paragraph (b) of that subsection.**]**

(5) A specific planning permission for the purpose of subsection (3)(a) is a planning permission—

(a) granted on an application in that behalf made under Part III **[**F1187or, in relation to England, Part 13**]**; or

(b) granted by provisions of a development order F1188... granting planning permission generally for development which has received specific parliamentary approval; or

(c) granted by a special development order in respect of development specifically described in the order;

[F1189(ca) granted by a local development order or a neighbourhood development order;**]** or

(d) deemed to be granted by virtue of a direction of a government department under section 90(1).

(6) In subsection (5)—

(a) the reference in paragraph (a) to Part III includes a reference to Part III of the 1971 Act and the enactments in force before the commencement of that Act and replaced by Part III of it; and

(b) the reference in paragraph (b) to development which has received specific parliamentary approval is a reference to development authorised—

(i) by a local or private Act of Parliament,

(ii) by an order approved by both Houses of Parliament; or

(iii) by an order which has been brought into operation in accordance with the provisions of the M139Statutory Orders (Special Procedure) Act 1945,

being an Act or order which designates specifically both the nature of the development authorised by it and the land upon which it may be carried out;

(c) the reference in paragraph (d) to section 90(1) includes a reference to section 40 of the 1971 Act, section 41 of the 1962 Act and section 35 of the 1947 Act.

(7) This section shall not apply to land in the case of which an interest of the Postmaster General's vested in the Post Office by virtue of section 16 of the M140Post Office Act 1969.

(8) Where an interest in land is held by **[**F1190—

(a) the Civil Aviation Authority, or

(b) a person who holds a licence under Chapter I of Part I of the Transport Act 2000 or a company associated with that person,**]**

this section shall not apply for the purpose of determining whether the land is operational land in relation to the Authority **[**F1191or the licence holder**]** for the purposes of this act.

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Textual Amendments

F1184 Words in s. 264(4)(a) substituted (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1 para. 54**

F1185 Words in s. 264(4)(a) inserted (2.7.2012) by The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), **Sch. 3 para. 9** (with arts. 4-6)

F1186 S. 264(4A)(4B) inserted (15.7.2003) by The Transport for London (Consequential Provisions) Order 2003 (S.I. 2003/1615), art. 2, **Sch. 1 para. 14**

F1187 Words in s. 264(5)(a) inserted (1.5.2025) by The Town and Country Planning (Fees and Consequential Amendments) Regulations 2025 (S.I. 2025/418), regs. 1(3), **13(12)**

F1188 Words in s. 264(5)(b) repealed (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), Sch. 12 para. 20(a), **Sch. 25 Pt. 18**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a)(e) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2013/797, arts. 1(2), 2

F1189 S. 264(5)(ca) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 20(b)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2

F1190 S. 264(8)(a)(b) substituted for the words "the Civil Aviation Authority" (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. III para. 13(a)(i)**

F1191 Words in s. 264(8) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. III para. 13(a)(ii)**

Modifications etc. (not altering text)

C899 S. 264(3) modified (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **26** (with art. 30)

C900 S. 264(3) modified (18.9.2014) by The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (S.I. 2014/2269), arts. 1, **31**

C901 S. 264(3) modified (2.10.2014) by The Clocaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), arts. 1, **27** (with art. 33)

C902 S. 264(3) modified (31.12.2014) by The Hornsea One Offshore Wind Farm Order 2014 (S.I. 2014/3331), arts. 1, **29** (with arts. 37, 38)

C903 S. 264(3) modified (25.2.2015) by The A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (S.I. 2015/129), arts. 1, **35**

C904 S. 264(3) modified (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **37** (with arts. 40, 41)

C905 S. 264(3) modified (12.2.2016) by The Palm Paper Mill Generating Station Order 2016 (S.I. 2016/166), arts. 1, **12**

C906 S. 264(3) modified (2.8.2016) by The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684), arts. 1, **44** (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))

C907 S. 264(3) modified (29.3.2017) by The Glyn Rhonwy Pumped Storage Generating Station Order 2017 (S.I. 2017/330), arts. 1, **21** (with art. 31)

C908 S. 264(3) modified (3.10.2018) by The A19/A184 Testos Junction Alteration Development Consent Order 2018 (S.I. 2018/994), arts. 1, **37** (with arts. 3(3), 5)

C909 S. 264(3) modified (4.3.2020) by The Midland Metro (Birmingham Eastside Extension) Order 2020 (S.I. 2020/141), arts. 1, **45** (with arts. 47, 48, Sch. 10 para. 19)

C910 S. 264(3) modified (30.4.2020) by The A585 Windy Harbour to Skippool Highway Development Consent Order 2020 (S.I. 2020/402), arts. 1, **38** (with arts. 5, 44)

C911 S. 264(3) modified (11.6.2020) by The M42 Junction 6 Development Consent Order 2020 (S.I. 2020/528), arts. 1, **40** (with art. 37)

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C912 S. 264(3) modified (18.6.2020) by The A63 (Castle Street Improvement, Hull) Development Consent Order 2020 (S.I. 2020/556), arts. 1, **38** (with arts. 5, 44)

C913 S. 264(3) modified (6.8.2020) by The A19 Downhill Lane Junction Development Consent Order 2020 (S.I. 2020/746), arts. 1, **38** (with art. 5)

C914 S. 264(3)(a) modified (11.11.2020) by The West Burton C (Gas Fired Generating Station) Order 2020 (S.I. 2020/1148), **arts. 1**, 13

C915 S. 264(3) modified (9.2.2021) by The A1 Birtley to Coal House Development Consent Order 2021 (S.I. 2021/74), arts. 1, **41** (with art. 5, Sch. 27 para. 36)

C916 S. 264(3) modified (2.12.2021) by The South Humber Bank Energy Centre Order 2021 (S.I. 2021/1259), arts. 1, **23** (with Sch. 8 para. 48)

C917 S. 264(3) modified (10.3.2022) by The Thurrock Flexible Generation Plant Development Consent Order 2022 (S.I. 2022/157), arts. 1, **37** (with Sch. 8 Pt. 6 para. 19)

C918 S. 264(3) modified (2.6.2022) by The M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 (S.I. 2022/549), arts. 1, **42** (with arts. 6, 34)

C919 S. 264(3) modified (8.9.2022) by The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (S.I. 2022/934), arts. 1, **45**

C920 S. 264(3) modified (7.12.2022) by The A417 Missing Link Development Consent Order 2022 (S.I. 2022/1248), arts. 1, **48** (with art. 4)

C921 S. 264(3) modified (29.12.2022) by The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 (S.I. 2022/1396), arts. 1, **38** (with art. 32, Sch. 10 paras. 26(2), 68)

C922 S. 264(3) modified (27.7.2023) by The Boston Alternative Energy Facility Order 2023 (S.I. 2023/778), arts. 1, **42(2)** (with arts. 5, 53, Sch. 8 paras. 6, 64)

C923 S. 264(3) modified (14.6.2024) by The A1 in Northumberland: Morpeth to Ellingham Development Consent Order 2024 (S.I. 2024/733), arts. 1, **44** (with art. 6, Sch. 10)

C924 S. 264(3) modified (3.8.2024) by The Gate Burton Energy Park Order 2024 (S.I. 2024/807), arts. 1, **35** (with art. 45, Sch. 14)

C925 S. 264(3) modified (3.8.2024) by The Mallard Pass Solar Farm Order 2024 (S.I. 2024/796), arts. 1, **37** (with Sch. 15)

C926 S. 264(3) modified (15.2.2025) by The West Burton Solar Project Order 2025 (S.I. 2025/116), arts. 1, **37** (with art. 47, Sch. 15)

C927 S. 264(3) modified (15.4.2025) by The A122 (Lower Thames Crossing) Development Consent Order 2025 (S.I. 2025/462), arts. 1, **56(2)** (with arts. 5, 43, 53(7), 54(2), Sch. 14)

C928 S. 264(3) modified (31.5.2025) by The East Yorkshire Solar Farm Order 2025 (S.I. 2025/585), arts. 1, **37** (with art. 49, Sch. 14)

C929 S. 264(3) modified (25.6.2025) by The M5 Junction 10 Development Consent Order 2025 (S.I. 2025/795), arts. 1, **40** (with arts. 4, 43, Sch. 9)

C930 S. 264(3) modified (30.9.2025) by The M60/M62/M66 Simister Island Interchange Development Consent Order 2025 (S.I. 2025/1018), arts. 1, **38** (with arts. 5, 34, Sch. 9)

C931 S. 264(3) modified (12.10.2025) by The Gatwick Airport (Northern Runway Project) Development Consent Order 2025 (S.I. 2025/1054), arts. 1, **9(1)** (with arts. 5, 9(6), 43, Sch. 9)

C932 S. 264(3) modified (5.11.2025) by The Tillbridge Solar Order 2025 (S.I. 2025/1105), arts. 1, **38** (with art. 49, Sch. 15)

C933 S. 264(3) modified (27.11.2025) by The Cory Decarbonisation Project Order 2025 (S.I. 2025/1227), arts. 1, **51(1)** (with Sch. 12)

C934 S. 264(3) modified (25.2.2026) by The A46 Coventry Junctions (Walsgrave) Development Consent Order 2026 (S.I. 2026/125), arts. 1, **6(2)** (with arts. 40, 45, Sch. 9)

C935 S. 264(3) modified (25.2.2026) by The A46 Coventry Junctions (Walsgrave) Development Consent Order 2026 (S.I. 2026/125), arts. 1, **47** (with arts. 40, 45, Sch. 9)

C936 S. 264(3) modified (11.3.2026) by The Fenwick Solar Farm Order 2026 (S.I. 2026/151), arts. 1, **38** (with Sch. 14)

C937 S. 264(3)(a) modified (18.12.1996) by 1996 c. 61, **s. 9(9)**
S. 264(3)(a) modified (22.3.2001) by S.I. 2001/1451, **art. 7(1)**
S. 264(3)(a) modified (29.3.2001) by S.I. 2001/1347, **art. 20(3)**

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S. 264(3)(a) modified (24.7.2001) by S.I. 2001/3627, **art. 31**
S. 264(3)(a) modified (9.11.2001) by S.I. 2001/3682, **art. 17(3)**
S. 264(3)(a) modified (18.7.2001) by S.I. 2001/2870, **art. 23(1)**
S. 264(3)(a) modified (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), **art. 14(3)** (with art. 38)
S. 264(3)(a) modified (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), **art. 14(3)**
S. 264(3)(a) modified (12.8.2002) by The Channel Tunnel Rail Link (Thames Tunnel Approach) Order 2002 (S.I. 2002/1943), **art. 12**
S. 264(3)(a) modified (28.4.2003) by The Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), **art. 36** (with art. 40)
S. 264(3)(a) modified (4.3.2004) by The Network Rail (West Coast Main Line) Order 2004 (S.I. 2004/389), **art. 34** (with art. 38)
S. 264(3)(a) modified (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), **art. 20(3)**
S. 264(3)(a) modified (19.11.2004) by The Scarweather Sands Offshore Wind Farm Order 2004 (S.I. 2004/3054), **art. 29** (with art. 38)
S. 264(3)(a) modified (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), **art. 24(1)** (with arts. 65, 66)
S. 264(3)(a) modified (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), **art. 48(1)** (with art. 51)
S. 264(3)(a) modified (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), **art. 25(1)** (with art. 30)
S. 264(3)(a) modified (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), **art. 44(1)** (with art. 47)
S. 264(3)(a) modified (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), **art. 15** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)
S. 264(3)(a) modified (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), **art. 21(3)** (with arts. 3(5), 15(3))
S. 264(3)(a) modified (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), **art. 18(3)** (with art. 52)
S. 264(3)(a) modified (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), **art. 49(2)** (with art. 52)
S. 264(3)(a) modified (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), **art. 17(3)** (with art. 43)
S. 264(3)(a) modified (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), **art. 44** (with arts. 34, 35(2))
S. 264(3)(a) modified (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), **art. 18(3)**
S. 264(3)(a) modified (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), **art. 17(3)** (with arts. 3(6), 12(3))
S. 264(3)(a) modified (28.9.2007) by The London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), **art. 27(3)** (with art. 19, Sch. 3 para. 13(2))

C938 S. 264(3)(a) modified (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 10(8)**

C939 S. 264(3)(a) modified (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), **art. 34(3)** (with art. 36(3))

C940 S. 264(3)(a) modified (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), **art. 15**

C941 S. 264(3)(a) modified (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), **art. 28(3)**

C942 S. 264(3)(a) modified (27.8.2010) by The Llangollen and Corwen Railway Order 2010 (S.I. 2010/2136), **art. 11(3)**

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C943 S. 264(3)(a) modified (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **47(3)** (with art. 51, Sch. 10 paras. 68, 85)

C944 S. 264(3)(a) modified (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), arts. 1, **36(1)**

C945 S. 264(3)(a) modified (26.9.2012) by The Network Rail (Ipswich Chord) Order 2012 (S.I. 2012/2284), arts. 1, **28** (with art. 26(2))

C946 S. 264(3)(a) modified (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), arts. 1, **39** (with art. 42(2))

C947 S. 264(3)(a) modified (13.3.2013) by The Brechfa Forest West Wind Farm Order 2013 (S.I. 2013/586), arts. 1, **14**

C948 S. 264(3)(a) modified (9.4.2013) by The Hinkley Point C (Nuclear Generating Station) Order 2013 (S.I. 2013/648), arts. 1, **40** (with arts. 48, 68, 79)

C949 S. 264(3)(a) modified (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **29** (with arts. 11, 12)

C950 S. 264(3)(a) modified (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), arts. 1, **34**

C951 S. 264(3)(a) modified (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **22** (with arts. 42, 43)

C952 S. 264(3)(a) modified (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, **32**

C953 S. 264(3)(a) modified (21.11.2013) by The Network Rail (Redditch Branch Enhancement) Order 2013 (S.I. 2013/2809), arts. 1, **29** (with arts. 27(2), 39, Sch. 10 para. 4)

C954 S. 264(3)(a) modified (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **29**

C955 S. 264(3)(a) modified (7.5.2014) by The National Grid (North London Reinforcement Project) Order 2014 (S.I. 2014/1052), arts. 1, **39**

C956 S. 264(3)(a) modified (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **31** (with arts. 37, 38, Sch. 9 para. 19)

C957 S. 264(3)(a) modified (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **36** (with arts. 12, 13, Sch. 12)

C958 S. 264(3)(a) modified (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **30** (with art. 13, para. 6, 17, Sch. 8 paras. 4(3), 6, 9)

C959 S. 264(3)(a) modified (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **35**

C960 S. 264(3)(a) modified (23.10.2014) by The South Hook Combined Heat and Power Plant Order 2014 (S.I. 2014/2846), arts. 1, **13**

C961 S. 264(3)(a) modified (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **31**

C962 S. 264(3)(a) modified (21.4.2015) by The Network Rail (Ordsall Chord) Order 2015 (S.I. 2015/780), arts. 1, **37** (with art. 36(2))

C963 S. 264(3)(a) modified (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **38**

C964 S. 264(3)(a) modified (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **40** (with arts. 51, 53)

C965 S. 264(3)(a) modified (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **36** (with art. 44)

C966 S. 264(3)(a) modified (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **34**

C967 S. 264(3)(a) modified (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **22**

C968 S. 264(3)(a) modified (9.2.2016) by The National Grid (Hinkley Point C Connection Project) Order 2016 (S.I. 2016/49), arts. 1, **37** (with art. 32)

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C969 S. 264(3)(a) modified (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **34** (with art. 37)

C970 S. 264(3)(a) modified (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **34** (with art. 39)

C971 S. 264(3)(a) modified (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **38** (with arts. 4, 5(3))

C972 S. 264(3)(a) modified (14.6.2016) by The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016 (S.I. 2016/545), arts. 1, **35** (with art. 39)

C973 S. 264(3)(a) modified (7.9.2016) by The Hornsea Two Offshore Wind Farm Order 2016 (S.I. 2016/844), arts. 1(2), **32** (with arts. 37, 38)

C974 S. 264(3)(a) modified (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **37**

C975 S. 264(3)(a) modified (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **23** (with arts. 43, 44)

C976 S. 264(3)(a) modified (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), **arts. 1**, 51(1)

C977 S. 264(3)(a) modified (18.3.2017) by The North London Heat and Power Generating Station Order 2017 (S.I. 2017/215), arts. 1, **31**

C978 S. 264(3)(a) modified (8.8.2017) by The Wrexham Gas Fired Generating Station Order 2017 (S.I. 2017/766), arts. 1, **33**

C979 S. 264(3)(a) modified (24.8.2017) by The National Grid (Richborough Connection Project) Development Consent Order 2017 (S.I. 2017/817), arts. 1, **36** (with art. 22)

C980 S. 264(3)(a) modified (29.8.2017) by The East Anglia THREE Offshore Wind Farm Order 2017 (S.I. 2017/826), arts. 1, **30** (with arts. 36, 37, Sch. 8 para. 34)

C981 S. 264(3)(a) modified (5.9.2017) by The London Overground (Barking Riverside Extension) Order 2017 (S.I. 2017/830), arts. 1, **17** (with Sch. 8 para. 20)

C982 S. 264(3)(a) modified (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), arts. 1, **30** (with art. 32(2))

C983 S. 264(3)(a) modified (22.12.2017) by The M20 Junction 10a Development Consent Order 2017 (S.I. 2017/1202), arts. 1, **41** (with arts. 4, 37)

C984 S. 264(3)(a) modified (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), arts. 1, **22** (with arts. 55-57, Sch. 8 para. 13)

C985 S. 264(3)(a) modified (4.1.2018) by The Blackpool Tramway (Blackpool North Extension) Order 2017 (S.I. 2017/1214), arts. 1, **22(1)** (with arts. 58, 59)

C986 S. 264(3)(a) modified (18.4.2018) by The Network Rail (Hope Valley Capacity) Order 2018 (S.I. 2018/446), arts. 1, **31** (with arts. 24(8), 33(2))

C987 S. 264(3)(a) modified (31.5.2018) by The Silvertown Tunnel Order 2018 (S.I. 2018/574), arts. 1(2), **51**

C988 S. 264(3)(a) modified (28.6.2018) by The High Speed Rail (London West Midlands) (Greatmoor Railway Sidings Etc.) Order 2018 (S.I. 2018/693), arts. 1, **16**

C989 S. 264(3)(a) modified (24.8.2018) by The Network Rail (Werrington Grade Separation) Order 2018 (S.I. 2018/923), arts. 1, **32** (with art. 31(2))

C990 S. 264(3)(a) modified (26.9.2018) by The Network Rail (Felixstowe Branch Line Improvements Level Crossings Closure) Order 2018 (S.I. 2018/937), arts. 1, **19**

C991 S. 264(3)(a) modified (12.10.2018) by The Eggborough Gas Fired Generating Station Order 2018 (S.I. 2018/1020), arts. 1, **36** (with arts. 6, 42)

C992 S. 264(3)(a) modified (13.3.2019) by The Port of Tilbury (Expansion) Order 2019 (S.I. 2019/359), arts. 1, **47(1)** (with arts. 55, 56)

C993 S. 264(3)(a) modified (3.4.2019) by The Millbrook Gas Fired Generating Station Order 2019 (S.I. 2019/578), arts. 1, **34**

C994 S. 264(3)(a) modified (26.4.2019) by The Tees Combined Cycle Power Plant Order 2019 (S.I. 2019/827), arts. 1, **11**

C995 S. 264(3)(a) modified (26.7.2019) by The Kemsley Mill K4 Combined Heat and Power Generating Station Order 2019 (S.I. 2019/1091), arts. 1, **11**

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C996 S. 264(3)(a) modified (10.10.2019) by The Abergelli Power Gas Fired Generating Station Order 2019 (S.I. 2019/1268), arts. 1, **36**

C997 S. 264(3)(a) modified (25.10.2019) by The Drax Power (Generating Stations) Order 2019 (S.I. 2019/1315), arts. 1, **38**

C998 S. 264(3)(a) modified (30.10.2019) by The Northampton Gateway Rail Freight Interchange Order 2019 (S.I. 2019/1358), arts. 1, **39** (with Sch. 13 Pt. 1 para. 19)

C999 S. 264(3)(a) modified (25.2.2020) by The Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020 (S.I. 2020/114), arts. 1, **38** (with art. 37(2))

C1000 S. 264(3)(a) modified (14.4.2020) by The Reinforcement to the North Shropshire Electricity Distribution Network Order 2020 (S.I. 2020/325), arts. 1, **33** (with art. 7)

C1001 S. 264(3)(a) modified (1.5.2020) by The Riverside Energy Park Order 2020 (S.I. 2020/419), arts. 1, **37** (with art. 7)

C1002 S. 264(3)(a) modified (25.5.2020) by The West Midlands Rail Freight Interchange Order 2020 (S.I. 2020/511), arts. 1, **39**

C1003 S. 264(3)(a) modified (19.6.2020) by The Cleve Hill Solar Park Order 2020 (S.I. 2020/547), arts. 1, **31** (with art. 37)

C1004 S. 264(3)(a) modified (22.7.2020) by The Norfolk Vanguard Offshore Wind Farm Order 2020 (S.I. 2020/706), arts. 1, **34** (with arts. 41, 42, Sch. 16 para. 66)

C1005 S. 264(3)(a) modified (1.9.2020) by The Immingham Open Cycle Gas Turbine Order 2020 (S.I. 2020/847), arts. 1, **35** (with Sch. 9 para. 144)

C1006 S. 264(3)(a) modified (15.10.2020) by The Great Yarmouth Third River Crossing Development Consent Order 2020 (S.I. 2020/1075), arts. 1, **58**

C1007 S. 264(3)(a) modified (29.10.2020) by The Southampton to London Pipeline Development Consent Order 2020 (S.I. 2020/1099), arts. 1, **39** (with art. 32, Sch. 9 para. 36)

C1008 S. 264(3)(a) modified (22.1.2021) by The Hornsea Three Offshore Wind Farm Order 2020 (S.I. 2020/1656), arts. 1, **33** (with arts. 40, 41, Sch. 9 Pt. 5 para. 18)

C1009 S. 264(3)(a) modified (19.2.2021) by The A303 Sparkford to Ilchester Dualling Development Consent Order 2021 (S.I. 2021/125), arts. 1, **40** (with arts. 4, 47)

C1010 S. 264(3)(a) modified (15.3.2021) by The Wheelabrator Kemsley K3 Generating Station Order 2021 (S.I. 2021/173), arts. 1, **15**

C1011 S. 264(3)(a) modified (1.1.2022) by The Norfolk Boreas Offshore Wind Farm Order 2021 (S.I. 2021/1414), arts. 1, **34** (with arts. 41, 42, Sch. 17 para. 66)

C1012 S. 264(3)(a) modified (22.4.2022) by The East Anglia ONE North Offshore Wind Farm Order 2022 (S.I. 2022/432), arts. 1(2), **33** (with arts. 40, 41)

C1013 S. 264(3)(a) modified (22.4.2022) by The East Anglia TWO Offshore Wind Farm Order 2022 (S.I. 2022/433), arts. 1(2), **33** (with arts. 40, 41)

C1014 S. 264(3)(a) modified (27.4.2022) by The Little Crow Solar Park Order 2022 (S.I. 2022/436), arts. 1, **13**

C1015 S. 264(3)(a) modified (1.8.2022) by The Northumberland Line Order 2022 (S.I. 2022/820), arts. 1, **26** (with Sch. 10 paras. 21, 43)

C1016 S. 264(3)(a) modified (11.8.2022) by The Sizewell C (Nuclear Generating Station) Order 2022 (S.I. 2022/853), arts. 1, **80** (with arts. 62, 76, 87)

C1017 S. 264(3)(a) modified (2.9.2022) by The A47 North Tuddenham to Easton Development Consent Order 2022 (S.I. 2022/911), arts. 1, **42** (with arts. 4, 53)

C1018 S. 264(3)(a) modified (3.11.2022) by The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 (S.I. 2022/1067), arts. 1, **42**

C1019 S. 264(3)(a) modified (4.11.2022) by The A47/A11 Thickthorn Junction Development Consent Order 2022 (S.I. 2022/1070), arts. 1, **43** (with arts. 4, 52, Sch. 9 para. 82)

C1020 S. 264(3)(a) modified (5.12.2022) by The Portishead Branch Line (MetroWest Phase 1) Order 2022 (S.I. 2022/1194), arts. 1, **40** (with art. 51)

C1021 S. 264(3)(a) modified (11.1.2023) by The Network Rail (Cambridge South Infrastructure Enhancements) Order 2022 (S.I. 2022/1406), arts. 1, **35(1)** (with art. 34(2), Sch. 12 paras. 5, 47, 79)

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C1022S. 264(3)(a) modified (10.3.2023) by The A47 Wansford to Sutton Development Consent Order 2023 (S.I. 2023/218), arts. 1, **42** (with arts. 4, 50)
C1023S. 264(3)(a) modified (18.7.2023) by The Longfield Solar Farm Order 2023 (S.I. 2023/734), arts. 1, **35** (with art. 19)
C1024S. 264(3)(a) modified (3.8.2023) by The Hornsea Four Offshore Wind Farm Order 2023 (S.I. 2023/800), arts. 1, **35** (with arts. 42, 43, Sch. 9 Pt. 1 para. 4, Sch. 9 Pt. 3 para. 6(1), Sch. 9 Pt. 4 para. 20, Sch. 9 Pt. 9 para. 4)
C1025S. 264(3)(a) modified (4.8.2023) by The A303 (Amesbury to Berwick Down) Development Consent Order 2023 (S.I. 2023/834), arts. 1, **52** (with arts. 6(2), 18, Sch. 11 paras. 5, 30)
C1026S. 264(3)(a) modified (7.9.2023) by The A38 Derby Junctions Development Consent Order 2023 (S.I. 2023/923), arts. 1, **42** (with arts. 4, 45, Sch. 9 paras. 6, 46, 54(1))
C1027S. 264(3)(a) modified (11.10.2023) by The Awel y Môr Offshore Wind Farm Order 2023 (S.I. 2023/1033), arts. 1, **39** (with arts. 36, 37, Sch. 9 paras. 14, 44(1), 76, 103)
C1028S. 264(3)(a) modified (7.2.2024) by The Drax Power Station Bioenergy with Carbon Capture and Storage Extension Order 2024 (S.I. 2024/70), arts. 1, **35** (with art. 43, Sch. 12 paras. 5, 24)
C1029S. 264(3)(a) modified (9.2.2024) by The A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024/60), arts. 1, **49** (with arts. 4, 52, Sch. 11 paras. 6, 24, 39(1), 55(1), 84)
C1030S. 264(3)(a) modified (11.3.2024) by The Net Zero Teesside Order 2024 (S.I. 2024/174), arts. 1, **39** (with arts. 42, 43, Sch. 12 paras. 5, 51, 91, 129, 136, 234, 345, 356)
C1031S. 264(3)(a) modified (13.3.2024) by The Medworth Energy from Waste Combined Heat and Power Facility Order 2024 (S.I. 2024/230), arts. 1, **39** (with Sch. 11 paras. 5, 22, 37, 47, 82, 110)
C1032S. 264(3)(a) modified (28.3.2024) by The A66 Northern Trans-Pennine Development Consent Order 2024 (S.I. 2024/360), arts. 1, **46** (with arts. 18, 35, Sch. 9)
C1033S. 264(3)(a) modified (5.4.2024) by The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 (S.I. 2024/393), arts. 1, **9(2)** (with art. 44, Sch. 15)
C1034S. 264(3)(a) modified (11.4.2024) by The HyNet Carbon Dioxide Pipeline Order 2024 (S.I. 2024/436), arts. 1(2), **43** (with arts. 21, 41, Sch. 10)
C1035S. 264(3)(a) modified (9.5.2024) by The Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (S.I. 2024/564), arts. 1, **32** (with arts. 35, 36, Sch. 14)
C1036S. 264(3)(a) modified (3.8.2024) by The Sunnica Energy Farm Order 2024 (S.I. 2024/802), arts. 1, **34** (with art. 44, Sch. 12)
C1037S. 264(3)(a) modified (4.10.2024) by The National Grid (Bramford to Twinstead Reinforcement) Order 2024 (S.I. 2024/958), arts. 1, **8(2)** (with art. 40, Sch. 14)
C1038S. 264(3)(a) modified (25.10.2024) by The Associated British Ports (Immingham Eastern Ro-Ro Terminal) Development Consent Order 2024 (S.I. 2024/1014), arts. 1, **23(1)** (with arts. 36, 40, Sch. 4)
S. 264(3)(a) modified (9.10.2024) by The M3 Junction 9 Development Consent Order 2024 (S.I. 2024/752), arts. 1, **43** (with art. 4, Sch. 10) (as amended by S.I. 2024/1020, **Sch**)
C1039S. 264(3)(a) modified (18.12.2024) by The Network Rail (Leeds to Micklefield Enhancements) Order 2024 (S.I. 2024/1284), arts. 1, **36** (with Sch. 15)
C1040S. 264(3)(a) modified (17.2.2025) by The Heckington Fen Solar Park Order 2025 (S.I. 2025/85), arts. 1, **34** (with art. 43, Sch. 13)
C1041S. 264(3)(a) modified (27.2.2025) by The Associated British Ports (Immingham Green Energy Terminal) Order 2025 (S.I. 2025/165), arts. 1, **55(1)** (with arts. 48, 59, Sch. 14)
C1042S. 264(3)(a) modified (4.4.2025) by The North Lincolnshire Green Energy Park Order 2025 (S.I. 2025/362), arts. 1, **44** (with Sch. 14)
C1043S. 264(3)(a) modified (28.4.2025) by The Rampion 2 Offshore Wind Farm Order 2025 (S.I. 2025/468), arts. 1, **41** (with arts. 47, 48, Sch. 10)
C1044S. 264(3)(a) modified (1.5.2025) by The Viking CCS Carbon Dioxide Pipeline Order 2025 (S.I. 2025/509), arts. 1(2), **43(1)** (with art. 41, Sch. 9)
C1045S. 264(3)(a) modified (11.7.2025) by The Oaklands Farm Solar Park Order 2025 (S.I. 2025/739), arts. 1, **33** (with Sch. 10)
C1046S. 264(3)(a) modified (28.7.2025) by The Mona Offshore Wind Farm Order 2025 (S.I. 2025/870), arts. 1, **40** (with arts. 37, 38, Sch. 10)

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C1047 S. 264(3)(a) modified (14.8.2025) by The Byers Gill Solar Order 2025 (S.I. 2025/934), arts. 1, **35** (with art. 43, Sch. 11)
C1048 S. 264(3)(a) modified (22.10.2025) by The A46 Newark Bypass Development Consent Order 2025 (S.I. 2025/1090), arts. 1, **48** (with arts. 4, 9, 51, Sch. 9)
C1049 S. 264(3)(a) modified (13.11.2025) by The Stonestreet Green Solar Order 2025 (S.I. 2025/1175), arts. 1, **39** (with art. 40, Sch. 13)
C1050 S. 264(3)(a) modified (29.12.2025) by The Helios Renewable Energy Project Order 2025 (S.I. 2025/1372), arts. 1, **34** (with Sch. 9)
C1051 S. 264(3)(a) modified (8.1.2026) by The Five Estuaries Offshore Wind Farm Order 2025 (S.I. 2025/1376), arts. 1, **42** (with arts. 39, 40, Sch. 9)
C1052 S. 264(3)(a) modified (4.3.2026) by The Outer Dowsing Offshore Wind Farm Order 2026 (S.I. 2026/138), arts. 1(2), **34** (with arts. 42, 43, Sch. 18)
C1053 S. 264(3)(a) modified (30.4.2026) by The Springwell Solar Farm Order 2026 (S.I. 2026/419), arts. 1, **38** (with art. 48)

Marginal Citations
M135 1968 c. 73.
M136 1969 c. 35.
M137 1986 c. 44.
M138 1986 c. 31.
M139 1945 c. 18.
M140 1969 c. 49.

265 Meaning of "the appropriate Minister".

(1) Subject to the following provisions of this section, in this Act "the appropriate Minister" means—

F1192(a) . . . . . .

[F1193(a) in relation to statutory undertakers carrying on any railway, light railway, tramway, road transport, dock, harbour, pier or lighthouse undertaking, the Civil Aviation Authority, a person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000, or a relevant airport operator (within the meaning of Part 5 of the Airports Act 1986), the Secretary of State for Transport;**]**

(b) in relation to statutory undertakers carrying on an undertaking for the supply of hydraulic power, the **[**F1194Secretary of State for Trade and Industry**]**;

(c) in relation to **[**F1195a universal postal service provider**]**, the Secretary of State for Trade and Industry; and

[F1196(d) in relation to any other statutory undertakers, the Secretary of State for **[**F1197Housing, Communities and Local Government**]**.**]**

(2) For the purposes of sections 170(12), 266 to 280, 325(9) and 336(2) and (3) and Part II of Schedule 8, "the appropriate Minister", in relation to a **[**F1198public gas transporter**]** or a holder of a licence under section 6 of the M141Electricity Act 1989, means the **[**F1194Secretary of State for Trade and Industry**]**.

(3) For the purposes of sections 170(12), 266 to 280, 325(9) and 336(2) and (3) and Part II of Schedule 8 and Schedule 14 "the appropriate Minister"—

(a) in relation to the National Rivers Authority, means the Secretary of State or the Minister of Agriculture, Fisheries and Food; F1199...

[F1200(aa) in relation to the Natural Resources Body for Wales, means the Secretary of State or the Secretary of State for Environment, Food and Rural Affairs; and**]**

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(b) in relation to a water or sewerage undertaker, means the Secretary of State.

(4) References in this Act to the Secretary of State and the appropriate Minister—

(a) if the appropriate Minister is not the one concerned as the Secretary of State, shall be construed as references to the Secretary of State and the appropriate Minister; and

(b) if the one concerned as the Secretary of State is also the appropriate Minister, shall be construed as references to him alone,

and similarly with references to a Minister and the appropriate Minister and with any provision requiring the Secretary of State to act jointly with the appropriate Minister.

Textual Amendments

F1192 S. 265(1)(a) repealed (26.1.1998) by S.I. 1997/2971, art. 6(1), Sch. paras. 11, **14(a)**

F1193 S. 265(1)(a) inserted (25.11.2002) by The Transfer of Functions (Transport, Local Government and the Regions) Order 2002 (S.I. 2002/2626), art. 20, **Sch. 2 para. 15(4)(a)**

F1194 Words in s. 265(1)(2) substituted (5.7.1992) by S.I. 1992/1314, art. 3(3), **Sch. para. 1(f)**

F1195 Words in s. 265(1)(c) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 82**

F1196 S. 265(1)(d) substituted (21.8.2006) by The Secretary of State for Communities and Local Government Order 2006 (S.I. 2006/1926), art. 9, **Sch. para. 3(4)**

F1197 Words in s. 265(1)(d) substituted (30.10.2024) by The Transfer of Functions (Secretary of State for Housing, Communities and Local Government) Order 2024 (S.I. 2024/991), art. 1(2), **Sch. para. 3(2)(c)** (with art. 7)

F1198 Words in s. 265(2) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 18(3)**; S.I. 1996/218, **art. 2**

F1199 Word in s. 265(3) omitted (1.4.2013) by virtue of The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 203** (with Sch. 7)

F1200 S. 265(3)(aa) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 203** (with Sch. 7)

Modifications etc. (not altering text)

C1054 S. 265(1)(a): functions transferred (W.) (24.5.2018) by The Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644), arts. 1(1), **25(a)**

C1055 S. 265(1)(b)(2): functions transferred to the Secretary of State for Energy and Climate Change (5.3.2009) by The Secretary of State for Energy and Climate Change Order 2009 (S.I. 2009/229), art. 4, **Sch. 1(d)**

C1056 S. 265(1)(d) functions transferred to the Secretary of State for Transport (25.11.2002) by The Transfer of Functions (Transport, Local Government and the Regions) Order 2002 (S.I. 2002/2626), **art. 6** (with arts. 7, 8)

S. 265(1)(d): functions of the First Secretary of State transferred to the Secretary of State for Communities and Local Government (21.8.2006) by The Secretary of State for Communities and Local Government Order 2006 (S.I. 2006/1926), **art. 4(1)(c)**

C1057 S. 265(3)(a)(4): functions transferred to the Secretary of State for Environment, Food and Rural Affairs (27.3.2002) by The Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794), **art. 3(1)(g)(2)** (with art. 6)

C1058 S. 265(3)(aa): functions transferred (W.) (24.5.2018) by The Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644), arts. 1(1), **25(b)**

Marginal Citations

M141 1989 c. 29.

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Application of Part III to statutory undertakers

266 Applications for planning permission by statutory undertakers.

(1) Where—

(a) an application for planning permission to develop land to which this subsection applies is made by statutory undertakers and is referred to the Secretary of State under Part III; or

(b) an appeal is made to the Secretary of State under that Part from the decision on such an application; or

(c) such an application is deemed to be made under subsection (5) of section 177 on an appeal under section 174 by statutory undertakers,

the application or appeal shall be dealt with by the Secretary of State and the appropriate Minister.

[F1201(1A) Subsection (1) has effect in relation to an application or appeal relating to land in England only if the Secretary of State or the appropriate Minister has given a direction for it to have effect in relation to the application or appeal (and the direction has not been revoked).**]**

[F1202(1B) Subsection (1) has effect in relation to an application or appeal relating to land in Wales only if the Welsh Ministers or the appropriate Minister have given a direction for it to have effect in relation to the application or appeal (and the direction has not been revoked).**]**

(2) Subsection (1) applies—

(a) to operational land; and

(b) to land in which the statutory undertakers hold or propose to acquire an interest with a view to its being used for the purpose of carrying on their undertaking, where the planning permission, if granted on the application or appeal, would be for development involving the use of the land for that purpose.

F1203(3) . . . . . .

(4) Subject to the provisions of this Part as to compensation, the provisions of this Act shall apply to an application which is dealt with under this section by the Secretary of State and the appropriate Minister as if it had been dealt with by the Secretary of State.

(5) Subsection (2)(b) shall have effect in relation to the Civil Aviation Authority as if for the reference to development involving the use of land for the purpose of carrying on the Civil Aviation Authority's undertaking there were substituted a reference to development involving the use of land for such of the purposes of carrying on that undertaking as may be prescribed by the appropriate Minister.

Textual Amendments

F1201 S. 266(1A) inserted (6.4.2009) by Planning Act 2008 (c. 29), **ss. 195**, 241 (with s. 226); S.I. 2009/400, **art. 3**

F1202 S. 266(1B) inserted (14.10.2015) by The Town and Country Planning (Power to Override Easements and Applications by Statutory Undertakers) (Wales) Order 2015 (S.I. 2015/1794), arts. 1(2), **6** (with art. 7)

F1203 S. 266(3) repealed (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 40, **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1992/1630, art. 2, Schs. 1, **2** (with art. 3(1))

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267 Conditional grants of planning permission.

Notwithstanding anything in Part III, planning permission to develop operational land of statutory undertakers shall not, except with their consent, be granted subject to conditions requiring—

(a) that any buildings or works authorised by the permission shall be removed, or

(b) that any use of the land so authorised shall be discontinued,

at the end of a specified period.

268 Development requiring authorisation of government department.

(1) The Secretary of State and the appropriate Minister shall not be required under section 266(1) to deal with an application for planning permission for the development of operational land if the authorisation of a government department is required in respect of that development.

(2) Subsection (1) does not apply where the relevant authorisation has been granted without any direction as to the grant of planning permission.

(3) For the purposes of this section development shall be taken to be authorised by a government department if—

(a) any consent, authority or approval to or for the development is granted by the department in pursuance of an enactment;

(b) a compulsory purchase order is confirmed by the department authorising the purchase of land for the purpose of the development;

(c) consent is granted by the department to the appropriation of land for the purpose of the development or the acquisition of land by agreement for that purpose;

(d) authority is given by the department for the borrowing of money for the purpose of the development, or for the application for that purpose of any money not otherwise so applicable; or

(e) any undertaking is given by the department to pay a grant in respect of the development in accordance with an enactment authorising the payment of such grants,

and references in this section to the authorisation of a government department shall be construed accordingly.

269 Revocation or modification of permission to develop operational land.

In relation to any planning permission granted on the application of statutory undertakers for the development of operational land, the provisions of Part III with respect to the revocation and modification of planning permission shall have effect as if for any reference in them to the Secretary of State there were substituted a reference to the Secretary of State and the appropriate Minister.

270 Order requiring discontinuance of use etc. of operational land.

The provisions of Part III with respect to the making of orders—

(a) requiring the discontinuance of any use of land;

(b) imposing conditions on the continuance of it; or

(c) requiring buildings or works on land to be altered or removed,

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and the provisions of Schedule 9 with respect to the making of orders under that Schedule shall have effect in relation to operational land of statutory undertakers as if for any reference in them to the Secretary of State there were substituted a reference to the Secretary of State and the appropriate Minister.

Extinguishment of rights of statutory undertakers, etc.

271 Extinguishment of rights of statutory undertakers: preliminary notices.

(1) This section applies where any land has been acquired by a Minister, a local authority or statutory undertakers under Part IX of this Act or Chapter V of Part I of the [M142]Planning (Listed Buildings and Conservation Areas) Act 1990 **[**[F1204]or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023**]** or compulsorily under any other enactment or has been appropriated by a local authority for planning purposes, and—

(a) there subsists over that land a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, being a right of way or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land; or

(b) there is on, under or over the land apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking.

(2) If the acquiring or appropriating authority is satisfied that the extinguishment of the right or, as the case may be, the removal of the apparatus, is necessary for the purpose of carrying out any development with a view to which the land was acquired or appropriated, they may serve on the statutory undertakers a notice—

(a) stating that at the end of the relevant period the right will be extinguished; or

(b) requiring that before the end of that period the apparatus shall be removed.

(3) The statutory undertakers on whom a notice is served under subsection (2) may, before the end of the period of 28 days from the date of service of the notice, serve a counter-notice on the acquiring or appropriating authority—

(a) stating that they object to all or any of the provisions of the notice; and

(b) specifying the grounds of their objection.

(4) If no counter-notice is served under subsection (3)—

(a) any right to which the notice relates shall be extinguished at the end of the relevant period; and

(b) if at the end of that period any requirement of the notice as to the removal of any apparatus has not been complied with, the acquiring or appropriating authority may remove the apparatus and dispose of it in any way the authority may think fit.

(5) If a counter-notice is served under subsection (3) on a local authority or on statutory undertakers, the authority or undertakers may either—

(a) withdraw the notice (without prejudice to the service of a further notice); or

(b) apply to the Secretary of State and the appropriate Minister for an order under this section embodying the provisions of the notice, with or without modification.

(6) If a counter-notice is served under subsection (3) on a Minister—

(a) he may withdraw the notice (without prejudice to the service of a further notice); or

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(b) he and the appropriate Minister may make an order under this section embodying the provisions of the notice, with or without modification.

(7) In this section any reference to the appropriation of land for planning purposes shall be construed in accordance with section 246(1) as if this section were in Part IX.

(8) For the purposes of this section the relevant period, in relation to a notice served in respect of any right or apparatus, is the period of 28 days from the date of service of the notice or such longer period as may be specified in it in relation to that right or apparatus.

Textual Amendments

F1204 Words in s. 271(1) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 83** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

Modifications etc. (not altering text)

C1059 Ss. 271-274 applied (with modifications) (19.12.2007) by The Felixstowe Dock and Railway Company (Land Acquisition) Order 2007 (S.I. 2007/3345), art. 10, **Sch. 2 Pt. 1**

C1060 Ss. 271-274 applied (with modifications) (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), art. 33, **Sch. 8 para. 1** (with arts. 3(6), 12(3))

C1061 Ss. 271-274 applied (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), art. 45, **Sch. 5 para. 1**

C1062 S. 271 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 2(3)(a)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
Ss. 271-274 applied (with modifications) (7.3.1995) by S.I. 1995/519, art. 28(5), **Sch. 5**
Ss. 271-273 applied (with modifications) (18.12.1996) by 1996 c. 61, **s. 8(1)-(3)**
Ss. 271-274 applied (with modifications) (11.11.1996) by S.I. 1996/2714, art. 48, **Sch. 9 para. 1**
Ss. 271-274 applied (with modifications) (10.2.1997) by S.I. 1997/264, art. 28, **Sch. 9 para. 1**
Ss. 271-274 applied (with modifications) (21.5.1997) by S.I. 1997/1266, art. 36, **Sch. 10 para. 1**
Ss. 271-274 applied (with modifications) (27.8.1998) by S.I. 1998/1936, art. 41, **Sch. 10 para. 1**
Ss. 271-274 applied (with modifications) (3.6.1999) by S.I. 1999/1555, art. 11, **Sch. 2 paras. 1-5**
Ss. 271-274 applied (with modifications) (21.7.1999) by S.I. 1999/2129, art. 20, **Sch. 3 paras. 1-5**
Ss. 271-274 applied (with modifications) (20.8.1999) by S.I. 1999/2336, art. 25, **Sch. 6 para. 1**
Ss. 271-274 applied (with modifications) (23.8.1999) by S.I. 1999/2981, arts. 28(2), 29, Sch. 10 Pt. I para. 2(6), **Sch. 11 para. 1**
Ss. 271-274 applied (24.12.1999) by S.I. 2000/428, art. 26, **Sch. 4** (with art. 27, Sch. 5)
Ss. 271-274 applied (with modifications) (29.3.2001) by S.I. 2001/1347, art. 35, **Sch. 9 para. 1**
Ss. 271-274 applied (with modifications) (18.7.2001) by S.I. 2001/2870, art. 25, **Sch. 4**
Ss. 271-274 applied (24.7.2001) by S.I. 2001/3627, arts. 63, 64, Sch. 11 paras. 1, 2, **Sch. 12 para. 5(3)**
Ss. 271-274 applied (with modifications) (9.11.2001) by S.I. 2001/3682, art. 33, **Sch. 9 para. 1**

C1063 Ss. 271-274 applied (with modifications) (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), art. 35, **Sch. 5 para. 1**, Sch. 6 Pt. II para. 2(4) (with art. 38)
Ss. 271-274 applied (with modifications) (30.4.2002) by The Heathrow Express Railway Extension Order 2002 (S.I. 2002/1064), art. 28, **Sch. 3 para. 1**
Ss. 271-274 applied (with modifications) (30.4.2002) by The Piccadilly Line (Heathrow T5 Extension) Order 2002 (S.I. 2002/1065), art. 24, **Sch. 6 paras. 1-6**
Ss. 271-274 applied (with modifications) (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), arts. 9, 10, 31, 36, **Sch. 10 para. 1**
Ss. 271-274 applied (with modifications) (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), arts. 9, 10, 26, 29, **Sch. 5 para. 1**

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Ss. 271-274 applied (with modifications) (28.4.2003) by The Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), art. 41, **Sch. 12 para. 1** (with art. 40)

Ss. 271-274 applied (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 118, 411, **Sch. 4 para. 3(5)(6)(c)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

Ss. 271-274 applied (12.1.2004) by The Alconbury Airfield (Rail Facilities and Connection to East Coast Main Line) Order 2003 (S.I. 2003/3364), arts. 7, 8, 25, **Sch. 6 para. 1**

S. 271 applied (with modifications) (4.3.2004) by The Network Rail (West Coast Main Line) Order 2004 (S.I. 2004/389), art. 39, **Sch. 12 para. 1**, Sch. 13 para. 42 (with art. 38)

Ss. 271-274 applied (with modifications) (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 10, 35, 41, **Sch. 12 para. 1**

Ss. 271-274 applied (with modifications) (19.11.2004) by The Scarweather Sands Offshore Wind Farm Order 2004 (S.I. 2004/3054), art. 30, **Sch. 4 para. 1** (with art. 38)

C1064 Ss. 271-274 applied (with modifications) (28.1.2005) by The East Midlands Parkway Station (Land Acquisition) Order 2005 (S.I. 2005/8), art. 13, **Sch. 2**

Ss. 271-274 applied (with modifications) (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 11, 40, 64, **Sch. 11 para. 1** (with arts. 65, 66, Sch. 12 para. 2)

Ss. 271-274 applied (with modifications) (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), art. 49, **Sch. 10 para. 1** (with art. 51)

Ss. 271-274 applied (with modifications) (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), art. 26, **Sch. 7 para. 1(1)** (with art. 30)

Ss. 271-274 applied (with modifications) (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), art. 45, **Sch. 7 para. 1(1)** (with art. 47)

Ss. 271-274 applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 8, 9, 30, 48, **Sch. 10 para. 1** (with art. 50)

Ss. 271-274 applied (with modifications) (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), arts. 5, 7, 47, **Sch. 11 para. 1** (with arts. 45(1), 48, Sch. 10 para. 21, 29)

Ss. 271-274 applied (with modifications) (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 39, 40, 44, **Sch. 9 para. 1**, Sch. 10 para. 3(2), Sch. 14 para. 3(5) (with arts. 3(5), 15(3))

Ss. 271-274 applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 8, 10, 32, 50, 51, **Sch. 10 para. 1**, Sch. 11 para. 20 (with art. 52)

Ss. 271-274 applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), arts. 7, 8, 44, **Sch. 8 para. 1** (with art. 40, Sch. 7 para. 12)

Ss. 271-274 applied (with modifications) (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 10, 31, 36, 40, **Sch. 11 para. 1**, Sch. 15 para. 2 (with art. 43)

Ss. 271-274 applied (with modifications) (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), art. 46, **Sch. 9 para. 1(1)** (with arts. 34, 35(2))

Ss. 271-274 applied (with modifications) (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), art. 46, **Sch. 10 para. 1(1)**

C1065 S. 271 applied (with modifications) (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), art. 36, **Sch. 6 Pt. II para. 2(4)** (with art. 38)

C1066 Ss. 271-273 applied (with modifications) (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 9(1)-(3)**

C1067 Ss. 271-274 applied (with modifications) (21.5.2008) by The Teesport (Land Acquisition) Order 2008 (S.I. 2008/1238), art. 10, **Sch. 2**

C1068 Ss. 271-274 applied (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), art. 64, **Sch. 11 para. 1**

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C1069 Ss. 271-274 applied (with modifications) (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), art. 45, **Sch. 9 para. 1** (with art. 36(3))

C1070 Ss. 271-274 applied (with modifications) (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 11, 41, 67, **Sch. 11 para. 1** (with Sch. 12 para. 2)

C1071 Ss. 271-274 applied (with modifications) (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 8, 29, 31, **Sch. 8 para. 1**

C1072 Ss. 271-274 applied (with modifications) (28.10.2009) by The Network Rail (Reading) (Land Acquisition) Order 2009 (S.I. 2009/2728), art. 18, **Sch. 6**

C1073 Ss. 271-274 applied (with modifications) (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), art. 30, **Sch. 8 para. 1**

C1074 Ss. 271-274 applied (with modifications) (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), art. 1, **Sch. 9 para. 1** (with art. 51, Sch. 9 para. 54(3), Sch. 10 paras. 68, 85)

C1075 Ss. 271-274 applied (with modifications) (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), art. 1, **Sch. 11 para. 1**

C1076 Ss. 271-274 applied (with modifications) (7.8.2012) by The Ipswich Barrier Order 2012 (S.I. 2012/1867), art. 1, **Sch. 6 para. 1** (with arts. 46-48, Sch. 8 para. 18)

C1077 Ss. 271-274 applied (12.8.2012) by The Hinkley Point (Temporary Jetty) (Land Acquisition) Order 2012 (S.I. 2012/1924), art. 1, **Sch. 2**

C1078 Ss. 271-274 applied (with modifications) (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), art. 1, **Sch. 13 para. 1** (with art. 42(2))

C1079 Ss. 271-274 applied (with modifications) (28.3.2013) by The Network Rail (Seaham Level Crossing) Order 2013 (S.I. 2013/533), art. 1, **Sch. para. 1**

C1080 Ss. 271-274 applied (9.4.2013) by The Hinkley Point C (Nuclear Generating Station) Order 2013 (S.I. 2013/648), arts. 1, **35** (with arts. 48, 68, 79)

C1081 Ss. 271-274 applied (with modifications) (16.4.2013) by The Network Rail (Pont Briwet) (Land Acquisition) Order 2013 (S.I. 2013/767), art. 1, **Sch. 4 para. 1** (with arts. 20, 21, Sch. 4 para. 6)

C1082 Ss. 271-274 applied (with modifications) (21.8.2013) by The Croxley Rail Link Order 2013 (S.I. 2013/1967), art. 1, **Sch. 8 para. 1** (with Sch. 8 para. 1)

C1083 Ss. 271-274 applied (with modifications) (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), art. 1, **Sch. 12 para. 1** (with Sch. 13 para. 1)

C1084 Ss. 271, 272 restricted (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), art. 1, **Sch. 11 para. 4(3)** (with arts. 57, 58, Sch. 11 para. 19)

C1085 Ss. 271-274 applied (with modifications) (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), art. 1, **Sch. 9 para. 1** (with arts. 57, 58, Sch. 11 para. 19)

C1086 S. 271 restricted (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), art. 1, **Sch. 9 para. 4(3)** (with arts. 37, 38, Sch. 9 paras. 6(3), 19)

C1087 Ss. 271-274 applied (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), art. 1, **Sch. 7 para. 1** (with art. 31(2), Sch. 7 para. 5)

C1088 Ss. 271-274 applied (with modifications) (15.12.2014) by The London Underground (Northern Line Extension) Order 2014 (S.I. 2014/3102), art. 1, **Sch. 7** (with Sch. 8 paras. 42(2), 45)

C1089 Ss. 271, 272 restricted (31.12.2014) by The Hornsea One Offshore Wind Farm Order 2014 (S.I. 2014/3331), art. 1, **Sch. 12 para. 14(3)** (with arts. 37, 38)

C1090 Ss. 271, 272 restricted (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), art. 1, **Sch. 9 para. 4(4)** (with Sch. 9 para. 15)

C1091 Ss. 271, 272 restricted (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), art. 1, **Sch. 9 para. 4(3)**

C1092 S. 271 restricted (25.2.2015) by The A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (S.I. 2015/129), art. 1, **Sch. 8 para. 26(3)**

C1093 S. 271 applied (with modifications) by 1980 c. 66, Sch. 5 Pt. 2 para. 1 (as amended (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 65(3)(a)**; S.I. 2015/481, reg. 2(a))

C1094 S. 271 applied (with modifications) by 1980 c. 66, Sch. 5 Pt. 1 para. 3 (as amended (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 65(2)**; S.I. 2015/481, reg. 2(a))

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C1095 Ss. 271, 272 restricted (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), art. 1, **Sch. 13 para. 4(3)**

C1096 Ss. 271-274 modified (30.9.2015) by The Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015 (S.I. 2015/1684), art. 1, **Sch. 3 para. 1**

C1097 Ss. 271-274 applied (with modifications) (16.12.2015) by The Network Rail (Tinsley Chord) Order 2015 (S.I. 2015/1876), art. 1, **Sch. 7 paras. 2-5**

C1098 Ss. 271-274 applied (with modifications) (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), art. 1, **Sch. 10 para. 1**

C1099 Ss. 271-274 applied (14.6.2016) by The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016 (S.I. 2016/545), art. 1, **Sch. 4 para. 1** (with art. 39, Sch. 6 para. 3(4))

C1100 Ss. 271-274 applied (with modifications) (2.8.2016) by The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684), art. 1, **Sch. 8 para. 1** (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))

C1101 S. 271 restricted (7.9.2016) by The Hornsea Two Offshore Wind Farm Order 2016 (S.I. 2016/844), art. 1(2), **Sch. 12 para. 4(3)** (with arts. 37, 38)

C1102 Ss. 271, 272 restricted (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), art. 1, **Sch. 9 para. 23(3)**

C1103 S. 271 restricted (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), art. 1(2), **Sch. 8 Pt. 2 para. 4(3)** (with arts. 39, 40, Sch. 8 para. 19)

C1104 S. 271 restricted (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), art. 1(2), **Sch. 8 Pt. 5 para. 4(2)** (with arts. 39, 40, Sch. 8 para. 19)

C1105 Ss. 271-274 applied (with modifications) (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), **arts. 1**, 42(4)(5)

C1106 Ss. 271-274 restricted (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **Sch. 16 Pt. 5 para. 4(3)**

C1107 Ss. 271-273 applied (with modifications) (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **s. 13(1)-(3)**, 70(1)

C1108 Ss. 271, 272 restricted (5.4.2017) by The Keuper Underground Gas Storage Facility Order 2017 (S.I. 2017/433), art. 1, **Sch. 9 para. 26(3)**

C1109 Ss. 271-274 applied (with modifications) (5.9.2017) by The London Overground (Barking Riverside Extension) Order 2017 (S.I. 2017/830), art. 1, **Sch. 7** (with Sch. 8 paras. 4(3), 20)

C1110 S. 271 restricted (5.9.2017) by The London Overground (Barking Riverside Extension) Order 2017 (S.I. 2017/830), art. 1, **Sch. 8 para. 4(2)** (with Sch. 8 para. 20)

C1111 Ss. 271-274 applied (with modifications) (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), art. 1, **Sch. 11 para. 1** (with art. 32(2), Sch. 11 para. 3)

C1112 Ss. 271-274 applied (with modifications) (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), art. 1, **Sch. 6 para. 1** (with arts. 55-57, Sch. 8 para. 13)

C1113 Ss. 271-274 applied (with modifications) (4.1.2018) by The Blackpool Tramway (Blackpool North Extension) Order 2017 (S.I. 2017/1214), art. 1, **Sch. 7 paras. 1-5** (with arts. 58, 59)

C1114 Ss. 271-274 applied (with modifications) (18.4.2018) by The Network Rail (Hope Valley Capacity) Order 2018 (S.I. 2018/446), art. 1, **Sch. 10 paras. 1-5** (with arts. 24(8), 33(2), Sch. 10 para. 6, Sch. 11 para. 1(2))

C1115 Ss. 271-274 applied (with modifications) (4.6.2018) by The Network Rail (Kings Mill No. 1 Level Crossing) (Land Acquisition and Closure) Order 2018 (S.I. 2018/571), art. 1, **Sch. 4 para. 1**

C1116 Ss. 271-274 applied (with modifications) (24.8.2018) by The Network Rail (Werrington Grade Separation) Order 2018 (S.I. 2018/923), art. 1, **Sch. 11 para. 1** (with art. 31(2))

C1117 S. 271 restricted (30.10.2019) by The Northampton Gateway Rail Freight Interchange Order 2019 (S.I. 2019/1358), art. 1, **Sch. 13 Pt. 1 para. 4(3)** (with Sch. 13 Pt. 1 paras. 6(3), 19)

C1118 Ss. 271-274 applied (with modifications) (25.2.2020) by The Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020 (S.I. 2020/114), art. 1, **Sch. 15 para. 1** (with art. 37(2))

C1119 Ss. 271-274 applied (with modifications) (4.3.2020) by The Midland Metro (Birmingham Eastside Extension) Order 2020 (S.I. 2020/141), art. 1, **Sch. 9 para. 1** (with arts. 47, 48, Sch. 10 para. 19)

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C1120S. 271 restricted (23.9.2020) by The Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order 2020 (S.I. 2020/1067), **art. 17(3)**

C1121S. 271 restricted (23.9.2020) by The Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order 2020 (S.I. 2020/1067), **art. 18(3)**

C1122S. 271 restricted (29.10.2020) by The Southampton to London Pipeline Development Consent Order 2020 (S.I. 2020/1099), art. 1, **Sch. 9 para. 21(3)** (with art. 32, Sch. 9 para. 36)

C1123 Ss. 271-274 applied (with modifications) (2.12.2020) by The Network Rail (London to Corby) (Land Acquisition) Order 2020 (S.I. 2020/1259), art. 1(1), **Sch. 6 para. 1**

C1124 Ss. 271-274 applied (with modifications) (31.12.2020) by The Network Rail (Cambridgeshire Level Crossing Reduction) Order 2020 (S.I. 2020/1485), art. 1, **Sch. 13 para. 1**

C1125 Ss. 271, 272 modified (9.2.2021) by The A1 Birtley to Coal House Development Consent Order 2021 (S.I. 2021/74), art. 1, **Sch. 11 para. 21(3)** (with art. 5, Sch. 27 paras. 23(3), 36)

C1126 Ss. 271-273 applied (with modifications) (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 11(1)**(2), 64(1)

C1127 Ss. 271-274 applied (with modifications) (16.4.2021) by The Network Rail (Chart Leacon) Order 2021 (S.I. 2021/419), art. 1, **Sch. 5 Pt. 1** (with Sch. 6 paras. 2, 18(3), 19(2))

C1128 Ss. 271-274 applied (1.9.2021) by The Network Rail (Teddington Station Access for All) Order 2021 (S.I. 2021/937), art. 1, **Sch. 6 para. 1**

C1129 Ss. 271-274 applied (with modifications) (22.12.2021) by The Morlais Demonstration Zone Order 2021 (S.I. 2021/1478), art. 1, **Sch. 10 para. 1** (with arts. 15, 50, Sch. 11 para. 29)

C1130 Ss. 271, 272 restricted (10.3.2022) by The Thurrock Flexible Generation Plant Development Consent Order 2022 (S.I. 2022/157), art. 1, **Sch. 8 Pt. 6 para. 4(3)** (with Sch. 8 Pt. 6 para. 19)

C1131 Ss. 271-274 applied (with modifications) (25.3.2022) by The Bridgwater Tidal Barrier Order 2022 (S.I. 2022/299), art. 1, **Sch. 8 para. 1** (with art. 55)

C1132 Ss. 271-274 applied (with modifications) (30.6.2022) by The Network Rail (Essex and Others Level Crossing Reduction) Order 2022 (S.I. 2022/651), art. 1, Sch. 11 para. 1(1)**(2)** (with Sch. 11 para. 1(5))

C1133 Ss. 271-274 applied (with modifications) (1.8.2022) by The Northumberland Line Order 2022 (S.I. 2022/820), art. 1, **Sch. 10 para. 1** (with Sch. 10 paras. 21, 43)

C1134 Ss. 271-274 applied (with modifications) (2.8.2022) by The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) Order 2022 (S.I. 2022/871), art. 1, Sch. 4 paras. 1, **2** (with Sch. 4 para. 5)

C1135 Ss. 271-274 applied (with modifications) (2.8.2022) by The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) (No. 2) Order 2022 (S.I. 2022/872), art. 1(1), **Sch. 4**

C1136S. 271 restricted (11.8.2022) by The Sizewell C (Nuclear Generating Station) Order 2022 (S.I. 2022/853), arts. 1, **Sch. 19 para. 22(3)** (with arts. 62, 76, 87, Sch. 19 paras. 4, 78)

C1137 Ss. 271-274 applied (with modifications) (3.11.2022) by The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 (S.I. 2022/1067), art. 1, **Sch. 18 para. 1**

C1138S. 271 restricted (8.9.2022) by The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (S.I. 2022/934), arts. 1, **Sch. 9 para. 50(3)**

C1139S. 271 restricted (4.11.2022) by The A47/A11 Thickthorn Junction Development Consent Order 2022 (S.I. 2022/1070), arts. 1, **Sch. 9 para. 67(3)** (with arts. 4, 52, Sch. 9 para. 82)

C1140 Ss. 271-274 applied (with modifications) (11.1.2023) by The Network Rail (Cambridge South Infrastructure Enhancements) Order 2022 (S.I. 2022/1406), art. 1, **Sch. 11 para. 1** (with art. 34(2), Sch. 12 paras. 2, 5, 47, 76, 79)

C1141 Ss. 271, 272 restricted (18.7.2023) by The Longfield Solar Farm Order 2023 (S.I. 2023/734), art. 1, **Sch. 15 para. 71(3)** (with art. 19)

C1142 Ss. 271-274 applied (with modifications) (2.8.2023) by The Rother Valley Railway (Bodiam to Robertsbridge Junction) Order 2023 (S.I. 2023/815), art. 1, **Sch. 6 para. 1** (with art. 42)

C1143 Ss. 271, 272 restricted (3.8.2023) by The Hornsea Four Offshore Wind Farm Order 2023 (S.I. 2023/800), art. 1, **Sch. 9 Pt. 4 para. 4(3)** (with arts. 42, 43, Sch. 9 Pt. 1 para. 4, Sch. 9 Pt. 3 para. 6(1), Sch. 9 Pt. 4 para. 20, Sch. 9 Pt. 9 para. 4) (as amended (31.1.2024) by The Hornsea Four Offshore Wind Farm (Correction) Order 2024 (S.I. 2024/117), art. 1(2), **Sch.**)

C1144 Ss. 271, 272 restricted (7.9.2023) by The A38 Derby Junctions Development Consent Order 2023 (S.I. 2023/923), art. 1, **Sch. 9 para. 32(3)** (with arts. 4, 45, Sch. 9 paras. 6, 46, 54(1))

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C1145 Ss. 271, 272 restricted (13.3.2024) by The Medworth Energy from Waste Combined Heat and Power Facility Order 2024 (S.I. 2024/230), art. 1, **Sch. 9 para. 95(3)** (with Sch. 11 paras. 5, 22, 37, 47, 82, 110)

C1146 Ss. 271, 272 restricted (5.4.2024) by The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 (S.I. 2024/393), art. 1, **Sch. 15 para. 29(4)** (with art. 44, Sch. 15)

C1147 Ss. 271, 272 restricted (11.4.2024) by The HyNet Carbon Dioxide Pipeline Order 2024 (S.I. 2024/436), art. 1(2), **Sch. 10 para. 65(3)** (with arts. 21, 41, Sch. 10)

C1148 Ss. 271, 272 restricted (9.5.2024) by The Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (S.I. 2024/564), art. 1, **Sch. 14 Pt. 3 para. 4(3)** (with arts. 35, 36, Sch. 14)

C1149 Ss. 271, 272 restricted (3.8.2024) by The Gate Burton Energy Park Order 2024 (S.I. 2024/807), art. 1, **Sch. 14 para. 116(3)** (with art. 45, Sch. 14)

C1150 Ss. 271, 272 restricted (3.8.2024) by The Sunnica Energy Farm Order 2024 (S.I. 2024/802), art. 1, **Sch. 12 para. 109(3)** (with art. 44, Sch. 12)

C1151 Ss. 271, 272 restricted (3.8.2024) by The Mallard Pass Solar Farm Order 2024 (S.I. 2024/796), art. 1, **Sch. 15 para. 76(3)** (with Sch. 15)

C1152 Ss. 271, 272 restricted (27.9.2024) by The Cottam Solar Project Order 2024 (S.I. 2024/943), art. 1, **Sch. 15 para. 118(3)** (with art. 48, Sch. 15)

C1153 Ss. 271, 272 restricted (25.10.2024) by The Associated British Ports (Immingham Eastern Ro-Ro Terminal) Development Consent Order 2024 (S.I. 2024/1014), art. 1, **Sch. 4 para. 71(3)** (with arts. 36, 40, Sch. 4)

C1154 Ss. 271-274 applied (with modifications) (18.12.2024) by The Network Rail (Leeds to Micklefield Enhancements) Order 2024 (S.I. 2024/1284), art. 1, **Sch. 14 para. 6** (with Sch. 15)

C1155 Ss. 271, 272 restricted (17.2.2025) by The Heckington Fen Solar Park Order 2025 (S.I. 2025/85), art. 1, **Sch. 13 para. 85(3)** (with art. 43)

C1156 Ss. 271, 272 restricted (4.4.2025) by The North Lincolnshire Green Energy Park Order 2025 (S.I. 2025/362), art. 1, **Sch. 14 para. 49(3)** (with Sch. 14)

C1157 Ss. 271, 272 restricted (1.5.2025) by The Viking CCS Carbon Dioxide Pipeline Order 2025 (S.I. 2025/509), art. 1(2), **Sch. 9 para. 66(3)** (with art. 41, Sch. 9)

C1158 Ss. 271, 272 restricted (31.5.2025) by The East Yorkshire Solar Farm Order 2025 (S.I. 2025/585), art. 1, **Sch. 14 para. 59(3)** (with art. 49, Sch. 14)

C1159 S. 271 restricted (28.7.2025) by The Mona Offshore Wind Farm Order 2025 (S.I. 2025/870), art. 1, **Sch. 10 para. 103(3)** (with arts. 37, 38, Sch. 10)

C1160 Ss. 271, 272 restricted (12.10.2025) by The Gatwick Airport (Northern Runway Project) Development Consent Order 2025 (S.I. 2025/1054), art. 1, **Sch. 9 para. 43(3)** (with arts. 5, 9(6), 43, Sch. 9)

C1161 Ss. 271, 272 restricted (22.10.2025) by The A46 Newark Bypass Development Consent Order 2025 (S.I. 2025/1090), art. 1, **Sch. 9 para. 34(3)** (with arts. 4, 9, 51, Sch. 9)

C1162 Ss. 271, 272 restricted (5.11.2025) by The Tillbridge Solar Order 2025 (S.I. 2025/1105), art. 1, **Sch. 15 para. 143(3)** (with art. 49, Sch. 15)

C1163 Ss. 271, 272 restricted (13.11.2025) by The Stonestreet Green Solar Order 2025 (S.I. 2025/1175), art. 1, **Sch. 13 para. 77(3)** (with art. 40, Sch. 13)

C1164 Ss. 271, 272 restricted (29.12.2025) by The Helios Renewable Energy Project Order 2025 (S.I. 2025/1372), art. 1, **Sch. 9 para. 92(3)** (with Sch. 9)

C1165 Ss. 271-274 applied (with modifications) (3.3.2026) by The Network Rail (Kettering to Wigston South Junction and Napsbury Lane) (Land Acquisition) Order 2026 (S.I. 2026/141), art. 1, **Sch. 6**

C1166 Ss. 271, 272 restricted (4.3.2026) by The Outer Dowsing Offshore Wind Farm Order 2026 (S.I. 2026/138), art. 1(2), **Sch. 18 para. 114(3)** (with arts. 42, 43, Sch. 18)

C1167 Ss. 271, 272 restricted (11.3.2026) by The Fenwick Solar Farm Order 2026 (S.I. 2026/151), art. 1, **Sch. 14 para. 32(3)** (with Sch. 14)

C1168 Ss. 271, 272 restricted (30.4.2026) by The Springwell Solar Farm Order 2026 (S.I. 2026/419), art. 1, **Sch. 15 para. 33(3)** (with art. 48)

C1169 S. 271(5) applied (with modifications) by 1980 c. 66, **Sch. 5 Pt. 2 para. 3** (as amended (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 65(3)(b)**; S.I. 2015/481, **reg. 2(a)**)

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Marginal Citations
M142 1990 c. 9.

272 Extinguishment of rights of telecommunications code system operators: preliminary notices.

(1) This section applies where any land has been acquired by a Minister, a local authority or statutory undertakers under Part IX of this Act or under Chapter V of Part I of the [M143]Planning (Listed Buildings and Conservation Areas) Act 1990 **[**[F1205]or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023**]** or compulsorily under any other enactment or has been appropriated by a local authority for planning purposes, and—

(a) there subsists over that land a right conferred by or in accordance with the **[**[F1206]electronic communications code**]** on the operator of **[**[F1207]an electronic communications code network**]**, being a right of way or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land; or

(b) there is on, under or over the land **[**[F1208]electronic communications apparatus**]** kept installed for the purposes of any such **[**[F1209]network**]**.

(2) If the acquiring or appropriating authority is satisfied that the extinguishment of the right or, as the case may be, the removal of the apparatus is necessary for the purpose of carrying out any development with a view to which the land was acquired or appropriated, they may serve on the operator of **[**[F1210]the electronic communications code network**]** a notice—

(a) stating that at the end of the relevant period the right will be extinguished; or

(b) requiring that before the end of that period the apparatus shall be removed.

(3) The operator of **[**[F1210]the electronic communications code network**]** on whom a notice is served under subsection (2) may, before the end of the period of 28 days from the date of service of the notice, serve a counter-notice on the acquiring or appropriating authority—

(a) stating that he objects to all or any of the provisions of the notice; and

(b) specifying the grounds of his objection.

(4) If no counter-notice is served under subsection (3)—

(a) any right to which the notice relates shall be extinguished at the end of the relevant period; and

(b) if at the end of that period any requirement of the notice as to the removal of any apparatus has not been complied with, the acquiring or appropriating authority may remove the apparatus and dispose of it in any way the authority may think fit.

(5) If a counter-notice is served under subsection (3) on a local authority or on statutory undertakers, the authority or undertakers may either—

(a) withdraw the notice (without prejudice to the service of a further notice); or

(b) apply to the Secretary of State and the Secretary of State for Trade and Industry for an order under this section embodying the provisions of the notice, with or without modification.

(6) If a counter-notice is served under subsection (3) on a Minister—

(a) he may withdraw the notice (without prejudice to the service of a further notice); or

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(b) he and the Secretary of State for Trade and Industry may make an order under this section embodying the provisions of the notice, with or without modification.

(7) In this section any reference to the appropriation of land for planning purposes shall be construed in accordance with section 246(1) as if this section were in Part IX.

(8) For the purposes of this section the relevant period, in relation to a notice served in respect of any right or apparatus, is the period of 28 days from the date of service of the notice or such longer period as may be specified in it in relation to that right or apparatus.

Textual Amendments

F1205 Words in s. 272(1) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 84** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

F1206 Words in s. 272 substituted (25.7.2003 for specified purposes and 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(e)(2)(a)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

F1207 Words in s. 272 substituted (25.7.2003 for specified purposes and 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(e)(2)(b)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

F1208 Words in s. 272 substituted (25.7.2003 for specified purposes and 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(e)(2)(c)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

F1209 Word in s. 272 substituted (25.7.2003 for specified purposes and 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(e)(2)(e)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

F1210 Words in s. 272 substituted (25.7.2003 for specified purposes and 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(e)(2)(d)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

Modifications etc. (not altering text)

C1074 Ss. 271-274 applied (with modifications) (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), art. 1, **Sch. 9 para. 1** (with art. 51, Sch. 9 para. 54(3), Sch. 10 paras. 68, 85)

C1075 Ss. 271-274 applied (with modifications) (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), art. 1, **Sch. 11 para. 1**

C1076 Ss. 271-274 applied (with modifications) (7.8.2012) by The Ipswich Barrier Order 2012 (S.I. 2012/1867), art. 1, **Sch. 6 para. 1** (with arts. 46-48, Sch. 8 para. 18)

C1077 Ss. 271-274 applied (12.8.2012) by The Hinkley Point (Temporary Jetty) (Land Acquisition) Order 2012 (S.I. 2012/1924), art. 1, **Sch. 2**

C1078 Ss. 271-274 applied (with modifications) (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), art. 1, **Sch. 13 para. 1** (with art. 42(2))

C1079 Ss. 271-274 applied (with modifications) (28.3.2013) by The Network Rail (Seaham Level Crossing) Order 2013 (S.I. 2013/533), art. 1, **Sch. para. 1**

C1080 Ss. 271-274 applied (9.4.2013) by The Hinkley Point C (Nuclear Generating Station) Order 2013 (S.I. 2013/648), arts. 1, **35** (with arts. 48, 68, 79)

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C1081 Ss. 271-274 applied (with modifications) (16.4.2013) by The Network Rail (Pont Briwet) (Land Acquisition) Order 2013 (S.I. 2013/767), art. 1, **Sch. 4 para. 1** (with arts. 20, 21, Sch. 4 para. 6)

C1082 Ss. 271-274 applied (with modifications) (21.8.2013) by The Croxley Rail Link Order 2013 (S.I. 2013/1967), art. 1, **Sch. 8 para. 1** (with Sch. 8 para. 1)

C1083 Ss. 271-274 applied (with modifications) (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), art. 1, **Sch. 12 para. 1** (with Sch. 13 para. 1)

C1084 Ss. 271, 272 restricted (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), art. 1, **Sch. 11 para. 4(3)** (with arts. 57, 58, Sch. 11 para. 19)

C1085 Ss. 271-274 applied (with modifications) (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), art. 1, **Sch. 9 para. 1** (with arts. 57, 58, Sch. 11 para. 19)

C1087 Ss. 271-274 applied (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), art. 1, **Sch. 7 para. 1** (with art. 31(2), Sch. 7 para. 5)

C1088 Ss. 271-274 applied (with modifications) (15.12.2014) by The London Underground (Northern Line Extension) Order 2014 (S.I. 2014/3102), art. 1, **Sch. 7** (with Sch. 8 paras. 42(2), 45)

C1089 Ss. 271, 272 restricted (31.12.2014) by The Hornsea One Offshore Wind Farm Order 2014 (S.I. 2014/3331), art. 1, **Sch. 12 para. 14(3)** (with arts. 37, 38)

C1090 Ss. 271, 272 restricted (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), art. 1, **Sch. 9 para. 4(4)** (with Sch. 9 para. 15)

C1091 Ss. 271, 272 restricted (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), art. 1, **Sch. 9 para. 4(3)**

C1095 Ss. 271, 272 restricted (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), art. 1, **Sch. 13 para. 4(3)**

C1096 Ss. 271-274 modified (30.9.2015) by The Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015 (S.I. 2015/1684), art. 1, **Sch. 3 para. 1**

C1097 Ss. 271-274 applied (with modifications) (16.12.2015) by The Network Rail (Tinsley Chord) Order 2015 (S.I. 2015/1876), art. 1, **Sch. 7 paras. 2-5**

C1098 Ss. 271-274 applied (with modifications) (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), art. 1, **Sch. 10 para. 1**

C1099 Ss. 271-274 applied (14.6.2016) by The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016 (S.I. 2016/545), art. 1, **Sch. 4 para. 1** (with art. 39, Sch. 6 para. 3(4))

C1100 Ss. 271-274 applied (with modifications) (2.8.2016) by The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684), art. 1, **Sch. 8 para. 1** (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))

C1102 Ss. 271, 272 restricted (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), art. 1, **Sch. 9 para. 23(3)**

C1107 Ss. 271-273 applied (with modifications) (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **s. 13(1)-(3)**, 70(1)

C1108 Ss. 271, 272 restricted (5.4.2017) by The Keuper Underground Gas Storage Facility Order 2017 (S.I. 2017/433), art. 1, **Sch. 9 para. 26(3)**

C1109 Ss. 271-274 applied (with modifications) (5.9.2017) by The London Overground (Barking Riverside Extension) Order 2017 (S.I. 2017/830), art. 1, **Sch. 7** (with Sch. 8 paras. 4(3), 20)

C1111 Ss. 271-274 applied (with modifications) (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), art. 1, **Sch. 11 para. 1** (with art. 32(2), Sch. 11 para. 3)

C1112 Ss. 271-274 applied (with modifications) (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), art. 1, **Sch. 6 para. 1** (with arts. 55-57, Sch. 8 para. 13)

C1113 Ss. 271-274 applied (with modifications) (4.1.2018) by The Blackpool Tramway (Blackpool North Extension) Order 2017 (S.I. 2017/1214), art. 1, **Sch. 7 paras. 1-5** (with arts. 58, 59)

C1114 Ss. 271-274 applied (with modifications) (18.4.2018) by The Network Rail (Hope Valley Capacity) Order 2018 (S.I. 2018/446), art. 1, **Sch. 10 paras. 1-5** (with arts. 24(8), 33(2), Sch. 10 para. 6, Sch. 11 para. 1(2))

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C1115 Ss. 271-274 applied (with modifications) (4.6.2018) by The Network Rail (Kings Mill No. 1 Level Crossing) (Land Acquisition and Closure) Order 2018 (S.I. 2018/571), art. 1, **Sch. 4 para. 1**

C1116 Ss. 271-274 applied (with modifications) (24.8.2018) by The Network Rail (Werrington Grade Separation) Order 2018 (S.I. 2018/923), art. 1, **Sch. 11 para. 1** (with art. 31(2))

C1118 Ss. 271-274 applied (with modifications) (25.2.2020) by The Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020 (S.I. 2020/114), art. 1, **Sch. 15 para. 1** (with art. 37(2))

C1119 Ss. 271-274 applied (with modifications) (4.3.2020) by The Midland Metro (Birmingham Eastside Extension) Order 2020 (S.I. 2020/141), art. 1, **Sch. 9 para. 1** (with arts. 47, 48, Sch. 10 para. 19)

C1123 Ss. 271-274 applied (with modifications) (2.12.2020) by The Network Rail (London to Corby) (Land Acquisition) Order 2020 (S.I. 2020/1259), art. 1(1), **Sch. 6 para. 1**

C1124 Ss. 271-274 applied (with modifications) (31.12.2020) by The Network Rail (Cambridgeshire Level Crossing Reduction) Order 2020 (S.I. 2020/1485), art. 1, **Sch. 13 para. 1**

C1125 Ss. 271, 272 modified (9.2.2021) by The A1 Birtley to Coal House Development Consent Order 2021 (S.I. 2021/74), art. 1, **Sch. 11 para. 21(3)** (with art. 5, Sch. 27 paras. 23(3), 36)

C1126 Ss. 271-273 applied (with modifications) (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 11(1)**(2), 64(1)

C1127 Ss. 271-274 applied (with modifications) (16.4.2021) by The Network Rail (Chart Leacon) Order 2021 (S.I. 2021/419), art. 1, **Sch. 5 Pt. 1** (with Sch. 6 paras. 2, 18(3), 19(2))

C1128 Ss. 271-274 applied (1.9.2021) by The Network Rail (Teddington Station Access for All) Order 2021 (S.I. 2021/937), art. 1, **Sch. 6 para. 1**

C1129 Ss. 271-274 applied (with modifications) (22.12.2021) by The Morlais Demonstration Zone Order 2021 (S.I. 2021/1478), art. 1, **Sch. 10 para. 1** (with arts. 15, 50, Sch. 11 para. 29)

C1130 Ss. 271, 272 restricted (10.3.2022) by The Thurrock Flexible Generation Plant Development Consent Order 2022 (S.I. 2022/157), art. 1, **Sch. 8 Pt. 6 para. 4(3)** (with Sch. 8 Pt. 6 para. 19)

C1131 Ss. 271-274 applied (with modifications) (25.3.2022) by The Bridgwater Tidal Barrier Order 2022 (S.I. 2022/299), art. 1, **Sch. 8 para. 1** (with art. 55)

C1132 Ss. 271-274 applied (with modifications) (30.6.2022) by The Network Rail (Essex and Others Level Crossing Reduction) Order 2022 (S.I. 2022/651), art. 1, Sch. 11 para. 1(1)**(2)** (with Sch. 11 para. 1(5))

C1133 Ss. 271-274 applied (with modifications) (1.8.2022) by The Northumberland Line Order 2022 (S.I. 2022/820), art. 1, **Sch. 10 para. 1** (with Sch. 10 paras. 21, 43)

C1134 Ss. 271-274 applied (with modifications) (2.8.2022) by The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) Order 2022 (S.I. 2022/871), art. 1, Sch. 4 paras. 1, **2** (with Sch. 4 para. 5)

C1135 Ss. 271-274 applied (with modifications) (2.8.2022) by The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) (No. 2) Order 2022 (S.I. 2022/872), art. 1(1), **Sch. 4**

C1137 Ss. 271-274 applied (with modifications) (3.11.2022) by The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 (S.I. 2022/1067), art. 1, **Sch. 18 para. 1**

C1140 Ss. 271-274 applied (with modifications) (11.1.2023) by The Network Rail (Cambridge South Infrastructure Enhancements) Order 2022 (S.I. 2022/1406), art. 1, **Sch. 11 para. 1** (with art. 34(2), Sch. 12 paras. 2, 5, 47, 76, 79)

C1141 Ss. 271, 272 restricted (18.7.2023) by The Longfield Solar Farm Order 2023 (S.I. 2023/734), art. 1, **Sch. 15 para. 71(3)** (with art. 19)

C1142 Ss. 271-274 applied (with modifications) (2.8.2023) by The Rother Valley Railway (Bodiam to Robertsbridge Junction) Order 2023 (S.I. 2023/815), art. 1, **Sch. 6 para. 1** (with art. 42)

C1143 Ss. 271, 272 restricted (3.8.2023) by The Hornsea Four Offshore Wind Farm Order 2023 (S.I. 2023/800), art. 1, **Sch. 9 Pt. 4 para. 4(3)** (with arts. 42, 43, Sch. 9 Pt. 1 para. 4, Sch. 9 Pt. 3 para. 6(1), Sch. 9 Pt. 4 para. 20, Sch. 9 Pt. 9 para. 4) (as amended (31.1.2024) by The Hornsea Four Offshore Wind Farm (Correction) Order 2024 (S.I. 2024/117), art. 1(2), **Sch.**)

C1144 Ss. 271, 272 restricted (7.9.2023) by The A38 Derby Junctions Development Consent Order 2023 (S.I. 2023/923), art. 1, **Sch. 9 para. 32(3)** (with arts. 4, 45, Sch. 9 paras. 6, 46, 54(1))

C1145 Ss. 271, 272 restricted (13.3.2024) by The Medworth Energy from Waste Combined Heat and Power Facility Order 2024 (S.I. 2024/230), art. 1, **Sch. 9 para. 95(3)** (with Sch. 11 paras. 5, 22, 37, 47, 82, 110)

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C1146 Ss. 271, 272 restricted (5.4.2024) by The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 (S.I. 2024/393), art. 1, **Sch. 15 para. 29(4)** (with art. 44, Sch. 15)

C1147 Ss. 271, 272 restricted (11.4.2024) by The HyNet Carbon Dioxide Pipeline Order 2024 (S.I. 2024/436), art. 1(2), **Sch. 10 para. 65(3)** (with arts. 21, 41, Sch. 10)

C1148 Ss. 271, 272 restricted (9.5.2024) by The Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (S.I. 2024/564), art. 1, **Sch. 14 Pt. 3 para. 4(3)** (with arts. 35, 36, Sch. 14)

C1149 Ss. 271, 272 restricted (3.8.2024) by The Gate Burton Energy Park Order 2024 (S.I. 2024/807), art. 1, **Sch. 14 para. 116(3)** (with art. 45, Sch. 14)

C1150 Ss. 271, 272 restricted (3.8.2024) by The Sunnica Energy Farm Order 2024 (S.I. 2024/802), art. 1, **Sch. 12 para. 109(3)** (with art. 44, Sch. 12)

C1151 Ss. 271, 272 restricted (3.8.2024) by The Mallard Pass Solar Farm Order 2024 (S.I. 2024/796), art. 1, **Sch. 15 para. 76(3)** (with Sch. 15)

C1152 Ss. 271, 272 restricted (27.9.2024) by The Cottam Solar Project Order 2024 (S.I. 2024/943), art. 1, **Sch. 15 para. 118(3)** (with art. 48, Sch. 15)

C1153 Ss. 271, 272 restricted (25.10.2024) by The Associated British Ports (Immingham Eastern Ro-Ro Terminal) Development Consent Order 2024 (S.I. 2024/1014), art. 1, **Sch. 4 para. 71(3)** (with arts. 36, 40, Sch. 4)

C1154 Ss. 271-274 applied (with modifications) (18.12.2024) by The Network Rail (Leeds to Micklefield Enhancements) Order 2024 (S.I. 2024/1284), art. 1, **Sch. 14 para. 6** (with Sch. 15)

C1155 Ss. 271, 272 restricted (17.2.2025) by The Heckington Fen Solar Park Order 2025 (S.I. 2025/85), art. 1, **Sch. 13 para. 85(3)** (with art. 43)

C1156 Ss. 271, 272 restricted (4.4.2025) by The North Lincolnshire Green Energy Park Order 2025 (S.I. 2025/362), art. 1, **Sch. 14 para. 49(3)** (with Sch. 14)

C1157 Ss. 271, 272 restricted (1.5.2025) by The Viking CCS Carbon Dioxide Pipeline Order 2025 (S.I. 2025/509), art. 1(2), **Sch. 9 para. 66(3)** (with art. 41, Sch. 9)

C1158 Ss. 271, 272 restricted (31.5.2025) by The East Yorkshire Solar Farm Order 2025 (S.I. 2025/585), art. 1, **Sch. 14 para. 59(3)** (with art. 49, Sch. 14)

C1160 Ss. 271, 272 restricted (12.10.2025) by The Gatwick Airport (Northern Runway Project) Development Consent Order 2025 (S.I. 2025/1054), art. 1, **Sch. 9 para. 43(3)** (with arts. 5, 9(6), 43, Sch. 9)

C1161 Ss. 271, 272 restricted (22.10.2025) by The A46 Newark Bypass Development Consent Order 2025 (S.I. 2025/1090), art. 1, **Sch. 9 para. 34(3)** (with arts. 4, 9, 51, Sch. 9)

C1162 Ss. 271, 272 restricted (5.11.2025) by The Tillbridge Solar Order 2025 (S.I. 2025/1105), art. 1, **Sch. 15 para. 143(3)** (with art. 49, Sch. 15)

C1163 Ss. 271, 272 restricted (13.11.2025) by The Stonestreet Green Solar Order 2025 (S.I. 2025/1175), art. 1, **Sch. 13 para. 77(3)** (with art. 40, Sch. 13)

C1164 Ss. 271, 272 restricted (29.12.2025) by The Helios Renewable Energy Project Order 2025 (S.I. 2025/1372), art. 1, **Sch. 9 para. 92(3)** (with Sch. 9)

C1165 Ss. 271-274 applied (with modifications) (3.3.2026) by The Network Rail (Kettering to Wigston South Junction and Napsbury Lane) (Land Acquisition) Order 2026 (S.I. 2026/141), art. 1, **Sch. 6**

C1166 Ss. 271, 272 restricted (4.3.2026) by The Outer Dowsing Offshore Wind Farm Order 2026 (S.I. 2026/138), art. 1(2), **Sch. 18 para. 114(3)** (with arts. 42, 43, Sch. 18)

C1167 Ss. 271, 272 restricted (11.3.2026) by The Fenwick Solar Farm Order 2026 (S.I. 2026/151), art. 1, **Sch. 14 para. 32(3)** (with Sch. 14)

C1168 Ss. 271, 272 restricted (30.4.2026) by The Springwell Solar Farm Order 2026 (S.I. 2026/419), art. 1, **Sch. 15 para. 33(3)** (with art. 48)

C1170 Ss. 271-274 applied (with modifications) (19.12.2007) by The Felixstowe Dock and Railway Company (Land Acquisition) Order 2007 (S.I. 2007/3345), art. 10, **Sch. 2 Pt. 1**

C1171 Ss. 271-274 applied (with modifications) (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), art. 33, **Sch. 8 para. 1** (with arts. 3(6), 12(3))

C1172 Ss. 271-274 applied (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), art. 45, **Sch. 5 para. 1**

C1173 Ss. 271-274 applied (with modifications) (7.3.1995) by S.I. 1995/519, art. 28(5), **Sch. 5**

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Ss. 271-273 applied (with modifications) (18.12.1996) by 1996 c. 61, **s. 8(1)-(3)**
Ss. 271-274 applied (with modifications) (11.11.1996) by S.I. 1996/2714, art. 48, **Sch. 9 para. 1**
Ss. 271-274 applied (with modifications) (10.2.1997) by S.I. 1997/264, art. 28, **Sch. 9 para. 1**
Ss. 271-274 applied (with modifications) (21.5.1997) by S.I. 1997/1266, art. 36, **Sch. 10 para. 1**
Ss. 271-274 applied (with modifications) (27.8.1998) by S.I. 1998/1936, art. 41, **Sch. 10 para. 1**
S. 272 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 2(3)(a)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
Ss. 271-274 applied (with modifications) (3.6.1999) by S.I. 1999/1555, art. 11, **Sch. 2 paras. 1-5**
Ss. 271-274 applied (with modifications) (21.7.1999) by S.I. 1999/2129, art. 20, **Sch. 3 paras. 1-5**
Ss. 271-274 applied (with modifications) (20.8.1999) by S.I. 1999/2336, art. 25, **Sch. 6 para. 1**
Ss. 271-274 applied (with modifications) (23.8.1999) by S.I. 1999/2981, arts. 28(2), 29, Sch. 10 Pt. I para. 2(6), **Sch. 11 para. 1**
Ss. 271-274 applied (24.12.1999) by S.I. 2000/428, art. 26, **Sch. 4** (with art. 27, Sch. 5)
Ss. 271-274 applied (with modifications) (29.3.2001) by S.I. 2001/1347, art. 35, **Sch. 9 para. 1**
Ss. 271-274 applied (with modifications) (18.7.2001) by S.I. 2001/2870, art. 25, **Sch. 4**
Ss. 271-274 applied (24.7.2001) by S.I. 2001/3627, arts. 63, 64, Sch. 11 paras. 1, 2, **Sch. 12 para. 5(3)**
Ss. 271-274 applied (with modifications) (9.11.2001) by S.I. 2001/3682, art. 33, **Sch. 9 para. 1**
C1174 Ss. 271-274 applied (with modifications) (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), art. 35, **Sch. 5 para. 1**, Sch. 6 Pt. II para. 2(4) (with art. 38)
Ss. 271-274 applied (with modifications) (30.4.2002) by The Heathrow Express Railway Extension Order 2002 (S.I. 2002/1064), art. 28, **Sch. 3 para. 1**
Ss. 271-274 applied (with modifications) (30.4.2002) by The Piccadilly Line (Heathrow T5 Extension) Order 2002 (S.I. 2002/1065), art. 24, **Sch. 6 para. 1-6**
Ss. 271-274 applied (with modifications) (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), arts. 9, 10, 31, 36, **Sch. 10 para. 1**
Ss. 271-274 applied (with modifications) (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), arts. 9, 10, 26, 29, **Sch. 5 para. 1**
Ss. 271-274 applied (with modifications) (28.4.2003) by The Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), art. 41, **Sch. 12 para. 1** (with art. 40)
Ss. 271-274 applied (25.7.2003 for specified purposes and 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 118, 411, **Sch. 4 para. 3(5)(6)(c)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)
Ss. 271-274 applied (12.1.2004) by The Alconbury Airfield (Rail Facilities and Connection to East Coast Main Line) Order 2003 (S.I. 2003/3364), arts. 7, 8, 25, **Sch. 6 para. 1**
S. 272 applied (with modifications) (4.3.2004) by The Network Rail (West Coast Main Line) Order 2004 (S.I. 2004/389), art. 39, **Sch. 12 para. 1**, Sch. 13 para. 42 (with art. 38)
Ss. 271-274 applied (with modifications) (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 10, 35, 41, **Sch. 12 para. 1**, Sch. 16 para. 2
Ss. 271-274 applied (with modifications) (19.11.2004) by The Scarweather Sands Offshore Wind Farm Order 2004 (S.I. 2004/3054), art. 30, **Sch. 4 para. 1** (with art. 38)
Ss. 271-274 applied (with modifications) (28.1.2005) by The East Midlands Parkway Station (Land Acquisition) Order 2005 (S.I. 2005/8), art. 13, **Sch. 2**
Ss. 271-274 applied (with modifications) (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 11, 40, 64, **Sch. 11 para. 1** (with arts. 65, 66)
Ss. 271-274 applied (with modifications) (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), art. 49, **Sch. 10 para. 1** (with art. 51)
Ss. 271-274 applied (with modifications) (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), art. 26, **Sch. 7 para. 1(1)** (with art. 30)
Ss. 271-274 applied (with modifications) (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), art. 45, **Sch. 7 para. 1** (with art. 47)

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Ss. 271-274 applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 8, 9, 30, 48, **Sch. 10 para. 1** (with art. 50)

Ss. 271-274 applied (with modifications) (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), arts. 5, 7, 47, **Sch. 11 para. 1** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)

Ss. 271-274 applied (with modifications) (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 39, 40, 44, **Sch. 9 para. 1**, Sch. 10 para. 3(2), Sch. 14 para. 3(5) (with arts. 3(5), 15(3))

Ss. 271-274 applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 8, 10, 32, 50, 51, Sch. 10 para. 1, **Sch. 11 para. 20(4)** (with art. 52)

Ss. 271-274 applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), arts. 7, 8, 44, **Sch. 8 para. 1** (with art. 40, Sch. 7 para. 12)

Ss. 271-274 applied (with modifications) (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 10, 31, 36, 40, **Sch. 11 para. 1**, Sch. 15 para. 2, (with art. 43)

Ss. 271-274 applied (with modifications) (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), art. 46, **Sch. 9 para. 1(1)** (with arts. 34, 35(2))

Ss. 271-274 applied (with modifications) (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), art. 46, **Sch. 10 para. 1(1)**

C1175 Ss. 271-273 applied (with modifications) (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 9(1)-(3)**

C1176 Ss. 271-274 applied (with modifications) (21.5.2008) by The Teesport (Land Acquisition) Order 2008 (S.I. 2008/1238), art. 10, **Sch. 2**

C1177 Ss. 271-274 applied (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), art. 64, **Sch. 11 para. 1**

C1178 Ss. 271-274 applied (with modifications) (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), art. 45, **Sch. 9 para. 1** (with art. 36(3))

C1179 Ss. 271-274 applied (with modifications) (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 11, 41, 67, **Sch. 11 para. 1** (with Sch. 12 para. 2)

C1180 Ss. 271-274 applied (with modifications) (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 8, 29, 31, **Sch. 8 para. 1**

C1181 Ss. 271-274 applied (with modifications) (28.10.2009) by The Network Rail (Reading) (Land Acquisition) Order 2009 (S.I. 2009/2728), art. 18, **Sch. 6**

C1182 Ss. 271-274 applied (with modifications) (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), art. 30, **Sch. 8 para. 1**

C1183 S. 272 restricted (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), art. 1, **Sch. 9 para. 4(3)** (with arts. 37, 38, Sch. 9 paras. 6(3), 19)

C1184 S. 272 restricted (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), art. 1, **Sch. 12 para. 4(3)** (with arts. 12, 13, Sch. 12)

C1185 S. 272 restricted (25.2.2015) by The A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (S.I. 2015/129), art. 1, **Sch. 8 para. 26(3)**

C1186 S. 272 applied (with modifications) by 1980 c. 66, Sch. 5 Pt. 2 para. 1 (as amended (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 65(3)(a)**; S.I. 2015/481, reg. 2(a))

C1187 S. 272 applied (with modifications) by 1980 c. 66, Sch. 5 Pt. 1 para. 3 (as amended (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 65(2)**; S.I. 2015/481, reg. 2(a))

C1188 S. 272 applied (with modifications) by 1980 c. 66, Sch. 5 Pt. 2 para. 3 (as amended (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 65(3)(b)**; S.I. 2015/481, reg. 2(a))

C1189 S. 272 restricted (7.9.2016) by The Hornsea Two Offshore Wind Farm Order 2016 (S.I. 2016/844), art. 1(2), **Sch. 12 para. 4(3)** (with arts. 37, 38)

C1190 S. 272 restricted (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), art. 1(2), **Sch. 8 Pt. 5 para. 4(2)** (with arts. 39, 40, Sch. 8 para. 19)

C1191 S. 272 restricted (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), art. 1(2), **Sch. 8 Pt. 2 para. 4(3)** (with arts. 39, 40, Sch. 8 para. 19)

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C1192 Ss. 271-274 applied (with modifications) (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), **arts. 1**, 42(4)(5)
C1193 Ss. 271-274 restricted (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **Sch. 16 Pt. 5 para. 4(3)**
C1194 S. 272 restricted (5.9.2017) by The London Overground (Barking Riverside Extension) Order 2017 (S.I. 2017/830), art. 1, **Sch. 8 para. 4(2)** (with Sch. 8 para. 20)
C1195 S. 272 restricted (30.10.2019) by The Northampton Gateway Rail Freight Interchange Order 2019 (S.I. 2019/1358), art. 1, **Sch. 13 Pt. 1 para. 4(3)** (with Sch. 13 Pt. 1 paras. 6(3), 19)
C1196 S. 272 restricted (23.9.2020) by The Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order 2020 (S.I. 2020/1067), **art. 17(3)**
C1197 S. 272 restricted (23.9.2020) by The Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order 2020 (S.I. 2020/1067), **art. 18(3)**
C1198 S. 272 restricted (29.10.2020) by The Southampton to London Pipeline Development Consent Order 2020 (S.I. 2020/1099), art. 1, **Sch. 9 para. 21(3)** (with art. 32, Sch. 9 para. 36)
C1199 S. 272 restricted (11.8.2022) by The Sizewell C (Nuclear Generating Station) Order 2022 (S.I. 2022/853), arts. 1, **Sch. 19 para. 22(3)** (with arts. 62, 76, 87, Sch. 19 paras. 4, 78)
C1200 S. 272 restricted (8.9.2022) by The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (S.I. 2022/934), arts. 1, **Sch. 9 para. 50(3)**
C1201 S. 272 restricted (4.11.2022) by The A47/A11 Thickthorn Junction Development Consent Order 2022 (S.I. 2022/1070), arts. 1, **Sch. 9 para. 67(3)** (with arts. 4, 52, Sch. 9 para. 82)
C1202 S. 272 restricted (28.4.2025) by The Rampion 2 Offshore Wind Farm Order 2025 (S.I. 2025/468), art. 1, **Sch. 10 Pt. 6 para. 5(2)** (with arts. 47, 48, Sch. 10)
C1203 S. 272 restricted (28.7.2025) by The Mona Offshore Wind Farm Order 2025 (S.I. 2025/870), art. 1, **Sch. 10 para. 103(3)** (with arts. 37, 38, Sch. 10)
C1204 S. 272(5)(b): transfer of functions (13.4.2011) by Transfer of Functions (Media and Telecommunications etc.) Order 2011 (S.I. 2011/741), arts. 1(2), 3, **Sch. 1** (with art. 5)
C1205 S. 272(6)(b): transfer of functions (13.4.2011) by Transfer of Functions (Media and Telecommunications etc.) Order 2011 (S.I. 2011/741), arts. 1(2), 3, **Sch. 1** (with art. 5)

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273 Notice for same purposes as ss. 271 and 272 but given by undertakers to developing authority.

(1) Subject to the provisions of this section, where land has been acquired or appropriated as mentioned in section 271(1), and—

(a) there is on, under or over the land any apparatus vested in or belonging to statutory undertakers; and

(b) the undertakers claim that development to be carried out on the land is such as to require, on technical or other grounds connected with the carrying on of their undertaking, the removal or re-siting of the apparatus affected by the development,

the undertakers may serve on the acquiring or appropriating authority a notice claiming the right to enter on the land and carry out such works for the removal or re-siting of the apparatus or any part of it as may be specified in the notice.

(2) No notice under this section shall be served later than 21 days after the beginning of the development of land which has been acquired or appropriated as mentioned in section 271(1).

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(3) Where a notice is served under this section, the authority on whom it is served may, before the end of the period of 28 days from the date of service, serve on the statutory undertakers a counter-notice—

(b) specifying the grounds of their objection.

(4) If no counter-notice is served under subsection (3), the statutory undertakers shall, after the end of that period, have the rights claimed in their notice.

(5) If a counter-notice is served under subsection (3), the statutory undertakers who served the notice under this section may either withdraw it or may apply to the Secretary of State and the appropriate Minister for an order under this section conferring on the undertakers the rights claimed in the notice or such modified rights as the Secretary of State and the appropriate Minister think it expedient to confer on them.

(6) Where, by virtue of this section or of an order of Ministers under it, statutory undertakers have the right to execute works for the removal or re-siting of apparatus, they may arrange with the acquiring or appropriating authority for the works to be carried out by that authority, under the superintendence of the undertakers, instead of by the undertakers themselves.

(7) In subsection (1)(a), the reference to apparatus vested in or belonging to statutory undertakers shall include a reference to **[**F1211electronic communications apparatus**]** kept installed for the purposes of **[**F1212an electronic communications code network**]** .

(8) For the purposes of subsection (7), in this section—

(a) references (except in subsection (1)(a)) to statutory undertakers shall have effect as references to the operator of any such **[**F1213network**]** ; and

(b) references to the appropriate Minister shall have effect as references to the Secretary of State for Trade and Industry.

Textual Amendments

F1211 Words in s. 273(7) substituted (25.7.2003 for specified purposes and 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(f)(2)(c)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

F1212 Words in s. 273(7) substituted (25.7.2003 for specified purposes and 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(f)(2)(b)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

F1213 Word in s. 273(8) substituted (25.7.2003 for specified purposes and 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(f)(2)(e)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

Modifications etc. (not altering text)

C1074 Ss. 271-274 applied (with modifications) (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), art. 1, **Sch. 9 para. 1** (with art. 51, Sch. 9 para. 54(3), Sch. 10 paras. 68, 85)

C1075 Ss. 271-274 applied (with modifications) (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), art. 1, **Sch. 11 para. 1**

C1076 Ss. 271-274 applied (with modifications) (7.8.2012) by The Ipswich Barrier Order 2012 (S.I. 2012/1867), art. 1, **Sch. 6 para. 1** (with arts. 46-48, Sch. 8 para. 18)

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C1077 Ss. 271-274 applied (12.8.2012) by The Hinkley Point (Temporary Jetty) (Land Acquisition) Order 2012 (S.I. 2012/1924), art. 1, **Sch. 2**

C1078 Ss. 271-274 applied (with modifications) (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), art. 1, **Sch. 13 para. 1** (with art. 42(2))

C1079 Ss. 271-274 applied (with modifications) (28.3.2013) by The Network Rail (Seaham Level Crossing) Order 2013 (S.I. 2013/533), art. 1, **Sch. para. 1**

C1080 Ss. 271-274 applied (9.4.2013) by The Hinkley Point C (Nuclear Generating Station) Order 2013 (S.I. 2013/648), arts. 1, **35** (with arts. 48, 68, 79)

C1081 Ss. 271-274 applied (with modifications) (16.4.2013) by The Network Rail (Pont Briwet) (Land Acquisition) Order 2013 (S.I. 2013/767), art. 1, **Sch. 4 para. 1** (with arts. 20, 21, Sch. 4 para. 6)

C1082 Ss. 271-274 applied (with modifications) (21.8.2013) by The Croxley Rail Link Order 2013 (S.I. 2013/1967), art. 1, **Sch. 8 para. 1** (with Sch. 8 para. 1)

C1083 Ss. 271-274 applied (with modifications) (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), art. 1, **Sch. 12 para. 1** (with Sch. 13 para. 1)

C1085 Ss. 271-274 applied (with modifications) (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), art. 1, **Sch. 9 para. 1** (with arts. 57, 58, Sch. 11 para. 19)

C1087 Ss. 271-274 applied (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), art. 1, **Sch. 7 para. 1** (with art. 31(2), Sch. 7 para. 5)

C1088 Ss. 271-274 applied (with modifications) (15.12.2014) by The London Underground (Northern Line Extension) Order 2014 (S.I. 2014/3102), art. 1, **Sch. 7** (with Sch. 8 paras. 42(2), 45)

C1096 Ss. 271-274 modified (30.9.2015) by The Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015 (S.I. 2015/1684), art. 1, **Sch. 3 para. 1**

C1097 Ss. 271-274 applied (with modifications) (16.12.2015) by The Network Rail (Tinsley Chord) Order 2015 (S.I. 2015/1876), art. 1, **Sch. 7 paras. 2-5**

C1098 Ss. 271-274 applied (with modifications) (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), art. 1, **Sch. 10 para. 1**

C1099 Ss. 271-274 applied (14.6.2016) by The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016 (S.I. 2016/545), art. 1, **Sch. 4 para. 1** (with art. 39, Sch. 6 para. 3(4))

C1100 Ss. 271-274 applied (with modifications) (2.8.2016) by The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684), art. 1, **Sch. 8 para. 1** (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))

C1107 Ss. 271-273 applied (with modifications) (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **s. 13(1)-(3)**, 70(1)

C1109 Ss. 271-274 applied (with modifications) (5.9.2017) by The London Overground (Barking Riverside Extension) Order 2017 (S.I. 2017/830), art. 1, **Sch. 7** (with Sch. 8 paras. 4(3), 20)

C1111 Ss. 271-274 applied (with modifications) (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), art. 1, **Sch. 11 para. 1** (with art. 32(2), Sch. 11 para. 3)

C1112 Ss. 271-274 applied (with modifications) (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), art. 1, **Sch. 6 para. 1** (with arts. 55-57, Sch. 8 para. 13)

C1113 Ss. 271-274 applied (with modifications) (4.1.2018) by The Blackpool Tramway (Blackpool North Extension) Order 2017 (S.I. 2017/1214), art. 1, **Sch. 7 paras. 1-5** (with arts. 58, 59)

C1114 Ss. 271-274 applied (with modifications) (18.4.2018) by The Network Rail (Hope Valley Capacity) Order 2018 (S.I. 2018/446), art. 1, **Sch. 10 paras. 1-5** (with arts. 24(8), 33(2), Sch. 10 para. 6, Sch. 11 para. 1(2))

C1115 Ss. 271-274 applied (with modifications) (4.6.2018) by The Network Rail (Kings Mill No. 1 Level Crossing) (Land Acquisition and Closure) Order 2018 (S.I. 2018/571), art. 1, **Sch. 4 para. 1**

C1116 Ss. 271-274 applied (with modifications) (24.8.2018) by The Network Rail (Werrington Grade Separation) Order 2018 (S.I. 2018/923), art. 1, **Sch. 11 para. 1** (with art. 31(2))

C1118 Ss. 271-274 applied (with modifications) (25.2.2020) by The Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020 (S.I. 2020/114), art. 1, **Sch. 15 para. 1** (with art. 37(2))

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C1119 Ss. 271-274 applied (with modifications) (4.3.2020) by The Midland Metro (Birmingham Eastside Extension) Order 2020 (S.I. 2020/141), art. 1, **Sch. 9 para. 1** (with arts. 47, 48, Sch. 10 para. 19)

C1123 Ss. 271-274 applied (with modifications) (2.12.2020) by The Network Rail (London to Corby) (Land Acquisition) Order 2020 (S.I. 2020/1259), art. 1(1), **Sch. 6 para. 1**

C1124 Ss. 271-274 applied (with modifications) (31.12.2020) by The Network Rail (Cambridgeshire Level Crossing Reduction) Order 2020 (S.I. 2020/1485), art. 1, **Sch. 13 para. 1**

C1126 Ss. 271-273 applied (with modifications) (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 11(1)**(2), 64(1)

C1127 Ss. 271-274 applied (with modifications) (16.4.2021) by The Network Rail (Chart Leacon) Order 2021 (S.I. 2021/419), art. 1, **Sch. 5 Pt. 1** (with Sch. 6 paras. 2, 18(3), 19(2))

C1128 Ss. 271-274 applied (1.9.2021) by The Network Rail (Teddington Station Access for All) Order 2021 (S.I. 2021/937), art. 1, **Sch. 6 para. 1**

C1129 Ss. 271-274 applied (with modifications) (22.12.2021) by The Morlais Demonstration Zone Order 2021 (S.I. 2021/1478), art. 1, **Sch. 10 para. 1** (with arts. 15, 50, Sch. 11 para. 29)

C1131 Ss. 271-274 applied (with modifications) (25.3.2022) by The Bridgwater Tidal Barrier Order 2022 (S.I. 2022/299), art. 1, **Sch. 8 para. 1** (with art. 55)

C1132 Ss. 271-274 applied (with modifications) (30.6.2022) by The Network Rail (Essex and Others Level Crossing Reduction) Order 2022 (S.I. 2022/651), art. 1, Sch. 11 para. 1(1)**(2)** (with Sch. 11 para. 1(5))

C1133 Ss. 271-274 applied (with modifications) (1.8.2022) by The Northumberland Line Order 2022 (S.I. 2022/820), art. 1, **Sch. 10 para. 1** (with Sch. 10 paras. 21, 43)

C1134 Ss. 271-274 applied (with modifications) (2.8.2022) by The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) Order 2022 (S.I. 2022/871), art. 1, Sch. 4 paras. 1, **2** (with Sch. 4 para. 5)

C1135 Ss. 271-274 applied (with modifications) (2.8.2022) by The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) (No. 2) Order 2022 (S.I. 2022/872), art. 1(1), **Sch. 4**

C1137 Ss. 271-274 applied (with modifications) (3.11.2022) by The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 (S.I. 2022/1067), art. 1, **Sch. 18 para. 1**

C1140 Ss. 271-274 applied (with modifications) (11.1.2023) by The Network Rail (Cambridge South Infrastructure Enhancements) Order 2022 (S.I. 2022/1406), art. 1, **Sch. 11 para. 1** (with art. 34(2), Sch. 12 paras. 2, 5, 47, 76, 79)

C1142 Ss. 271-274 applied (with modifications) (2.8.2023) by The Rother Valley Railway (Bodiam to Robertsbridge Junction) Order 2023 (S.I. 2023/815), art. 1, **Sch. 6 para. 1** (with art. 42)

C1154 Ss. 271-274 applied (with modifications) (18.12.2024) by The Network Rail (Leeds to Micklefield Enhancements) Order 2024 (S.I. 2024/1284), art. 1, **Sch. 14 para. 6** (with Sch. 15)

C1165 Ss. 271-274 applied (with modifications) (3.3.2026) by The Network Rail (Kettering to Wigston South Junction and Napsbury Lane) (Land Acquisition) Order 2026 (S.I. 2026/141), art. 1, **Sch. 6**

C1206 Ss. 271-274 applied (with modifications) (19.12.2007) by The Felixstowe Dock and Railway Company (Land Acquisition) Order 2007 (S.I. 2007/3345), art. 10, **Sch. 2 Pt. 1**

C1207 Ss. 271-274 applied (with modifications) (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), art. 33, **Sch. 8 para. 1** (with arts. 3(6), 12(3))

C1208 Ss. 271-274 applied (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), art. 45, **Sch. 5 para. 1**

C1209 Ss. 271-274 applied (with modifications) (7.3.1995) by S.I. 1995/519, art. 28(5), **Sch. 5**
Ss. 271-273 applied (with modifications) (18.12.1996) by 1996 c. 61, **s. 8(1)-(3)**
Ss. 271-274 applied (with modifications) (11.11.1996) by S.I. 1996/2714, art. 48, **Sch. 9 para. 1**
Ss. 271-274 applied (with modifications) (10.2.1997) by S.I. 1997/264, art. 28, **Sch. 9 para. 1**
Ss. 271-274 applied (with modifications) (21.5.1997) by S.I. 1997/1266, art. 36, **Sch. 10 para. 1**
Ss. 271-274 applied (with modifications) (27.8.1998) by S.I. 1998/1936, art. 41, **Sch. 10 para. 1**
Ss. 271-274 applied (with modifications) (3.6.1999) by S.I. 1999/1555, art. 11, **Sch. 2 paras. 1-5**
Ss. 271-274 applied (with modifications) (21.7.1999) by S.I. 1999/2129, art. 20, **Sch. 3 paras. 1-5**
Ss. 271-274 applied (with modifications) (20.8.1999) by S.I. 1999/2336, art. 25, **Sch. 6 para. 1**
Ss. 271-274 applied (with modifications) (23.8.1999) by S.I. 1999/2981, art. 29, **Sch. 11 para. 1**
Ss. 271-274 applied (24.12.1999) by S.I. 2000/428, art. 26, **Sch. 4** (with art. 27, Sch. 5)

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Ss. 271-274 applied (with modifications) (29.3.2001) by S.I. 2001/1347, art. 35, **Sch. 9 para. 1**
Ss. 271-274 applied (with modifications) (18.7.2001) by S.I. 2001/2870, art. 25, **Sch. 4**
Ss. 271-274 applied (24.7.2001) by S.I. 2001/3627, arts. 63, 64, Sch. 11 paras. 1, 2, **Sch. 12 para. 5(3)**
Ss. 271-274 applied (with modifications) (9.11.2001) by S.I. 2001/3682, art. 33, **Sch. 9 para. 1**

C1210 Ss. 271-274 applied (with modifications) (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), art. 35, **Sch. 5 para. 1** (with art. 38)
Ss. 271-274 applied (with modifications) (30.4.2002) by The Heathrow Express Railway Extension Order 2002 (S.I. 2002/1064), art. 28, **Sch. 3 para. 1**
Ss. 271-274 applied (with modifications) (30.4.2002) by The Piccadilly Line (Heathrow T5 Extension) Order 2002 (S.I. 2002/1065), art. 24, **Sch. 6 para. 1-6**
Ss. 271-274 applied (with modifications) (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), arts. 9, 10, 31, 36, **Sch. 10 para. 1**
Ss. 271-274 applied (with modifications) (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), arts. 9, 10, 26, 29, **Sch. 5 para. 1**
Ss. 271-274 applied (with modifications) (28.4.2003) by The Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), art. 41, **Sch. 12 para. 1** (with art. 40)
Ss. 271-274 applied (25.7.2003 for specified purposes and 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 118, 411, **Sch. 4 para. 3(5)(6)(c)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)
Ss. 271-274 applied (12.1.2004) by The Alconbury Airfield (Rail Facilities and Connection to East Coast Main Line) Order 2003 (S.I. 2003/3364), arts. 7, 8, 25, **Sch. 6 para. 1**
S. 273 applied (with modifications) (4.3.2004) by The Network Rail (West Coast Main Line) Order 2004 (S.I. 2004/389), art. 39, **Sch. 12 para. 1**, Sch. 13 para. 42 (with art. 38)
Ss. 271-274 applied (with modifications) (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 10, 35, 41, **Sch. 12 para. 1**, Sch. 16 para. 2
Ss. 271-274 applied (with modifications) (19.11.2004) by The Scarweather Sands Offshore Wind Farm Order 2004 (S.I. 2004/3054), art. 30, **Sch. 4 para. 1** (with art. 38)

C1211 Ss. 271-274 applied (with modifications) (28.1.2005) by The East Midlands Parkway Station (Land Acquisition) Order 2005 (S.I. 2005/8), art. 13, **Sch. 2**
Ss. 271-274 applied (with modifications) (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 11, 40, 64, **Sch. 11 para. 1** (with arts. 65, 66, Sch. 12 para. 2)
Ss. 271-274 applied (with modifications) (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), art. 49, **Sch. 10 para. 1** (with art. 51)
Ss. 271-274 applied (with modifications) (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), art. 26, **Sch. 7 para. 1(1)** (with art. 30)
Ss. 271-274 applied (with modifications) (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), art. 45, **Sch. 7 para. 1(1)** (with art. 47)
Ss. 271-274 applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 8, 9, 30, 48, **Sch. 10 para. 1** (with art. 50)
S. 273 applied (with modifications) (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), arts. 5, 7, 47, **Sch. 11 para. 1** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)
Ss. 271-274 applied (with modifications) (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 39, 40, 44, **Sch. 9 para. 1**, Sch. 10 para. 3(2), Sch. 14 para. 3(5) (with arts. 3(5), 15(3))
Ss. 271-274 applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 8, 10, 32, 50, 51, **Sch. 10 para. 1**, Sch. 11 para. 20 (with art. 52)
Ss. 271-274 applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), arts. 7, 8, 44, **Sch. 8 para. 1** (with art. 40, Sch. 7 para. 12)

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Ss. 271-274 applied (with modifications) (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 10, 31, 36, 40, **Sch. 11 para. 1**, Sch. 15 para. 2 (with art. 43)

Ss. 271-274 applied (with modifications) (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), art. 46, **Sch. 9 para. 1(1)** (with arts. 34, 35(2))

Ss. 271-274 applied (with modifications) (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), art. 46, **Sch. 10 para. 1**

C1212 Ss. 271-273 applied (with modifications) (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 9(1)-(3)**

C1213 Ss. 271-274 applied (with modifications) (21.5.2008) by The Teesport (Land Acquisition) Order 2008 (S.I. 2008/1238), art. 10, **Sch. 2**

C1214 Ss. 271-274 applied (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), art. 64, **Sch. 11 para. 1**

C1215 Ss. 271-274 applied (with modifications) (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), art. 45, **Sch. 9 para. 1** (with art. 36(3))

C1216 Ss. 271-274 applied (with modifications) (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 11, 41, 67, **Sch. 11 para. 1** (with Sch. 12 para. 2)

C1217 Ss. 271-274 applied (with modifications) (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 8, 29, 31, **Sch. 8 para. 1**

C1218 Ss. 271-274 applied (with modifications) (28.10.2009) by The Network Rail (Reading) (Land Acquisition) Order 2009 (S.I. 2009/2728), art. 18, **Sch. 6**

C1219 Ss. 271-274 applied (with modifications) (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), art. 30, **Sch. 8 para. 1**

C1220 S. 273 applied (with modifications) by 1980 c. 66, Sch. 5 Pt. 2 para. 5 (as amended (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 65(3)(d)**; S.I. 2015/481, reg. 2(a))

C1221 Ss. 271-274 applied (with modifications) (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), **arts. 1**, 42(4)(5)

C1222 Ss. 271-274 restricted (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **Sch. 16 Pt. 5 para. 4(3)**

C1223 S. 273(1) applied (with modifications) by 1980 c. 66, Sch. 5 Pt. 2 para. 4 (as amended (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 65(3)(c)**; S.I. 2015/481, reg. 2(a))

C1224 S. 273(8)(b): transfer of functions (13.4.2011) by Transfer of Functions (Media and Telecommunications etc.) Order 2011 (S.I. 2011/741), arts. 1(2), 3, **Sch. 1** (with art. 5)

274 Orders under ss. 271 and 272.

(1) Where a Minister and the appropriate Minister propose to make an order under section 271(6) or 272(6), they shall prepare a draft of the order.

(2) Before making an order under subsection (5) or (6) of section 271, or under subsection (5) or (6) of section 272, the Ministers proposing to make the order shall give the statutory undertakers or, as the case may be, the operator of the **[**[F1214]the electronic communications code network**]** on whom notice was served under subsection (2) of section 271 or, as the case may be, under subsection (2) of section 272 an opportunity of objecting to the application for, or proposal to make, the order.

(3) If any such objection is made, before making the order the Ministers shall consider the objection and give those statutory undertakers or, as the case may be, that operator (and, in a case falling within subsection (5) of either of those sections, the local authority or statutory undertakers on whom the counter-notice was served) an opportunity of appearing before, and being heard by, a person appointed for the purpose by the Secretary of State and the appropriate Minister.

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(4) After complying with subsections (2) and (3) the Ministers may, if they think fit, make the order in accordance with the application or, as the case may be, in accordance with the draft order, either with or without modification.

(5) Where an order is made under section 271 or 272—

(a) any right to which the order relates shall be extinguished at the end of the period specified in that behalf in the order; and

(b) if, at the end of the period so specified in relation to any apparatus, any requirement of the order as to the removal of the apparatus has not been complied with, the acquiring or appropriating authority may remove the apparatus and dispose of it in any way the authority may think fit.

(6) In this section references to the appropriate Minister shall in the case of an order under section 272 be taken as references to the Secretary of State for Trade and Industry.

Textual Amendments

F1214 Words in s. 274(2) substituted (25.7.2003 for specified purposes and 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(g)(2)(d)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

Modifications etc. (not altering text)

C1074 Ss. 271-274 applied (with modifications) (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), art. 1, **Sch. 9 para. 1** (with art. 51, Sch. 9 para. 54(3), Sch. 10 paras. 68, 85)

C1075 Ss. 271-274 applied (with modifications) (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), art. 1, **Sch. 11 para. 1**

C1076 Ss. 271-274 applied (with modifications) (7.8.2012) by The Ipswich Barrier Order 2012 (S.I. 2012/1867), art. 1, **Sch. 6 para. 1** (with arts. 46-48, Sch. 8 para. 18)

C1077 Ss. 271-274 applied (12.8.2012) by The Hinkley Point (Temporary Jetty) (Land Acquisition) Order 2012 (S.I. 2012/1924), art. 1, **Sch. 2**

C1078 Ss. 271-274 applied (with modifications) (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), art. 1, **Sch. 13 para. 1** (with art. 42(2))

C1079 Ss. 271-274 applied (with modifications) (28.3.2013) by The Network Rail (Seaham Level Crossing) Order 2013 (S.I. 2013/533), art. 1, **Sch. para. 1**

C1080 Ss. 271-274 applied (9.4.2013) by The Hinkley Point C (Nuclear Generating Station) Order 2013 (S.I. 2013/648), arts. 1, **35** (with arts. 48, 68, 79)

C1081 Ss. 271-274 applied (with modifications) (16.4.2013) by The Network Rail (Pont Briwet) (Land Acquisition) Order 2013 (S.I. 2013/767), art. 1, **Sch. 4 para. 1** (with arts. 20, 21, Sch. 4 para. 6)

C1082 Ss. 271-274 applied (with modifications) (21.8.2013) by The Croxley Rail Link Order 2013 (S.I. 2013/1967), art. 1, **Sch. 8 para. 1** (with Sch. 8 para. 1)

C1083 Ss. 271-274 applied (with modifications) (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), art. 1, **Sch. 12 para. 1** (with Sch. 13 para. 1)

C1085 Ss. 271-274 applied (with modifications) (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), art. 1, **Sch. 9 para. 1** (with arts. 57, 58, Sch. 11 para. 19)

C1087 Ss. 271-274 applied (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), art. 1, **Sch. 7 para. 1** (with art. 31(2), Sch. 7 para. 5)

C1088 Ss. 271-274 applied (with modifications) (15.12.2014) by The London Underground (Northern Line Extension) Order 2014 (S.I. 2014/3102), art. 1, **Sch. 7** (with Sch. 8 paras. 42(2), 45)

C1096 Ss. 271-274 modified (30.9.2015) by The Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015 (S.I. 2015/1684), art. 1, **Sch. 3 para. 1**

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C1097 Ss. 271-274 applied (with modifications) (16.12.2015) by The Network Rail (Tinsley Chord) Order 2015 (S.I. 2015/1876), art. 1, **Sch. 7 paras. 2-5**

C1098 Ss. 271-274 applied (with modifications) (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), art. 1, **Sch. 10 para. 1**

C1099 Ss. 271-274 applied (14.6.2016) by The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016 (S.I. 2016/545), art. 1, **Sch. 4 para. 1** (with art. 39, Sch. 6 para. 3(4))

C1100 Ss. 271-274 applied (with modifications) (2.8.2016) by The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684), art. 1, **Sch. 8 para. 1** (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))

C1109 Ss. 271-274 applied (with modifications) (5.9.2017) by The London Overground (Barking Riverside Extension) Order 2017 (S.I. 2017/830), art. 1, **Sch. 7** (with Sch. 8 paras. 4(3), 20)

C1111 Ss. 271-274 applied (with modifications) (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), art. 1, **Sch. 11 para. 1** (with art. 32(2), Sch. 11 para. 3)

C1112 Ss. 271-274 applied (with modifications) (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), art. 1, **Sch. 6 para. 1** (with arts. 55-57, Sch. 8 para. 13)

C1113 Ss. 271-274 applied (with modifications) (4.1.2018) by The Blackpool Tramway (Blackpool North Extension) Order 2017 (S.I. 2017/1214), art. 1, **Sch. 7 paras. 1-5** (with arts. 58, 59)

C1114 Ss. 271-274 applied (with modifications) (18.4.2018) by The Network Rail (Hope Valley Capacity) Order 2018 (S.I. 2018/446), art. 1, **Sch. 10 paras. 1-5** (with arts. 24(8), 33(2), Sch. 10 para. 6, Sch. 11 para. 1(2))

C1115 Ss. 271-274 applied (with modifications) (4.6.2018) by The Network Rail (Kings Mill No. 1 Level Crossing) (Land Acquisition and Closure) Order 2018 (S.I. 2018/571), art. 1, **Sch. 4 para. 1**

C1116 Ss. 271-274 applied (with modifications) (24.8.2018) by The Network Rail (Werrington Grade Separation) Order 2018 (S.I. 2018/923), art. 1, **Sch. 11 para. 1** (with art. 31(2))

C1118 Ss. 271-274 applied (with modifications) (25.2.2020) by The Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020 (S.I. 2020/114), art. 1, **Sch. 15 para. 1** (with art. 37(2))

C1119 Ss. 271-274 applied (with modifications) (4.3.2020) by The Midland Metro (Birmingham Eastside Extension) Order 2020 (S.I. 2020/141), art. 1, **Sch. 9 para. 1** (with arts. 47, 48, Sch. 10 para. 19)

C1123 Ss. 271-274 applied (with modifications) (2.12.2020) by The Network Rail (London to Corby) (Land Acquisition) Order 2020 (S.I. 2020/1259), art. 1(1), **Sch. 6 para. 1**

C1124 Ss. 271-274 applied (with modifications) (31.12.2020) by The Network Rail (Cambridgeshire Level Crossing Reduction) Order 2020 (S.I. 2020/1485), art. 1, **Sch. 13 para. 1**

C1127 Ss. 271-274 applied (with modifications) (16.4.2021) by The Network Rail (Chart Leacon) Order 2021 (S.I. 2021/419), art. 1, **Sch. 5 Pt. 1** (with Sch. 6 paras. 2, 18(3), 19(2))

C1128 Ss. 271-274 applied (1.9.2021) by The Network Rail (Teddington Station Access for All) Order 2021 (S.I. 2021/937), art. 1, **Sch. 6 para. 1**

C1129 Ss. 271-274 applied (with modifications) (22.12.2021) by The Morlais Demonstration Zone Order 2021 (S.I. 2021/1478), art. 1, **Sch. 10 para. 1** (with arts. 15, 50, Sch. 11 para. 29)

C1131 Ss. 271-274 applied (with modifications) (25.3.2022) by The Bridgwater Tidal Barrier Order 2022 (S.I. 2022/299), art. 1, **Sch. 8 para. 1** (with art. 55)

C1132 Ss. 271-274 applied (with modifications) (30.6.2022) by The Network Rail (Essex and Others Level Crossing Reduction) Order 2022 (S.I. 2022/651), art. 1, Sch. 11 para. 1(1)**(2)** (with Sch. 11 para. 1(5))

C1133 Ss. 271-274 applied (with modifications) (1.8.2022) by The Northumberland Line Order 2022 (S.I. 2022/820), art. 1, **Sch. 10 para. 1** (with Sch. 10 paras. 21, 43)

C1134 Ss. 271-274 applied (with modifications) (2.8.2022) by The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) Order 2022 (S.I. 2022/871), art. 1, Sch. 4 paras. 1, **2** (with Sch. 4 para. 5)

C1135 Ss. 271-274 applied (with modifications) (2.8.2022) by The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) (No. 2) Order 2022 (S.I. 2022/872), art. 1(1), **Sch. 4**

C1137 Ss. 271-274 applied (with modifications) (3.11.2022) by The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 (S.I. 2022/1067), art. 1, **Sch. 18 para. 1**

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C1140 Ss. 271-274 applied (with modifications) (11.1.2023) by The Network Rail (Cambridge South Infrastructure Enhancements) Order 2022 (S.I. 2022/1406), art. 1, **Sch. 11 para. 1** (with art. 34(2), Sch. 12 paras. 2, 5, 47, 76, 79)

C1142 Ss. 271-274 applied (with modifications) (2.8.2023) by The Rother Valley Railway (Bodiam to Robertsbridge Junction) Order 2023 (S.I. 2023/815), art. 1, **Sch. 6 para. 1** (with art. 42)

C1154 Ss. 271-274 applied (with modifications) (18.12.2024) by The Network Rail (Leeds to Micklefield Enhancements) Order 2024 (S.I. 2024/1284), art. 1, **Sch. 14 para. 6** (with Sch. 15)

C1165 Ss. 271-274 applied (with modifications) (3.3.2026) by The Network Rail (Kettering to Wigston South Junction and Napsbury Lane) (Land Acquisition) Order 2026 (S.I. 2026/141), art. 1, **Sch. 6**

C1225 Ss. 271-274 applied (with modifications) (19.12.2007) by The Felixstowe Dock and Railway Company (Land Acquisition) Order 2007 (S.I. 2007/3345), art. 10, **Sch. 2 Pt. 1**

C1226 Ss. 271-274 applied (with modifications) (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), art. 33, **Sch. 8 para. 1** (with arts. 3(6), 12(3))

C1227 Ss. 271-274 applied (19.3.2007) by The Ouseburn Barrage Order (S.I. 2007/608), art. 45, Sch. 5 para. 1

C1228 Ss. 271-274 applied (with modifications) (7.3.1995) by S.I. 1995/519, art. 28(5), **Sch. 5**
Ss. 271-274 applied (with modifications) (11.11.1996) by S.I. 1996/2714, art. 48, **Sch. 9 para. 1**
Ss. 271-274 applied (with modifications) (10.2.1997) by S.I. 1997/264, art. 28, **Sch. 9 para. 1**
Ss. 271-274 applied (with modifications) (21.5.1997) by S.I. 1997/1266, art. 36, **Sch. 10 para. 1**
Ss. 271-274 applied (with modifications) (27.8.1998) by S.I. 1998/1936, art. 41, **Sch. 10 para. 1**
S. 274 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 2(3)(a)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
Ss. 271-274 applied (with modifications) (3.6.1999) by S.I. 1999/1555, art. 11, **Sch. 2 paras. 1-5**
Ss. 271-274 applied (with modifications) (21.7.1999) by S.I. 1999/2129, art. 20, **Sch. 3 paras. 1-5**
Ss. 271-274 applied (with modifications) (20.8.1999) by S.I. 1999/2336, art. 25, **Sch. 6 para. 1**
Ss. 271-274 applied (with modifications) (23.8.1999) by S.I. 1999/2981, art. 29, **Sch. 11 para. 1**
S. 271-274 applied (24.12.1999) by S.I. 2000/428, art. 26, **Sch. 4** (with art. 27, Sch. 5)
Ss. 271-274 applied (with modifications) (29.3.2001) by S.I. 2001/1347, art. 35, **Sch. 9 para. 1**
Ss. 271-274 applied (with modifications) (18.7.2001) by S.I. 2001/2870, art. 25, **Sch. 4**
Ss. 271-274 applied (24.7.2001) by S.I. 2001/3627, arts. 63, 64, Sch. 11 paras. 1, 2, **Sch. 12 para. 5(3)**
Ss. 271-274 applied (with modifications) (9.11.2001) by S.I. 2001/3682, art. 33, **Sch. 9 para. 1**

C1229 Ss. 271-274 applied (with modifications) (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), art. 35, **Sch. 5 para. 1** (with art. 38)
Ss. 271-274 applied (with modifications) (30.4.2002) by The Heathrow Express Railway Extension Order 2002 (S.I. 2002/1064), art. 28, **Sch. 3 para. 1**
Ss. 271-274 applied (with modifications) (30.4.2002) by The Piccadilly Line (Heathrow T5 Extension) Order 2002 (S.I. 2002/1065), art. 24, **Sch. 6 para. 1-6**
Ss. 271-274 applied (with modifications) (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), arts. 9, 10, 31, 36, **Sch. 10 para. 1**
Ss. 271-274 applied (with modifications) (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), arts. 9, 10, 26, 29, **Sch. 5 para. 1**
Ss. 271-274 applied (with modifications) (28.4.2003) by The Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), art. 41, **Sch. 12 para. 1** (with art. 40)
Ss. 271-274 applied (25.7.2003 for specified purposes and 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 118, 411, **Sch. 4 para. 3(5)(6)(c)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)
Ss. 271-274 applied (12.1.2004) by The Alconbury Airfield (Rail Facilities and Connection to East Coast Main Line) Order 2003 (S.I. 2003/3364), arts. 7, 8, 25, **Sch. 6 para. 1**
S. 274 applied (with modifications) (4.3.2004) by The Network Rail (West Coast Main Line) Order 2004 (S.I. 2004/389), art. 39, **Sch. 12 para. 1**, Sch. 13 para. 42 (with art. 38)

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Ss. 271-274 applied (with modifications) (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 10, 35, 41, **Sch. 12 para. 1**, Sch. 16 para. 2

Ss. 271-274 applied (with modifications) (19.11.2004) by The Scarweather Sands Offshore Wind Farm Order 2004 (S.I. 2004/3054), art. 30, **Sch. 4 para. 1** (with art. 38)

C1230 Ss. 271-274 applied (with modifications) (28.1.2005) by The East Midlands Parkway Station (Land Acquisition) Order 2005 (S.I. 2005/8), art. 13, **Sch. 2**

Ss. 271-274 applied (with modifications) (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 11, 40, 64, **Sch. 11 para. 1** (with arts. 65, 66, Sch. 12 para. 2)

Ss. 271-274 applied (with modifications) (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), art. 49, **Sch. 10 para. 1** (with art. 51)

Ss. 271-274 applied (with modifications) (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), art. 26, **Sch. 7 para. 1(1)** (with art. 30)

Ss. 271-274 applied (with modifications) (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), art. 45, **Sch. 7 para. 1(1)** (with art. 47)

Ss. 271-274 applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 8, 9, 30, 48, **Sch. 10 para. 1** (with art. 50)

Ss. 271-274 applied (with modifications) (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), arts. 5, 7, 47, **Sch. 11 para. 1** (with arts. 45(1), 48, Sch. 10 para. 21, 29)

Ss. 271-274 applied (with modifications) (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 39, 40, 44, **Sch. 9 para. 1**, Sch. 10 para. 3(2), Sch. 14 para. 3(5) (with arts. 3(5), 15(3))

Ss. 271-274 applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 8, 10, 32, 50, 51, **Sch. 10 para. 1**, Sch. 11 para. 20(4) (with art. 52)

Ss. 271-274 applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), arts. 7, 8, 44, **Sch. 8 para. 1** (with art. 40, Sch. 7 para. 12)

Ss. 271-274 applied (with modifications) (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 10, 31, 36, 40, **Sch. 11 para. 1**, **Sch. 15 para. 2** (with art. 43)

Ss. 271-274 applied (with modifications) (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), art. 46, **Sch. 9 para. 1(1)** (with arts. 34, 35(2))

Ss. 271-274 applied (with modifications) (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), art. 46, **Sch. 10 para. 1**

C1231 Ss. 271-274 applied (with modifications) (21.5.2008) by The Teesport (Land Acquisition) Order 2008 (S.I. 2008/1238), art. 10, **Sch. 2**

C1232 Ss. 271-274 applied (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), art. 64, **Sch. 11 para. 1**

C1233 Ss. 271-274 applied (with modifications) (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), art. 45, **Sch. 9 para. 1** (with art. 36(3))

C1234 Ss. 271-274 applied (with modifications) (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 11, 41, 67, **Sch. 11 para. 1** (with Sch. 12 para. 2)

C1235 Ss. 271-274 applied (with modifications) (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 8, 29, 31, **Sch. 8 para. 1**

C1236 Ss. 271-274 applied (with modifications) (28.10.2009) byThe Network Rail (Reading) (Land Acquisition) Order 2009 (S.I. 2009/2728), art. 18, **Sch. 6**

C1237 Ss. 271-274 applied (with modifications) (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), art. 30, **Sch. 8 para. 1**

C1238 S. 274 applied (with modifications) by 1980 c. 66, Sch. 5 Pt. 2 para. 1 (as amended (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 65(3)(a)**; S.I. 2015/481, reg. 2(a))

C1239 Ss. 271-274 applied (with modifications) (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), **arts. 1**, 42(4)(5)

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C1240 Ss. 271-274 restricted (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **Sch. 16 Pt. 5 para. 4**(3

C1241 S. 274(2)(3) applied (with modifications) by 1980 c. 66, Sch. 5 Pt. 1 para. 3 (as amended (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 65(2)**; S.I. 2015/481, reg. 2(a))

C1242 S. 274(2)(3) applied (with modifications) by 1980 c. 66, Sch. 5 Pt. 2 para. 3 (as amended (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 65(3)(b)**; S.I. 2015/481, reg. 2(a))

C1243 S. 274(3) modified (18.12.1996) by 1996 c. 61, **s. 8(5)(a)**

C1244 S. 274(3) modified (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 9(4)(5)(a)**

C1245 S. 274(3) modified (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 13(4)(a)**, 70(1)

C1246 S. 274(3) modified (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 11(3)**(4), 64(1)

C1247 S. 274(5) modified (18.12.1996) by 1996 c. 61, **s. 8(5)(b)**

C1248 S. 274(5) modified (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 9(4)(5)(b)**

C1249 S. 274(5) modified (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 13(4)(b)**, 70(1)

C1250 S. 274(5) modified (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 11(3)**(4), 64(1)

C1251 S. 274(6): transfer of functions (13.4.2011) by Transfer of Functions (Media and Telecommunications etc.) Order 2011 (S.I. 2011/741), arts. 1(2), 3, **Sch. 1** (with art. 5)

Extension or modification of statutory undertakers' functions

275 Extension or modification of functions of statutory undertakers.

(1) The powers conferred by this section shall be exercisable where, on a representation made by statutory undertakers, it appears to the Secretary of State and the appropriate Minister to be expedient that the powers and duties of those undertakers should be extended or modified, in order—

(a) to secure the provision of services which would not otherwise be provided, or satisfactorily provided, for any purpose in connection with which a local authority or Minister may be authorised under Part IX of this Act or under Chapter V of Part I of the [M144]Planning (Listed Buildings and Conservation Areas) Act 1990 **[**[F1215]or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023**]** to acquire land or in connection with which any such person may compulsorily acquire land under any other enactment; or

(b) to facilitate an adjustment of the carrying on of the undertaking necessitated by any of the acts and events mentioned in subsection (2).

(2) The said acts and events are—

(a) the acquisition under Part IX of this Act or **[**[F1216]either of those Chapters**]** or compulsorily under any other enactment of any land in which an interest was held, or which was used, for the purpose of the carrying on of the undertaking of the statutory undertakers in question;

(b) the extinguishment of a right or the imposition of any requirement by virtue of section 271 or 272;

(c) a decision on an application made by the statutory undertakers for planning permission to develop any such land as is mentioned in paragraph (a);

(d) the revocation or modification of planning permission granted on any such application;

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(e) the making of an order under section 102 or paragraph 1 of Schedule 9 in relation to any such land.

(3) The powers conferred by this section shall also be exercisable where, on a representation made by a local authority or Minister, it appears to the Secretary of State and the appropriate Minister to be expedient that the powers and duties of statutory undertakers should be extended or modified in order to secure the provision of new services, or the extension of existing services, for any purpose in connection with which the local authority or Minister making the representation may be authorised under Part IX of this Act or under Chapter V of Part I of the Planning (Listed Buildings and Conservation Areas) Act 1990 **[**[F1217]or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023**]** to acquire land or in connection with which the local authority or Minister may compulsorily acquire land under any other enactment.

(4) Where the powers conferred by this section are exercisable, the Secretary of State and the appropriate Minister may, if they think fit, by order provide for such extension or modification of the powers and duties of the statutory undertakers as appears to them to be requisite in order—

(a) to secure the services in question, as mentioned in subsection (1)(a) or (3), or

(b) to secure the adjustment in question, as mentioned in subsection (1)(b),

as the case may be.

(5) Without prejudice to the generality of subsection (4), an order under this section may make provision—

(a) for empowering the statutory undertakers—

(i) to acquire (whether compulsorily or by agreement) any land specified in the order, and

(ii) to erect or construct any buildings or works so specified;

(b) for applying in relation to the acquisition of any such land or the construction of any such works enactments relating to the acquisition of land and the construction of works;

(c) where it has been represented that the making of the order is expedient for the purposes mentioned in subsection (1)(a) or (3), for giving effect to such financial arrangements between the local authority or Minister and the statutory undertakers as they may agree, or as, in default of agreement, may be determined to be equitable in such manner and by such tribunal as may be specified in the order;

(d) for such incidental and supplemental matters as appear to the Secretary of State and the appropriate Minister to be expedient for the purposes of the order.

Textual Amendments

F1215 Words in s. 275(1)(a) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 85(a)** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

F1216 Words in s. 275(2)(a) substituted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 85(b)** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

F1217 Words in s. 275(3) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 85(c)** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

Modifications etc. (not altering text)

C1252 S. 275 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 2(3)(b)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

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Ss. 275-278, 279(2)-(4), 280, 282 modified (3.6.1999) by S.I. 1999/1555, art. 11, **Sch. 2 para. 1**
Ss. 275-278, 279(2)-(4), 280, 282 modified (21.7.1999) by S.I. 1999/2129, art. 20, **Sch. 3 para. 1**
Ss. 275-278, 279(2)-(4), 280, 282 modified (20.8.1999) by S.I. 1999/2336, art. 25, **Sch. 6 para. 1**
Ss. 275-278, 279(2)-(4), 280, 282 modified (23.8.1999) by S.I. 1999/2981, art. 29, **Sch. 11 para. 1**
Ss. 275-278 applied (with modifications) (18.7.2001) by S.I. 2001/2870, art. 25, **Sch. 4**
Ss. 275-278 applied (24.7.2001) by S.I. 2001/3627, arts. 63, 64, Sch. 11 paras. 1, 2, **Sch. 12 para. 5(3)**.

C1253 Ss. 275-278 modified (16.12.2015) by The Network Rail (Tinsley Chord) Order 2015 (S.I. 2015/1876), art. 1, **Sch. 7 paras. 2-5**

C1254 Ss. 275-278 applied (with modifications) (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), art. 1, **Sch. 11 para. 1** (with art. 32(2), Sch. 11 para. 3)

C1255 Ss. 275-278 applied (with modifications) (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), art. 1, **Sch. 6 para. 1** (with arts. 55-57, Sch. 8 para. 13)

C1256 Ss. 275-278 applied (with modifications) (2.8.2022) by The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) (No. 2) Order 2022 (S.I. 2022/872), art. 1(1), **Sch. 4**

Marginal Citations

M144 1990 c.9.

276 Procedure in relation to orders under s. 275.

(1) As soon as possible after making such a representation as is mentioned in subsection (1) or subsection (3) of section 275 the statutory undertakers, the local authority or Minister making the representation shall—

(a) publish notice of the representation; and

(b) if the Secretary of State and the appropriate Minister so direct, serve a similar notice on such persons, or persons of such classes, as they may direct.

(2) A notice under subsection (1)—

(a) shall be published in such form and manner as the Secretary of State and the appropriate Minister may direct;

(b) shall give such particulars as they may direct of the matters to which the representation relates; and

(c) shall specify the time within which, and the manner in which, objections to the making of an order on the representation may be made.

(3) Orders under section 275 shall be subject to special parliamentary procedure.

Modifications etc. (not altering text)

C1253 Ss. 275-278 modified (16.12.2015) by The Network Rail (Tinsley Chord) Order 2015 (S.I. 2015/1876), art. 1, **Sch. 7 paras. 2-5**

C1254 Ss. 275-278 applied (with modifications) (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), art. 1, **Sch. 11 para. 1** (with art. 32(2), Sch. 11 para. 3)

C1255 Ss. 275-278 applied (with modifications) (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), art. 1, **Sch. 6 para. 1** (with arts. 55-57, Sch. 8 para. 13)

C1256 Ss. 275-278 applied (with modifications) (2.8.2022) by The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) (No. 2) Order 2022 (S.I. 2022/872), art. 1(1), **Sch. 4**

C1257 S. 276 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 2(3)(b)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
Ss. 275-278, 279(2)-(4), 280, 282 modified (3.6.1999) by S.I. 1999/1555, art. 11, **Sch. 2 para. 1**
Ss. 275-278, 279(2)-(4), 280, 282 modified (21.7.1999) by S.I. 1999/2129, art. 20, **Sch. 3 para. 1**
Ss. 275-278, 279(2)-(4), 280, 282 modified (20.8.1999) by S.I. 1999/2336, art. 25, **Sch. 6 para. 1**

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Ss. 275-278, 279(2)-(4), 280, 282 modified (23.8.1999) by S.I. 1999/2981, art. 29, **Sch. 11 para. 1**
Ss. 275-278 applied (with modifications) (18.7.2001) by S.I. 2001/2870, art. 25, **Sch. 4**
Ss. 275-278 applied (24.7.2001) by S.I. 2001/3627, arts. 63, 64, Sch. 11 paras. 1, 2, **Sch. 12 para. 5(3)**

277 Relief of statutory undertakers from obligations rendered impracticable.

(1) Where, on a representation made by statutory undertakers, the appropriate Minister is satisfied that the fulfilment of any obligation incurred by those undertakers in connection with the carrying on of their undertaking has been rendered impracticable by an act or event to which this subsection applies, the appropriate Minister may, if he thinks fit, by order direct that the statutory undertakers shall be relieved of the fulfilment of that obligation, either absolutely or to such extent as may be specified in the order.

(2) Subsection (1) applies to the following acts and events—

(a) the compulsory acquisition under Part IX of this Act or under Chapter V of Part I of the [M145]Planning (Listed Buildings and Conservation Areas) Act 1990 **[**[F1218]or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023**]** or under any other enactment of any land in which an interest was held, or which was used, for the purpose of the carrying on of the undertaking of the statutory undertakers; and

(b) the acts and events specified in section 275(2)(b) to (e).

(3) The appropriate Minister may direct statutory undertakers who have made a representation to him under subsection (1) to publicise it in either or both of the following ways—

(a) by publishing in such form and manner as he may direct a notice, giving such particulars as he may direct of the matters to which the representation relates and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made;

(b) by serving such a notice on such persons, or persons of such classes, as he may direct.

(4) The statutory undertakers shall comply with any direction given to them under subsection (3) as soon as possible after the making of the representation under subsection (1).

(5) If any objection to the making of an order under this section is duly made and is not withdrawn before the order is made, the order shall be subject to special parliamentary procedure.

(6) Immediately after an order is made under this section by the appropriate Minister, he shall—

(a) publish a notice stating that the order has been made and naming a place where a copy of it may be seen at all reasonable hours; and

(b) serve a similar notice—

(i) on any person who duly made an objection to the order and has sent to the appropriate Minister a request in writing to serve him with the notice required by this subsection, specifying an address for service; and

(ii) on such other persons (if any) as the appropriate Minister thinks fit.

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(7) Subject to subsection (8), and to the provisions of Part XII, an order under this section shall become operative on the date on which the notice required by subsection (6) is first published.

(8) Where in accordance with subsection (5) the order is subject to special parliamentary procedure, subsection (7) shall not apply.

Textual Amendments

F1218 Words in s. 277(2)(a) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 86** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

Modifications etc. (not altering text)

C1253 Ss. 275-278 modified (16.12.2015) by The Network Rail (Tinsley Chord) Order 2015 (S.I. 2015/1876), art. 1, **Sch. 7 paras. 2-5**

C1254 Ss. 275-278 applied (with modifications) (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), art. 1, **Sch. 11 para. 1** (with art. 32(2), Sch. 11 para. 3)

C1255 Ss. 275-278 applied (with modifications) (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), art. 1, **Sch. 6 para. 1** (with arts. 55-57, Sch. 8 para. 13)

C1256 Ss. 275-278 applied (with modifications) (2.8.2022) by The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) (No. 2) Order 2022 (S.I. 2022/872), art. 1(1), **Sch. 4**

C1258 Ss. 275-278, 279(2)-(4), 280, 282 modified (3.6.1999) by S.I. 1999/1555, art. 11, **Sch. 2 para. 1**
Ss. 275-278, 279(2)-(4), 280, 282, modified (21.7.1999) by S.I. 1999/2129, art. 20, **Sch. 3 para. 1**
Ss. 275-278, 279(2)-(4), 280, 282, modified (20.8.1999) by S.I. 1999/2336, art. 25, **Sch. 6 para. 1**
Ss. 275-278, 279(2)-(4), 280, 282 modified (23.8.1999) by S.I. 1999/2981, art. 29, **Sch. 11 para. 1**
Ss. 275-278 applied (with modifications) (18.7.2001) by S.I. 2001/2870, art. 25, **Sch. 4**
Ss. 275-278 applied (24.7.2001) by S.I. 2001/3627, arts. 63, 64, Sch. 11 paras. 1, 2, **Sch. 12 para. 5(3)**

Marginal Citations

M145 1990 c. 9.

278 Objections to orders under ss. 275 and 277.

(1) For the purposes of sections 275 to 277, an objection to the making of an order shall not be treated as duly made unless—

(a) the objection is made within the time and in the manner specified in the notice required by section 276 or, as the case may be, section 277; and

(b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.

(2) Where an objection to the making of such an order is duly made in accordance with subsection (1) and is not withdrawn, the following provisions of this section shall have effect in relation to it.

(3) Unless the appropriate Minister decides without regard to the objection not to make the order, or decides to make a modification which is agreed to by the objector as meeting the objection, before he makes a final decision he—

(a) shall consider the grounds of the objection as set out in the statement; and

(b) may, if he thinks fit, require the objector to submit within a specified period a further statement in writing as to any of the matters to which the objection relates.

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(4) In so far as the appropriate Minister, after considering the grounds of the objection as set out in the original statement and in any such further statement, is satisfied that the objection relates to a matter which can be dealt with in the assessment of compensation, the appropriate Minister may treat the objection as irrelevant for the purpose of making a final decision.

(5) If—

(a) after considering the grounds of the objection as so set out, the appropriate Minister is satisfied that, for the purpose of making a final decision, he is sufficiently informed as to the matters to which the objection relates; or

(b) in a case where a further statement has been required, it is not submitted within the specified period,

the appropriate Minister may make a final decision without further investigation as to those matters.

(6) Subject to subsections (4) and (5), before making a final decision the appropriate Minister shall give the objector an opportunity of appearing before, and being heard by, a person appointed for the purpose by the appropriate Minister.

(7) If the objector takes that opportunity, the appropriate Minister shall give an opportunity of appearing and being heard on the same occasion to the statutory undertakers, local authority or Minister on whose representation the order is proposed to be made, and to any other persons to whom it appears to him to be expedient to give such an opportunity.

(8) Notwithstanding anything in the previous provisions of this section, if it appears to the appropriate Minister that the matters to which the objection relates are such as to require investigation by public local inquiry before he makes a final decision, he shall cause such an inquiry to be held.

(9) Where the appropriate Minister determines to cause such an inquiry to be held, any of the requirements of subsections (3) to (7) to which effect has not been given at the time of that determination shall be dispensed with.

(10) In this section any reference to making a final decision in relation to an order is a reference to deciding whether to make the order or what modification (if any) ought to be made.

(11) In the application of this section to an order under section 275, any reference to the appropriate Minister shall be construed as a reference to the Secretary of State and the appropriate Minister.

Modifications etc. (not altering text)

C1253 Ss. 275-278 modified (16.12.2015) by The Network Rail (Tinsley Chord) Order 2015 (S.I. 2015/1876), art. 1, **Sch. 7 paras. 2-5**

C1254 Ss. 275-278 applied (with modifications) (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), art. 1, **Sch. 11 para. 1** (with art. 32(2), Sch. 11 para. 3)

C1255 Ss. 275-278 applied (with modifications) (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), art. 1, **Sch. 6 para. 1** (with arts. 55-57, Sch. 8 para. 13)

C1256 Ss. 275-278 applied (with modifications) (2.8.2022) by The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) (No. 2) Order 2022 (S.I. 2022/872), art. 1(1), **Sch. 4**

C1259 Ss. 275-278, 279(2)-(4), 280, 282 modified (3.6.1999) by S.I. 1999/1555, art. 11, **Sch. 2 para. 1**
Ss. 275-278, 279(2)-(4), 280, 282 modified (21.7.1999) by S.I. 1999/2129, art. 20, **Sch. 3 para. 1**

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Ss. 275-278, 279(2)-(4), 280, 282 modified (20.8.1999) by S.I. 1999/2336, art. 25, **Sch. 6 para. 1**
Ss. 275-278, 279(2)-(4), 280, 282 modified (23.8.1999) by S.I. 1999/2981, art. 29, **Sch. 11 para. 1**
Ss. 275-278 applied (with modifications) (18.7.2001) by S.I. 2001/2870, art. 25, **Sch. 4**
Ss. 275-278 applied (24.7.2001) by S.I. 2001/3627, arts. 63, 64, Sch. 11 paras. 1, 2, **Sch. 12 para. 5(3)**
C1260 S. 278 modified (29.7.2021) by Space Industry Act 2018 (c. 5), s. 70(1), **Sch. 9 para. 7(2)(a)**; S.I. 2021/817, reg. 2, Sch. para. 113 (with reg. 3)

Compensation

279 Right to compensation in respect of certain decisions and orders.

(1) Statutory undertakers shall, subject to the following provisions of this Part, be entitled to compensation from the local planning authority—

(a) in respect of any decision made in accordance with section 266 by which planning permission to develop operational land of those undertakers is refused or is granted subject to conditions where—

(i) planning permission for that development would have been granted by a development order **[**F1219or a local development order**]** but for a direction given under such an order that planning permission so granted should not apply to the development; and

(ii) it is not development which has received specific parliamentary approval (within the meaning of section 264(6));

(b) in respect of any order under section 97, as modified by section 269, by which planning permission which was granted on the application of those undertakers for the development of any such land is revoked or modified.

(2) Where by virtue of section 271—

(a) any right vested in or belonging to statutory undertakers is extinguished; or

(b) any requirement is imposed on statutory undertakers,

those undertakers shall be entitled to compensation from the acquiring or appropriating authority at whose instance the right was extinguished or the requirement imposed.

(3) Where by virtue of section 272—

(a) any right vested in or belonging to an operator of **[**F1220an electronic communications code network**]** is extinguished; or

(b) any requirement is imposed on such an operator,

the operator shall be entitled to compensation from the acquiring or appropriating authority at whose instance the right was extinguished or the requirement imposed.

(4) Where—

(a) works are carried out for the removal or re-siting of statutory undertakers' apparatus; and

(b) the undertakers have the right to carry out those works by virtue of section 273 or an order of Ministers under that section,

the undertakers shall be entitled to compensation from the acquiring or appropriating authority.

(5) Subsection (1) shall not apply in respect of a decision or order if—

(a) it relates to land acquired by the statutory undertakers after 7th January 1947; and

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(b) the Secretary of State and the appropriate Minister include in the decision or order a direction that subsection (1) shall not apply to it.

(6) The Secretary of State and the appropriate Minister may only give a direction under subsection (5) if they are satisfied, having regard to the nature, situation and existing development of the land and of any neighbouring land, and to any other material considerations, that it is unreasonable that compensation should be recovered in respect of the decision or order in question.

(7) For the purposes of this section the conditions referred to in sections 91 and 92 shall be disregarded.

Textual Amendments

F1219 Words in s. 279(1)(a)(i) inserted (6.8.2004 for specified purposes, 10.5.2006 for E. so far as not already in force, 30.4.2012 for W. so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 40(2)(l)** (with s. 111); S.I. 2004/2097, art. 2; S.I. 2006/1061, art. 2(a); S.I. 2012/1100, art. 2

F1220 Words in s. 279(3) substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(h)(2)(b)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

Modifications etc. (not altering text)

C1261 S. 279(1) applied (29.7.2021) by Space Industry Act 2018 (c. 5), **ss. 47(3)(a)**, 70(1); S.I. 2021/817, reg. 2, Sch. para. 84 (with reg. 3)

C1262 S. 279(2)-(4) modified (18.12.1996) by 1996 c. 61, **s. 8(5)(b)**
Ss. 275-278, 279(2)-(4), 280, 282 modified (3.6.1999) by S.I. 1999/1555, art. 11, **Sch. 2 para. 1**
Ss. 275-278, 279(2)-(4), 280, 282 modified (21.7.1999) by S.I. 1999/2129, art. 20, **Sch. 3 para. 1**
Ss. 275-278, 279(2)-(4), 280, 282 modified (20.8.1999) by S.I. 1999/2336, art. 25, **Sch. 6 para. 1**
Ss. 275-278, 279(2)-(4), 280, 282 modified (23.8.1999) by S.I. 1999/2981, art. 29, **Sch. 11 para. 1**

C1263 Ss. 279(2)-(4), 280, 282 applied (with modifications) (18.7.2001) by S.I. 2001/2870, art. 25, **Sch. 4**
Ss. 279(2)-(4), 280, 282 applied (24.7.2001) by S.I. 2001/3627, arts. 63, 64, Sch. 11 paras. 1, 2, **Sch. 12 para. 5(3)**

C1264 S. 279(2)-(4) applied (with modifications) (14.3.2002) by S.I. 2002/412, art. 35, **Sch. 5 para. 1** (with art. 38)

C1265 S. 279(2)-(4) modified (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 9(4)(5)(b)**

C1266 S. 279(2)-(4) applied (with modifications) by 1980 c. 66, Sch. 5 Pt. 2 para. 1 (as amended (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 65(3)(a)**; S.I. 2015/481, reg. 2(a))

C1267 S. 279(2)-(4) modified (16.12.2015) by The Network Rail (Tinsley Chord) Order 2015 (S.I. 2015/1876), art. 1, **Sch. 7 paras. 2-5**

C1268 S. 279(2)-(4) modified (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 13(4)(b)**, 70(1)

C1269 S. 279(2)-(4) applied (with modifications) (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), art. 1, **Sch. 11 para. 1** (with art. 32(2), Sch. 11 para. 3)

C1270 S. 279(2)-(4) applied (with modifications) (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), art. 1, **Sch. 6 para. 1** (with arts. 55-57, Sch. 8 para. 13)

C1271 S. 279(2)-(4) modified (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 11(3)**(4), 64(1)

C1272 S. 279(2)-(4) applied (with modifications) (2.8.2022) by The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) (No. 2) Order 2022 (S.I. 2022/872), art. 1(1), **Sch. 4**

C1273 S. 279(2)-(4) applied (with modifications) (2.8.2022) by The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) Order 2022 (S.I. 2022/871), art. 1, Sch. 4 paras. 1, **2** (with Sch. 4 para. 5)

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C1274S. 279(2)-(4) modified (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 9(4)(5)(b)**
C1275S. 279(2)-(4) modified (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 9(4)(5)(b)**

280 Measure of compensation to statutory undertakers, etc.

(1) Where statutory undertakers are entitled to compensation—

(a) as mentioned in subsection (1), (2) or (4) of section 279;

(b) under the provisions of section 115 in respect of an order made under section 102 or paragraph 1, 3, 5 or 6 of Schedule 9, as modified by section 270; or

(c) in respect of a compulsory acquisition of land which has been acquired by those undertakers for the purposes of their undertaking, where the first-mentioned acquisition is effected under a compulsory purchase order confirmed or made without the appropriate Minister's certificate,

or the operator of **[**F1221an electronic communications code network**]** is entitled to compensation as mentioned in section 279(3), the amount of the compensation shall (subject to section 281) be an amount calculated in accordance with this section.

(2) Subject to subsections (4) to (6), that amount shall be the aggregate of—

(a) the amount of any expenditure reasonably incurred in acquiring land, providing apparatus, erecting buildings or doing work for the purpose of any adjustment of the carrying on of the undertaking or, as the case may be, **[**F1222the provision of the electronic communications code network**]** rendered necessary by the proceeding giving rise to compensation (a "business adjustment");

(b) the appropriate amount for loss of profits; and

(c) where the compensation is under section 279(2) or (3), and is in respect of the imposition of a requirement to remove apparatus, the amount of any expenditure reasonably incurred by the statutory undertakers or, as the case may be, the operator in complying with the requirement, reduced by the value after removal of the apparatus removed.

(3) In subsection (2) "the appropriate amount for loss of profits" means—

(a) where a business adjustment is made, the aggregate of—

(i) the estimated amount of any decrease in net receipts from the carrying on of the undertaking or, as the case may be, **[**F1222the provision of the electronic communications code network**]** pending the adjustment, in so far as the decrease is directly attributable to the proceeding giving rise to compensation; and

(ii) such amount as appears reasonable compensation for any estimated decrease in net receipts from the carrying on of the undertaking or, as the case may be, **[**F1222the provision of the electronic communications code network**]** in the period after the adjustment has been completed, in so far as the decrease is directly attributable to the adjustment;

(b) where no business adjustment is made, such amount as appears reasonable compensation for any estimated decrease in net receipts from the carrying on of the undertaking or, as the case may be, **[**F1222the provision of the electronic communications code network**]** which is directly attributable to the proceeding giving rise to compensation.

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(4) Where a business adjustment is made, the aggregate amount mentioned in subsection (2) shall be reduced by such amount (if any) as appears to the **[**F1223Upper Tribunal**]** to be appropriate to offset—

(a) the estimated value of any property (whether moveable or immoveable) belonging to the statutory undertakers or the operator and used for the carrying on of their undertaking or, as the case may be, **[**F1222the provision of the electronic communications code network**]** which in consequence of the adjustment ceases to be so used, in so far as the value of the property has not been taken into account under paragraph (c) of that subsection; and

(b) the estimated amount of any increase in net receipts from the carrying on of the undertaking or **[**F1222the provision of the electronic communications code network**]** in the period after the adjustment has been completed, in so far as that amount has not been taken into account in determining the amount mentioned in paragraph (b) of that subsection and is directly attributable to the adjustment.

(5) Where a business adjustment is made the aggregate amount mentioned in subsection (2) shall be further reduced by any amount which appears to the **[**F1223Upper Tribunal**]** to be appropriate, having regard to any increase in the capital value of immoveable property belonging to the statutory undertakers or the operator which is directly attributable to the adjustment, allowance being made for any reduction made under subsection (4)(b).

(6) Where—

(a) the compensation is under section 279(4); and

(b) the acquiring or appropriating authority carry out the works,

then, in addition to any reduction falling to be made under subsection (4) or (5), the aggregate amount mentioned in subsection (2) shall be reduced by the actual cost to the authority of carrying out the works.

(7) References in this section to a decrease in net receipts shall be construed as references—

(a) to the amount by which a balance of receipts over expenditure is decreased;

(b) to the amount by which a balance of expenditure over receipts is increased; or

(c) where a balance of receipts over expenditure is converted into a balance of expenditure over receipts, to the aggregate of the two balances;

and references to an increase in net receipts shall be construed accordingly.

(8) In this section—

"proceeding giving rise to compensation" means—

(a) except in relation to compensation under section 279(4), the particular action (that is to say, the decision, order, extinguishment of a right, imposition of a requirement or acquisition) in respect of which compensation falls to be assessed, as distinct from any development or project in connection with which that action may have been taken;

(b) in relation to compensation under section 279(4), the circumstances making it necessary for the apparatus in question to be removed or re-sited;

"the appropriate Minister's certificate" means such a certificate as is mentioned in section 16 of or paragraph 3 of Schedule 3 to the M146Acquisition of Land Act 1981.

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Textual Amendments

F1221 Words in s. 280 substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 104(a)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

F1222 Words in s. 280 substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 104(b)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

F1223 Words in s. 280(4)(5) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 210**

Modifications etc. (not altering text)

C1276 S. 280 applied (10.11.1993) by 1993 c. 28, s. 169, **Sch. 20 Pt. II para. 12(6)**; S.I. 1993/2762, **art. 3**
S. 280 applied (10.11.1993) by 1993 c. 28, s. 169, **Sch. 20 Pt. II para. 14(8)**; S.I. 1993/2762, **art. 3**
S. 280 applied (1.10.1998) by 1975 c. 70, Sch. 4 Pt. III para. 11(7), **13(9)** (as inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**)
S. 280 applied (25.11.1998 for specified purposes and otherwise 3.7.2000) by 1998 c. 45, s. 23, Sch. 6 paras. 9(6), **11(8)**; S.I. 1998/2952, **art. 2(2)**; S.I. 2000/1173, 2(2)(c)
Ss. 275-278, 279(2)-(4), 280, 282 modified (3.6.1999) by S.I. 1999/1555, art. 11, **Sch. 2 para. 1**
Ss. 275-278, 279(2)-(4), 280, 282 modified (21.7.1999) by S.I. 1999/2129, art. 20, **Sch. 3 para. 1**
Ss. 275-278, 279(2)-(4), 280, 282 modified (20.8.1999) by S.I. 1999/2336, art. 25, **Sch. 6 para. 1**
Ss. 275-278, 279(2)-(4), 280, 282 modified (23.8.1999) by S.I. 1999/2981, art. 29, **Sch. 11 para. 1**
Ss. 279(2)-(4), 280, 282 applied (with modifications) (18.7.2001) by S.I. 2001/2870, art. 25, **Sch. 4**
Ss. 279(2)-(4), 280, 282 applied (24.7.2001) by S.I. 2001/3627, arts. 63, 64, Sch. 11 paras. 1, 2, **Sch. 12 para. 5(3)**

C1277 S. 280 applied (with modifications) (14.3.2002) by S.I. 2002/412, art. 35, **Sch. 5 para. 1** (with art. 38)

C1278 S. 280 applied (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 12, 325, **Sch. 4 para. 7(2)**; S.I. 2008/3068, **art. 2(g)** (with savings and transitional provisions in arts. 6-13)

C1279 S. 280 applied (with modifications) (1.10.2011) by The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (S.I. 2011/2055), regs. 1, **66**

C1280 S. 280 applied (with modifications) by 1980 c. 66, Sch. 5 Pt. 2 para. 1 (as amended (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 65(3)(a)**; S.I. 2015/481, reg. 2(a))

C1281 S. 280 modified (16.12.2015) by The Network Rail (Tinsley Chord) Order 2015 (S.I. 2015/1876), art. 1, **Sch. 7 paras. 2-5**

C1282 S. 280 applied (with modifications) (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), art. 1, **Sch. 11 para. 1** (with art. 32(2), Sch. 11 para. 3)

C1283 S. 280 applied (with modifications) (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), art. 1, **Sch. 6 para. 1** (with arts. 55-57, Sch. 8 para. 13)

C1284 S. 280 applied (with modifications) (29.7.2021) by Space Industry Act 2018 (c. 5), s. 70(1), Sch. 9 para. 3(1)(a), **(2)**; S.I. 2021/817, reg. 2, Sch. para. 113 (with reg. 3)

C1285 S. 280 applied (with modifications) (2.8.2022) by The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) (No. 2) Order 2022 (S.I. 2022/872), art. 1(1), **Sch. 4**

C1286 S. 280 applied (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 12, 325, **Sch. 4 para. 14(2)**; S.I. 2008/3068, **art. 2(g)** (with savings and transitional provisions in arts. 6-13)

C1287 S. 280(6) modified (18.12.1996) by 1996 c. 61, **s. 8(5)**

C1288 S. 280(6) modified (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 9(4)(5)(b)**

C1289 S. 280(6) modified (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 11(3)**(4), 64(1)

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Marginal Citations

M146 1981 c. 67.

281 Exclusion of s. 280 at option of statutory undertakers.

(1) Where statutory undertakers are entitled to compensation in respect of such a compulsory acquisition as is mentioned in section 280(1)(c), the statutory undertakers may by notice in writing under this section elect that the compensation shall be ascertained in accordance with the enactments (other than rule (5) of the rules set out in section 5 of the [M147]Land Compensation Act 1961) which would be applicable apart from section 280.

(2) If the statutory undertakers so elect the compensation shall be ascertained accordingly.

(3) An election under this section may be made either in respect of the whole of the land comprised in the compulsory acquisition in question or in respect of part of that land.

(4) Any notice under this section shall be given to the acquiring authority before the end of the period of two months from the date of service of notice to treat in respect of the interest of the statutory undertakers.

Marginal Citations

M147 1961 c. 33.

282 Procedure for assessing compensation.

(1) Where the amount of any such compensation as is mentioned in subsection (1) of section 280 falls to be ascertained in accordance with the provisions of that section, the compensation shall, in default of agreement, be assessed by the **[**[F1224]Upper Tribunal**]**, if apart from this section it would not fall to be so assessed.

(2) For the purposes of any proceedings arising before the **[**[F1224]Upper Tribunal**]** in respect of compensation falling to be ascertained as mentioned in subsection (1), the provisions of **[**[F1225]section**]** 4 of the [M148]Land Compensation Act 1961 shall apply as they apply to proceedings on a question referred to the Tribunal under section 1 of that Act, but with the substitution in **[**[F1226]section 4**]**, for references to the acquiring authority, of references to the person from whom the compensation is claimed.

Textual Amendments

F1224 Words in s. 282(1)(2) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 211(a)**

F1225 Word in s. 282(2) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 211(b)**

F1226 Words in s. 282(2) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 211(b)**

Modifications etc. (not altering text)

C1290 S. 282 applied (10.11.1993) by 1993 c. 28, s. 169, **Sch. 20 Pt. II para. 12(6)**; S.I. 1993/2762, **art. 3**
S. 282 applied (10.11.1993) by 1993 c. 28, s. 169, **Sch. 20 Pt. II para. 14(8)**; S.I. 1993/2762, **art. 3**

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S. 282 applied (1.10.1998) by 1975 c. 70, Sch. 4 Pt. III para. 11(7), **13(9)** (as inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**)
S. 282 applied (25.11.1998 for specified purposes and otherwise 3.7.2000) by 1998 c. 45, s. 23, Sch. 6 paras. 9(9), **11(8)**; S.I. 1998/2952, **art. 2(2)**; S.I. 2000/1173, **art. 2(2)(c)**
Ss. 275-278, 279(2)-(4), 280, 282 modified (3.6.1999) by S.I. 1999/1555, art. 11, **Sch. 2 para. 1**
Ss. 275-278, 279(2)-(4), 280, 282 modified (21.7.1999) by S.I. 1999/2129, art. 20, **Sch. 3 para. 1**
Ss. 275-278, 279(2)-(4), 280, 282 modified (20.8.1999) by S.I. 1999/2336, art. 25, **Sch. 6 para. 1**
Ss. 275-278, 279(2)-(4), 280, 282 modified (23.8.1999) by S.I. 1999/2981, art. 29, **Sch. 11 para. 1**
Ss. 279(2)-(4), 280, 282 applied (with modifications) (18.7.2001) by S.I. 2001/2870, art. 25, **Sch. 4**
Ss. 279(2)-(4), 280, 282 applied (24.7.2001) by S.I. 2001/3627, arts. 63, 64, Sch. 11 paras. 1, 2, **Sch. 12 para. 5(3)**

C1291 S. 282 applied (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 12, 325, **Sch. 4 para. 7(2)**; S.I. 2008/3068, **art. 2(g)** (with savings and transitional provisions in arts. 6-13)

C1292 S. 282 applied (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 12, 325, **Sch. 4 para. 14(2)**; S.I. 2008/3068, **art. 2(g)** (with savings and transitional provisions in arts. 6-13)

C1293 S. 282 applied (with modifications) by 1980 c. 66, Sch. 5 Pt. 2 para. 1 (as amended (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 65(3)(a)**; S.I. 2015/481, reg. 2(a))

C1294 S. 282 modified (16.12.2015) by The Network Rail (Tinsley Chord) Order 2015 (S.I. 2015/1876), art. 1, **Sch. 7 paras. 2-5**

C1295 S. 282 applied (with modifications) (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), art. 1, **Sch. 11 para. 1** (with art. 32(2), Sch. 11 para. 3)

C1296 S. 282 applied (with modifications) (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), art. 1, **Sch. 6 para. 1** (with arts. 55-57, Sch. 8 para. 13)

C1297 S. 282 applied (with modifications) (2.8.2022) by The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) (No. 2) Order 2022 (S.I. 2022/872), art. 1(1), **Sch. 4**

Marginal Citations

M148 1961 c.33.

Advertisements

283 Display of advertisements on operational land.

Sections 266 to 270 and 279(1), (5) and (6) do not apply in relation to the display of advertisements on operational land of statutory undertakers.

PART XII

VALIDITY

Modifications etc. (not altering text)

C1298 Pt. 12 modified (E.) (24.8.2011) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (S.I. 2011/1824), regs. 1(1), **48(1)**, 59

284 Validity of development plans and certain orders, decisions and directions.

(1) Except in so far as may be provided by this Part, the validity of—

(a) F1227 . . . . . .

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(b) a simplified planning zone scheme or an alteration of such a scheme, whether before or after the adoption or approval of the scheme or alteration; or

(c) an order under any provision of Part X except section 251(1), whether before or after the order has been made; or

(d) an order under section 277, whether before or after the order has been made; or

(e) any such order as is mentioned in subsection (2), whether before or after it has been confirmed; or

(f) any such action on the part of the Secretary of State **[**F1228or the Welsh Ministers**]** as is mentioned in subsection (3), **[**F1229or—

(g) a relevant costs order made in connection with an order mentioned in subsection (2) or an action mentioned in subsection (3),**]**

shall not be questioned in any legal proceedings whatsoever.

(2) The orders referred to in subsection (1)(e) are—

(a) any order under section 97 or under the provisions of that section as applied by or under any other provision of this Act;

(b) any order under section 102;

(c) any tree preservation order;

(d) any order made in pursuance of section 221(5);

(e) any order under paragraph 1, 3, 5 or 6 of Schedule 9.

(3) The action referred to in subsection (1)(f) is action on the part of the Secretary of State **[**F1230or the Welsh Ministers**]** of any of the following descriptions—

[F1231(ya) any decision on an application made to the Secretary of State under section 62A;**]**

[F1232(za) any decision on an application referred to the Secretary of State under section 76A;**]**

(a) any decision on an application **[**F1233for planning permission**]** referred to **[**F1234him**][**F1234the Secretary of State or the Welsh Ministers**]** under section 77;

F1235**[**F1236(aa) . . . . . .

F1237(ab) . . . . . .

(ac) any decision on an application made to the Welsh Ministers under section 62M or section 62O (not including a decision to refer an application under section 62O(5));**]**

(b) any decision on an appeal under section 78;

[F1238(ba) any decision on an appeal under section 93I;**]**

F1239(c) . . . . . .

(d) any decision to confirm a completion notice under section 95;

(e) any decision to grant planning permission under paragraph (a) of section 177(1) or to discharge a condition or limitation under paragraph (b) of that section;

(f) any decision to confirm or not to confirm a purchase notice including—

(i) any decision not to confirm such a notice in respect of part of the land to which it relates, or

(ii) any decision to grant any permission, or give any direction, instead of confirming such a notice, either wholly or in part;

(g) any decision F1240. . . on an appeal under section 195(1);

(h) any decision relating—

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(i) to an application for consent under **[**F1241a tree preservation order**][**F1241tree preservation regulations**]**,

(ii) to an application for consent under any regulations made in accordance with section 220 or 221, or

(iii) to any certificate or direction under any such order or regulations,

whether it is a decision on appeal or a decision on an application referred to the Secretary of State **[**F1242or the Welsh Ministers**]** for determination in the first instance.

[F1243(i) any decision on an application for planning permission **[**F1244or permission in principle**][**F1245to the Welsh Ministers**]** under section 293A.**]**

[F1246(j) any decision on an application made to the Secretary of State under section 293B, 293D or 293E**][**F1247, or

(k) any determination by the Secretary of State whether to approve a biodiversity gain plan under Schedule 7A (biodiversity gain in England).**]**

[F1248(3A) In this section, "relevant costs order" means an order made under section 250(5) of the Local Government Act 1972 (orders as to costs of parties), as applied by virtue of any provision of this Act.**]**

(4) Nothing in this section shall affect the exercise of any jurisdiction of any court in respect of any refusal or failure on the part of the Secretary of State **[**F1249or the Welsh Ministers**]** to take any such action as is mentioned in subsection (3).

Textual Amendments

F1227 S. 284(1)(a) repealed (28.9.2004 (E.), 15.10.2005 (W.)) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 120, 121, Sch. 6 para. 8, **Sch. 9** (with s. 111); S.I. 2004/2202, **art. 2**, Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2**, Sch. 1 (subject to transitional provisions and savings in art. 3)

F1228 Words in s. 284(1)(f) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 15(2)**; S.I. 2016/52, art. 3(e)

F1229 S. 284(1)(g) and word inserted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 2(a)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))

F1230 Words in s. 284(3) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 15(3)(a)**; S.I. 2016/52, art. 3(e)

F1231 S. 284(3)(ya) inserted (9.5.2013 for E. for specified purposes, 1.10.2013 for specified purposes, 1.10.2014 in so far as not already in force) by Growth and Infrastructure Act 2013 (c. 27), s. 35(1), **Sch. 1 para. 9**; S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2

F1232 S. 284(3)(za) inserted (6.4.2009) by Planning Act 2008 (c. 29), **ss. 191(2)**, 241 (with s. 226); S.I. 2009/400, **art. 3** (with art. 6)

F1233 Words in s. 284(3)(a) repealed (6.4.2009 for E. and otherwise prosp.) by Planning Act 2008 (c. 29), ss. 191(3), 238, 241, **Sch. 13** (with s. 226); S.I. 2009/400, **art. 5**, Sch. Pt. 2

F1234 Words in s. 284(3)(a) substituted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 15(3)(b)**; S.I. 2016/52, art. 3(e)

F1235 S. 284(3)(aa) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(18)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1236 S. 284(3)(aa)-(ac) inserted (W.) (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 15(3)(c)**; S.I. 2016/52, **art. 3(e)**

F1237 S. 284(3)(ab) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(18)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1238 S. 284(3)(ba) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 11 para. 7** (with s. 247)

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F1239 S. 284(3)(c) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 24, **Sch. 19 Pt. II** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F1240 Words in s. 284(3)(g) repealed (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 41, **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1992/1630, art. 2, Schs. 1, **2** (with art. 3(1))

F1241 Words in s. 284(3)(h)(i) substituted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 8 para. 17** (with s. 226); S.I. 2012/601, art. 2(a)

F1242 Words in s. 284(3)(h) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 15(3)(d)**; S.I. 2016/52, art. 3(e)

F1243 S. 284(3)(i) inserted (6.8.2004 for certain purposes, 7.6.2006 otherwise) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 82(2)**, 121 (with s. 111); S.I. 2004/ 2097, {art. 2}; S.I. 2006/1281, **art. 2**

F1244 Words in s. 284(3)(i) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 31**; S.I. 2016/733, reg. 3(d)

F1245 Words in s. 284(3)(i) inserted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 10 para. 6(a)** (with s. 247); S.I. 2025/430, reg. 2(b)

F1246 S. 284(3)(j) inserted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 10 para. 6(b)** (with s. 247); S.I. 2025/430, reg. 2(b)

F1247 S. 284(3)(k) and word inserted (12.2.2024) by The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 (S.I. 2024/49), regs. 1(2), **9**; S.I. 2024/44, reg. 2(1)(e)

F1248 S. 284(3A) inserted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 2(b)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))

F1249 Words in s. 284(4) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 15(4)**; S.I. 2016/52, art. 3(e)

Modifications etc. (not altering text)

C1299 S. 284 extended (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 22, **Sch. 2 para. 9** (3) (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)
Ss. 284-288 modified (1.11.1995) by 1995 c. 25, s. 96, **Sch. 13 para. 16(4)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**
Ss. 284-288 modified (1.11.1995) by 1995 c. 25, s. 96, **Sch. 14 para. 9(4)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**

C1300 Ss. 284, 288 modified (W.) (8.1.2010) by The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009 (S.I. 2009/3342), **reg. 54(2)**

285 Validity of enforcement notices and similar notices.

[F1250(A1) The validity of a completion notice under section 93H shall not, except by way of an appeal under section 93I, be questioned in any proceedings whatsoever on any of the grounds on which such an appeal may be brought.**]**

(1) F1251. . . The validity of an enforcement notice shall not, except by way of an appeal under Part VII, be questioned in any proceedings whatsoever on any of the grounds on which such an appeal may be brought.

(2) Subsection (1) shall not apply to proceedings brought under section 179 F1251. . . against a person who—

(a) has held an interest in the land since before the enforcement notice was issued under that Part;

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(b) did not have a copy of the enforcement notice served on him under that Part; and

(c) satisfies the court—

(i) that he did not know and could not reasonably have been expected to know that the enforcement notice had been issued; and

(ii) that his interests have been substantially prejudiced by the failure to serve him with a copy of it.

(3) Subject to subsection (4), the validity of a notice which has been served under section 215 on the owner and occupier of the land shall not, except by way of an appeal under Chapter II of Part VIII, be questioned in any proceedings whatsoever on either of the grounds specified in section 217(1)(a) or (b).

(4) Subsection (3) shall not prevent the validity of such a notice being questioned on either of those grounds in proceedings brought under section 216 against a person on whom the notice was not served, but who has held an interest in the land since before the notice was served on the owner and occupier of the land, if he did not appeal against the notice under that Chapter.

F1252(5) . . . . . .

F1252(6) . . . . . .

Textual Amendments

F1250 S. 285(A1) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 11 para. 8** (with s. 247)

F1251 Words in s. 285(1)(2) repealed (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 42(a)(b), **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch.1** (subject to art. 5)

F1252 S. 285(5)(6) repealed (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 42(c), **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch.1** (subject to art. 5)

Modifications etc. (not altering text)

C1301 S. 285: power to modify conferred (11.3.1992 so far as to confer on the Secretary of State a power to impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far as not already in force) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), **s. 25(1)(b)**; S.I. 1992/725, **arts. 2**, 3

C1302 S. 285 applied (with modifications) (1.6.1992) by S.I. 1992/656, reg. 22(1), **Sch. 4 Pt. 4**
Ss. 284-288 modified (1.11.1995) by 1995 c. 25, s. 96, **Sch. 13 para. 16(4)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**
Ss. 284-288 modified (1.11.1995) by 1995 c. 25, s. 96, **Sch. 14 para. 9(4)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**

C1303 S. 285 applied (with modifications) (E.) (1.6.2015) by The Planning (Hazardous Substances) Regulations 2015 (S.I. 2015/627), regs. 1(1), 19(1), **Sch. 4 Pt. 4** (with reg. 34)

C1304 S. 285 applied (with modifications) (W.) (4.9.2015) by The Planning (Hazardous Substances) (Wales) Regulations 2015 (S.I. 2015/1597), regs. 1(1), 20(1), **Sch. 4 Pt. 3** (with reg. 36)

C1305 S. 285(1)(2) applied (with modifications) (27.7.1992) by S.I. 1992/1562, reg. 2, **Sch.**

C1306 S. 285(2) modified by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 5, **Sch. 3 para. 10(1)**; amended by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 5, **Sch. 3 para. 10(5)**

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286 Challenges to validity on ground of authority's powers.

(1) The validity of any permission, determination or certificate granted, made or issued or purporting to have been granted, made or issued by a local planning authority in respect of—

(a) an application for planning permission **[**F1253or permission in principle**]**;

[F1254(aa) an application for non-material changes to planning permission under section 96A;**]**

F1255(b) . . . . . .

(c) an application for F1256**[**F1257 a certificate under section 191 or 192**]**;

(d) an application for consent to the display of advertisements under section 220; or

(e) a determination under section 302 or Schedule 15,

shall not be called in question in any legal proceedings, or in any proceedings under this Act which are not legal proceedings, on the ground that the permission, determination or certificate should have been granted, made or given by some other local planning authority.

(2) The validity of any order under section 97 revoking or modifying planning permission **[**F1258or permission in principle**]**, any order under section 102 or paragraph 1 of Schedule 9 requiring discontinuance of use, or imposing conditions on continuance of use, or requiring the alteration or removal of buildings or works, or any enforcement notice under section 172 or stop notice under section 183 **[**or a breach of condition notice under section 187A**]**, being an order or notice purporting to have been made, issued or served by a local planning authority, shall not be called in question in any such proceedings on the ground—

(a) in the case of an order or notice purporting to have been made, issued or served by a district planning authority, that they failed to comply with paragraph 11(2) of Schedule 1;

(b) in the case of an order or notice purporting to have been made, issued or served by a county planning authority, that they had no power to make, issue or serve it because it did not relate to a county matter within the meaning of that Schedule.

[F1259(3) The validity of any completion notice served or purporting to have been served by a local planning authority under section 93H shall not be called in question in any legal proceedings, or in any proceedings under this Act which are not legal proceedings, on the ground of non-compliance with any requirement of paragraph 10 of Schedule 1.**]**

Textual Amendments

F1253 Words in s. 286(1)(a) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 32**; S.I. 2016/733, reg. 3(d)

F1254 S. 286(1)(aa) inserted (1.10.2009) by Planning Act 2008 (c. 29), **ss. 190(5)**, 241 (with s. 226); S.I. 2009/2260, **art. 3**

F1255 S. 286(1)(b) repealed (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 43(a), **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1992/1630, art. 2, Schs. 1, **2** (with art. 3(1))

F1256 Words in s. 286(1)(c) substituted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 43(a)** (with s. 84(5)); S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

F1257 Words in s. 286(2) inserted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 43(b)** (with s. 84(5)); S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

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F1258 Words in s. 286(2) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 32**; S.I. 2016/733, reg. 3(d)

F1259 S. 286(3) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 11 para. 9** (with s. 247)

Modifications etc. (not altering text)

C1307 Ss. 284-288 modified (1.11.1995) by 1995 c. 25, s. 96, **Sch. 13 para. 16(4)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**
Ss. 284-288 modified (1.11.1995) by 1995 c. 25, s. 96, **Sch. 14 para. 9(4)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**

287 Proceedings for questioning validity of development plans and certain schemes and orders.

[F1260(1) This section applies to—

(a) a simplified planning zone scheme or an alteration of such a scheme;

(b) an order under section 247, 248, 249, 251, 257, 258 or 277,

and anything falling within paragraphs (a) and (b) is referred to in this section as a relevant document.

(2) A person aggrieved by a relevant document may make an application to the High Court on the ground that—

(a) it is not within the appropriate power, or

(b) a procedural requirement has not been complied with.

[F1261(2A) An application under this section may not be made without the leave of the High Court.

(2B) An application for leave for the purposes of subsection (2A) must be made before the end of the period of six weeks beginning with the day after the relevant date.**]**

(3) The High Court may make an interim order suspending the operation of the relevant document—

(a) wholly or in part;

(b) generally or as it affects the property of the applicant.

[F1262(3ZA) An interim order has effect—

(a) if made on an application for leave, until the final determination of—

(i) the question of whether leave should be granted, or

(ii) where leave is granted, the proceedings on any application under this section made with such leave;

(b) in any other case, until the proceedings are finally determined.**]**

(3A) Subsection (3B) applies if the High Court is satisfied—

(a) that a relevant document is to any extent outside the appropriate power;

(b) that the interests of the applicant have been substantially prejudiced by a failure to comply with a procedural requirement.

(3B) The High Court may quash the relevant document—

(a) wholly or in part;

(b) generally or as it affects the property of the applicant.

F1263(3C) . . . . . .

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(3D) The appropriate power is—

(a) in the case of a simplified planning zone scheme or an alteration of the scheme, Part III;

(b) in the case of an order under section 247, 248, 249, 251, 257, 258 or 277, the section under which the order is made.**]**

F1263(4) . . . . . .

(5) For the purposes of **[**F1264subsection (2B)**]** the relevant date is—

(a) F1265. . . . . .

(b) in the case of an application F1266. . . in respect of a simplified planning zone scheme or an alteration of such a scheme, the date of the publication of the first notice of the approval or adoption of the scheme or alteration required by regulations under paragraph 13 of Schedule 7,

(c) in the case of an application F1266. . . in respect of an order under section 247, 248, 249, or 251, the date on which the notice required by section 252(10) is first published,

(d) in the case of an application F1266. . . in respect of an order under section 257 or 258, the date on which the notice required by paragraph 7 of Schedule 14 is first published in accordance with that paragraph,

(e) in the case of an application F1266. . . in respect of an order under section 277, the date on which the notice required by subsection (6) of that section is first published;

but subject, in the case of those orders mentioned in paragraphs (c) and (e) to which section 292 applies, to that section.

[F1267(5A) References in this Act to an application under this section do not include an application for leave for the purposes of subsection (2A).**]**

(6) F1268. . . . . .

Textual Amendments

F1260 S. 287(1)-(3D) substituted for s. 287(1)-(3) (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 121, **Sch. 6 para. 9(2)** (with s. 111); S.I. 2004/2202, **art. 2(h)** (subject to transitional provisions and savings in art.4); S.I. 2005/2847, **art. 2** (subject to transitional provisions and savings in art. 3)

F1261 S. 287(2A)(2B) inserted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 3(2)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(b))

F1262 S. 287(3ZA) inserted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 3(3)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(b))

F1263 S. 287(3C)(4) omitted (26.10.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 3(4)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(b))

F1264 Words in s. 287(5) substituted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 3(5)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(b))

F1265 S. 287(5)(a) repealed (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 120, 121, Sch. 6 para. 9(3)(a), **Sch. 9** (with s. 111); S.I. 2004/2202, **art. 2**, Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2**, Sch. 1 (subject to transitional provisions and savings in art. 3)

F1266 Words in s. 287(5)(b)-(e) repealed (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 120, 121, Sch. 6 para. 9(3)(b), **Sch. 9** (with s. 111); S.I.

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2004/2202, **art. 2**, Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2**, Sch. 1 (subject to transitional provisions and savings in art. 3)

F1267 S. 287(5A) inserted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 3(6)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(b))

F1268 Words in s. 287(6) repealed (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), s. 118, 120, 121, Sch. 6 para. 9(4), **Sch. 9** (with s. 111); S.I. 2004/2202, **art. 2**, Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2**, Sch. 1 (subject to transitional provisions and savings in art. 3)

Modifications etc. (not altering text)

C1308 Ss. 284-288 modified (1.11.1995) by 1995 c. 25, s. 96, **Sch. 13 para. 16(4)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**
Ss. 284-288 modified (1.11.1995) by 1995 c. 25, s. 96, **Sch. 14 para. 9(4)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**
S. 287 applied (with modifications) (1.4.1996) by 1994 c. 19, **s. 66**)7), Sch. 17 Pt. II para. 16(2)(5) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

C1309 S. 287, as it continues to have effect by virtue of S.I. 2005/2847 art. 3(3), amended (prosp.) by Planning Act 2008 (c. 29), **ss. 186**, 241

288 Proceedings for questioning the validity of other orders, decisions and directions.

(1) If any person—

(a) is aggrieved by any order to which this section applies and wishes to question the validity of that order on the grounds—

(i) that the order is not within the powers of this Act, or

(ii) that any of the relevant requirements have not been complied with in relation to that order; or

(b) is aggrieved by any action on the part of the Secretary of State **[**F1269or the Welsh Ministers**]** to which this section applies and wishes to question the validity of that action on the grounds—

(i) that the action is not within the powers of this Act, or

(ii) that any of the relevant requirements have not been complied with in relation to that action,

he may make an application to the High Court under this section.

[F1270(1A) If a person is aggrieved by a relevant costs order made in connection with an order or action to which this section applies 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.**]**

(2) Without prejudice to subsection (1) **[**F1271or (1A)**]**, if the authority directly concerned with any order to which this section applies, or with any action on the part of the Secretary of State **[**F1272or the Welsh Ministers**]** to which this section applies, **[**F1273or with any relevant costs order,**]** wish to question the validity of that order or action on any of the grounds mentioned in subsection (1) **[**F1274or (1A) (as the case may be)**]**, the authority may make an application to the High Court under this section.

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F1275(3) . . . . . .

(4) This section applies to any such order as is mentioned in subsection (2) of section 284 and to any such action on the part of the Secretary of State **[**F1276or the Welsh Ministers**]** as is mentioned in subsection (3) of that section.

[F1277(4A) An application under this section may not be made without the leave of the High Court.

(4B) An application for leave for the purposes of subsection (4A) 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 97 that takes effect under section 99 without confirmation, the date on which the order takes effect;

(b) in the case of an application relating to any other order to which this section applies, the date on which the order is confirmed;

(c) in the case of an application relating to an action to which this section applies, the date on which the action is taken;

(d) in the case of an application relating to a relevant costs order, the date on which the order is made.

(4C) When considering whether to grant leave for the purposes of subsection (4A), the High Court may, subject to subsection (6), make an interim order suspending the operation of any order or action 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.**]**

(5) On any application under this section the High Court—

(a) may, subject to subsection (6), by interim order suspend the operation of **[**F1278any order or action**]**, the validity of which is questioned by the application, until the final determination of the proceedings;

(b) if satisfied that **[**F1279any such order or action**]** is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by a failure to comply with any of the relevant requirements in relation to it, may quash that order or action.

[F1280(6) The High Court may not suspend a tree preservation order under subsection (4C) or (5)(a).**]**

(7) In relation to a tree preservation order, or to an order made in pursuance of section 221(5), the powers conferred on the High Court by subsection **[**F1281(4C) or**]** (5) shall be exercisable by way of quashing or (where applicable) suspending the operation of the order either in whole or in part, as the court may determine.

(8) References in this section to the confirmation of an order include the confirmation of an order subject to modifications as well as the confirmation of an order in the form in which it was made.

[F1282(9) In this section—

"relevant costs order" has the same meaning as in section 284;

"the relevant requirements"—

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(a) in relation to any order or action to which this section applies, 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 that order or action;

(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 relevant costs order.**]**

(10) Any reference in this section to the authority directly concerned with any order or action to which this section applies—

(a) in relation to any such decision as is mentioned in section 284(3)(f), is a reference to the council on whom the notice in question was served and, in a case where the Secretary of State **[**[F1283]has modified**][**[F1283]or the Welsh Ministers have modified**]** such a notice, wholly or in part, by substituting another local authority or statutory undertakers for that council, includes a reference to that local authority or those statutory undertakers;

(b) in any other case, is a reference to the authority who made the order in question or made the decision or served the notice to which the proceedings in question relate, or who referred the matter to the Secretary of State **[**[F1284]or the Welsh Ministers**]**, or, where the order or notice in question was made or served by **[**[F1285]him**][**[F1285]the Secretary of State or the Welsh Ministers**]**, the authority named in the order or notice.

[[F1286](11) References in this Act to an application under this section do not include an application for leave for the purposes of subsection (4A).**]**

Textual Amendments

F1269 Words in s. 288(1)(b) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 16(2)**; S.I. 2016/52, art. 3(e)

F1270 S. 288(1A) inserted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 4(2)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))

F1271 Words in s. 288(2) inserted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 4(3)(a)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))

F1272 Words in s. 288(2) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 16(3)**; S.I. 2016/52, art. 3(e)

F1273 Words in s. 288(2) inserted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 4(3)(b)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))

F1274 Words in s. 288(2) inserted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 4(3)(c)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))

F1275 S. 288(3) omitted (26.10.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 4(3)(c)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))

F1276 Words in s. 288(4) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 16(4)**; S.I. 2016/52, art. 3(e)

F1277 S. 288(4A)-(4C) inserted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 4(5)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))

F1278 Words in s. 288(5)(a) substituted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 4(6)(a)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))

F1279 Words in s. 288(5)(b) substituted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 4(6)(b)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))

F1280 S. 288(6) substituted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 4(7)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))

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F1281 Words in s. 288(7) inserted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 4(8)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))

F1282 S. 288(9) substituted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 4(9)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))

F1283 Words in s. 288(10)(a) substituted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 16(5)(a)**; S.I. 2016/52, art. 3(e)

F1284 Words in s. 288(10)(b) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 16(5)(b)(i)**; S.I. 2016/52, art. 3(e)

F1285 Words in s. 288(10)(b) substituted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 16(5)(b)(ii)**; S.I. 2016/52, art. 3(e)

F1286 S. 288(11) inserted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 4(10)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))

Modifications etc. (not altering text)

C1310 S. 288 extended (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 22, **Sch. 2 para. 9** (3) (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)
Ss. 284-288 modified (1.11.1995) by 1995 c. 25, s. 96, **Sch. 13 para. 16(4)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**
Ss. 284-288 modified (1.11.1995) by 1995 c. 25, s. 96, **Sch. 14 para. 9(4)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**
S. 288 modified (2.10.1995) by S.I. 1995/2558, **reg. 13**

C1311 S. 288 applied (28.9.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 58(3)**, 121 (with s. 111); S.I. 2004/2202, **art. 3** (subject to transitional provisions and savings in art. 4)

C1312 S. 288 modified (W.) (8.1.2010) by The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009 (S.I. 2009/3342), **reg. 54**

C1313 S. 288 modified (E.) (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571), regs. 1(1), **66** (with regs. 47, 70)

C1314 S. 288(1)(b) applied (W.) (1.3.2016) by The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (S.I. 2016/58), regs. 1(2), **55** (with reg. 59)

C1315 S. 288(1)(b) extended (W.) (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (S.I. 2017/567), regs. 1(2), 59, **Sch. 8 para. 6** (with regs. 1(4), 55(2)(3), 63, 65)

289 [F1287 Appeals to High Court relating to [F1288 certain notices]].

(1) Where the Secretary of State gives a decision in proceedings on an appeal under **[**F1289 section 93I against a completion notice or under**]** Part VII against an enforcement notice the appellant or the local planning authority or any other person having an interest in the land to which the notice relates may, according as rules of court may provide, either appeal to the High Court against the decision on a point of law or require the Secretary of State to state and sign a case for the opinion of the High Court.

(2) Where the Secretary of State gives a decision in proceedings on an appeal under Part VIII against a notice under section 207, the appellant or the local planning authority or any person (other than the appellant) on whom the notice was served may, according as rules of court may provide, either appeal to the High Court against the decision on a point of law or require the Secretary of State to state and sign a case for the opinion of the High Court.

[F1290 (2A) Where the Welsh Ministers give a decision in proceedings on an appeal under Part 8 against a notice under section 215, the appellant or the local planning authority or any

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other person having an interest in the land to which the notice relates may, according as rules of court may provide, either appeal to the High Court against the decision on a point of law or require the Welsh Ministers to sign and state a case for the opinion of the High Court.**]**

(3) At any stage of the proceedings on any such appeal as is mentioned in subsection (1), the Secretary of State may state any question of law arising in the course of the proceedings in the form of a special case for the decision of the High Court.

(4) A decision of the High Court on a case stated by virtue of subsection (3) shall be deemed to be a judgment of the court within the meaning of section 16 of the [M149]Supreme Court Act 1981 (jurisdiction of the Court of Appeal to hear and determine appeals from any judgment of the High Court).

[[F1291](4A) In proceedings brought by virtue of this section in respect of an enforcement notice, the High Court or, as the case may be, the Court of Appeal may, on such terms if any as the Court thinks fit (which may include terms requiring the local planning authority to give an undertaking as to damages or any other matter), order that the notice shall have effect, or have effect to such extent as may be specified in the order, pending the final determination of those proceedings and any re-hearing and determination by the Secretary of State.

(4B) Where proceedings are brought by virtue of this section in respect of any notice under section 207 **[**[F1292]or 215**]**, the notice shall be of no effect pending the final determination of those proceedings and any re-hearing and determination by the Secretary of State.**]**

(5) In relation to any proceedings in the High Court or the Court of Appeal brought by virtue of this section the power to make rules of court shall include power to make rules—

(a) prescribing the powers of the High Court or the Court of Appeal with respect to the remitting of the matter with the opinion or direction of the court for re-hearing and determination by the Secretary of State **[**[F1293]or the Welsh Ministers**]**; and

(b) providing for the Secretary of State **[**[F1293]or the Welsh Ministers**]**, either generally or in such circumstances as may be prescribed by the rules, to be treated as a party to any such proceedings and to be entitled to appear and to be heard accordingly.

[[F1294](5A) Rules of court may also provide for the High Court or, as the case may be, the Court of Appeal to give directions as to the exercise, until such proceedings in respect of an enforcement notice are finally concluded and any re-hearing and determination by the Secretary of State has taken place, of any other powers in respect of the matters to which such a notice relates.

(6) No proceedings in the High Court shall be brought by virtue of this section except with the leave of that Court and no appeal to the Court of Appeal shall be so brought except with the leave of the Court of Appeal or of the High Court.**]**

(7) In this section "decision" includes a direction or order, and references to the giving of a decision shall be construed accordingly.

Textual Amendments

F1287 S. 289 title substituted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 48(8)**, 58(2)(b)(4)(b); S.I. 2017/546, art. 3(b) (with art. 5)

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F1288 Words in s. 289 heading substituted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 11 para. 10(a)** (with s. 247)

F1289 Words in s. 289(1) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 11 para. 10(b)** (with s. 247)

F1290 S. 289(2A) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 48(8)(a)**, 58(2)(b)(4)(b); S.I. 2017/546, art. 3(b) (with art. 5)

F1291 S. 289(4A)(4B) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 6(4)** (with s. 84(5)); S.I. 1991/2905, **art. 3** (subject to art. 4)

F1292 Words in s. 289(4B) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 48(8)(b)**, 58(2)(b)(4)(b); S.I. 2017/546, art. 3(b) (with art. 5)

F1293 Words in s. 289(5) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 48(8)(c)**, 58(2)(b)(4)(b); S.I. 2017/546, art. 3(b) (with art. 5)

F1294 S. 289(5A)(6) substituted for s. 289(6) (25.11.1991 for certain purposes and otherwise 2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 6(5)** (with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1991/2905, **art.3** (subject to art. 4)

Modifications etc. (not altering text)

C1316 S. 289: power to modify conferred (11.3.1992 so far as to confer on the Secretary of State a power to impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far as not already in force) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), **s. 25(1)(b)**; S.I. 1992/725, **arts. 2**, 3

C1317 S. 289 applied (with modifications) (1.6.1992) by S.I. 1992/656, reg. 22(1), **Sch. 4 Pt. 4**
S. 289 applied (with modifications) (27.7.1992) by S.I. 1992/1562, reg. 2, **Sch.**

C1318 S. 289 applied (28.9.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 58(4)**, 121 (with s. 111); S.I. 2004/2202, **art. 3** (subject to transitional provisions and savings in art. 4)

C1319 S. 289 applied (with modifications) (E.) (1.6.2015) by The Planning (Hazardous Substances) Regulations 2015 (S.I. 2015/627), regs. 1(1), 19(1), **Sch. 4 Pt. 4** (with reg. 34)

C1320 S. 289(1) applied (with modifications) (W.) (4.9.2015) by The Planning (Hazardous Substances) (Wales) Regulations 2015 (S.I. 2015/1597), regs. 1(1), 20(1), **Sch. 4 Pt. 3** (with reg. 36)

C1321 S. 289(3)-(4A) applied (with modifications) (W.) (4.9.2015) by The Planning (Hazardous Substances) (Wales) Regulations 2015 (S.I. 2015/1597), regs. 1(1), 20(1), **Sch. 4 Pt. 3** (with reg. 36)

C1322 S. 289(5)-(7) applied (with modifications) (W.) (4.9.2015) by The Planning (Hazardous Substances) (Wales) Regulations 2015 (S.I. 2015/1597), regs. 1(1), 20(1), **Sch. 4 Pt. 3** (with reg. 36)

Marginal Citations

M149 1981 c. 54.

F1295 290 . . . . . .

Textual Amendments

F1295 S. 290 repealed (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 44, **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1992/1630, art. 2, Schs. 1, **2** (with art. 3(1))

291 Special provisions as to decisions relating to statutory undertakers.

In relation to any action which—

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(a) apart from the provisions of Part XI would fall to be taken by the Secretary of State and, if so taken, would be action falling within section 284(3); but

(b) by virtue of that Part, is required to be taken by the Secretary of State and the appropriate Minister,

the provisions of sections 284 and 288 shall have effect (subject to section 292) as if any reference in those provisions to the Secretary of State were a reference to the Secretary of State and the appropriate Minister.

292 Special provisions as to orders subject to special parliamentary procedure.

(1) Where an order under section 247, 248, 249 or 277 is subject to special parliamentary procedure, then—

(a) if the order is confirmed by Act of Parliament under section 6 of the [M150]Statutory Orders (Special Procedure) Act 1945, sections 284 and 287 shall not apply to the order;

(b) in any other case, section 287 shall have effect in relation to the order as if, in subsection (4) of that section, for the reference to the date there mentioned there were substituted a reference to the date on which the order becomes operative under section 6 of that Act ("the operative date").

(2) Where by virtue of Part XI any such action as is mentioned in section 291 is required to be embodied in an order, and that order is subject to special parliamentary procedure, then—

(a) if the order in which the action is embodied is confirmed by Act of Parliament under section 6 of that Act, sections 284 and 288 shall not apply;

(b) in any other case, section 288 shall apply with the substitution for any reference to the date on which the action is taken of a reference to the operative date.

Marginal Citations

M150 1945 c. 18.

PART XIII

APPLICATION OF ACT TO CROWN LAND

Modifications etc. (not altering text)

C1323 Pt. XIII (ss. 293-302) modified (17.7.1992) by S.I. 1992/1732, **art. 2(1)(2)**
Pt. XIII (ss. 293-302) extended (17.7.1992) by S.I. 1992/1732, **art. 2(1)(a)**

Preliminary

[F1296 292A Application to the Crown

(1) This Act binds the Crown.

(2) But subsection (1) is subject to express provision made by this Part.]

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Textual Amendments

F1296 S. 292A inserted (6.8.2004 for certain purposes and otherwise 7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 79(1)**, 121 (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1281, **art. 2(a)**

293 Preliminary definitions.

(1) In this Part—

"Crown land" means land in which there is a Crown interest or a Duchy interest;

[F1297"Crown interest" means any of the following—

(a) an interest belonging to Her Majesty in right of the Crown or in right of Her private estates;

(b) an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department;

(c) such other interest as the Secretary of State specifies by order;**]**

"Duchy interest" means an interest belonging to Her Majesty in right of the Duchy of Lancaster or belonging to the Duchy of Cornwall;

"private interest" means an interest which is neither a Crown interest nor a Duchy interest.

(2) For the purposes of this Part "the appropriate authority", in relation to any land—

(a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners;

(b) in relation to any other land belonging to Her Majesty in right of the Crown, means the government department having the management of that land;

[F1298(ba) in relation to land belonging to Her Majesty in right of Her private estates means a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Secretary of State;**]**

(c) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy;

(d) in relation to land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;

(e) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that department.

[F1299(f) in relation to Westminster Hall and the Chapel of St Mary Undercroft, means the Lord Great Chamberlain and the Speakers of the House of Lords and the House of Commons acting jointly;

(g) in relation to Her Majesty's Robing Room in the Palace of Westminster, the adjoining staircase and ante-room and the Royal Gallery, means the Lord Great Chamberlain.**]**

[F1300(2A) For the purposes of an application for planning permission **[**F1301or permission in principle**]** made by or on behalf of the Crown in respect of land which does not belong to the Crown or in respect of which it has no interest a reference to the appropriate authority must be construed as a reference to the person who makes the application.**]**

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(3) If any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

[F1302(3A) References to Her Majesty's private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862.

(3B) In subsection (2A) the Crown includes—

(a) the Duchy of Lancaster;

(b) the Duchy of Cornwall;

(c) a person who is an appropriate authority by virtue of subsection (2)(f) and (g).**]**

(4) F1303. . . . . .

[F1304(5) An order made **[**F1305by the Secretary of State**]** for the purposes of paragraph (c) of the definition of Crown interest in subsection (1) must be made by statutory instrument.

(6) But no such order may be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.**]**

Textual Amendments

F1297 Definition in s. 293(1) substituted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 121, **Sch. 3 para. 6(2)** (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1281, **art. 2**

F1298 S. 293(2)(ba) inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 121, **Sch. 3 para. 6(3)** (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1281, **art. 2**

F1299 S. 293(2)(f)(g) inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 121, **Sch. 3 para. 6(4)** (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1281, **art. 2**

F1300 S. 293(2A) inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 121, **Sch. 3 para. 6(5)** (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1281, **art. 2**

F1301 Words in s. 293(2A) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 33**; S.I. 2016/733, reg. 3(d)

F1302 S. 293(3A)(3B) inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 121, **Sch. 3 para. 6(6)** (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1281, **art. 2**

F1303 S. 293(4) repealed (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 120, 121, Sch. 3 para. 22, **Sch. 9** (with s. 111); S.I. 2006/1281, **art. 2**

F1304 S. 293(5)(6) inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 121, **Sch. 3 para. 6(7)** (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1281, **art. 2**

F1305 Words in s. 293(5) inserted (6.9.2015) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 7(4)**

Modifications etc. (not altering text)

C1324 S. 293(2)(b) modified (17.7.1992) by S.I. 1992/1732, **art. 2(4)(a)**

C1325 S. 293(3) applied (1.12.1991) by Water Industry Act 1991 (c. 56, SIF 130), **ss. 221(5)**, 223(2) (with ss. 82(3), 186(1), 188, 222(1), Sch. 14 para. 6) and (1.12.1991) by Water Resources Act 1991 (c. 57, SIF 130), **ss. 222(8)(9)**, 225(2) (with ss. 16(6), 178, 179, 222(3), 224(1), Sch. 22 para. 1)
S. 293(3) applied (1.12.2000) by 1991 c. 56, **s. 221(8)** (as substituted (1.12.2000) by 1995 c. 25, s. 116, **Sch. 21 Pt. I para. 1(1)** (with ss. 7(6), 115, 117)); S.I. 2000/3033, **art. 2**

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S. 293(3) applied (1.7.1997 for certain purposes and otherwise prosp.) by 1991 c. 57, **s. 222(10)** (as substituted by 1995 c. 25, ss. 116, 125(3), **Sch. 21 Pt. I para. 2(4)** (with ss. 7(6), 115, 117); S.I. 1997/1626, **art. 2**)

C1326 S. 293(3) applied (1.10.2004 for E. and 11.11.2004 for W.) by Reservoirs Act 1975 (c. 23), s. 27A(8) (as inserted by 2003 c. 37, **s. 80**; S.I. 2004/2528, **art. 2(p)**; S.I. 2004/2916, **art. 2(c)**)

Application of Act as respects Crown land

[F1306 293A Urgent Crown development: application [F1307 to the Welsh Ministers]

(1) This section applies to a development **[**F1308 of land in Wales**]** if the appropriate authority certifies—

(a) that the development is of national importance, and

(b) that it is necessary that the development is carried out as a matter of urgency.

(2) The appropriate authority may, instead of making an application for planning permission **[**F1309 or permission in principle**][**F1310 to the local planning authority**]** in accordance with Part 3, make an application for planning permission **[**F1309 or permission in principle**]** to the Secretary of State under this section.

(3) If the appropriate authority proposes to make **[**F1311 the application to the Secretary of State**][**F1311 an application under this section**]** it must publish in one or more newspapers circulating in the locality of the proposed development a notice—

(a) describing the proposed development, and

(b) stating that the authority proposes to make the application to the Secretary of State.

(4) For the purposes of an application under this section the appropriate authority must provide to the Secretary of State—

F1312 (a) . . . . . .

(b) a statement of the authority's grounds for making the application.

(5) If the appropriate authority makes an application under this section subsections (6) to (9) below apply.

(6) The Secretary of State may require the authority to provide him with such further information as he thinks necessary to enable him to determine the application.

(7) As soon as practicable after he is provided with any document or other matter in pursuance of subsection (4) or (6) the Secretary of State must make a copy of the document or other matter available for inspection by the public in the locality of the proposed development.

(8) The Secretary of State must in accordance with such requirements as are contained in a development order publish notice of the application and of the fact that such documents and other material are available for inspection.

(9) The Secretary of State must consult—

(a) the local planning authority for the area to which the proposed development relates,

F1313 **[** (aa) **[**F1314 any corporate joint committee for the**]** area to which the proposed development relates,**]** and

(b) such other persons as are specified or described in a development order,

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about the application.

(10) Subsection (7) does not apply to the extent that the document or other matter is subject to a direction under section 321(3)(matters related to national security).

(11) Subsections (4) to (7) of section 77 apply to an application under this section as they apply to an application in respect of which a direction under section 77 has effect.**]**

Textual Amendments

F1306 S. 293A inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 82**, 121 (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1281, **art. 2**

F1307 Words in s. 293A heading inserted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling Up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 10 para. 7(a)** (with s. 247); S.I. 2025/430, **reg. 2(b)**

F1308 Words in s. 293A(1) inserted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 10 para. 7(b)** (with s. 247); S.I. 2025/430, reg. 2(b)

F1309 Words in s. 293A(2) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 34(2)**; S.I. 2016/733, reg. 3(d)

F1310 Words in s. 293A(2) omitted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by virtue of Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 17(2)**; S.I. 2016/52, art. 3(e)

F1311 Words in s. 293A(3) substituted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 17(3)**; S.I. 2016/52, art. 3(e)

F1312 S. 293A(4)(a) omitted (26.12.2023) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), **ss. 165(3)**, 255(5) (with s. 247)

F1313 S. 293A(9)(aa) inserted (6.9.2015 for specified purposes, 7.1.2021 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 2 para. 9**; S.I. 2021/7, reg. 2(c)

F1314 Words in s. 293A(9)(aa) substituted (21.1.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(1)(e), **Sch. 9 para. 25**

Modifications etc. (not altering text)

C1327 S. 293A applied by S.I. 2017/402, art. 5V(5)(b) (as inserted (E.) (1.6.2018) by The Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (S.I. 2017/1309), arts. 1, **4**)

[F1315**293B Urgent Crown development: applications to the Secretary of State**

(1) This section applies where—

(a) the appropriate authority intends to make a relevant application, and

(b) the authority considers—

(i) that the development to which the application relates is of national importance, and

(ii) that it is necessary that the development is carried out as a matter of urgency.

(2) The appropriate authority may make the application to the Secretary of State under this section.

(3) In this section, "relevant application" means—

(a) an application for planning permission for the development of land in England, or

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(b) an application for approval of a matter that, as defined in section 92, is a reserved matter in the case of an outline planning permission for the development of land in England,

but does not include an application of the kind described in section 73(1) or an application of a description excluded by regulations.

(4) An application under this section must include—

(a) such information, documents or other matters as may be required by a development order, and

(b) a statement of the appropriate authority's grounds for making the application.

(5) As soon as practicable after receiving the application, the Secretary of State must give notice to the appropriate authority either agreeing or refusing to determine the application.

(6) The Secretary of State may only agree to determine the application if the Secretary of State considers that—

(a) the development to which the application relates is of national importance, and

(b) it is necessary that the development is carried out as a matter of urgency.

(7) The Secretary of State must send a copy of a notice given under subsection (5) to the local planning authority to whom the application could otherwise have been made.

(8) The Secretary of State may by notice require the appropriate authority to provide such further information as is necessary for the purposes of—

(a) deciding whether to agree or to refuse to determine the application;

(b) determining the application.

(9) A development order may make provision—

(a) as to the form and manner in which an application must be made;

(b) requiring notice to be given of an application;

(c) as to the form, content and service of a notice required under paragraph (b);

(d) requiring that an application be publicised in such manner as the order may specify.

(10) A development order which makes provision under subsection (9) may include provision to ensure that the imposition of any requirement under that subsection does not result in the public disclosure of sensitive information.

(11) For the purposes of subsection (10), information is "sensitive" if the Secretary of State directs that—

(a) it relates to matters of national security or measures taken or to be taken to ensure the security of any premises or property, and

(b) its public disclosure would be contrary to the national interest.

(12) A development order making any provision by virtue of this section may make different provision for different cases or different classes of development.

(13) The Secretary of State may give directions requiring a local planning authority to do things in relation to an application made under section 293B that could otherwise have been made to that authority.

(14) Directions under subsection (13)—

(a) may relate to a particular application or to applications more generally;

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(b) may be given to a particular authority or to authorities more generally.

Textual Amendments

F1315 Ss. 293B-293J inserted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 109(2)**, 255(3) (with s. 247); S.I. 2025/430, reg. 2(a)

293C Urgent Crown development: determination of applications by the Secretary of State

(1) This section applies where —

(a) the appropriate authority has made a relevant application to the Secretary of State under section 293B, and

(b) the Secretary of State has given notice under section 293B(5) agreeing to determine the application.

(2) Before determining the application, the Secretary of State must consult the following persons about the application—

(a) the local planning authority to which the application could otherwise have been made, and

(b) such other persons as the Secretary of State considers appropriate.

(3) A development order may make provision as to the consultation required by subsection (2) including—

(a) provision requiring the Secretary of State to consult other specified persons (or persons of a specified description);

(b) provision as to the manner in which persons may be consulted;

(c) different provision for different cases or classes of development.

(4) The Secretary of State may—

(a) grant the application, either unconditionally or subject to such conditions as the Secretary of State thinks fit, or

(b) refuse it.

(5) The Secretary of State must notify the local planning authority to whom the application could otherwise have been made of the Secretary of State's decision on the application.

(6) The decision of the Secretary of State on the application is final.

(7) Section 73A applies, with any necessary modifications, to an application for planning permission under section 293B as it applies to an application for planning permission which is to be determined by the local planning authority under Part 3.

(8) The following provisions do not apply for the purposes of determining an application for planning permission under section 293B—

(a) section 58B(1) of this Act;

(b) sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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Textual Amendments

F1315 Ss. 293B-293J inserted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 109(2)**, 255(3) (with s. 247); S.I. 2025/430, reg. 2(a)

293D Crown development: applications to the Secretary of State

(1) This section applies where—

(a) the appropriate authority intends to make a relevant application, and

(b) the authority considers that the development to which it relates is of national importance.

(2) The appropriate authority may make the application to the Secretary of State under this section.

(3) In this section and section 293E, "relevant application" means—

(a) an application for planning permission, or permission in principle, for the development of land in England, or

(b) an application for approval of a matter that, as defined by section 92, is a reserved matter in the case of an outline planning permission for the development of land in England,

but does not include an application of the kind described in section 73(1) or an application of a description excluded by regulations.

(4) After receiving the application, the Secretary of State must give a notice to the appropriate authority stating whether the Secretary of State considers the development to be of national importance.

(5) If the Secretary of State considers the development to be of national importance, the Secretary of State must proceed to determine the application.

(6) If the Secretary of State considers that the development is not of national importance, the Secretary of State may take the steps referred to in either subsection (7) or, where it applies, subsection (9).

(7) The Secretary of State may—

(a) refer the application to the local planning authority to whom it could otherwise have been made, and

(b) direct that the application—

(i) is to be treated as having been made to the authority (and not to the Secretary of State under this section), and

(ii) is to be determined by that authority accordingly.

(8) Subsection (9) applies where—

(a) the application could otherwise have been made to the Secretary of State under section 62A, and

(b) the appropriate authority has given notice to the Secretary of State that the authority consents to the application being treated as having been made to the Secretary of State under that section.

(9) The Secretary of State may—

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(a) direct that the application is to be treated as having been made to the Secretary of State under section 62A (and not to the Secretary of State under this section), and

(b) determine the application accordingly.

Textual Amendments

F1315 Ss. 293B-293J inserted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 109(2)**, 255(3) (with s. 247); S.I. 2025/430, reg. 2(a)

293E Crown development: connected applications to the Secretary of State

(1) This section applies where—

(a) the appropriate authority makes an application to the Secretary of State under section 293D, and

(b) the Secretary of State gives a notice to the appropriate authority under section 293D(4) stating that the development to which it relates is considered by the Secretary of State to be of national importance.

(2) The appropriate authority may make an application ("a connected application") under the planning Acts to the Secretary of State where the requirements of subsection (3) are met.

(3) The requirements are that—

(a) the application is—

(i) for listed building consent under the Planning (Listed Buildings and Conservation Areas) Act 1990,

(ii) for hazardous substances consent under the Planning (Hazardous Substances) Act 1990, or

(iii) of a prescribed description,

(b) it is considered by the person making the application to be connected to an application under section 293D,

(c) it is neither a relevant application nor an application of the kind described in section 73(1), and

(d) it relates to land in England.

(4) If a connected application is made under subsection (2), but the Secretary of State considers that it is not connected with the relevant application concerned, the Secretary of State may—

(a) refer the connected application to the local planning authority, or hazardous substances authority, to whom it could otherwise have been made, and

(b) direct that the connected application—

(i) is to be treated as having been made to that authority (and not to the Secretary of State under this section), and

(ii) is to be determined by that authority accordingly.

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Textual Amendments

F1315 Ss. 293B-293J inserted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 109(2)**, 255(3) (with s. 247); S.I. 2025/430, reg. 2(a)

293F Applications under section 293D or 293E: supplementary matters

(1) The decision of the Secretary of State on an application made under section 293D or 293E is final.

(2) The Secretary of State may give directions requiring a local planning authority or hazardous substances authority to do things in relation to an application made under section 293D or 293E that could otherwise have been made to that authority.

(3) Directions under subsection (2)—

(a) may relate to a particular application or to applications more generally;

(b) may be given to a particular authority or to authorities more generally.

Textual Amendments

F1315 Ss. 293B-293J inserted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 109(2)**, 255(3) (with s. 247); S.I. 2025/430, reg. 2(a)

293G Notifying parish councils of applications under section 293D(2)

(1) If an application is made to the Secretary of State under section 293D(2) and a parish council would be entitled under paragraph 8 of Schedule 1 to be notified of the application were it made to the local planning authority, the Secretary of State must notify the council of—

(a) the application, and

(b) any alteration of the application accepted by the Secretary of State.

(2) Paragraph 8(4) and (5) of Schedule 1 apply in relation to duties of the Secretary of State under subsection (1) as they apply to duties of a local planning authority under paragraph 8(1) or (3B) of that Schedule.

Textual Amendments

F1315 Ss. 293B-293J inserted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 109(2)**, 255(3) (with s. 247); S.I. 2025/430, reg. 2(a)

293H Provisions applying to applications made under section 293D or 293E

(1) Sections 62(3) and (4), 65(5), 70 to 70C, 72(1) and (5) and 73A apply, with any necessary modifications, to an application for planning permission made to the Secretary of State under section 293D as they apply to an application for planning permission which is to be determined by the local planning authority.

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(2) Any requirements imposed by a development order by virtue of section 62, 65 or 71 or paragraph 8(6) of Schedule 1, or by regulations under paragraph 14(3) or 16 of Schedule 7A, may be applied by a development order, with or without modifications, to an application for planning permission made to the Secretary of State under section 293D.

(3) Sections 65(5) and 70 to 70C apply, with any necessary modifications, to an application for permission in principle made to the Secretary of State under section 293D as they apply to an application for permission in principle which is to be determined by the local planning authority.

(4) Any requirements imposed by a development order by virtue of section 62(1), (2) or (8), 65 or 71 or paragraph 8(6) of Schedule 1 may be applied by a development order, with or without modifications, to an application for permission in principle made to the Secretary of State under section 293D.

(5) Where an application is made to the Secretary of State under section 293E instead of to the authority to whom it could otherwise have been made, a development order may (with or without modifications) apply to the application any enactment that relates to applications of that kind when made to that authority.

(6) A development order which makes provision under this section to apply to an application under section 293D or 293E (with or without modifications) any requirement to disclose information may include provision to secure that the requirement would not result in the public disclosure of sensitive information.

(7) For the purposes of subsection (6), information is "sensitive" if the Secretary of State directs that—

(a) it relates to matters of national security or measures taken or to be taken to ensure the security of any premises or property, and

(b) its public disclosure would be contrary to the national interest.

Textual Amendments

F1315 Ss. 293B-293J inserted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 109(2)**, 255(3) (with s. 247); S.I. 2025/430, reg. 2(a)

293I Deciding applications made under section 293D or 293E

(1) An application made to the Secretary of State under section 293D or 293E ("a direct application") is to be determined by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State, subject to section 293J.

(2) Where a person has been appointed under subsection (1) or this subsection to determine a direct application then, at any time before the person has determined the application, the Secretary of State may—

(a) revoke the person's appointment;

(b) appoint another person to determine the application instead.

(3) A person appointed under this section to determine a direct application has the same powers and duties that the Secretary of State has under section 293H.

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(4) Where a direct application is determined by a person appointed under this section, the person's decision is to be treated as that of the Secretary of State.

(5) Except as provided by Part 12, the validity of that decision is not to be questioned in any proceedings whatsoever.

(6) It is not a ground of application to the High Court under section 288 that a direct application ought to have been determined by the Secretary of State and not by a person appointed under this section unless the applicant challenges the person's power to determine the direct application before the person's decision on the direct application is given.

(7) Where any enactment (other than this section and section 319A)—

(a) refers (or is to be read as referring) to the Secretary of State in a context relating to or capable of relating to a direct application (otherwise than by referring to the application having been made to the Secretary of State), or

(b) refers (or is to be read as referring) to anything (other than the making of the application) done or authorised or required to be done by, to or before the Secretary of State in connection with any such application,

then, so far as the context permits, the enactment is to be read, in relation to an application determined or to be determined by a person appointed under this section, as if the reference to the Secretary of State were or included a reference to that person.

Textual Amendments

F1315 Ss. 293B-293J inserted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 109(2)**, 255(3) (with s. 247); S.I. 2025/430, reg. 2(a)

293J Applications under section 293D or 293E: determination by the Secretary of State

(1) The Secretary of State may direct that an application made to the Secretary of State under section 293D or 293E ("a direct application") is to be determined by the Secretary of State instead of by a person appointed under section 293I.

(2) Where a direction is given under subsection (1), the Secretary of State must serve a copy of the direction on—

(a) the person, if any, appointed under section 293I to determine the application concerned,

(b) the applicant, and

(c) the local planning authority.

(3) Where a direct application is to be determined by the Secretary of State in consequence of a direction under subsection (1)—

(a) in determining the application, the Secretary of State may take into account any report made to the Secretary of State by any person previously appointed to determine the application, and

(b) subject to that, the provisions of the planning Acts which are relevant to the application apply to it as if section 293I had never applied to it.

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(4) The Secretary of State may by a further direction revoke a direction under subsection (1) at any time before the determination of the direct application concerned.

(5) Where a direction is given under subsection (4), the Secretary of State must serve a copy of the direction on—

(a) the person, if any, previously appointed under section 293I to determine the application concerned,

(b) the applicant, and

(c) the local planning authority.

(6) Where a direction is given under subsection (4) in relation to a direct application—

(a) anything done by or on behalf of the Secretary of State in connection with the application which might have been done by a person appointed under section 293I to determine the application is, unless the person appointed under section 293I to determine the application directs otherwise, to be treated as having been done by that person, and

(b) subject to that, section 293I applies to the application as if no direction under subsection (1) had been given in relation to the application.**]**

Textual Amendments

F1315 Ss. 293B-293J inserted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 109(2)**, 255(3) (with s. 247); S.I. 2025/430, reg. 2(a)

294 Control of development on Crown land: special enforcement notices.

F1316 . . . . . .

Textual Amendments

F1316 S. 294 repealed (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 120, 121, Sch. 3 para. 9(1), **Sch. 9** (with s. 111, Sch. 3 para. 9(2)); S.I. 2006/1281, **art. 2**

295 Supplementary provisions as to special enforcement notices.

F1317 . . . . . .

Textual Amendments

F1317 S. 295 repealed (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 120, 121, Sch. 3 para. 9, **Sch. 9** (with s. 111, Sch. 3 para. 9(2)); S.I. 2006/1281, **art. 2**

296 Exercise of powers in relation to Crown land.

F1318 . . . . . .

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Textual Amendments

F1318 S. 296 repealed (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 84(1), 120, 121, **Sch. 9** (with s. 111); S.I. 2006/1281, **art. 2**

[F1319 296A Enforcement in relation to the Crown

(1) No act or omission done or suffered by or on behalf of the Crown constitutes an offence under this Act.

(2) A local planning authority must not take any step for the purposes of enforcement in relation to Crown land unless it has the consent of the appropriate authority.

(3) The appropriate authority may give consent under subsection (2) subject to such conditions as it thinks appropriate.

(4) A step taken for the purposes of enforcement is anything done in connection with the enforcement of anything required to be done or prohibited by or under this Act.

(5) A step taken for the purposes of enforcement includes—

(a) entering land;

(b) bringing proceedings;

(c) the making of an application.

(6) A step taken for the purposes of enforcement does not include—

(a) service of a notice;

(b) the making of an order (other than by a court).

Textual Amendments

F1319 Ss. 296A, 296B inserted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 84(2)**, 121 (with s. 111); S.I. 2006/1281, **art. 2**

296B References to an interest in land

(1) Subsection (2) applies to the extent that an interest in land is a Crown interest or a Duchy interest.

(2) Anything which requires or is permitted to be done by or in relation to the owner of the interest in land must be done by or in relation to the appropriate authority.

(3) An interest in land includes an interest only as occupier of the land.**]**

Textual Amendments

F1319 Ss. 296A, 296B inserted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 84(2)**, 121 (with s. 111); S.I. 2006/1281, **art. 2**

297 Agreements relating to Crown land.

F1320 . . . . . .

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Textual Amendments

F1320 S. 297 repealed (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 120, 121, Sch. 3 para. 23, **Sch. 9** (with s. 111); S.I. 2006/1281, **art. 2**

298 Supplementary provisions as to Crown and Duchy interests.

(1) F1321 . . . . . .

(2) F1321 . . . . . .

(3) Where, in accordance with an agreement under section 297, the approval of a local planning authority is required in respect of any development of land in which there is **[**F1322a Crown interest or**]** a Duchy interest, **[**F1323sections 109 to 112**]** shall have effect in relation to the withholding of that approval, or the giving of it subject to conditions, as if it were a refusal of planning permission or, as the case may be, a grant of planning permission subject to conditions.

Textual Amendments

F1321 S. 298(1)(2) repealed (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 120, 121, Sch. 3 para. 24(2), **Sch. 9** (with s. 111); S.I. 2006/1281, **art. 2**

F1322 Words in s. 298(3) inserted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 120, 121, **Sch. 3 para. 24(3)** (with s. 111); S.I. 2006/1281, **art. 2**

F1323 Words in s. 298(3) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 31, **Sch. 6 para. 25** (2) (with saving in Sch. 6 para. 25(3) and with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

[F1324**298A Applications for planning permission [**F1325**etc] by Crown**

(1) This section applies to an application for planning permission**[**F1326, for permission in principle**]** or for a certificate under section 192 made by or on behalf of the Crown.

(2) The Secretary of State may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.

(3) A statutory provision is a provision contained in or having effect under any enactment.**]**

Textual Amendments

F1324 S. 298A inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 121, **Sch. 3 para. 10(1)** (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1281, **art. 2**

F1325 Word in s. 298A heading inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 35(2)**; S.I. 2016/733, reg. 3(d)

F1326 Words in s. 298A(1) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 35(3)**; S.I. 2016/733, reg. 3(d)

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Provisions relating to anticipated disposal of Crown land

299 Application for planning permission etc. in anticipation of disposal of Crown land.

F1327 . . . . . .

Textual Amendments

F1327 S. 299 repealed (6.8.2004 for certain purposes and prosp. otherwise) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 120, 121, Sch. 3 para. 10(2), **Sch. 9** (with s. 111); S.I. 2004/2097, **art. 2**

299A Crown planning obligations.

F1328 . . . . . .

Textual Amendments

F1328 S. 299A repealed (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 120, Sch. 3 para. 25, **Sch. 9**, (with s. 111); S.I. 2006/1281, **art. 2**

Modifications etc. (not altering text)

C1328 S. 299A modified (1.4.1996) by 1994 c. 19, s. 66(7), **Sch. 17 para. 15(4)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/3198, art. 6(3), **Sch. 5**

300 Tree preservation orders in anticipation of disposal of Crown land.

F1329 . . . . . .

Textual Amendments

F1329 S. 300 repealed (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 120, 121, Sch. 3 para. 26, **Sch. 9** (with s. 111, Sch. 3 para. 26(2)); S.I. 2006/1281, **art. 2**

301 Requirement of planning permission for continuance of use instituted by the Crown.

F1330 . . . . . .

Textual Amendments

F1330 S. 301 repealed (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 120, 121, Sch. 3 para. 27, **Sch. 9** (with s. 111, Sch. 3 para. 27(2)); S.I. 2006/1281, **art. 2**

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Enforcement in respect of war-time breaches of planning control by Crown

302 Enforcement in respect of war-time breaches of planning control by the Crown.

(1) This section applies where during the war period—

(a) works not complying with planning control were carried out on land, or

(b) a use of land not complying with planning control was begun by or on behalf of the Crown.

(2) Subject to subsection (4), if at any time after the end of the war period there subsists in the land a permanent or long-term interest which is neither held by or on behalf of the Crown nor subject to any interest or right to possession so held, the planning control shall, so long as such an interest subsists in the land, be enforceable in respect of those works or that use notwithstanding—

(a) that the works were carried out or the land used by or on behalf of the Crown, or

(b) the subsistence in the land of any interest held by or on behalf of the Crown in reversion (whether immediate or not) expectant on the termination of that permanent or long-term interest.

(3) A person entitled to make an application under this subsection with respect to any land may apply at any time before the relevant date to an authority responsible for enforcing any planning control for a determination—

(a) whether works on the land carried out, or a use of the land begun, during the war period fail to comply with any planning control which the authority are responsible for enforcing, and

(b) if so, whether the works or use should be deemed to comply with that control.

(4) Where any works on land carried out, or use of land begun, during the war period remain or continues after the relevant date and no such determination has been given, the works or use shall by virtue of this subsection be treated for all purposes as complying with that control unless steps for enforcing the control have been begun before that date.

(5) Schedule 15 shall have effect for the purpose of making supplementary provision concerning the enforcement of breaches of planning control to which this section applies and the making and determination of applications under subsection (3).

(6) In this section and that Schedule—

"authority responsible for enforcing planning control" means, in relation to any works on land or use of land, the authority empowered by virtue of section 75 of the 1947 Act or of paragraph 34 of Schedule 24 to the 1971 Act (including that paragraph as it continues in effect by virtue of Schedule 3 to the [M151]Planning (Consequential Provisions) Act 1990) to serve an enforcement notice in respect of it or the authority who would be so empowered if the works had been carried out, or the use begun, otherwise than in compliance with planning control;

"the relevant date", in relation to any land, means the date with which the period of five years from the end of the war period ends, but for the purposes of this definition any time during which, notwithstanding subsection (2), planning control is unenforceable by reason of the subsistence in or over the land of any interest or right to possession held by or on behalf of the Crown shall be disregarded;

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"owner" has the same meaning as in the [M152]Housing Act 1985 and "owned" shall be construed accordingly;

"permanent or long-term interest", in relation to any land, means the fee simple in the land, a tenancy of the land granted for a term of more than ten years and not subject to a subsisting right of the landlord to determine the tenancy at or before the expiration of ten years from the beginning of the term, or a tenancy granted for a term of ten years or less with a right of renewal which would enable the tenant to prolong the term of the tenancy beyond ten years;

"tenancy" includes a tenancy under an underlease and a tenancy under an agreement for a lease or underlease, but does not include an option to take a tenancy and does not include a mortgage;

"war period" means the period extending from 3rd September 1939 to 26th March 1946;

"works" includes any building, structure, excavation or other work on land.

(7) References in this section and that Schedule to non-compliance with planning control mean—

(a) in relation to works on land carried out, or a use of land begun, at a time when the land was subject to a resolution to prepare a scheme under the [M153]Town and Country Planning Act 1932, that the works were carried out or the use begun otherwise than in accordance with the terms of an interim development order or of permission granted under such an order;

(b) in relation to works on land carried out, or a use of land begun, at a time when the land was subject to such a scheme, that the works were carried out or the use begun otherwise than in conformity with the provisions of the scheme;

and references in this Act to compliance with planning control shall be construed accordingly.

(8) References in this section and that Schedule to the enforcement of planning control shall be construed as references to the exercise of the powers conferred by section 75 of the 1947 Act or by paragraph 34 of Schedule 24 to the 1971 Act (including that paragraph as it continues in effect by virtue of Schedule 3 to the [M154]Planning (Consequential Provisions) Act 1990).

Marginal Citations

M151 1990 c. 9.
M152 1985 c. 68.
M153 1932 c. 48.
M154 1990 c. 9.

PART XIV

FINANCIAL PROVISIONS

[F1331]303 Fees for planning applications etc.

(1) The appropriate authority may by regulations make provision for the payment of a fee or charge to a local planning authority in respect of—

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(a) the performance by the local planning authority of any function they have;

(b) anything done by them which is calculated to facilitate or is conducive or incidental to the performance of any such function.

[F1332(1ZZA) References in subsection (1) to functions of a local planning authority do not, in the case of a local planning authority in Wales, include functions under the Historic Environment (Wales) Act 2023 (as to which, see section 167 of that Act).**]**

[F1333(1ZA) The Secretary of State may by regulations make provision for the payment of a fee to—

(a) the Mayor of London in respect of an application for consent, agreement or approval as mentioned in section 61DB(2) or the giving of advice about such an application;

(b) a specified person in respect of an application for consent, agreement or approval for which provision is made under section 61DB(4) or the giving of advice about such an application.**]**

[F1334(1A) The Secretary of State may by regulations make provision for the payment of a fee to the Secretary of State in respect of—

(a) any application made to the Secretary of State under section 62A;

(b) the giving of advice about applying under section 62A for any permission, approval or consent or for anything else for which an application may be made under that section.**]**

[F1335(1B) The Welsh Ministers may by regulations make provision for the payment of a fee or charge to the Welsh Ministers in respect of—

(a) the performance by the Welsh Ministers of any function they have in respect of an application under F1336... section 62M (option to make application directly to Welsh Ministers) or section 62O (connected applications);

(b) anything done by the Welsh Ministers which is calculated to facilitate, or is conducive or incidental to, the performance of any such function.

(1C) References in subsection (1B) to functions that the Welsh Ministers have in respect of an application include references—

F1337(a) . . . . . .

(b) to any functions that the Welsh Ministers have, by virtue of provision under section 61Z1, in respect of an application proposed to be made to the Welsh Ministers under section F1338... 62M or 62O.**]**

(2) The appropriate authority may by regulations make provision for the payment of a fee to the appropriate authority or the local planning authority (or of fees to both the appropriate authority and the local planning authority) in respect of any application for planning permission deemed to be made under section 177(5).

(3) The appropriate authority may by regulations make provision for the payment of a fee to the appropriate authority in respect of any application for planning permission which is deemed to be made to the appropriate authority under—

(a) any provision of this Act other than section 177(5), or

(b) any order or regulations made under this Act.

(4) The **[**F1339appropriate authority**][**F1339Welsh Ministers**]** may by regulations make provision for the payment of a fee to the **[**F1339appropriate authority**][**F1339Welsh Ministers**]** in respect of an application for planning permission **[**F1340or permission in principle**]** made under section 293A (urgent Crown development).

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[F1341(4A) The Secretary of State may by regulations make provision for the payment of a fee to the Secretary of State in respect of an application under section 293B, 293D or 293E.**]**

(5) Regulations under this section may in particular—

(a) make provision as to when a fee or charge payable under the regulations is to be paid;

(b) make provision as to who is to pay a fee or charge payable under the regulations;

(c) make provision as to how a fee or charge payable under the regulations is to be calculated (including who is to make the calculation);

(d) prescribe circumstances in which a fee or charge payable under the regulations is to be remitted or refunded (wholly or in part);

(e) prescribe circumstances in which no fee or charge is to be paid;

(f) make provision as to the effect of paying or failing to pay a fee or charge in accordance with the regulations;

(g) prescribe circumstances in which a fee or charge payable under the regulations to one local planning authority is to be transferred to another local planning authority.

[F1342(5A) Regulations made by the Secretary of State under subsection (1) or (2) may authorise or require a local planning authority in England to set the level of a fee or charge.

(5B) Regulations under subsection (1ZA) may authorise or require the Mayor of London or a specified person to set the level of a fee or charge.

(5C) Provision made in reliance on subsection (5A) or (5B) must include provision about—

(a) consultation to be carried out in relation to the setting of the level of a fee or charge;

(b) the criteria to be applied when setting the level of a fee or charge;

(c) publication of information or reports;

(d) obligations to notify the Secretary of State;

(e) reviews of the level of a fee or charge.**]**

(6) Regulations under this section may—

F1343(a) . . . . . .

(b) in the case of regulations made by virtue of subsection (5)(f) or paragraph (a) of this subsection, amend, repeal or revoke any provision made by or under this Act or by or under any other Act.

(7) In this section "the appropriate authority" means—

(a) the Secretary of State in relation to England;

(b) the Welsh Ministers in relation to Wales.

(8) No regulations shall be made under this section **[**F1344by the Secretary of State**]** unless a draft of the regulations has been laid before and approved by resolution of—

(a) each House of Parliament F1345...

F1345(b) . . . . . .

[F1346(8A) If a draft of regulations of the Secretary of State under this section would, apart from this subsection, be treated as a hybrid instrument for the purposes of the standing orders of either House of Parliament, it is to proceed in that House as if it were not a hybrid instrument.**]**

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[F1347(8B) Where—

(a) a local planning authority in England, the Mayor of London or a specified person calculates the amount of a fee or charge in pursuance of regulations under subsection (1) or (1ZA), or

(b) a local planning authority in England, the Mayor of London or a specified person sets the level of a fee or charge in pursuance of regulations under subsection (1), (1ZA) or (2),

the fee or charge must be calculated or set with a view to ensuring that, so far as possible, it does not exceed the cost of carrying out the function in respect of which it is imposed.

(8C) A local planning authority in England, the Mayor of London or a specified person must secure that their income from fees or charges paid in pursuance of regulations made under subsection (1), (1ZA) or (2) is applied towards the carrying out of functions that the authority, Mayor or person has that fall within subsection (8D).

(8D) The functions that fall within this subsection are—

(a) functions under—

(i) Part 3,

(ii) in Part 7, section 191 or 192, or

(iii) Part 8;

(b) in the case of the Mayor of London, functions under section 2A and related functions under sections 2B to 2F;

(c) functions under Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990;

(d) functions under section 17 of the Land Compensation Act 1961;

(e) functions specified for the purposes of this paragraph in regulations made by the Secretary of State,

other than functions in connection with applications made in legal proceedings.**]**

F1348(9) . . . . . .

(10) If a local planning authority **[**F1349in Wales**]** calculate the amount of fees or charges in pursuance of provision made by regulations under subsection (1) the authority must secure that, taking one financial year with another, the income from the fees or charges does not exceed the cost of performing the function or doing the thing (as the case may be).

[F1350**[**F1351(10A) If the Mayor of London or a specified person calculates the amount of fees in pursuance of provision made by regulations under subsection (1ZA) the Mayor of London or the specified person must secure that, taking one financial year with another, the income from the fees does not exceed the cost of performing the function.**]]**

(11) A financial year is the period of 12 months beginning with 1 April.**]**

Textual Amendments

F1331 S. 303 substituted (6.4.2009 for E., 8.8.2014 for W.) by Planning Act 2008 (c. 29), **ss. 199**, 241(3)(4) (with s. 226); S.I. 2009/400, art. 5(f); S.I. 2014/1769, art. 2(b)

F1332 S. 303(1ZZA) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 87** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

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F1333 S. 303(1ZA) inserted (12.2.2015 for specified purposes) by Infrastructure Act 2015 (c. 7), s. 57(5)(d), **Sch. 4 para. 19(2)**

F1334 S. 303(1A) inserted (9.5.2013 for E. for specified purposes, 1.10.2013 for specified purposes, 1.10.2014 in so far as not already in force) by Growth and Infrastructure Act 2013 (c. 27), s. 35(1), **Sch. 1 para. 10**; S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2

F1335 S. 303(1B)(1C) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 18**; S.I. 2016/52, art. 3(e)

F1336 Words in s. 303(1B)(a) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(19)(a)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1337 S. 303(1C)(a) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(19)(b)(i)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1338 Words in s. 303(1C)(b) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(19)(b)(ii)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1339 Words in s. 303(4) substituted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 10 para. 8(a)** (with s. 247); S.I. 2025/430, reg. 2(b)

F1340 Words in s. 303(4) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 36**; S.I. 2016/733, reg. 3(d)

F1341 S. 303(4A) inserted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 10 para. 8(b)** (with s. 247); S.I. 2025/430, reg. 2(b)

F1342 S. 303(5A)-(5C) inserted (18.12.2025 for specified purposes) by Planning and Infrastructure Act 2025 (c. 34), **ss. 51(2)**, 118(2)(a) (with s. 116)

F1343 S. 303(6)(a) omitted (26.12.2023) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), **ss. 130(3)(e)**, 255(3)(a) (with s. 247)

F1344 Words in s. 303(8) inserted (6.9.2015) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 4(5)(a)(i)**

F1345 Words in s. 303(8) omitted (6.9.2015) by virtue of Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 4(5)(a)(ii)**

F1346 S. 303(8A) inserted (12.5.2016) by Housing and Planning Act 2016 (c. 22), **ss. 157**, 216(1)(d)

F1347 S. 303(8B)-(8D) inserted (18.12.2025 for specified purposes) by Planning and Infrastructure Act 2025 (c. 34), **ss. 51(3)**, 118(2)(a) (with s. 116)

F1348 S. 303(9) omitted (6.9.2015) by virtue of Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 4(5)(b)**

F1349 Words in s. 303(10) inserted (18.12.2025 for specified purposes) by Planning and Infrastructure Act 2025 (c. 34), **ss. 51(4)**, 118(2)(a) (with s. 116)

F1350 S. 303(10A) omitted (18.12.2025 for specified purposes) by Planning and Infrastructure Act 2025 (c. 34), **ss. 51(5)**, 118(2)(a) (with s. 116)

F1351 S. 303(10A) inserted (12.2.2015 for specified purposes) by Infrastructure Act 2015 (c. 7), s. 57(5)(d), **Sch. 4 para. 19(3)**

Modifications etc. (not altering text)

C1329 S. 303 restricted (18.12.1996) by 1996 c. 61, **s. 11(5)**

C1330 S. 303 restricted (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 12(5)**

[F1352 303ZZA Sections in relation to fees set by English local planning authorities etc

(1) This section applies where—

(a) by virtue of section 303(5A) or (5B), a local planning authority in England, the Mayor of London or a specified person (a "charging authority") has set or is proposing to set its own fee or charge in respect of a matter, and

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(b) the Secretary of State considers that the fee or charge is set or proposed to be set at a level that is not appropriate.

(2) The Secretary of State may direct the charging authority to review the level of the fee or charge.

(3) A charging authority to which a direction is given under subsection (2) must—
(a) review the fee or charge, and
(b) notify the Secretary of State of its decision as a result of the review, giving reasons.

(4) Subsection (5) applies where—
(a) a charging authority fails to comply with subsection (3), or
(b) a charging authority complies with that subsection but the Secretary of State considers that the fee or charge remains set at a level that is not appropriate.

(5) The Secretary of State may direct that the fee or charge is to be of such amount as may be specified in, or determined in accordance with, the direction.

(6) The Secretary of State may by regulations make provision—
(a) about the time by which any requirement imposed by or under this section must be complied with;
(b) about the fee or charge that is to apply while a charging authority reviews a fee or charge following a direction under subsection (2);
(c) about repayment of the whole or part of any fee or charge where the level of the fee or charge is reduced as a result of a direction under subsection (2) or (5).

(7) In this section "specified person" has the same meaning as in section 303.**]**

Textual Amendments

F1352 S. 303ZZA inserted (18.12.2025 for specified purposes) by Planning and Infrastructure Act 2025 (c. 34), **ss. 51(6)**, 118(2)(a) (with s. 116)

[F1353 303ZZB Surcharge on planning fees

(1) The Secretary of State may by regulations make provision for a surcharge to be imposed on a fee or charge paid—
(a) to a local planning authority in England under section 303(1) or (2),
(b) to the Mayor of London or a specified person under section 303(1ZA), or
(c) to the Secretary of State under section 303(1A), (2), (3) or (4A).

(2) Where regulations under subsection (1) provide for a surcharge to be imposed on a fee or charge paid to a person other than the Secretary of State, that person must pay to the Secretary of State the amount they receive from any surcharges—
(a) subject to such deductions, and
(b) at the times and in the manner,
as set out in regulations under subsection (1).

(3) Regulations under subsection (1) may—
(a) specify the level of the surcharge as a percentage of the level of a fee or charge;

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(b) make different provision for different purposes, including setting different levels of surcharge for different fees, charges, cases or circumstances.

(4) Regulations under subsection (1) may provide that where the level of the fee or charge has been set by—

(a) a local planning authority under section 303(5A), or

(b) the Mayor of London or a specified person under section 303(5B),

the surcharge may be set as a percentage of the fee or charge that would be payable had the level of the fee or charge not been so set.

(5) The Secretary of State must list in regulations the persons whose relevant costs the surcharge is intended to cover ("listed persons").

(6) In setting the level of the surcharge, the Secretary of State must have regard to the relevant costs of the listed persons, and must secure that, taking one financial year with another, the income from the surcharge does not exceed the relevant costs of the listed persons.

(7) In subsections (5) and (6), "relevant costs" means the costs of providing advice, information or assistance (including the provision of a response to a consultation) in connection with—

(a) applications,

(b) proposed applications, or

(c) proposals for a permission, approval or consent,

that are made under or for the purposes of the planning Acts and that relate to land in England.

(8) Regulations under subsection (1) may set the surcharge at a level that exceeds the costs of listed persons of providing advice, information or assistance in connection with the application, proposed application or proposal in respect of which the surcharge is imposed.

(9) Paragraphs (a) to (f) of section 303(5) apply to regulations under this section as they apply to regulations under subsection (1), save that references to a fee or charge are to be read as references to the surcharge.

(10) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.**]**

Textual Amendments

F1353 S. 303ZZB inserted (18.2.2026) by Planning and Infrastructure Act 2025 (c. 34), **ss. 52**, 118(2)(b) (with s. 116)

[F1354 303ZZA Fees for appeals

(1) The appropriate authority may by regulations make provision for the payment of a fee to the appropriate authority in respect of an appeal to the appropriate authority under any provision made by or under—

(a) this Act;

(b) the Planning (Listed Buildings and Conservation Areas) Act 1990.

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(2) The regulations may in particular—

(a) make provision as to when a fee payable under the regulations is to be paid;

(b) make provision as to how such a fee is to be calculated (including who is to make the calculation);

(c) prescribe circumstances in which such a fee is to be remitted or refunded (wholly or in part);

(d) prescribe circumstances in which no fee is to be paid;

(e) make provision as to the effect of paying or failing to pay a fee in accordance with the regulations.

(3) A fee payable to the appropriate authority under regulations made under this section is payable—

(a) by the appellant;

(b) in addition to any fee payable to the appropriate authority under regulations made under section 303.

(4) Regulations under this section may—

F1355(a) . . . . . .

(b) in the case of regulations made by virtue of subsection (2)(e) or paragraph (a) of this subsection, amend, repeal or revoke any provision made by or under this Act or by or under any other Act.

(5) In this section "the appropriate authority" means—

(a) the Secretary of State in relation to England;

(b) the Welsh Ministers **[**F1356in relation to appeals under any provision made by or under this Act as it applies**]** in relation to Wales.

(6) No regulations shall be made under this section **[**F1357by the Secretary of State**]** unless a draft of the regulations has been laid before and approved by resolution of—

(a) each House of Parliament F1358...

F1358(b) . . . . . .

F1359(7) . . . . . .**]**

Textual Amendments

F1354 S. 303ZA inserted (1.10.2009 for E. and otherwise prosp.) by Planning Act 2008 (c. 29), **ss. 200**, 241 (with s. 226); S.I. 2009/2260, **art. 4**

F1355 S. 303ZA(4)(a) omitted (26.12.2023) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), **ss. 130(3)(f)**, 255(3)(a) (with s. 247)

F1356 Words in s. 303ZA(5)(b) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 88** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

F1357 Words in s. 303ZA(6) inserted (6.9.2015) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 4(6)(a)(i)**

F1358 Words in s. 303ZA(6) omitted (6.9.2015) by virtue of Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 4(6)(a)(ii)**

F1359 S. 303ZA(7) omitted (6.9.2015) by virtue of Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 4(6)(b)**

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[F1360 303A Responsibility of local planning authorities for costs of holding certain inquiries etc.

[F1361 (1) This section applies if the appropriate authority appoints a person to carry out or hold a qualifying procedure.

(1A) A qualifying procedure is—

(a) an independent examination under section [F1362 15D, 15DB, 15H(3)(b), 15HA(6)(a)] or 64 of the Planning and Compulsory Purchase Act 2004;

(b) a local inquiry or other hearing under paragraph 8(1)(a) of Schedule 7;

(c) the consideration of objections under paragraph 8(1)(b) of that Schedule.

(1B) [F1363 Where a local planning authority cause a qualifying procedure to be carried out or held, the] appropriate authority is—

(a) the Secretary of State if the local planning authority causing the procedure to be carried out or held is in England;

(b) the National Assembly for Wales if the local planning authority causing the procedure to be carried out or held is in Wales.]

F1364 [Where the qualifying procedure is an independent examination of a strategic (1C) development plan under section 64 of the Planning and Compulsory Purchase Act 2004, the appropriate authority is the Welsh Ministers.]

(2) The [F1365 appropriate authority] may require the whole or any part of the costs borne by [F1366 it] in relation to the qualifying [F1367 procedure] to be paid by the local planning authority [F1368 or corporate joint committee] causing the qualifying [F1367 procedure] to be held.

(3) The [F1365 appropriate authority] may cause the amount of any such costs to be certified; and any amount so certified and required by [F1366 it] to be paid by a local planning authority [F1369 or corporate joint committee] shall be recoverable from that authority [F1370 or committee] as a civil debt.

(4) What may be recovered under this section by the [F1365 appropriate authority] is the entire administrative cost of, or incidental to, the qualifying [F1367 procedure] , so far as borne by [F1366 it], including, in particular, such reasonable amount or element as [F1371 it] may determine in respect of the general staff costs and overheads of his department.

(5) For the purposes of subsection (4), the [F1365 appropriate authority] may by regulations prescribe a standard daily amount in relation to any description of qualifying [F1367 procedure] and any description of person appointed to hold it, F1372 ... and where, in relation to a qualifying [F1367 procedure] of that description, a person of that description is or has been so appointed, what may be recovered in respect of that qualifying [F1367 procedure] by virtue of the appointment of that person F1372 ... is—

(a) the prescribed standard amount from time to time applicable in the case of that qualifying [F1367 procedure] and that person in respect of each day, or an appropriate proportion of that amount in respect of a part of a day, on which that person is engaged in the holding of, or is otherwise engaged on work connected with, the qualifying [F1367 procedure] ;

(b) any costs actually incurred on travelling or subsistence allowances payable to that person in connection with the qualifying [F1367 procedure] ;

(c) any costs attributable to the appointment of an assessor to assist that person F1373 . . . and

(d) any other costs attributable to the appointment of that person.

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(6) The cost of, or incidental to, a qualifying **[**F1367procedure**]** which does not take place may be recovered by the **[**F1365appropriate authority**]** from the local planning authority **[**F1374or corporate joint committee**]** from which it would have been recoverable, had the qualifying **[**F1367procedure**]** taken place, to the same extent, and in the same way, as the cost of, or incidental to, a qualifying **[**F1367procedure**]** which does take place.

F1375(7) . . . . . .

F1375(8) . . . . . .

F1375(9) . . . . . .

[F1376(9A) A reference to a local planning authority **[**F1377or corporate joint committee**]** causing a qualifying procedure to be carried out includes a reference to the case where under the Planning and Compulsory Purchase Act 2004—

(a) the local planning authority **[**F1378or corporate joint committee**]** are required to submit a **[**F1379strategy, plan or**]** document to the appropriate authority for independent examination, or

(b) the Secretary of State holds an independent examination in relation to a document prepared by the local planning authority, or by the Secretary of State under section **[**F1380 15HA(3)(b) or 15HA(6)(a)**]** of that Act.**]**

[F1381(9B) In a case where a qualifying procedure is carried out in relation to a plan that is prepared jointly by two or more local planning authorities under Part 2 of the Planning and Compulsory Purchase Act 2004, the Secretary of State may for the purposes of this section apportion the amount that may be recovered in accordance with subsections (4) to (6) between those authorities, on such basis as the Secretary of State considers just and reasonable.**]**

(10) In this section—

[F1382(za) any reference to an independent examination under section 15D of the Planning and Compulsory Purchase Act 2004 includes a pause of such an examination under section 15DA of that Act;**]**

(a) any reference to costs borne by the **[**F1383appropriate authority**]** includes a reference to costs which, apart from this section, would fall, or would have fallen, to be borne by **[**F1384it**]** ; and

(b) any reference to any remuneration or allowance being paid or payable to a person includes a reference to its being paid or payable for him.

(11) This section applies in relation to costs arising before, as well as costs arising after, its coming into force.**]**

[F1385(12) In this section references to a local planning authority are, in relation to a local planning authority in England, to a local planning authority for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004 and include a minerals and waste planning authority for the purposes of that Part.**]**

Textual Amendments

F1360 S. 303A inserted (8.11.1995) by 1995 c. 49, **s. 1(1)**

F1361 S. 303A(1)-(1B) substituted (28.9.2004 (E.), 15.10.2005 (W.)) by Planning and Compulsory Purchase Act 2004 (c. 5), s. 118, **Sch. 6 para. 11(2)**, (with s. 111); S.I. 2004/2202, **art. 2**; S.I. 2005/2847, **art. 2**

F1362 Words in s. 303A(1A)(a) substituted (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 7(2)(b)** (with s. 247); S.I. 2026/169, reg. 3(f)(ii) (with Sch. 1)

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F1363 Words in s. 303A(1B) substituted (6.9.2015 for specified purposes, 7.1.2021 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 2 para. 10(2)**; S.I. 2021/7, reg. 2(c)

F1364 S. 303A(1C) inserted (6.9.2015 for specified purposes, 7.1.2021 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 2 para. 10(3)**; S.I. 2021/7, reg. 2(c)

F1365 Words in s. 303A(2)-(6) substituted (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 121, **Sch. 6 para. 11(3)** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3)

F1366 Word in s. 303A(2)-(6) substituted (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 121, **Sch. 6 para. 11(3)** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3)

F1367 Word in s. 303A(2)(4)(5)(6) substituted (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 121, **Sch. 6 para. 11(4)** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3)

F1368 Words in s. 303A(2) substituted (21.1.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(1)(e), **Sch. 9 para. 26(2)**

F1369 Words in s. 303A(3) substituted (21.1.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(1)(e), **Sch. 9 para. 26(3)(a)**

F1370 Words in s. 303A(3) substituted (21.1.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(1)(e), **Sch. 9 para. 26(3)(b)**

F1371 Word in s. 303A(2)-(6) substituted (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 121, **Sch. 6 para. 11(3)** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3)

F1372 Words in s. 303A(5) repealed (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 121, **Sch. 6 para. 11(5)** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3)

F1373 Words in s. 303A(5)(c) repealed (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 121, **Sch. 6 para. 11(5)(c)** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3)

F1374 Words in s. 303A(6) substituted (21.1.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(1)(e), **Sch. 9 para. 26(4)**

F1375 S. 303A(7)-(9) substituted (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 121, **Sch. 6 para. 11(6)** (with s. 111); S.I. 2004/2202, **art. 2** Sch .1 (subjject to transitional provisions and savings in art. 4) ; S.I. 2005/2847, **art. 2** Sch. 1 (subjject to transitional provisions and savings in art. 3)

F1376 S. 303A(9A) substituted (1.10.2016) by Housing and Planning Act 2016 (c. 22), **ss. 148(3)**, 216(3); S.I. 2016/733, reg. 4(1)(f)

F1377 Words in s. 303A(9A) inserted (21.1.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(1)(e), **Sch. 9 para. 26(5)(a)**

F1378 Words in s. 303A(9A)(a) inserted (21.1.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(1)(e), **Sch. 9 para. 26(5)(b)**

F1379 Words in s. 303A(9A)(a) inserted (25.3.2026 except for the word "strategy") by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 7(3)(a)(i)** (with s. 247); S.I. 2026/169, reg. 3(f)(ii) (with Sch. 1)

F1380 Words in s. 303A(9A)(b) substituted (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 7(3)(b)** (with s. 247); S.I. 2026/169, reg. 3(f)(ii) (with Sch. 1)

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F1381 S. 303A(9B) inserted (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 7(4)** (with s. 247); S.I. 2026/169, reg. 3(f)(ii) (with Sch. 1)

F1382 S. 303A(10)(za) inserted (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 7(5)** (with s. 247); S.I. 2026/169, reg. 3(f)(ii) (with Sch. 1)

F1383 Words in s. 303A(10)(a) substituted (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 121, **Sch. 6 para. 11(3)** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3)

F1384 Word in s. 303A(10)(a) substituted (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 121, **Sch. 6 para. 11(3)** (with s. 111); S.I. 2004/2202, **art. 2**, Sch. 1 (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2**, Sch. 1 (subject to transitional provisions and savings in art. 3)

F1385 S. 303A(12) inserted (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 7(6)** (with s. 247); S.I. 2026/169, reg. 3(f)(ii) (with Sch. 1)

Modifications etc. (not altering text)

C1331 S. 303A modified (8.11.1995) by 1995 c. 49, **s. 1(2)(3)(4)**
S. 303A restricted (8.11.1995) by 1995 c. 49, **s. 2(14)**

304 Grants for research and education.

The Secretary of State may, with the consent of the Treasury, make grants for assisting establishments engaged in promoting or assisting research relating to, and education with respect to, the planning and design of the physical environment.

Modifications etc. (not altering text)

C1332 S. 304 functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 4 para. 1** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(p))

[F1386 304A Grants for advice and assistance

(1) The appropriate authority may make grants for the purpose of assisting any person to provide advice and assistance in connection with any matter which is related to—

(a) the planning Acts;

(b) the Planning and Compulsory Purchase Act 2004;

[F1387(ba) the Planning Act 2008;**]**

(c) the enactments mentioned in subsection (2).

(2) The enactments are enactments which relate to planning contained in the following Acts—

(a) the Planning and Compensation Act 1991;

(b) the Transport and Works Act 1992;

(c) the Environment Act 1995.

(3) The appropriate authority may make a grant subject to such terms and conditions as it thinks appropriate.

(4) Person includes a body whether or not incorporated.

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(5) The appropriate authority is—

(a) the Secretary of State in relation to England;

(b) the National Assembly for Wales in relation to Wales.**]**

Textual Amendments

F1386 S. 304A inserted (13.5.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 115**, 121 (with s. 111)

F1387 S. 304A(1)(ba) inserted (6.4.2009) by Planning Act 2008 (c. 29), **ss. 177**, 241 (with s. 226); S.I. 2009/400, **art. 3**

305 Contributions by Ministers towards compensation paid by local authorities.

(1) Where—

(a) compensation is payable by a local authority **[**F1388or National Park authority**]** under this Act in consequence of any decision or order to which this section applies, and

(b) that decision or order was given or made wholly or partly in the interest of a service which is provided by a government department and the cost of which is defrayed out of money provided by Parliament,

the Minister responsible for the administration of that service may pay to that authority a contribution of such amount as he may with the consent of the Treasury determine.

(2) This section applies to any decision or order given or made under Part III, the provisions of Part VI relating to purchase notices, Part VII, Part VIII or Schedule 5, 6 or 9.

Textual Amendments

F1388 Words in s. 305(1)(a) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(9)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

306 Contributions by local authorities and statutory undertakers.

(1) Without prejudice to section 274 of the M155Highways Act 1980 (contributions by local authorities to expenses of highway authorities), any local authority may contribute towards any expenses incurred by a local highway authority—

(a) in the acquisition of land under Part IX of this Act or Chapter V of Part I of the M156Planning (Listed Buildings and Conservation Areas) Act 1990 **[**F1389or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023**]**,

(b) in the construction or improvement of roads on land so acquired, or

(c) in connection with any development required in the interests of the proper planning of the area of the local authority.

(2) Any local authority and any statutory undertakers may contribute towards—

[F1390(a) any expenses incurred by a local planning authority for the purposes of carrying out a review under section 13 or 61 of the Planning and Compulsory Purchase Act 2004 (duty of local planning authority to keep under review certain matters affecting development);

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(ab) any expenses incurred by a **[**[F1391]minerals and waste planning authority or**]** county council for the purposes of carrying out a review under section 14 of that Act (duty of **[**[F1392]minerals and waste planning authority or**]** county council to keep under review certain matters affecting development);**]**

(b) any expenses incurred by a local planning authority or a mineral planning authority in or in connection with the performance of any of their functions under Part III, the provisions of Part VI relating to purchase notices, Part VII **[**[F1393]except sections 196A and 196B**]**, Part VIII (except section 207), Part IX or Schedule 5 or 9.

[[F1394](2A) Each of the persons specified in subsection (2B) may contribute towards any expenses incurred by a **[**[F1395]corporate joint committee**]** for the purposes of carrying out a review under section **[**[F1396]60L of the Planning and Compulsory Purchase Act 2004 (corporate joint committees: area survey)**]**.

(2B) The persons are—

(a) a local authority in Wales;

(b) a statutory undertaker authorised to carry on an undertaking in Wales.**]**

(3) Where any expenses are incurred by a local authority in the payment of compensation payable in consequence of anything done under Part III, the provisions of Part VI relating to purchase notices, Part VII **[**[F1393]except sections 196A and 196B**]**, Part VIII, or Schedule 5 or 9, the Secretary of State may, if it appears to him to be expedient to do so, require any other local authority to contribute towards those expenses such sum as appears to him to be reasonable, having regard to any benefit accruing to that authority by reason of the proceeding giving rise to the compensation.

(4) Subsection (3) shall apply in relation to payments made by a local authority to any statutory undertakers in accordance with financial arrangements to which effect is given under section 275(5)(c), as it applies in relation to compensation payable by such an authority in consequence of anything done under Part III, Part VIII or Schedule 5 or 9, and the reference in that subsection to the proceeding giving rise to the compensation shall be construed accordingly.

(5) For the purposes of this section, contributions made by a local planning authority towards the expenditure of a joint advisory committee shall be deemed to be expenses incurred by that authority for the purposes for which that expenditure is incurred by the committee.

[[F1397](6) This section shall have effect as if the references to a local authority included references to a National Park authority.**]**

Textual Amendments

F1389 Words in s. 306(1)(a) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 89** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

F1390 S. 306(2)(a)(ab) substituted for s. 306(2)(a) (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 121, **Sch. 6 para. 12** (with s. 111); S.I. 2004/2202, **art. 2** (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2** (subject to transitional provisions and savings in art. 3)

F1391 Words in s. 306(2)(ab) inserted (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 8(a)** (with s. 247); S.I. 2026/169, reg. 3(f)(iii) (with Sch. 1)

F1392 Words in s. 306(2)(ab) inserted (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 8(b)** (with s. 247); S.I. 2026/169, reg. 3(f)(iii) (with Sch. 1)

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F1393 Words in s. 306(2)(b)(3) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, 84(2)-(4), **Sch. 7 para. 47** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 4)

F1394 S. 306(2A)(2B) inserted (6.9.2015 for specified purposes, 7.1.2021 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 2 para. 11**; S.I. 2021/7, reg. 2(c)

F1395 Words in s. 306(2A) substituted (21.1.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(1)(e), **Sch. 9 para. 27(a)**

F1396 Words in s. 306(2A) substituted (21.1.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(1)(e), **Sch. 9 para. 27(b)**

F1397 S. 306(6) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(10)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

Modifications etc. (not altering text)

C1333 S. 306(2)(a) applied (with modifications) (1.4.1996) by 1994 c. 19, s. 66(7), **Sch. 17 Pt. II para. 17(1)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 6(3), **Sch. 5**

Marginal Citations

M155 1980 c. 66.

M156 1990 c. 9.

307 Assistance for acquisition of property where objection made to blight notice in certain cases.

(1) The council of a county, **[**[F1398]county borough,**]** district or London borough may advance money to any person for the purposes of enabling him to acquire a hereditament or agricultural unit in respect of which a counter-notice has been served under section 151 specifying the grounds mentioned in subsection (4)(d) of that section as, or as one of, the grounds of objection.

(2) No advance may be made under subsection (1) in the case of a hereditament if its annual value exceeds such amount as may be prescribed for the purposes of section 149(3)(a).

(3) An advance under subsection (1) may be made subject to such conditions as the council may think fit.

Textual Amendments

F1398 Words in s. 307(1) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(12)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

308 Recovery from acquiring authorities of sums paid by way of compensation.

(1) This section applies where—

(a) an interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers, and

(b) a notice is registered under section 110(2) [F1399]. . . in respect of any of the land acquired or sold (whether before or after the completion of the acquisition or sale) in consequence of a planning decision or order made before the service of the notice to treat, or the making of the contract, in pursuance of which the acquisition or sale is effected.

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(2) Where this section applies the Secretary of State shall, subject to the following provisions of this section, be entitled to recover from the acquiring authority a sum equal to so much of the amount of the compensation specified in the notice as (in accordance with section 110(5) [F1399]. . .) is to be treated as attributable to that land.

(3) If, immediately after the completion of the acquisition or sale, there is outstanding some interest in the land acquired or sold to which a person other than the acquiring authority is entitled, the sum referred to in subsection (2) shall not accrue due until that interest either ceases to exist or becomes vested in the acquiring authority.

(4) No sum shall be recoverable under this section in the case of a compulsory acquisition or sale where the Secretary of State is satisfied that the interest in question is being acquired for the purposes of the use of the land as a public open space.

(5) Where the Secretary of State recovers a sum under this section in respect of any land by reason that it is land in respect of which a notice is registered under the provisions of section 110, section 112(11) to (13) shall have effect in relation to that sum as if it were a sum recovered as mentioned in section 112(11).

(6) In this section [F1399]. . . "interest" (where the reference is to an interest in land) means the fee simple or a tenancy of the land and does not include any other interest in it.

Textual Amendments

F1399 Words in s. 308(1)(b)(2)(6) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 26(1)(a)(b)(c), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

[F1400]309 . . . . . .

Textual Amendments

F1400 S. 309 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 31, 84(6), Sch. 6 para. 27, **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

310 Sums recoverable from acquiring authorities reckonable for purposes of grant.

Where—

(a) a sum is recoverable from any authority under section 308 [F1401]. . . by reference to an acquisition or purchase of an interest in land, and

(b) a grant became or becomes payable to that or some other authority under an enactment in respect of that acquisition or purchase or of a subsequent appropriation of the land,

the power conferred by that enactment to pay the grant shall include, and shall be deemed always to have included, power to pay a grant in respect of that sum as if it had been expenditure incurred by the acquiring authority in connection with the acquisition or purchase.

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Textual Amendments

F1401 Words in s. 310 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 28, **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

311 Expenses of government departments.

(1) The following expenses of the Secretary of State shall be paid out of money provided by Parliament—

(a) any expenses incurred by the Secretary of State under subsection (5) of section 220 or in the payment of expenses of any committee established under that section;

(b) any sums necessary to enable the Secretary of State to make any payments becoming payable by him under Part IV [F1402]. . .;

(c) any expenses incurred by the Secretary of State under Part X;

(d) any expenses incurred by the Secretary of State in the making of grants under section 304;

(e) any administrative expenses incurred by the Secretary of State for the purposes of this Act.

(2) There shall be paid out of money provided by Parliament any expenses incurred by any government department (including the Secretary of State)—

(a) in the acquisition of land under Part IX;

(b) in the payment of compensation under section 236(4), 279(2) or 325;

(c) under section 240(1)(b); or

(d) under section 305.

Textual Amendments

F1402 Words in s. 311(1)(b) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 29, **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

[F1403]312 . . . . . .

Textual Amendments

F1403 S. 312 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 30, **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

313 General provision as to receipts of Secretary of State.

[F1404]. . .Subject to the provisions of section 112, any sums received by the Secretary of State under any provision of this Act shall be paid into the Consolidated Fund.

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F1404 Words in s. 313 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 31, **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

314 Expenses of county councils.

The council of a county may direct that any expenses incurred by them under the provisions specified in Parts I and II of Schedule 16 shall be treated as special expenses of a county council chargeable upon such part of the county as may be specified in the directions.

PART XV

MISCELLANEOUS AND GENERAL PROVISIONS

Application of Act in special cases

[F1405 314A Wales: duties relating to listed buildings and features of architectural or historic interest

(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the Welsh Ministers or a local planning authority in Wales must have special regard to the desirability of preserving—

(a) the listed building,

(b) the setting of the building, or

(c) any features of special architectural or historic interest the building possesses.

(2) In exercising the powers conferred by sections 232, 233 and 235(1) (appropriation, disposal and development of land held for planning purposes), a relevant local authority must have regard to the desirability of preserving features of special architectural or historic interest, and in particular listed buildings.

(3) In subsection (2), "relevant local authority" means—

(a) a county council or county borough council in Wales;

(b) a National Park authority in Wales;

(c) a joint planning board constituted under section 2(1B).

(4) In this section, "listed building" means—

(a) a listed building (within the meaning given by section 76 of the Historic Environment (Wales) Act 2023) situated in Wales, or

(b) a listed building (within the meaning given by section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990) situated in England.**]**

Textual Amendments

F1405 S. 314A inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 90** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

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315 Power to modify Act in relation to minerals.

(1) In relation to development consisting of the winning and working of minerals **[**F1406or involving the depositing of mineral waste**]**, the provisions specified in Parts I and II of Schedule 16 shall have effect subject to such adaptations and modifications as may be prescribed.

(2) In relation to interests in land consisting of or comprising minerals (being either the fee simple or tenancies of such land) F1407. . ., the provisions specified in Part III of Schedule 16 shall have effect subject to such adaptations and modifications as may be prescribed.

(3) Regulations made for the purposes of this section may only be made with the consent of the Treasury and shall be of no effect unless they are approved by resolution of each House of Parliament.

(4) Any regulations made by virtue of subsection (1) shall not apply—

(a) to the winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use, including the fertilisation of the land so used and the maintenance, improvement or alteration of buildings or works on it which are occupied or used for those purposes; F1408. . .

F1408(b) . . . . . .

(5) Nothing in subsection (1) or (4) shall be construed as affecting the prerogative right of Her Majesty (whether in right of the Crown or of the Duchy of Lancaster) or of the Duke of Cornwall to any gold or silver mine.

Textual Amendments

F1406 Words in s. 315(1) inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(2)-(4), **Sch. 1 para. 11** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F1407 Words in s. 315(2) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 32, **Sch. 19**, Pt. II (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F1408 S. 315(4)(b) and word "or" immediately preceding it repealed (1.11.1994) by 1994 c. 21, s. 67, Sch. 9 para. 39(2), **Sch. 11 Pt. III** (with s. 40(7)); S.I. 1994/2552, art. 3, **Sch. 2**

[F1409316 Land of interested planning authorities and development by them.

(1) The provisions of Parts III, VII and VIII of this Act shall apply in relation to—

(a) land of interested planning authorities; and

(b) the development of any land by interested planning authorities or by such authorities jointly with any other persons,

subject to regulations made by virtue of this section.

(2) The regulations may, in relation to such land or such development—

(a) provide for any of those provisions to apply subject to prescribed exceptions or modifications or not to apply;

(b) make new provision as to any matter dealt with in any of those provisions;

(c) make different provision in relation to different classes of land or development.

(3) Without prejudice to subsection (2), the regulations may provide—

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(a) subject to subsection (5), for applications for planning permission to develop such land, or for such development, to be determined by the authority concerned, by another interested planning authority or by the Secretary of State; and

(b) for the procedure to be followed on such applications,

and, in the case of applications falling to be determined by an interested planning authority, they may regulate the authority's arrangements for the discharge of their functions, notwithstanding **[**F1410any provision made by or under sections 319ZA to 319ZC or**]** anything in section 101 of the M157Local Government Act 1972.

(4) The regulations shall—

(a) provide for section 71(3), and any provision made by virtue of section 65 or 71 by a development order, to apply to applications for planning permission to develop **[**F1411such land, or for such development,**][**F1411land of an interested planning authority other than the Welsh Ministers, or for the development of land by an interested planning authority other than the Welsh Ministers,**]** subject to prescribed exceptions or modifications, or

(b) make corresponding provision.

(5) In the case of any application for planning permission to develop land of an interested planning authority **[**F1412other than the Welsh Ministers**]** where—

(a) the authority do not intend to develop the land themselves or jointly with any other person; and

(b) if it were not such land, the application would fall to be determined by another body,

the regulations shall provide for the application to be determined by that other body, unless the application is referred to the Secretary of State under section 77.

(6) In this section "interested planning authority", in relation to any land, means any body which exercises any of the functions of a local planning authority in relation to that land **[**F1413or the Welsh Ministers**]**; and for the purposes of this section land is land of an authority if the authority have any interest in it.

[F1414(7) This section applies—

(a) to permission in principle to develop any land, and

(b) to any consent required in respect of any land,

as it applies to planning permission to develop land.**]**

(8) Subsection (1) does not apply to sections 76, 90(2) and (5) and 223.**]**

[F1415(9) The power to make regulations under this section relating to land of the Welsh Ministers or to the development of land by the Welsh Ministers is exercisable by the Welsh Ministers.**]**

Textual Amendments

F1409 S. 316 substituted (25.11.1991 for certain purposes and otherwise 17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s.20**, (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/1491, **art. 2**

F1410 Words in s. 316(3) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 39(2)**, 58(2)(b)(4)(b); S.I. 2017/546, art. 3(a)

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F1411 Words in s. 316(4) substituted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 19(2)**; S.I. 2016/52, art. 3(e)
F1412 Words in s. 316(5) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 19(3)**; S.I. 2016/52, art. 3(e)
F1413 Words in s. 316(6) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 19(4)**; S.I. 2016/52, art. 3(e)
F1414 S. 316(7) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 37**; S.I. 2016/733, reg. 3(d)
F1415 S. 316(9) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 19(5)**; S.I. 2016/52, art. 3(e)

Modifications etc. (not altering text)
C1334 S. 316: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

Marginal Citations
M157 1972 c. 70.

[F1416 316A Local planning authorities as statutory undertakers.

In relation to statutory undertakers who are local planning authorities, section 283 and the provisions specified in that section shall have effect subject to such exceptions and modifications as may be prescribed.**]**

Textual Amendments
F1416 S. 316A inserted (25.11.1991 for certain purposes and otherwise 17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 48** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/1491, art. 2, **Sch. 1**

F1417 317 . . . . . .

Textual Amendments
F1417 S. 317 repealed (1.11.1994) by 1994 c. 21, s. 67, Sch. 9 para. 39(2), **Sch. 11 Pt. III** (with s. 40(7)); S.I. 1994/2552, art. 3, **Sch. 2**

318 Ecclesiastical property.

(1) Without prejudice to the provisions of the M158 Acquisition of Land Act 1981 with respect to notices served under that Act, where under any of the provisions of this Act a notice or copy of a notice is required to be served on an owner of land, and the land is ecclesiastical property, a similar notice or copy of a notice shall be served on the **[**F1418 Diocesan Board of Finance for the diocese in which the land is situated**]**.

(2) **[**F1419 Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant**]**—

(a) if the property is situated elsewhere than in Wales, then for the purposes of the provisions specified in Part VI of Schedule 16 **[**F1420 it**]** shall be treated as

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being vested in the **[**F1421Diocesan Board of Finance for the diocese in which the land is situated**]**;

(b) in any case, **[**F1420it**]** shall, for the purposes of a compulsory acquisition of the property under Part IX, be treated as being vested in the **[**F1421Diocesan Board of Finance for the diocese in which the land is situated**]**, and any notice to treat shall be served, or be deemed to have been served, accordingly.

(3) Any compensation payable under Part IV, section 186, Part VIII (except section 204) or section 250 in respect of land which is ecclesiastical property **[**F1422shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated**]**, and shall F1423. . . be applied by **[**F1424it**]** for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising or disposing of the proceeds of such a sale.

(4) Any sum which under any of the provisions specified in Part III of Schedule 16 is payable in relation to land which is, or on 1st July 1948 was, ecclesiastical property, and apart from this subsection would be payable to an incumbent—

(a) shall be paid to the **[**F1425Diocesan Board of Finance for the diocese in which the land is situated**]**, and

(b) shall be applied by **[**F1424it**]** for the purposes mentioned in subsection **[**F1426(3)**]**.

(5) Where any sum is recoverable under section 111, **[**F1427or 112**]** in respect of any such land, the **[**F1428Diocesan Board of Finance for the diocese in which the land is situated**]** may apply any money or securities held by **[**F1424it**]** in the payment of that sum.

(6) In this section "ecclesiastical property" means land belonging to an ecclesiastical benefice **[**F1429of the Church of England**]**, or being or forming part of a church subject to the jurisdiction of a bishop of any diocese **[**F1430of the Church of England**]** or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction F1431 . . . .

Textual Amendments

F1418 Words in s. 318(1) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(a)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}

F1419 Words in s. 318(2) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(b)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}

F1420 Word in s. 318(5) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(b)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}

F1421 Words in s. 318(2) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(a)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}

F1422 Words in s. 318(3) substituted for s. 318(3)(a)(b) (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(c)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}

F1423 Words in s. 318(3)(b) omitted (E.) (1.10.2006) by virtue of Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(c)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}

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F1424 Word in s. 318(3)(4)(5) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(d)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}

F1425 Words in s. 318(4) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(a)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}

F1426 Word in s. 318(4)(b) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 70, **Sch. 15 Pt. II para. 30(2)** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1427 Words in s. 318(5) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 31, **Sch. 6 para. 33** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1428 Words in s. 318(5) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(a)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}

F1429 Words in s. 318(6) inserted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(e)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}

F1430 Words in s. 318(6) inserted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(e)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}

F1431 Words in s. 318(6) omitted (E.) (1.10.2006) by virtue of Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(e)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}

Modifications etc. (not altering text)

C1335 S. 318(1)(3)(6) applied (with modifications) (1.6.1997) by S.I. 1997/1160, **reg. 16(1)**

Marginal Citations

M158 1981 c. 67.

[F1432 319 The Isles of Scilly.

(1) This Act applies to the Isles of Scilly subject to such exceptions, adaptations and modifications as the Secretary of State may by order direct.

(2) An order under this section may in particular provide for the exercise by the Council of the Isles of Scilly of any functions exercisable by a local planning authority or mineral planning authority.

(3) Before making an order under this section the Secretary of State shall consult with that Council.**]**

Textual Amendments

F1432 S. 319 substituted (25.11.1991 for certain purposes and otherwise 27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para.49** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

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[F1433England: training in the exercise of certain planning functions

Textual Amendments

F1433 Ss. 319ZZA, 319ZZB and cross-heading inserted (18.2.2026) by Planning and Infrastructure Act 2025 (c. 34), **ss. 53**, 118(2)(b) (with s. 116)

319ZZA Training: local planning authorities in England

(1) The Secretary of State may by regulations make provision for and in connection with the training of members of local planning authorities in their exercise of such relevant planning functions as are prescribed.

(2) Such regulations must provide for satisfactory completion of the training to be evidenced by a certificate valid for a prescribed period (a "certificate of completion").

(3) A member of a local planning authority who does not hold a valid certificate of completion is prohibited from—

(a) exercising the prescribed relevant planning functions on behalf of a local planning authority, or

(b) being involved in exercising the prescribed relevant planning functions on behalf of a local planning authority as a member of a committee or any other body.

(4) Regulations under subsection (1) may, in particular—

(a) provide for accreditation by the Secretary of State of—

(i) courses of training, and

(ii) persons providing such courses;

(b) impose requirements as to record-keeping, including by imposing such requirements on a training provider.

(5) Regulations under subsection (1) must require a local planning authority to publish on their website which of their members hold valid certificates of completion.

(6) The validity of anything done in the exercise of a prescribed relevant planning function is not affected by any breach of subsection (3).

(7) In this section—

(a) references to a local planning authority are to a local planning authority in England;

(b) references to a member of a local planning authority include a person who (though not a member of a local planning authority) is an appointed member of a committee or sub-committee of a local planning authority.

(8) This section applies in relation to a relevant planning function conferred on a mineral planning authority as if references to a local planning authority were to a mineral planning authority in England.

(9) In this section, "relevant planning function" means—

(a) a function under—

(i) Part 3;

(ii) in Part 7, sections 191(4) and 192(2);

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(iii) Part 8;

(iv) in Part 10, section 257;

(b) a function under section 17 of the Land Compensation Act 1961;

(c) a function under Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990;

(d) a function of imposing or amending any condition, limitation or other restriction on a permission, approval or consent required by or under an enactment specified in paragraph (a) or (c);

(e) an enforcement function exercisable in relation to—

(i) development carried out without a permission, approval or consent required by or under an enactment specified in paragraph (a) or (c), or

(ii) a failure to comply with any condition, limitation or other restriction of any such permission, approval or consent.

(10) In subsection (9) any reference to a function under an enactment includes a function under an instrument made under the enactment.

319ZZB Training: certain mayoral planning functions

(1) The Secretary of State may by regulations make provision for and in connection with the training of persons who may exercise relevant mayoral planning functions in their exercise of such relevant mayoral planning functions as are prescribed.

(2) Such regulations must provide for satisfactory completion of the training to be evidenced by a certificate valid for a prescribed period (a "certificate of completion").

(3) A mayor is prohibited from exercising the prescribed relevant mayoral planning functions without a valid certificate of completion.

(4) A person who is authorised (by or under any enactment or by arrangements made by a mayor) to exercise a prescribed relevant mayoral planning function on behalf of a mayor is prohibited from exercising such a function, or being involved in the exercise of such a function as a member of a committee or any other body, without a valid certificate of completion.

(5) Regulations under subsection (1) may, in particular—

(a) provide for accreditation by the Secretary of State of—

(i) courses of training, and

(ii) persons providing such courses;

(b) impose requirements as to record-keeping, including by imposing such requirements on a training provider.

(6) The validity of anything done in the exercise of a prescribed relevant mayoral planning function is not affected by any breach of subsection (3) or (4).

(7) In subsections (3) and (4), references to a mayor are to—

(a) the Mayor of London,

(b) a mayor for the area of a combined authority, and

(c) a mayor for the area of a combined county authority.

(8) In this section "relevant mayoral planning function" means—

(a) any of the functions of the Mayor of London specified in subsection (9), and

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(b) any functions of a mayor for the area of a combined authority or a mayor for the area of a combined county authority which correspond to the functions of the Mayor of London specified in subsection (9).

(9) The functions of the Mayor of London referred to in subsection (8) are as follows—

(a) the function of—

(i) giving a direction under section 2A(1) or (1B);

(ii) giving a direction under section 74(1B)(a);

(b) the function of determining an application by virtue of section 2A or 2B, and related functions under sections 2C and 2F;

(c) a function under section 2E;

(d) the function of making a Mayoral development order under section 61DA;

(e) a function exercisable in connection with a Mayoral development order.

(10) In this section—

"combined authority" means a combined authority established under section 103(1) of the Local Democracy, Economic Development and Construction Act 2009;

"combined county authority" means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023.**]**

[F1434England: discharge of functions of local planning authority

Textual Amendments

F1434 Ss. 319ZZC-319ZZF and cross-heading inserted (18.2.2026) by Planning and Infrastructure Act 2025 (c. 34), **ss. 54(1)**, 118(2)(c)(i) (with s. 116)

319ZZC Requirement for functions to be discharged by committee, sub-committee or officer

(1) The Secretary of State may by regulations require a relevant local planning authority to make arrangements under section 101 of the 1972 Act for such relevant planning functions as are prescribed—

(a) to be discharged by a committee, sub-committee or officer of the authority;

(b) to be discharged by a committee, sub-committee or officer of the authority in prescribed circumstances.

(2) The regulations may —

(a) prescribe the terms of the arrangements (which may include exceptions) and any permitted variations in those terms;

(b) provide for the arrangements to confer a discretion on any person in connection with the delegation of a function.

(3) Where arrangements required by the regulations are in force in relation to a relevant planning function, the function may only be exercised in accordance with the arrangements (and section 101(4) of the 1972 Act does not apply).

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319ZZD Size and composition of committee discharging functions

(1) The Secretary of State may by regulations prescribe requirements relating to the size and composition of a committee or sub-committee by which such relevant planning functions as are prescribed are to be discharged.

(2) A relevant local planning authority may not arrange for a relevant planning function to be discharged by a committee or sub-committee of the authority which fails to satisfy a requirement imposed by regulations under this section in relation to the discharge of that function.

(3) If a committee or sub-committee discharging a relevant planning function fails to satisfy such a requirement, paragraph 43 of Schedule 12 to the 1972 Act (validity of proceedings) does not apply in relation to the failure.

319ZZE Sections 319ZZC and 319ZZD: supplementary

(1) Sections 101 and 102 of the 1972 Act have effect subject to sections 319ZZC and 319ZZD and any regulations made under them.

(2) Where arrangements are in force under section 101(5) of the 1972 Act for two or more relevant local planning authorities to discharge any of their relevant planning functions jointly, sections 319ZZC and 319ZZD apply in relation to those functions as if—

(a) references to a committee or sub-committee of a relevant local planning authority were references to a joint committee or sub-committee of those authorities;

(b) references to an officer of a relevant local planning authority were references to an officer of any of those authorities.

(3) Regulations under sections 319ZZC and 319ZZD may—

(a) make different provision for different relevant local planning authorities;

(b) make different provision for cases where two or more such authorities have made arrangements under section 101(1)(b) or (5) of the 1972 Act for the discharge of any of their relevant planning functions.

(4) In operating arrangements required by regulations under section 319ZZC, relevant local planning authorities must have regard to any relevant guidance issued by the Secretary of State.

(5) In making arrangements for the discharge of a function prescribed in regulations under section 319ZZD, relevant local planning authorities must have regard to any relevant guidance issued by the Secretary of State.

(6) The Secretary of State must consult such persons as the Secretary of State considers appropriate before—

(a) making regulations under section 319ZZC or 319ZZD, or

(b) issuing guidance under subsection (4) or (5).

(7) Sections 319ZZC and 319ZZD and this section apply in relation to a relevant planning function conferred on a relevant mineral planning authority as if references to a relevant local planning authority were to a relevant mineral planning authority.

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

319ZZF Interpretation of sections 319ZZC to 319ZZE

(1) In sections 319ZZC to section 319ZZE, "relevant local planning authority" means a local planning authority in England which is an authority to which sections 101 and 102 of the 1972 Act apply, except that it does not include—

(a) a National Park authority, or

(b) the Broads Authority.

(2) In section 319ZZE, "relevant mineral planning authority" means a mineral planning authority in England which is an authority to which sections 101 and 102 of the 1972 Act apply, except that it does not include a National Park authority.

(3) In sections 319ZZC to 319ZZE, "relevant planning function" has the same meaning as in section 319ZZA (see subsections (9) and (10) of that section).

(4) In sections 319ZZC to 319ZZE and this section, "the 1972 Act" means the Local Government Act 1972.**]**

***[**F1435 Wales: discharge of functions of local planning authority relating to applications*

Textual Amendments

F1435 Ss. 319ZA-319ZD and cross-heading inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 39(1)**, 58(2)(b)(4)(b); S.I. 2017/546, art. 3(a)

319ZA Requirement for functions to be discharged by committee, sub-committee or officer

(1) The Welsh Ministers may by regulations require a relevant local planning authority to make arrangements under section 101 of the 1972 Act for a relevant function to be discharged by a committee, sub-committee or officer of the authority.

(2) The regulations may prescribe the terms of the arrangements (which may include exceptions) and any permitted variations in those terms.

(3) Where arrangements required by the regulations are in force in relation to a relevant function, the function may only be exercised in accordance with the arrangements (and section 101(4) of the 1972 Act does not apply).

Modifications etc. (not altering text)

C1336 Ss. 319ZA-319ZD applied (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), **ss. 168(1)**, 212(2) (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(c)

319ZB Size and composition of committee discharging functions

(1) The Welsh Ministers may by regulations prescribe requirements relating to the size and composition of a committee or sub-committee by which a relevant function is to be discharged.

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(2) A relevant local planning authority may not arrange for a relevant function to be discharged by a committee or sub-committee of the authority which fails to satisfy a requirement of regulations under this section.

(3) If a committee or sub-committee discharging a relevant function fails to satisfy such a requirement, paragraph 43 of Schedule 12 to the 1972 Act (validity of proceedings) does not apply in relation to the failure.

Modifications etc. (not altering text)
C1336 Ss. 319ZA-319ZD applied (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), **ss. 168(1)**, 212(2) (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(c)

319ZC Sections 319ZA and 319ZB: supplementary

(1) Sections 101 and 102 of the 1972 Act have effect subject to sections 319ZA and 319ZB and any regulations made under them.

(2) Where arrangements are in force under section 101(5) of the 1972 Act for two or more relevant local planning authorities to discharge any of their relevant functions jointly, sections 319ZA and 319ZB apply in relation to those functions as if—

(a) references to a committee or sub-committee of a relevant local planning authority were references to a joint committee or sub-committee of those authorities;

(b) references to an officer of a relevant local planning authority were references to an officer of any of those authorities.

(3) Regulations under sections 319ZA and 319ZB may—

(a) make different provision for different local planning authorities;

(b) make special provision for cases where two or more authorities have made arrangements under section 101(1)(b) or (5) of the 1972 Act for the discharge of any of their relevant functions.

Modifications etc. (not altering text)
C1336 Ss. 319ZA-319ZD applied (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), **ss. 168(1)**, 212(2) (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(c)

319ZD Interpretation of sections 319ZA to 319ZC

In sections 319ZA to 319ZC—

"the 1972 Act" means the Local Government Act 1972;

"relevant function" means a function exercisable by a relevant local planning authority in relation to an application under this Act;

"relevant local planning authority" means a local planning authority in Wales which is—

(a) a county council or county borough council,

(b) a joint planning board, or

(c) a National Park authority.**]**

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Modifications etc. (not altering text)

C1336 Ss. 319ZA-319ZD applied (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), **ss. 168(1)**, 212(2) (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(c)

[F1436Determination of procedure

Textual Amendments

F1436S. 319A and cross-heading inserted (6.4.2009 for specified purposes, 25.4.2024 for specified purposes) by Planning Act 2008 (c. 29), **ss. 196(1)**, 241 (with s. 226); S.I. 2009/400, art. 3 (with art. 6(2)); S.I. 2024/452, reg. 2(a)

319A [F1437Determination of procedure for certain proceedings: England]

(1) The Secretary of State must make a determination as to the procedure by which proceedings to which this section applies are to be considered.

(2) A determination under subsection (1) must provide for the proceedings to be considered in **[**F1438such one or more of the following ways as appear**]** to the Secretary of State to be F1439... appropriate—

(a) at a local inquiry;

(b) at a hearing;

(c) on the basis of representations in writing.

(3) The Secretary of State must make a determination under subsection (1) in respect of proceedings to which this section applies before the end of the prescribed period.

(4) A determination under subsection (1) may be varied by a subsequent determination under that subsection at any time before the proceedings are determined.

(5) The Secretary of State must notify the appellant or applicant (as the case may be) and the local planning authority of any determination made under subsection (1).

(6) The Secretary of State must publish the criteria that are to be applied in making determinations under subsection (1).

(7) This section applies to—

[F1440(za) an application made to the Secretary of State under section 62A;**]**

(a) an application referred to the Secretary of State under section 77 instead of being dealt with by a local planning authority in England;

(b) an appeal under section 78 against a decision of a local planning authority in England;

[F1441(bza) an appeal under section 93I against a completion notice;**]**

[F1442(ba) an appeal under section 106BC (appeals in relation to applications for modification or discharge of affordable housing requirements);**]**

(c) an appeal under section 174 against an enforcement notice issued by a local planning authority in England;

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(d) an appeal under section 195 against a decision of a local planning authority in England; **[**[F1443]and**]**

(e) an appeal under section 208 against a notice under section 207(1) issued by a local planning authority in England **[**[F1444]; and

[F1445](f) an application made to the Secretary of State under section 293D or 293E.**]**

(8) But this section does not apply to proceedings if they are referred to a Planning Inquiry Commission under section 101; and on proceedings being so referred, any determination made in relation to the proceedings under subsection (1) of this section ceases to have effect.

(9) The Secretary of State may by order amend subsection (7) to—

(a) add proceedings to, or remove proceedings from, the list of proceedings to which this section applies, or

(b) otherwise modify the descriptions of proceedings to which this section applies.

(10) An order under subsection (9) may—

[F1446](a) . . . . . .

(b) amend, repeal or revoke any provision made by or under this Act or by or under any other Act.**]**

Textual Amendments

F1437 S. 319A title substituted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), arts. 1(2), **2(1)**

F1438 Words in s. 319A(2) substituted (22.7.2020) by Business and Planning Act 2020 (c. 16), **ss. 20(1)(a)**, 25(4)

F1439 Word in s. 319A(2) omitted (22.7.2020) by virtue of Business and Planning Act 2020 (c. 16), **ss. 20(1)(b)**, 25(4)

F1440 S. 319A(7)(za) inserted (9.5.2013 for E. for specified purposes, 1.10.2013 for specified purposes, 1.10.2014 in so far as not already in force) by Growth and Infrastructure Act 2013 (c. 27), s. 35(1), **Sch. 1 para. 11**; S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2

F1441 S. 319A(7)(bza) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 11 para. 11** (with s. 247)

F1442 S. 319A(7)(ba) inserted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27), s. 35(2), **Sch. 2 para. 7**

F1443 Word in s. 319A(7)(d) omitted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 10 para. 9(a)** (with s. 247); S.I. 2025/430, reg. 2(b)

F1444 S. 319A(7)(f) inserted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 10 para. 9(c)** (with s. 247); S.I. 2025/430, reg. 2(b)

F1445 S. 319A(7)(f) and word inserted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), Sch. 10 para. 9(b)**(c)** (with s. 247); S.I. 2025/430, reg. 2(b)

F1446 S. 319A(10)(a) omitted (26.12.2023) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), **ss. 130(3)(g)**, 255(3)(a) (with s. 247)

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[F1447 319B Determination of procedure for certain proceedings: Wales

(1) The Welsh Ministers must make a determination as to the procedure by which proceedings to which this section applies are to be considered.

(2) A determination under subsection (1) must provide for the proceedings to be considered in such one or more of the following ways as appear to the Welsh Ministers to be appropriate—

(a) at a local inquiry;

(b) at a hearing;

(c) on the basis of representations in writing.

(3) The Welsh Ministers must make a determination under subsection (1) in respect of proceedings to which this section applies before the end of the prescribed period.

(4) A determination under subsection (1) may be varied by a subsequent determination under that subsection at any time before the proceedings are determined.

(5) The Welsh Ministers must notify the appellant or applicant (as the case may be) and the local planning authority of any determination made under subsection (1).

F1448(5A) [In a case where an application has been made to the Welsh Ministers under section F1449... 62M or 62O, they must also notify any representative persons they consider appropriate.]

(6) The Welsh Ministers must publish the criteria which are to be applied in making determinations under subsection (1).

(7) This section applies to—

F1450[. . . . . .

F1451(za)

(zb) an application made to the Welsh Ministers under section 62M or 62O;]

(a) an application referred to the Welsh Ministers under section 77;

(b) an appeal to the Welsh Ministers under section 174;

(c) an appeal to the Welsh Ministers under section 195; and

(d) an appeal to the Welsh Ministers under section 208.

(8) But this section does not apply to proceedings if they are referred to a Planning Inquiry Commission under section 101; and on proceedings being so referred, any determination made in relation to the proceedings under subsection (1) ceases to have effect.

F1452(8A) [For the purposes of this section as it applies where an application has been made to the Welsh Ministers under section F1453... 62M or 62O—

"the local planning authority" means the local planning authority to which, but for the section in question, the application would have been made;

"representative persons" are prescribed persons, or persons of a prescribed description, who appear to the Welsh Ministers to be representative of interested persons;

"interested persons" are persons, other than the applicant and the local planning authority, who appear to the Welsh Ministers to have an interest in the proceedings.]

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(9) The Welsh Ministers may by order amend subsection (7) to—

(a) add proceedings to, or remove proceedings from, the list of proceedings to which this section applies, or

(b) otherwise modify the descriptions of proceedings to which this section applies.

(10) An order under subsection (9) may—

F1454(a) . . . . . .

(b) amend, repeal or revoke any provision made by or under this Act or by or under any other Act.

F1455(11) . . . . . .]

Textual Amendments

F1447 S. 319B inserted (W.) (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), arts. 1(2), **2(1)**

F1448 S. 319B(5A) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 20(2)**; S.I. 2016/52, art. 3(e)

F1449 Word in s. 319B(5A) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(20)(a)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1450 S. 319B(7)(za) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(20)(b)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1451 S. 319B(7)(za)(zb) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 20(3)**; S.I. 2016/52, art. 3(e)

F1452 S. 319B(8A) inserted (W.) (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 20(4)**; S.I. 2016/52, **art. 3(e)**

F1453 Word in s. 319B(8A) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(20)(c)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1454 S. 319B(10)(a) omitted (26.12.2023) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), **ss. 130(3)(h)**, 255(3)(a) (with s. 247)

F1455 S. 319B(11) omitted (6.9.2015) by virtue of Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 7(5)**

Modifications etc. (not altering text)

C1337 S. 319B applied (with modifications) (7.1.2019) by The Sustainable Drainage (Enforcement) (Wales) Order 2018 (S.I. 2018/1182), regs. 1(2), **17(2)**

C1338 S. 319B applied (with modifications) (7.1.2019) by The Sustainable Drainage (Appeals) (Wales) Regulations 2018 (S.I. 2018/1181), regs. 1(2), **9**

Local inquiries and other hearings

320 Local inquiries.

(1) The Secretary of State **[**F1456or the Welsh Ministers**]** may cause a local inquiry to be held for the purposes of the exercise of any of his **[**F1457or their**]** functions under any of the provisions of this Act.

(2) Subsections (2) to (5) of section 250 of the M159Local Government Act 1972 (local inquiries: evidence and costs) apply to an inquiry **[**F1458caused to be held under this

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section by the Secretary of State; and subsections (2) and (3) of that section apply to an inquiry caused to be held under this section by the Welsh Ministers**]**.

[F1459(3) In its application by subsection (2) to an inquiry **[**F1460caused to be held by the Secretary of State**]**, section 250(4) of that Act has effect as if—

(a) after "the costs incurred by him in relation to the inquiry" there were inserted " , or such portion of those costs as he may direct, ", and

(b) after "the amount of the costs so incurred" there were inserted " or, where he directs a portion of them to be paid, the amount of that portion ".**]**

Textual Amendments

F1456 Words in s. 320(1) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 12(2)(a)**; S.I. 2016/52, art. 4(a) (with art. 17)

F1457 Words in s. 320(1) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 12(2)(b)**; S.I. 2016/52, art. 4(a) (with art. 17)

F1458 Words in s. 320(2) substituted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 12(3)**; S.I. 2016/52, art. 4(a) (with art. 17)

F1459 S. 320(3) inserted (1.10.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 2(1)**, 35(1); S.I. 2013/2143, art. 2(b)

F1460 Words in s. 320(3) substituted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 12(4)**; S.I. 2016/52, art. 4(a) (with art. 17)

Modifications etc. (not altering text)

C1339 S. 320 applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9, SIF 123:1), **s. 89(1)**

C1340 S. 320: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

Marginal Citations

M159 1972 c. 70.

321 Planning inquiries to be held in public subject to certain exceptions.

(1) This section applies to any inquiry held under section 320(1), paragraph 6 of Schedule 6 or paragraph 5 of Schedule 8.

(2) Subject to subsection (3), at any such inquiry oral evidence shall be heard in public and documentary evidence shall be open to public inspection.

(3) If the Secretary of State is satisfied in the case of any such inquiry—

(a) that giving evidence of a particular description or, as the case may be, making it available for inspection would be likely to result in the disclosure of information as to any of the matters mentioned in subsection (4); and

(b) that the public disclosure of that information would be contrary to the national interest,

he may direct that evidence of the description indicated in the direction shall only be heard or, as the case may be, open to inspection at that inquiry by such persons or persons of such descriptions as he may specify in the direction.

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(4) The matters referred to in subsection (3)(a) are—

(a) national security; and

(b) the measures taken or to be taken to ensure the security of any premises or property.

[F1461(5) If the Secretary of State is considering giving a direction under subsection (3) the Attorney General may appoint a person to represent the interests of any person who will be prevented from hearing or inspecting any evidence at a local inquiry if the direction is given.

(6) If before the Secretary of State gives a direction under subsection (3) no person is appointed under subsection (5), the Attorney General may at any time appoint a person as mentioned in subsection (5) for the purposes of the inquiry.

(7) The Lord Chancellor may by rules make provision—

(a) as to the procedure to be followed by the Secretary of State before he gives a direction under subsection (3) in a case where a person has been appointed under subsection (5);

(b) as to the functions of a person appointed under subsection (5) or (6).

(8) Rules made under subsection (7) must be contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(9) If a person is appointed under subsection (5) or (6) (the appointed representative) the Secretary of State may direct any person who he thinks is interested in the inquiry in relation to a matter mentioned in subsection (4) (the responsible person) to pay the fees and expenses of the appointed representative.

(10) If the appointed representative and the responsible person are unable to agree the amount of the fees and expenses, the amount must be determined by the Secretary of State.

(11) The Secretary of State must cause the amount agreed between the appointed representative and the responsible person or determined by him to be certified.

(12) An amount so certified is recoverable from the responsible person as a civil debt.**]**

Textual Amendments

F1461 S. 321(5)-(12) inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 80(1)**, 121 (with s. 111); S.I. 2004/ 2097, {art. 2}; S.I. 2006/1281, **art. 2**

Modifications etc. (not altering text)

C1341 S. 321: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C1342 S. 321 functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 4 para. 1** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(p))

[F1462**321A Appointed representative: no inquiry**

(1) This section applies if—

(a) a person is appointed under subsection (5) or (6) of section 321, but

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(b) no inquiry is held as mentioned in subsection (1) of that section.

(2) Subsections (9) to (12) of section 321 apply in respect of the fees and expenses of the person appointed as if the inquiry had been held.

(3) For the purposes of subsection (2) the responsible person is the person to whom the Secretary of State thinks he would have given a direction under section 321(9) if an inquiry had been held.

(4) This section does not affect section 322A.**]**

Textual Amendments

F1462 S. 321A inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 80(2)**, 121 (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1281, **art. 2**

[F1463**321B Special provision in relation to planning inquiries: Wales**

(1) This section applies if the matter in respect of which a local inquiry to which section 321 applies is to be held relates to Wales.

(2) The references in section 321(5) and (6) to the Attorney General must be read as references to the Counsel General to the **[**F1464Welsh Assembly Government**]** .

(3) The Assembly may by regulations make provision as mentioned in section 321(7) in connection with a local inquiry to which this section applies.

(4) If the Assembly acts under subsection (3) rules made by the Lord Chancellor under section 321(7) do not have effect in relation to the inquiry.

(5) F1465. . . . . .

F1466(6) . . . . . .**]**

Textual Amendments

F1463 S. 321B inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 81(1)**, 121 (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1281, **art. 2**

F1464 Words in s. 321B(2) substituted by Government of Wales Act 2006 (c. 32), ss. 160, 161, **Sch. 10 para. 35(a)** (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

F1465 S. 321B(5) repealed by Government of Wales Act 2006 (c. 32), ss. 160, 161, 163, Sch. 10 para. 35(b), **Sch. 12** (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

F1466 S. 321B(6) omitted (6.9.2015) by virtue of Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 4(7)**

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F1467 322 Orders as to costs of parties where no local inquiry held.

(1) This section applies to proceedings under this Act where the Secretary of State is required, before reaching a decision, to give any person an opportunity of appearing before and being heard by a person appointed by him.

[F1468(1A) This section also applies to proceedings under this Act to which section 319A applies.**]**

F1469(1AA) . . . . . .

[F1470(1B) Section 250(4) of the Local Government Act 1972 applies to costs incurred by the Secretary of State, or a person appointed by the Secretary of State, in relation to proceedings in England to which this section applies which do not give rise to a local inquiry as it applies to costs incurred in relation to a local inquiry.

(1C) In its application for that purpose, section 250(4) of that Act has effect as if—

(a) after "the costs incurred by him in relation to the inquiry" there were inserted " , or such portion of those costs as he may direct, ", and

(b) after "the amount of the costs so incurred" there were inserted " or, where he directs a portion of them to be paid, the amount of that portion ".

(1D) Section 42 of the Housing and Planning Act 1986 (recovery of Minister's costs) applies to costs incurred in relation to proceedings in England to which this section applies which do not give rise to a local inquiry as it applies to costs incurred in relation to an inquiry.**]**

(2) The Secretary of State has the same power to make orders under section 250(5) of the M160Local Government Act 1972 (orders with respect to the costs of the parties) in relation to proceedings **[**F1471in England**]** to which this section applies which do not give rise to a local inquiry as he has in relation to a local inquiry.

Textual Amendments

F1467 S. 322 omitted (temp.) by virtue of Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 6, Sch. 4 paras. 1, **6** (which temp. omission falls (2.1.1992 and 6.4.2009) for specified purposes only by virtue of S.I. 1991/2698, **art. 3** and S.I. 2009/849, **art. 2** (with art. 3))

F1468 S. 322(1A) inserted (6.4.2009 for E.W. for specified purposes, 25.4.2024 for specified purposes) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 10 para. 10** (with s. 226); S.I. 2009/400, art. 3(j); S.I. 2024/452, reg. 2(b)

F1469 S. 322(1AA) omitted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by virtue of Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 13(2)**; S.I. 2016/52, art. 4(a) (with art. 17)

F1470 S. 322(1B)-(1D) inserted (1.10.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 2(2)**, 35(1); S.I. 2013/2143, art. 2(b)

F1471 Words in s. 322(2) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 13(3)**; S.I. 2016/52, art. 4(a) (with art. 17)

Modifications etc. (not altering text)

C1343 S. 322 amendment to earlier affecting provision 1990 c. 10, s. 37 (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 28**

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C1344 S. 322 amendment to earlier affecting provision 1990 c. 9, s. 89(1) (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 21**

C1345 S. 322 applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9, SIF 123:1), **s. 89(1)**; applied (11.3.1992 so far as to confer on the Secretary of State a power to impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far as not already in force) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), **s. 37(2)**; S.I. 1992/725, **arts. 2**, 3
S. 322 applied (27.7.1992) by S.I. 1992/1562, reg. 2, **Sch.**
S. 322: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

Commencement Information

I1 S. 322 omitted (temp.) by virtue of Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 6, Sch. 4 paras. 1, **6** (which temp. omission falls (2.1.1992 and 6.4.2009) for specified purposes only by virtue of S.I. 1991/2698, **art. 3** and S.I. 2009/849, **art. 2** (with art. 3) thus bringing s. 322 partially into force)

Marginal Citations

M160 1972 c. 70.

[F1472 322A Orders as to costs: supplementary.

(1) This section applies where—

(a) for the purposes of any proceedings **[**F1473in England**]** under this Act—

(i) the Secretary of State is required, before a decision is reached, to give any person an opportunity, or ask any person whether he wishes, to appear before and be heard by a person appointed by him; and

(ii) arrangements are made for a local inquiry or hearing to be held;

(b) the inquiry or hearing does not take place; and

(c) if it had taken place, the Secretary of State or a person appointed by him would have had power to make an order under section 250(5) of the M161Local Government Act 1972 requiring any party to pay any costs of any other party.

[This section also applies where—

F1474(1A) (a) arrangements are made for a local inquiry or a hearing to be held pursuant to a determination under section 319A;

(b) the inquiry or hearing does not take place; and

(c) if it had taken place, the Secretary of State or a person appointed by the Secretary of State would have had power to make an order under section 250(5) of the Local Government Act 1972 requiring any party to pay any costs of any other party.**]**

F1475(1B) . . . . . .

(2) Where this section applies the power to make such an order may be exercised, in relation to costs incurred for the purposes of the inquiry or hearing, as if it had taken place.**]**

[F1476(3) Where this section applies in the case of an inquiry or hearing which was to take place in England but did not, section 250(4) of that Act applies to costs incurred by the Secretary of State or a person appointed by the Secretary of State as if—

(a) in the case of an inquiry, the inquiry had taken place;

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(b) in the case of a hearing, the hearing were an inquiry which had taken place.

(4) In its application for that purpose, section 250(4) of that Act has effect as if—

(a) after "the costs incurred by him in relation to the inquiry" there were inserted " , or such portion of those costs as he may direct, ", and

(b) after "the amount of the costs so incurred" there were inserted " or, where he directs a portion of them to be paid, the amount of that portion ".

(5) Section 42 of the Housing and Planning Act 1986 (recovery of Minister's costs) applies to costs incurred in relation to a hearing of the kind referred to in subsection (1) or (1A) which was to take place in England but did not as it applies to costs incurred in relation to an inquiry which was to take place but did not.**]**

Textual Amendments

F1472 S. 322A inserted (2.1.1992 except for certain purposes which exception is *prosp.*.) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **ss. 30(1)**, 84(2)-(4) (with s. 84(5)); S.I. 1991/2728, **art.3** (subject to art. 4)

F1473 Words in s. 322A(1)(a) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 14(2)**; S.I. 2016/52, art. 4(a) (with art. 17)

F1474 S. 322A(1A) inserted (6.4.2009 for E.W. for specified purposes, 25.4.2024 for specified purposes) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 10 para. 11** (with s. 226); S.I. 2009/400, art. 3(j); S.I. 2024/452, reg. 2(b)

F1475 S. 322A(1B) omitted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by virtue of Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 14(3)**; S.I. 2016/52, art. 4(a) (with art. 17)

F1476 S. 322A(3)-(5) inserted (1.10.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 2(3)**, 35(1); S.I. 2013/2143, art. 2(b)

Modifications etc. (not altering text)

C1346 S. 322A amendment to earlier affecting provision 1990 c. 9, s. 89(1) (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 21**

C1347 S. 322A amendment to earlier affecting provision 1990 c. 10, s. 37 (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 28**

C1348 S. 322A applied (6.4.2011) by The Marine Licensing (Appeals Against Licensing Decisions) (Wales) Regulations 2011 (S.I. 2011/925), regs. 1(2), **18(3)**

C1349 S. 322A applied (with application in accordance with reg. 2 11 of the amending S.I.) by The Marine Licensing (Licence Application Appeals) Regulations 2011 (S.I. 2011/934), regs. 1(b), **18(3)**

C1350 S. 322A applied (27.7.1992) by S.I. 1992/1562, reg. 2, **Sch.**
S. 322A: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**
S. 322A applied (with modifications) (1.6.1997) by S.I. 1997/1160, **reg. 9(7)**

C1351 S. 322A applied (13.2.2004 for E. and 31.5.2005 for W.) by 1981 c. 69, Sch. 15 para. 10A(3) (as inserted by 2000 c. 37, ss. 51, 103(3)-(5), Sch. 5 Pt. I para. 11(8); S.I. 2004/292, **art. 2(d)(iii)** (with art. 3(1); S.I. 2005/1314, **art. 2(a)(iii)**)
S. 322A applied (12.2.2003 for E. for certain purposes, 15.7.2005 for W. for certain purposes, 11.5.2006 for W. otherwise, and for E. otherwise prosp.) by 1980 c. 66, Sch. 6 para. 2B(3) (as inserted by 2000 c. 37, ss. 57, 103(3)-(5), Sch. 6 para. 23(8); S.I. 2003/272, **art. 2(p)**; S.I. 2005/1314, **art. 3(d)(viii)(gg)**; S.I. 2006/1279, **art. 2(l)(n)**)
S. 322A applied (30.1.2001) by 1981 c. 69, **ss. 28F(11)**, 28L(13) (as substituted (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), **Sch. 9 para. 1**)

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S. 322A applied (E.) (1.2.2002) by S.I. 2001/3966, **art. 15(10)**

C1352 S. 322A applied (19.8.2002) by The Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas)(Wales) Regulations 2002 (S.I. 2002/2127), {reg. 15(10)} (with reg. 17)
S. 322A applied (E.) (1.10.2006) by The Environmental Impact Assessment (Agriculture)(England) Regulations 2006 (S.I. 2006/2362), {reg. 33(13)}
S. 322A applied (E.) (21.5.2007) by Wildlife and Countryside Act 1981 (c. 69), Sch. 15 para. 10A(3) (as inserted by Countryside and Rights of Way Act 2000 (c. 37), ss. 51, 103, **Sch. 5 para. 11**); S.I. 2007/1493, **art. 2**)
S. 322A applied (W.) (31.10.2007) by The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007 (S.I. 2007/2933), **reg. 31(11)**

Marginal Citations

M161 1972 c. 70.

[F1477 322B Local inquiries in London: special provision as to costs in certain cases.

(1) This section applies where—

(a) the local planning authority for a London borough refuse an application for planning permission **[**F1478 or permission in principle**]**,

(b) that refusal is in compliance with a direction made by the Mayor of London in accordance with provision made in a development order by virtue of section 74(1B)(a), and

(c) an appeal against the refusal is made to the Secretary of State under section 78.

(2) If the Secretary of State causes a local inquiry to be held under section 320(1) to determine the appeal, in its application to the inquiry section 250 of the 1972 Act shall be treated as if—

(a) for subsection (4) there were substituted the subsection set out at subsection (5) below, and

(b) for subsection (5) there were substituted the subsection set out at subsection (6) below.

(3) If the appeal does not give rise to a local inquiry under section 320, in the application of section 322(2) in relation to the appeal the reference to section 250(5) of the 1972 Act shall be treated as if it were a reference to that provision as modified by subsection (2)(b) above.

(4) If arrangements are made for a local inquiry in relation to the appeal and the inquiry does not take place, in the application of section 322A in relation to the appeal the reference to section 250(5) of the 1972 Act shall be treated as if it were a reference to that provision as modified by subsection (2)(b) above.

(5) The subsection referred to in subsection (2)(a) above is as follows—

(“) Where this subsection applies to an inquiry, the costs incurred by the Secretary of State in relation to the inquiry **[**F1479, or such portion of those costs as he may direct,**]** shall be paid—

(a) by the Mayor of London, if he is not a party to the inquiry and if the Secretary of State decides that the Mayor acted unreasonably in making the direction in accordance with which the local planning authority refused the planning permission **[**F1480 or permission in principle**]**, or

(b) if the Mayor is a party or if the Secretary of State does not so decide, by such local authority or party to the inquiry as he may direct;

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and the Secretary of State may cause the amount of the costs so incurred **[**[F1481]or, where he directs a portion of them to be paid, the amount of that portion**]** to be certified, and any amount so certified and directed to be paid by the Mayor or by any authority or person shall be recoverable from the Mayor or from that authority or person by the Secretary of State summarily as a civil debt. ”

(6) The subsection referred to in subsection (2)(b) above is as follows—

(“) Where this subsection applies to an inquiry, or to costs incurred for the purposes of an inquiry, the Secretary of State may make orders as to the costs of the parties to the inquiry and as to the parties by whom the costs are to be paid; and—

(a) the parties by whom the costs are ordered to be paid may include the Mayor of London if he is not a party to the inquiry and if the Secretary of State decides that the Mayor acted unreasonably in making the direction in accordance with which the local planning authority refused the planning permission **[**[F1482]or permission in principle**]**;

(b) every such order may be made a rule of the High Court on the application of any party named in the order. ”

(7) In this section “the 1972 Act” means the Local Government Act 1972.**]**

Textual Amendments

F1477 S. 322B inserted (3.7.2000) by 1999 c. 29, **s. 345** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

F1478 Words in s. 322B(1)(a) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 38(a)**; S.I. 2016/733, reg. 3(d)

F1479 Words in s. 322B(5) inserted (1.10.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 2(4)(a)**, 35(1); S.I. 2013/2143, art. 2(b)

F1480 Words in s. 322B(5) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 38(b)**; S.I. 2016/733, reg. 3(d)

F1481 Words in s. 322B(5) inserted (1.10.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 2(4)(b)**, 35(1); S.I. 2013/2143, art. 2(b)

F1482 Words in s. 322B(6) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 38(c)**; S.I. 2016/733, reg. 3(d)

[[F1483]322C Costs: Wales

(1) This section applies in relation to any application, appeal or reference under this Act to the Welsh Ministers (whether it is considered at an inquiry or hearing or on the basis of written representations).

(2) The costs incurred by the Welsh Ministers in relation to the application, appeal or reference (or so much of them as the Welsh Ministers may direct) are to be paid by the applicant, appellant or person making the reference, or such local planning authority or other party to the application, appeal or reference, as the Welsh Ministers may direct.

(3) Costs incurred by the Welsh Ministers in relation to an application, appeal or reference include the entire administrative cost incurred in connection with it so that, in particular, there shall be treated as costs incurred by the Welsh Ministers such reasonable sum as the Welsh Ministers may determine in respect of general staff costs and overheads of the Welsh Government.

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(4) The costs to which subsection (2) applies include costs in respect of an inquiry or hearing that does not in the event take place and costs incurred in reviewing planning obligations (within the meaning of section 106).

(5) The Welsh Ministers may by regulations prescribe a standard daily amount for cases involving an inquiry or hearing of any description or cases of any description considered on the basis of representations in writing; and where an inquiry or hearing of that description takes place or a case of that description is considered on the basis of representations in writing, the costs incurred by the Welsh Ministers are to be taken to be—

(a) the prescribed standard amount in respect of each day (or an appropriate proportion of that amount in respect of a part of a day) on which a prescribed person is engaged in dealing with the case;

(b) costs actually incurred in connection with dealing with the case on travelling or subsistence allowances or the provision of accommodation or other facilities;

(c) any costs attributable to the appointment of prescribed persons to assist in dealing with the case;

(d) any legal costs or disbursements incurred or made by or on behalf of the Welsh Ministers in connection with the case.

(6) The Welsh Ministers may make orders as to the costs of the applicant or appellant or any other party to the application, appeal or reference, and as to the person or persons by whom the costs are to be paid.**]**

Textual Amendments

F1483 S. 322C inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 49**, 58(2)(b)(4)(b); S.I. 2016/52, art. 2(b) (with art. 16)

Modifications etc. (not altering text)

C1353 S. 322C applied by 1980 c. 66, Sch. 6 para. 2B(4) (as inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 3(c)**; S.I. 2016/52, art. 4(a) (with art. 17))

C1354 S. 322C applied by 1980 c. 66, s. 121(5F) (as inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 2(4)**; S.I. 2016/52, art. 4(a) (with art. 17))

C1355 S. 322C applied by 1981 c. 69, Sch. 15 para. 10A(4) (as inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 7(c)**; S.I. 2016/52, art. 4(a) (with art. 17))

C1356 S. 322C applied (W.) (16.5.2017) by The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017 (S.I. 2017/565), regs. 1(3), **31(12)** (with reg. 3)

C1357 S. 322C applied (7.1.2019) by The Sustainable Drainage (Appeals) (Wales) Regulations 2018 (S.I. 2018/1181), regs. 1(2), **13(3)**

C1358 S. 322C applied (7.1.2019) by The Sustainable Drainage (Enforcement) (Wales) Order 2018 (S.I. 2018/1182), regs. 1(2), **20(3)**

323 Procedure on certain appeals and applications[F1484: England].

(1) The Secretary of State may by regulations prescribe the procedure to be followed in connection with proceedings **[**F1485in England**]** under this Act where he is required,

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before reaching a decision, to give any person an opportunity of appearing before and being heard by a person appointed by him and which are to be disposed of without an inquiry or hearing to which rules under **[**F1486section 9 of the Tribunals and Inquiries Act 1992**]** apply.

[F1487(1A) The Secretary of State may by regulations prescribe the procedure to be followed in connection with proceedings under this Act which, pursuant to a determination under section 319A, are to be considered on the basis of representations in writing.**]**

F1488(1B) . . . . . .

(2) **[**F1489Regulations under this section may**]** in particular make provision as to the procedure to be followed—

(a) where steps have been taken with a view to the holding of **[**F1490an inquiry or hearing to which rules under section 9 of the Tribunals and Inquiries Act 1992 would apply**]** which does not take place, or

(b) where steps have been taken with a view to the determination of any matter by a person appointed by the Secretary of State and the proceedings are the subject of a direction that the matter shall instead be determined by the Secretary of State, or

(c) where steps have been taken in pursuance of such a direction and a further direction is made revoking that direction,

and may provide that such steps shall be treated as compliance, in whole or in part, with the requirements of the regulations.

(3) **[**F1489Regulations under this section may**]** also—

(a) provide for a time limit within which any party to the proceedings must submit representations in writing and any supporting documents;

(b) prescribe the time limit (which may be different for different classes of proceedings) or enable the Secretary of State to give directions setting the time limit in a particular case or class of case;

(c) empower the Secretary of State to proceed to a decision taking into account only such written representations and supporting documents as were submitted within the time limit; and

(d) empower the Secretary of State, after giving the parties written notice of his intention to do so, to proceed to a decision notwithstanding that no written representations were made within the time limit, if it appears to him that he has sufficient material before him to enable him to reach a decision on the merits of the case.

[F1491(4) Regulations made by the Secretary of State under this section may include provision as to the circumstances in which, in proceedings in England such as are mentioned in subsection (1) or (1A)—

(a) directions may be given under section 250(4) of the Local Government Act 1972 as applied by a prescribed provision of this Act;

(b) orders for costs may be made under section 250(5) of that Act as so applied.**]**

Textual Amendments

F1484 Word in s. 323 heading inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 15(4)**; S.I. 2017/546, art. 3(e)

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F1485 Words in s. 323(1) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 15(2)**; S.I. 2017/546, art. 3(e)

F1486 Words in s. 323(1) substituted (1.10.1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(1), 19(2), **Sch. 3 para. 26**

F1487 S. 323(1A) inserted (6.4.2009 for E.W. for specified purposes, 25.4.2024 for specified purposes) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 10 para. 12(2)** (with s. 226); S.I. 2009/400, art. 3(j); S.I. 2024/452, reg. 2(b)

F1488 S. 323(1B) omitted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by virtue of Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 15(3)**; S.I. 2017/546, art. 3(e)

F1489 Words in s. 323(2)(3) substituted (6.4.2009 for E.W. for specified purposes, 25.4.2024 for specified purposes) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 10 para. 12(3)** (with s. 226) (as amended (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 11(3)**); S.I. 2009/400, art. 3(j); S.I. 2024/452, reg. 2(b)

F1490 Words in s. 323(2)(a) substituted (6.4.2009 for E.W. for specified purposes, 25.4.2024 for specified purposes) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 10 para. 12(4)** (with s. 226); S.I. 2009/400, art. 3(j); S.I. 2024/452, reg. 2(b)

F1491 S. 323(4) inserted (1.10.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 2(5)**, 35(1); S.I. 2013/2143, art. 2(b)

Modifications etc. (not altering text)

C1359 S. 323 applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9, SIF 123:1), **s. 89(1)**; applied (11.3.1992 so far as to confer on the Secretary of State a power to impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far as not already in force) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), **s. 37(2)**; S.I. 1992/725, **arts. 2**, 3

C1360 S. 323: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C1361 S. 323 amendment to earlier affecting provision 1990 c. 9, s. 89(1) (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 21**

C1362 S. 323 amendment to earlier affecting provision 1990 c. 10, s. 37 (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 28**

[F1492 323A Procedure for certain proceedings: Wales

(1) The Welsh Ministers may by regulations prescribe the procedure to be followed in connection with—

(a) an inquiry or hearing held or to be held by or on behalf of the Welsh Ministers under or by virtue of any provision of this Act;

(b) proceedings on an application, appeal or reference that, under or by virtue of any provision of this Act, is to be considered by or on behalf of the Welsh Ministers on the basis of representations in writing.

(2) The regulations may include provision—

(a) about the procedure to be followed in connection with matters preparatory or subsequent to an inquiry or hearing or to the making of representations in writing;

(b) about the conduct of proceedings.

(3) The regulations may include provision about the procedure to be followed—

Changes to legislation: *Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) where steps have been taken with a view to the holding of an inquiry or hearing which does not take place,

(b) where steps have been taken with a view to the determination of any matter by a person appointed by the Welsh Ministers and the proceedings are the subject of a direction that the matter must instead be determined by the Welsh Ministers, or

(c) where steps have been taken in pursuance of such a direction and a further direction is made revoking that direction,

and may provide that such steps are to be treated as compliance, in whole or in part, with the requirements of the regulations.

(4) The regulations may—

(a) provide for a time limit within which any party to the proceedings must submit representations in writing and any supporting documents,

(b) prescribe the time limit (which may be different for different classes of proceedings) or enable the Welsh Ministers to give directions setting the time limit in a particular case or class of case,

(c) enable the Welsh Ministers to proceed to a decision taking into account only such written representations and supporting documents as were submitted within the time limit, and

(d) enable the Welsh Ministers, after giving the parties written notice of their intention to do so, to proceed to a decision even though no written representations were made within the time limit, if it appears to them that they have sufficient material before them to enable them to reach a decision on the merits of the case.

(5) The regulations may also make provision as to the circumstances in which—

(a) a direction under section 322C(2) may be given;

(b) an order for costs under section 322C(4) may be made.

(6) The Welsh Ministers may by regulations provide that in prescribed circumstances a matter may not be raised in proceedings on an appeal made under or by virtue of this Act to the Welsh Ministers unless it has been previously raised before a prescribed time or it is shown that it could not have been raised before that time.**]**

Textual Amendments

F1492 S. 323A inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 50**, 58(2)(b)(4)(b); S.I. 2016/52, art. 3(c); S.I. 2017/546, art. 3(c)

Rights of entry

324 Rights of entry.

(1) Any person duly authorised in writing by the Secretary of State or by a local planning authority may at any reasonable time enter any land for the purpose of surveying it in connection with—

[F1493(a) the preparation, revision, adoption or approval of a **[**F1494local plan, document which is or forms part of a minerals and waste plan or supplementary plan**]**

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under Part 2 of the Planning and Compulsory Purchase Act 2004 or a local development plan under Part 6 of that Act;**]**

[F1495(aa) the preparation, making, modification or revocation of a neighbourhood development plan under Part 3 of that Act;**]**

(b) any application under Part III or sections F1496. . ., 220 or 221 or under any order or regulations made under any of those provisions, for any permission, consent or determination to be given or made in connection with that land or any other land under that Part or any of those sections or under any such order or regulations;

[F1497(ba) any application made to the Welsh Ministers under section 62O;

F1498(bb) . . . . . .**]**

(c) any proposal by the local planning authority or by the Secretary of State to make, issue or serve any order or notice under Part III (other than sections **[**F149993H,**]** 94 and 96), F1500. . . **[**F1501or Chapter 2 or 3 of Part VIII**]** or under any order or regulations made under any of those provisions.

[F1502(1A) For the purposes of subsection (1)(c) the reference to a proposal by the local planning authority to make any order under Part 3 includes a reference to a proposal submitted (or to be submitted) to the authority for the making by them of a neighbourhood development order.**]**

[F1503**[**F1504(1BA)**]** Any person duly authorised in writing by the Welsh Ministers or by a **[**F1505corporate joint committee**]** may at any reasonable time enter any land for the purpose of surveying it in connection with the preparation, revision, adoption or approval of a strategic development plan under Part 6 of the Planning and Compulsory Purchase Act 2004.**]**

F1506(2) . . . . . .

(3) Any person duly authorised in writing by the local planning authority may at any reasonable time enter any land for the purpose of exercising a power conferred on the authority by section 225 **[**F1507, 225A(1), 225C(10)(a) or 225F(6)(a)**]** if—

(a) F1508. . . . . .

(b) it would be impossible to exercise the power without entering the land.

F1509(4) . . . . . .

(5) Any person who is an officer of the Valuation Office or is duly authorised in writing by a local planning authority may at any reasonable time enter any land for the purpose of surveying it, or estimating its value, in connection with a claim for compensation in respect of that land or any other land which is payable by the local planning authority under Part IV, section 186, **[**F1510Chapter 2 or 3 of Part VIII**]**, section 250(1) or Part XI (other than section 279(2) or (3) or 280(1)(c)).

F1511(6) . . . . . .

(7) Any person duly authorised in writing by the Secretary of State or by a local planning authority may at any reasonable time enter any land in respect of which an order or notice has been made or served as mentioned in subsection (1)(c) for the purpose of ascertaining whether the order or notice has been complied with.

(8) Subject to section 325, any power conferred by this section to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals in it.

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(9) In subsections (1)(c) and (7) references to a local planning authority include, in relation to a building situated in Greater London, a reference to the Historic Buildings and Monuments Commission for England.

Textual Amendments

F1493 S. 324(1)(a) substituted (28.9.2004 (E.), 15.10.2005 (W.)) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 121, **Sch. 6 para. 13** (with s. 111); S.I. 2004/2202, **art. 2** (subject to art. 4); S.I. 2005/2847, **art. 2** (subject to art. 3)

F1494 Words in s. 324(1)(a) substituted (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 9** (with s. 247); S.I. 2026/169, reg. 3(f)(iii) (with Sch. 1)

F1495 S. 324(1)(aa) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2)(5)(j), **Sch. 12 para. 21(2)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11)

F1496 Words in s. 324(1)(b) repealed (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 23(8)(a), 84(6), **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch.2** (subject to art. 4)

F1497 S. 324(1)(ba)(bb) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 21**; S.I. 2016/52, art. 3(e)

F1498 S. 324(1)(bb) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(21)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1499 Word in s. 324(1)(c) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 11 para. 12** (with s. 247)

F1500 Words in s. 324(1)(c) repealed (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 11(2), 84(6), **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1991/2905, **art.3**, (subject to art. 5)

F1501 Words in s. 324(1)(c) expressed to be inserted (2.1.1992) for "or Part VIII" by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 23(8)(b)** (with s. 84(5)); S.I. 1991/2905, **art. 3** (subject to art. 5)

F1502 S. 324(1A) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2)(5)(j), **Sch. 12 para. 21(3)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11)

F1503 S. 324(1B) inserted (W.) (6.9.2015 for specified purposes, 7.1.2021 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 2 para. 12**; S.I. 2021/7, reg. 2(c)

F1504 S. 324(1B) renumbered as s. 324(1BA) (W.) (21.1.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(1)(e), **Sch. 9 para. 28(a)**

F1505 Words in s. 324(1BA) substituted (W.) (21.1.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(1)(e), **Sch. 9 para. 28(b)**

F1506 S. 324(2) repealed (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 23(8)(c), 84(6), **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch.2** (subject to art. 5)

F1507 Words in s. 324(3) inserted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 127(3)**, 240(2) (with s. 144); S.I. 2012/628, art. 8(b) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

F1508 S. 324(3)(a) repealed (6.4.2006 for E. and 18.1.2008 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 34(6), 107, 108, **Sch. 5 Pt. 3**; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 2(g)**; S. I. 2007/3371, **art. 2(b)**

F1509 S. 324(4) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31 , 84(6), Sch. 6 para. 34, **Sch. 19 Pt. II** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F1510 Words in s. 324(5) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 23(8)(d)**, (with s.84(5))

F1511 S. 324(6) omitted (13.7.2016) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 14 para. 19**; S.I. 2016/733, reg. 3(h) (with reg. 6)

Modifications etc. (not altering text)

C1363 S. 324: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

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C1364 S. 324(1)(a) applied (with modifications) (1.4.1996) by 1994 c. 19, s. 66(7), **Sch. 17 Pt. II para. 17(2)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 6(3), **Sch. 5**

C1365 S. 324(6) extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 2(3)(c)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

C1366 S. 324(8) applied (with modifications) (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 118, 411, **Sch. 4 para. 6(3)(4)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

325 Supplementary provisions as to rights of entry.

(1) A person authorised under section 324 to enter any land—

(a) shall, if so required, produce evidence of his authority **[**F1512and state the purpose of his entry**]** before so entering, and

(b) shall not demand admission as of right to any land which is occupied unless 24 hours' notice of the intended entry has been given to the occupier.

(2) Any person who wilfully obstructs a person acting in the exercise of his powers under section 324 shall be guilty of an offence and liable on summary conviction to a fine not exceeding **[**F1513level 3**]** on the standard scale.

(3) If any person who, in compliance with the provisions of section 324, is admitted into a factory, workshop or workplace discloses to any person any information obtained by him in it as to any manufacturing process or trade secret, he shall be guilty of an offence.

(4) Subsection (3) does not apply if the disclosure is made by a person in the course of performing his duty in connection with the purpose for which he was authorised to enter the **[**F1514land**]**.

(5) A person who is guilty of an offence under subsection (3) shall be liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(6) Where any **[**F1515damage is caused to land or chattels**]**—

(a) in the exercise of a right of entry conferred under section 324, or

(b) in the making of any survey for the purpose of which any such right of entry has been so conferred,

compensation **[**F1515may be recovered by any person suffering the damage**]** from the Secretary of State or authority on whose behalf the entry was effected.

(7) The provisions of section 118 shall apply in relation to compensation under subsection (6) as they apply in relation to compensation under Part IV.

(8) No person shall carry out under section 324 any works authorised by virtue of subsection (8) of that section unless notice of his intention to do so was included in the notice required by subsection (1).

(9) The authority of the appropriate Minister shall be required for the carrying out under that section of works so authorised if the land in question is held by statutory undertakers, and they object to the proposed works on the ground that the execution of the works would be seriously detrimental to the carrying on of their undertaking.

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Textual Amendments

F1512 Words in s. 325(1)(a) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 50(2)**(with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5)

F1513 Words in s. 325(2) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 50(3)**(with s. 84(5)); S.I. 1991/2905, art. 3, **Sch.1** (subject to art. 5)

F1514 Word in s. 325(4) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 50(4)**(with s. 84(5)); S.I. 1991/2905, art. 3, **Sch.1** (subject to art. 5)

F1515 Words in s. 325(6) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 11(3)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)

Modifications etc. (not altering text)

C1367 S. 325 applied (with modifications) by Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9, SIF 123:1), **s. 88(7)**; applied (with modifications) (11.3.1992 so far as to confer on the Secretary of State a power to impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far as not already in force) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), **s. 36(6)**; S.I. 1992/725, **arts. 2**, 3

C1368 S. 325: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C1369 S. 325(1)-(5)(8)(9) applied (with modifications) (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by 2003 c. 21, ss. 118, 411, **Sch. 4 para. 6(3)(4)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

C1370 S. 325(9) applied (10.11.1993) by 1993 c. 28, **s. 163(11)**; S.I. 1993/2762, **art. 3**

[F1516 325A Rights of entry: Crown land

(1) Section 324 applies to Crown land subject to the following modifications.

(2) A person must not enter Crown land unless he has the relevant permission.

(3) Relevant permission is the permission of—

(a) a person appearing to the person seeking entry to the land to be entitled to give it, or

(b) the appropriate authority.

(4) In subsection (8) the words "Subject to section 325" must be ignored.

(5) Section 325 does not apply to anything done by virtue of this section.

(6) "Appropriate authority" must be construed in accordance with section 293(2).]

Textual Amendments

F1516 S. 325A inserted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 121, **Sch. 3 para. 13** (with s. 111); S.I. 2006/1281, **art. 2**

Miscellaneous and general provisions

F1517 326 . . . . . .

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Textual Amendments

F1517 S. 326 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 35, **Sch. 19 Pt. II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1518 327 . . . . . .

Textual Amendments

F1518 S. 327 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 36, **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

[F1519 327ZA Planning applications in England: powers as to form and content

(1) Subsections (2) to (3) apply to a relevant power to make provision about—

(a) the form or manner in which a planning application is to be made, or

(b) the form or manner in which an associated document is to be provided.

(2) The power includes power to make provision requiring or allowing the application to be made, or the associated document to be provided—

(a) by particular electronic means, or

(b) by electronic means that satisfy particular technical standards or specifications.

(3) The power includes power to make provision requiring or allowing the authority to which a planning application is (or is to be) made to waive a requirement of a sort described in subsection (2).

(4) Subsection (5) applies to a relevant power to make provision about the content of a planning application or associated document.

(5) The power includes power to make provision requiring the application or associated document, or any particular content of it, to be prepared or endorsed by a person with particular qualifications or experience.

(6) Subsection (7) applies to any power within subsection (1) or (4).

(7) The power may be exercised by making provision referring (and giving effect) to such material of a particular description as is published from time to time by the Secretary of State on a government website together with a statement that it has effect for the purposes of the provision in question.

(8) Provision that may be made by virtue of subsection (7) includes, for example, provision requiring or allowing a planning application to be made (or an associated document to be provided) using such a form, or in accordance with such specifications, as are published from time to time as mentioned in that subsection.

(9) In this section, a "relevant power to make provision" about a certain matter is a power of the Secretary of State under this Act to make subordinate provision about that matter, if and so far as the power is exercisable in relation to England.

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(10) It is irrelevant for the purposes of subsection (9) in what terms a power is conferred (and, in particular, whether it relates specifically to the matter in question or is a more general power capable of exercise in relation to that matter).

(11) In this section—

"associated document" means any document or other material that—

(a) accompanies, relates to, or is or is to be subject of, a planning application, and

(b) is required by or under this Act to be provided by or on behalf of the person making the application;

"planning application" means—

(a) an application under, or for the purposes of, any provision of Part 3 **[**F1520, 8 or 13**]** of this Act or any subordinate provision made under that Part, or

(b) an application under section 191 or 192,

but does not include an application made in legal proceedings;

"provided" includes prepared, submitted, issued, served, notified and published;

"subordinate provision" means provision in an order or in regulations.**]**

Textual Amendments

F1519 S. 327ZA inserted (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 124(1)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(i)

F1520 Words in s. 327ZA(11) substituted (2.4.2025) by The Town and Country Planning (Fees and Consequential Amendments) Regulations 2025 (S.I. 2025/418), regs. 1(2), **13(13)**

Modifications etc. (not altering text)

C1371 S. 327ZA applied (with modifications) (25.4.2024) by 1990 c. 10, **s. 37** (as amended by Levelling Up and Regeneration Act 2023 (c. 55), **ss. 124(7)(a)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(i))

C1372 S. 327ZA modified (25.4.2024) by 1990 c. 9, **s. 89(1ZC)** (as inserted by Levelling Up and Regeneration Act 2023 (c. 55), **ss. 124(5)(b)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(i))

C1373 S. 327ZA applied (25.4.2024) by 1990 c. 9, **s. 89(1)** (as amended by Levelling Up and Regeneration Act 2023 (c. 55), **ss. 124(5)(a)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(i))

[F1521**327A Applications: compliance with requirements**

(1) This section applies to any application in respect of which this Act or any provision made under it imposes a requirement as to—

(a) the form or manner in which the application must be made;

(b) the form or content of any document or other matter which accompanies the application.

(2) The local planning authority must not entertain such an application if it fails to comply with the requirement.**]**

Textual Amendments

F1521 S. 327A inserted (6.8.2004 for certain purposes, 10.8.2006 for E. and 30.6.2007 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 42(5)**, 121 (with s. 111); S.I. 2004/2097, **art. 2**; S.I.

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2006/1061, **art. 3** (with art. 4) (as amended by S.I. 2010/321, **art. 3**); S.I. 2007/1369, **art. 2** (with art. 3) (as amended by S.I. 2010/321, **art. 4**)

Modifications etc. (not altering text)

C1374 S. 327A(2) applied (with modifications) (W.) (1.3.2016) by The Developments of National Significance (Application of Enactments) (Wales) Order 2016 (S.I. 2016/54), arts. 1, **3(1)(m)**

C1375 S. 327A(2) applied (with modifications) (W.) (1.3.2016) by The Developments of National Significance (Wales) Regulations 2016 (S.I. 2016/56), reg. 1(2), **Sch. 7 para. 1(1)(m)** (with regs. 1(3), 47)

328 Settled land [F1522]....

(1) The purposes authorised for the application of capital money—

(a) by section 73 of the [M162]Settled Land Act 1925 [F1523] ... ; [F1524]...

[F1524](b) . . . . . .

shall include the payment of any sum recoverable under section 111, **[**[F1525]or 112**]**.

(2) The purposes authorised as purposes for which money may be raised by mortgage—

(a) by section 71 of the Settled Land Act 1925 [F1526] ... ; [F1527]...

[F1527](b) . . . . . .

shall include the payment of any sum so recoverable.

Textual Amendments

F1522 Words in s. 328 heading omitted (19.5.2025) by virtue of Charities Act 2022 (c. 6), s. 41(4), **Sch. 1 para. 16(4)**; S.I. 2024/265, reg. 4, Sch. 2 para. 3

F1523 Words in s. 328(1)(a) repealed (1.1.1997) by 1996 c. 47, s. 25(2), **Sch. 4** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art. 2**

F1524 S. 328(1)(b) and word omitted (19.5.2025) by virtue of Charities Act 2022 (c. 6), s. 41(4), **Sch. 1 para. 16(2)**; S.I. 2024/265, reg. 4, Sch. 2 para. 3

F1525 Words in s. 328(1) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 31, **Sch. 6 para. 37**(with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F1526 Words in s. 328(2)(a) repealed (1.1.1997) by 1996 c. 47, s. 25(2), **Sch. 4** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art. 2**

F1527 S. 328(2)(b) and word omitted (19.5.2025) by virtue of Charities Act 2022 (c. 6), s. 41(4), **Sch. 1 para. 16(3)**; S.I. 2024/265, reg. 4, Sch. 2 para. 3

Modifications etc. (not altering text)

C1376 S. 328: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

Marginal Citations

M162 1925 c. 18.

329 Service of notices.

(1) Any notice or other document required or authorised to be served or given under this Act may be served or given either—

(a) by delivering it to the person on whom it is to be served or to whom it is to be given; or

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(b) by leaving it at the usual or last known place of abode of that person or, in a case where an address for service has been given by that person, at that address; or

(c) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode or, in a case where an address for service has been given by that person, at that address; or

[[F1528](cc) in a case where an address for service using electronic communications has been given by that person, by sending it using electronic communications, in accordance with the condition set out in subsection (3A), to that person at that address (subject to subsection (3B)); or**]**

(d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.

(2) Where the notice or document is required or authorised to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of premises, the notice or document shall be taken to be duly served if—

(a) it is addressed to him either by name or by the description of "the owner" or, as the case may be, "the occupier" of the premises (describing them) and is delivered or sent in the manner specified in subsection (1)(a), (b) or (c); or

(b) it is so addressed and is marked in such a manner as may be prescribed for securing that it is plainly identifiable as a communication of importance and—

(i) it is sent to the premises in a prepaid registered letter or by the recorded delivery service and is not returned to the authority sending it, or

(ii) it is delivered to some person on those premises, or is affixed conspicuously to some object on those premises.

(3) Where—

(a) the notice or other document is required to be served on or given to all persons who have interests in or are occupiers of premises comprised in any land, and

(b) it appears to the authority required or authorised to serve or give the notice or other document that any part of that land is unoccupied,

the notice or document shall be taken to be duly served on all persons having interests in, and on any occupiers of, premises comprised in that part of the land (other than a person who has given to that authority an address for the service of the notice or document on him) if it is addressed to "the owners and any occupiers" of that part of the land (describing it) and is affixed conspicuously to some object on the land.

[[F1529](3A) The condition mentioned in subsection (1)(cc) is that the notice or other document shall be—

(a) capable of being accessed by the person mentioned in that provision;

(b) legible in all material respects; and

(c) in a form sufficiently permanent to be used for subsequent reference;

and for this purpose "legible in all material respects" means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served or given by means of a notice or document in printed form.

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(3B) Subsection (1)(cc) shall not apply to—

(a) service of a planning contravention notice;

(b) service of a copy of an enforcement notice by a local planning authority;

(c) giving of notice under section 173A of the exercise of powers conferred by subsection (1) of that section;

(d) service under section 181(4) of notice of a local planning authority's intention to take steps required by an enforcement notice;

(e) service of an enforcement notice issued by the Secretary of State;

(f) service of a stop notice, or of notice of withdrawal of a stop notice, by a local planning authority;

(g) service of a stop notice by the Secretary of State;

(h) service of a breach of condition notice or of notice of withdrawal of a breach of condition notice;

(i) giving of notice of the making of a tree preservation order, or service of a copy of such an order, in accordance with **[**F1530regulations under section 199**][**F1530tree preservation regulations**]** ;

(j) service of a notice under section 215 requiring steps to be taken to remedy the condition of any land;

(k) service of a notice under section 330 requiring information as to interests in land.**]**

F1531**[**(4) This section is without prejudice to section 233 of the M163Local Government Act 1972 (general provisions as to service of notices by local authorities).**]**

Textual Amendments

F1528 S. 329(1)(cc) inserted (E.) (31.3.2003) by The Town and Country Planning (Electronic Communications) (England) Order 2003 (S.I. 2003/956), **art. 4(2)**; (W.) (1.1.2005) by The Town and Country Planning (Electronic Communications) (Wales) Order 2004 (S.I. 2004/3156), **art. 4(2)** (with art. 14)

F1529 S. 329(3A)(3B) inserted (E.) (31.3.2003) by The Town and Country Planning (Electronic Communications) (England) Order 2003 (S.I. 2003/956), **art. 4(3)**, (W.) (1.1.2005) by The Town and Country Planning (Electronic Communications) (Wales) Order 2004 (S.I. 2004/3156), **art. 4(3)** (with art. 14)

F1530 Words in s. 329(3B)(i) substituted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 8 para. 18** (with s. 226); S.I. 2012/601, art. 2(a)

F1531 S. 329(4) inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para.51** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

Modifications etc. (not altering text)

C1377 S. 329 applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9, SIF 123:1), **s. 89(1)**; applied (11.3.1992 so far as to confer on the Secretary of State a power to impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far as not already in force) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), **s. 37(2)**; S.I. 1992/725, **arts. 2**, 3

S. 329 applied (E.) (1.10.2006) by The Environmental Impact Assessment (Agriculture) (England) Regulations 2006 (S.I. 2006/2362), **reg. 7(6)**

S. 329 applied (E.) (10.10.2006) by The Environmental Impact Assessment (Agriculture) (England) (No. 2) Regulations 2006 (S.I. 2006/2362), regs. 1(2), **6(6)**

C1378 S. 329: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

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C1379 S. 329 applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 108**

C1380 S. 329 applied (E.) (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571), regs. 1(1), **65** (with regs. 47, 70)

C1381 S. 329(1)(2)(4) applied (with modifications) (1.6.1997) by S.I. 1997/1160, **reg. 16(2)**

Marginal Citations

M163 1972 c. 70.

[F1532 329A Service of notices on the Crown

(1) Any notice or other document required under this Act to be served on the Crown must be served on the appropriate authority.

(2) Section 329 does not apply for the purposes of the service of such a notice or document.

(3) "Appropriate authority" must be construed in accordance with section 293(2).**]**

Textual Amendments

F1532 S. 329A inserted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 121, **Sch. 3 para. 16** (with s. 111); S.I. 2006/1281, **art. 2**

330 Power to require information as to interests in land.

(1) For the purpose of enabling the Secretary of State or a local authority to make an order or issue or serve any notice or other document which, by any of the provisions of this Act, he or they are authorised or required to make, issue or serve, the Secretary of State or the local authority may by notice in writing require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises to give in writing such information as to the matters mentioned in subsection (2) as may be so specified.

(2) Those matters are—

(a) the nature of the interest in the premises of the person on whom the notice is served;

(b) the name and **[**F1533postal**]** address of any other person known to him as having an interest in the premises;

(c) the purpose for which the premises are being used;

(d) the time when that use began;

(e) the name and **[**F1533postal**]** address of any person known to the person on whom the notice is served as having used the premises for that purpose;

(f) the time when any activities being carried out on the premises began.

(3) A notice under subsection (1) may require information to be given within 21 days after the date on which it is served, or such longer time as may be specified in it, or as the Secretary of State or, as the case may be, the local authority may allow.

(4) Any person who, without reasonable excuse, fails to comply with a notice served on him under subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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(5) Any person who, having been required by a notice under subsection (1) to give any information, knowingly makes any misstatement in respect of it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine, or both.

[F1534(6) This section shall have effect as if the references to a local authority included references to a National Park authority.**]**

Textual Amendments

F1533 Word in s. 330(2)(b)(e) inserted (E.) (31.3.2003) by The Town and Country Planning (Electronic Communications) (England) Order 2003 (S.I. 2003/956), **art. 5(b)**; (W.) (1.1.2005) by The Town and Country Planning (Electronic Communications) (Wales) Order 2004 (S.I. 2004/3156), **art. 5(b)** (with art. 14)

F1534 S. 330(6) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(11)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

Modifications etc. (not altering text)

C1382 S. 330 applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9, SIF 123:1), **s. 89(1)**; applied (11.3.1992 so far as to confer on the Secretary of State a power to impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far as not already in force) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), **s. 37(2)**; S.I. 1992/725, **arts. 2**, 3; power to apply (with modifications) conferred by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1), s. 149(3)(b), **Sch. 29 Pt. II para. 9** as substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(13)**

C1383 S. 330: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C1384 S. 330: functions of local authority may be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 3(1), **Sch. 2 para. 16**

C1385 S. 330 applied (with modifications) (7.6.2004) by The Milton Keynes (Urban Area and Planning Functions) Order 2004 (S.I. 2004/932), art. 5, **Sch. para. 9** (with arts. 6, 7)
S. 330 applied (with modifications) (12.10.2005) by The Thurrock Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2572), **art. 5** (with arts. 6, 7)
S. 330 applied (with modifications (31.10.2005) by The London Thames Gateway Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2721), **art. 6**
S. 330 applied (with modifications) (6.4.2006) by The West Northamptonshire Development Corporation (Planning Functions) Order 2006 (S.I. 2006/616), {art. 6)}
S. 330 applied (with modifications) (7.9.2006) by The Olympic Delivery Authority (Planning Functions) Order 2006 (S.I. 2006/2185), **art. 6**

C1386 S. 330 applied (with modifications) (1.10.2012) by The London Legacy Development Corporation (Planning Functions) Order 2012 (S.I. 2012/2167), arts. 1, **7** (with Sch. 1, Sch. 2)

C1387 S. 330 applied (with modifications) (1.4.2015) by The Old Oak and Park Royal Development Corporation (Planning Functions) Order 2015 (S.I. 2015/442), arts. 1, **7** (with Sch.)

C1388 S. 330 applied (with modifications) (1.7.2015) by The Ebbsfleet Development Corporation (Planning Functions) Order 2015 (S.I. 2015/748), arts. 1, **5** (with Sch.)

C1389 S. 330 applied (with modifications) (1.6.2023) by The Middlesbrough Development Corporation (Functions) Order 2023 (S.I. 2023/447), arts. 1(3), **6** (with art. 5, Sch. 1)

C1390 S. 330 applied (with modifications) (1.6.2023) by The Hartlepool Development Corporation (Functions) Order 2023 (S.I. 2023/446), arts. 1(3), **6** (with art. 5, Sch. 1)

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[F1535 330A Information as to interests in Crown land

(1) This section applies to an interest in Crown land which is not a private interest.

(2) Section 330 does not apply to an interest to which this section applies.

(3) For a purpose mentioned in section 330(1) the Secretary of State may request the appropriate authority to give him such information as to the matters mentioned in section 330(2) as he specifies in the request.

(4) The appropriate authority must comply with a request under subsection (3) except to the extent—

(a) that the matter is not within the knowledge of the authority, or

(b) that to do so will disclose information as to any of the matters mentioned in section 321(4).

(5) Expressions used in this section and in Part 13 must be construed in accordance with that Part.**]**

Textual Amendments

F1535 S. 330A inserted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 121, **Sch. 3 para. 17** (with s. 111); S.I. 2006/1281, **art. 2**

331 Offences by corporations.

(1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

(a) a director, manager, secretary or other similar officer of the body corporate, or

(b) any person who was purporting to act in any such capacity,

he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against accordingly.

(2) In subsection (1) "director", in relation to any body corporate—

(a) which was established by or under an enactment for the purpose of carrying on under national ownership an industry or part of an industry or undertaking, and

(b) whose affairs are managed by its members,

means a member of that body corporate.

Modifications etc. (not altering text)

C1391 S. 331 applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9, SIF 123:1), **s. 89(1)**; excluded by Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9, SIF 123:1), **s. 89(2)**; applied (11.3.1992 so far as to confer on the Secretary of State a power to impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far as not already in force) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), **s. 37(2)**; S.I. 1992/725, **arts. 2**, 3

C1392 S. 331: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**
S. 331 restricted (E.) (13.4.2001) by S.I. 2001/1478, **art. 3(a)**

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C1393 S. 331 applied (23.5.2024) by The Management of Hedgerows (England) Regulations 2024 (S.I. 2024/680), regs. 1(1), **7(5)**

332 Combined applications.

(1) Regulations made under this Act may provide for the combination in a single document, made in such form and transmitted to such authority as may be prescribed, of—

(a) an application for planning permission**[**F1536, or permission in principle,**]** in respect of any development; and

(b) an application required, under any enactment specified in the regulations, to be made to a local authority in respect of that development.

(2) Before making any regulations under this section, the Secretary of State shall consult with such local authorities or associations of local authorities as appear to him to be concerned.

(3) Different provision may be made by any such regulations in relation to areas in which different enactments are in force.

(4) If an application required to be made to a local authority under an enactment specified in any such regulations is made in accordance with the provisions of the regulations, it shall be valid notwithstanding anything in that enactment prescribing, or enabling any authority to prescribe, the form in which, or the manner in which, such an application is to be made.

(5) Subsection (4) shall have effect without prejudice to—

(a) the validity of any application made in accordance with the enactment in question; or

(b) any provision of that enactment enabling a local authority to require further particulars of the matters to which the application relates.

(6) In this section "application" includes a submission.

Textual Amendments

F1536 Words in s. 332(1)(a) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 39**; S.I. 2016/733, reg. 3(d)

Modifications etc. (not altering text)

C1394 S. 332: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

333 Regulations and orders.

(1) The Secretary of State may make regulations under this Act—

(a) for prescribing the form of any notice, order or other document authorised or required by this Act to be served, made or issued by any local authority **[**F1537or National Park authority**]**;

(b) for any purpose for which regulations are authorised or required to be made under this Act (other than a purpose for which regulations are authorised or required to be made by another Minister).

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(2) Any power conferred by this Act to make regulations shall be exercisable by statutory instrument.

[F1538(2A) Regulations may make different provision for different purposes.**]**

[F1539(2B) Regulations made under this Act may make consequential, supplementary, incidental, transitional, transitory or saving provision.**]**

(3) Any statutory instrument containing regulations made under this Act (except regulations under section 88 **[**F1540or paragraph 15(5) or 16 of Schedule 4B**]** and regulations which by virtue of this Act are of no effect unless approved by a resolution of each House of Parliament) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[F1541(3ZA) No regulations may be made under section 59A(9) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.**]**

[F1542(3ZAA) No regulations may be made under section 100ZA(1) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.**]**

[F1543(3ZAB) The first regulations under section 319ZZC or 319ZZD may not be made unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.**]**

[F1544(3A) No regulations may be made under paragraph 15(5) or 16 of Schedule 4B unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.**]**

[F1545(3AA) No regulations may be made under paragraph 2(4) of Schedule 7A (biodiversity gain condition) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.**]**

[F1546(3B) Subsection (3) does not apply to a statutory instrument containing regulations made by the Welsh Ministers.

(3C) A statutory instrument containing regulations made by the Welsh Ministers under this Act is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(3D) Subsection (3C) does not apply to a statutory instrument if—

(a) it contains only regulations under section 88(7),

(b) it contains (whether alone or with other provision) regulations under section 315, or

(c) it is within subsection (3F).

(3E) The Welsh Ministers may not make a statutory instrument within subsection (3F) unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.

(3F) A statutory instrument is within this subsection if it contains (whether alone or with other provision) regulations under—

(a) section 9, if the regulations include provision amending an Act of Parliament or an Act or Measure of the National Assembly for Wales;

F1547(b) . . . . . .

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F1548(c) . . . . . .

(d) section 116;

(e) section 303;

(f) section 303ZA;

(g) section 316, if the regulations relate to land of the Welsh Ministers or to the development of land by the Welsh Ministers;

(h) section 319ZB.**]**

(4) The power **[**F1549of the Secretary of State**]** to make development orders and orders under sections 2, **[**F1550 2A, 2F,**]** 28, 55(2)(f), **[**F1551 61A(5)**]** 87, **[**F1552 106BA(14),**]** 149(3)(a) **[**F1553, 319 and 319A(9)**]** shall be exercisable by statutory instrument.

[F1554(4A) The power of the Welsh Ministers to make development orders and orders under sections 2(1B), 55(2)(f), 87(3), 149(3)(a), 293(1)(c) and 319B(9) is exercisable by statutory instrument.

(4B) A development order made by the Welsh Ministers may make different provision for different purposes, for different cases (including different classes of development) and for different areas.**]**

(5) Any statutory instrument—

(a) which contains an order under **[**F1555subsection (1) of**]** section 2 which has been made after a local inquiry has been held in accordance with subsection (2) of that section; or

(b) which contains a development order **[**F1556made by the Secretary of State**]** or an order **[**F1557made by the Secretary of State**]** under section **[**F1558 2A, 2F,**]** 28, **[**F1559 61A(5) F1560...,**]** 87 or 149(3)(a),

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[F1561(5ZA) No order may be made under section 106BA(14) unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.**]**

[F1562(5A) No order may be made under section 319A(9) unless a draft of the instrument containing the order has been laid before, and approved by resolution of, each House of Parliament.**]**

[F1563(5B) A statutory instrument containing any of the following is subject to annulment in pursuance of a resolution of the National Assembly for Wales—

(a) an order under subsection (1B) of section 2 which has been made after a local inquiry has been held in accordance with subsection (2) of that section,

(b) a development order made by the Welsh Ministers, or

(c) an order under section 87(3) or 149(3)(a) made by the Welsh Ministers.

(5C) The Welsh Ministers may not make a statutory instrument containing an order under section F1564... 293(1)(c) or 319B(9) unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.**]**

(6) Without prejudice to subsection (5) **[**F1565or (5B)**]**, where a development order makes provision for excluding or modifying any enactment contained in a public general Act (other than any of the enactments specified in Schedule 17) the order shall not have effect until that provision is approved by a resolution of each House of Parliament

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[F1566(in the case of an order made by the Secretary of State) or the National Assembly for Wales (in the case of an order made by the Welsh Ministers)**]**.

(7) Without prejudice to section 14 of the M164Interpretation Act 1978, any power conferred by any of the provisions of this Act to make an order, shall include power to vary or revoke any such order by a subsequent order.

[F1567(8) Orders made under this Act by statutory instrument may make consequential, supplementary, incidental, transitional, transitory or saving provision.**]**

Subordinate Legislation Made

P7 S. 333: power previously exercised by S.I. 1990/1562, 2032

P8 S. 333(7): s. 59 (with ss. 60(1), 61(1) and 333(7)) power exercised by S.I. 1991/1536,

P9 S. 333(7): s. 55(2)(f) (with s. 333(7)) power exercised by S.I. 1991/1567

Textual Amendments

F1537 Words in s. 333(1) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(12)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

F1538 S. 333(2A) inserted (6.8.2004 for certain purposes, otherwise prosp.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 121, **Sch. 6 para. 14(2)** (with s. 111); S.I. 2004/2097, **art. 2**

F1539 S. 333(2B) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 130(1)(a)**, 255(3)(a) (with s. 247)

F1540 Words in s. 333(3) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2)(5)(j), **Sch. 12 para. 22(2)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11)

F1541 S. 333(3ZA) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), **ss. 150(4)**, 216(3); S.I. 2016/733, reg. 3(d)

F1542 S. 333(3ZAA) inserted (19.7.2017 for specified purposes) by Neighbourhood Planning Act 2017 (c. 20), **ss. 14(2)**, 46(1); S.I. 2017/767, reg. 2(e)

F1543 S. 333(3ZAB) inserted (18.12.2025) by Planning and Infrastructure Act 2025 (c. 34), **s. 54(3)** (with s. 116)

F1544 S. 333(3A) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2)(5)(j), **Sch. 12 para. 22(3)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11)

F1545 S. 333(3AA) inserted (12.2.2024) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 14 para. 3(15)** (with s. 144); S.I. 2024/44, reg. 2(1)(e) (with reg. 4)

F1546 S. 333(3B)-(3F) inserted (W.) (6.9.2015) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 3**

F1547 S. 333(3F)(b) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(22)(a)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1548 S. 333(3F)(c) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(22)(a)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1549 Words in s. 333(4) inserted (6.9.2015) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 6(2)**

F1550 Words in s. 333(4) inserted (6.4.2008) by Greater London Authority Act 2007 (c. 24), **ss. 31(3)(a)**, 59; S.I. 2008/582, **art. 2(a)**

F1551 Word in s. 333(4) inserted (6.8.2004 for specified purposes, 10.5.2006 for E. so far as not already in force, 30.4.2012 for W. so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 40(3)(a)** (with s. 111); S.I. 2004/2097, art. 2; S.I. 2006/1061, art. 2(a); S.I. 2012/1100, art. 2

F1552 Word in s. 333(4) inserted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27), s. 35(2), **Sch. 2 para. 8(2)**

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F1553 Words in s. 333(4) substituted (6.4.2009 for E.W. for specified purposes, 25.4.2024 for specified purposes) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 10 para. 13(2)** (with s. 226); S.I. 2009/400, art. 3(j); S.I. 2024/452, reg. 2(b)

F1554 S. 333(4A)(4B) substituted for s. 333(4A) (6.9.2015) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 6(3)**

F1555 Words in s. 333(5)(a) inserted (6.9.2015) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 6(4)(a)**

F1556 Words in s. 333(5)(b) inserted (6.9.2015) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 6(4)(b)(i)**

F1557 Words in s. 333(5)(b) inserted (W.) (6.9.2015) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 6(4)(b)(ii)**

F1558 Words in s. 333(5)(b) inserted (6.4.2008) by Greater London Authority Act 2007 (c. 24), **ss. 31(3)(b)**, 59; S.I. 2008/582, **art. 2(a)**

F1559 Words in s. 333(5)(b) inserted (6.8.2004 for specified purposes, 10.5.2006 for E. so far as not already in force, 30.4.2012 for W. so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 40(3)(b)** (with s. 111); S.I. 2004/2097, art. 2; S.I. 2006/1061, art. 2(a); S.I. 2012/1100, art. 2

F1560 Words in s. 333(5)(b) omitted (6.9.2015) by virtue of Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 6(4)(b)(iii)**

F1561 S. 333(5ZA) inserted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27), s. 35(2), **Sch. 2 para. 8(3)**

F1562 S. 333(5A) inserted (6.4.2009 for E.W. for specified purposes, 25.4.2024 for specified purposes) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 10 para. 13(3)** (with s. 226); S.I. 2009/400, art. 3(j); S.I. 2024/452, reg. 2(b)

F1563 S. 333(5B)(5C) inserted (W.) (6.9.2015) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 6(5)**

F1564 Word in s. 333(5C) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(22)(b)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1565 Words in s. 333(6) inserted (W.) (6.9.2015) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 6(6)(a)**

F1566 Words in s. 333(6) inserted (W.) (6.9.2015) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 6(6)(b)**

F1567 S. 333(8) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 130(1)(b)**, 255(3)(a) (with s. 247)

Modifications etc. (not altering text)

C1395 S. 333: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C1396 S. 333 applied (8.5.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(3), **5(4)**

C1397 S. 333 applied (8.5.2018) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(5), **12(4)**

Marginal Citations

M164 1978 c. 30.

334 Licensing planning areas.

F1568 . . . . . .

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Textual Amendments

F1568 S. 334 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 199, Sch. 6 para. 109, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, **art. 2**

Modifications etc. (not altering text)

C1398 S. 334: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

335 Act not excluded by special enactments.

For the avoidance of doubt it is hereby declared that the provisions of this Act, and any restrictions or powers imposed or conferred by it in relation to land, apply and may be exercised in relation to any land notwithstanding that provision is made by any enactment in force at the passing of the 1947 Act, or by any local Act passed at any time during the Session of Parliament held during the regnal years 10 & 11 Geo. 6, for authorising or regulating any development of the land.

Modifications etc. (not altering text)

C1399 S. 335: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

336 Interpretation.

(1) In this Act, except in so far as the context otherwise requires and subject to the following provisions of this section and to any transitional provision made by the Planning (Consequential Provisions) Act 1990—

"the 1944 Act" means the Town and Country Planning Act 1944;

"the 1947 Act" means the [M165]Town and Country Planning Act 1947;

"the 1954 Act" means the [M166]Town and Country Planning Act 1954;

"the 1959 Act" means the [M167]Town and Country Planning Act 1959;

"the 1962 Act" means the [M168]Town and Country Planning Act 1962;

"the 1968 Act" means the [M169]Town and Country Planning Act 1968;

"the 1971 Act" means the [M170]Town and Country Planning Act 1971;

"acquiring authority", in relation to the acquisition of an interest in land (whether compulsorily or by agreement) or to a proposal so to acquire such an interest, means the government department, local authority or other body by whom the interest is, or is proposed to be, acquired;

[[F1569]"address", in relation to electronic communications, means any number or address used for the purposes of such communications; **]**

"advertisement" means any word, letter, model, sign, placard, board, notice **[**[F1570]awning, blind**]**, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used **[**[F1570]or designed**]**, or adapted for use **[**[F1570]and anything else principally used, or designed or adapted principally for use,**]**, for the display of advertisements, and references to the display of advertisements shall be construed accordingly;

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"aftercare condition" has the meaning given in paragraph 2(2) of Schedule 5;

"aftercare scheme" has the meaning given in paragraph 2(3) of Schedule 5;

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly;

"the appropriate Minister" has the meaning given in section 265;

"authority possessing compulsory purchase powers", in relation to the compulsory acquisition of an interest in land, means the person or body of persons effecting the acquisition and, in relation to any other transaction relating to an interest in land, means any person or body of persons who could be or have been authorised to acquire that interest compulsorily for the purposes for which the transaction is or was effected or a body (being a parish council, community council or parish meeting) on whose behalf a district council or county council **[**F1571or county borough council**]** could be or have been so authorised;

"authority to whom Part II of the 1959 Act applies" means a body of any of the descriptions specified in Part I of Schedule 4 to the 1959 Act;

[F1572"biodiversity gain plan" has the meaning in paragraph 14(1) of Schedule 7A;**]**

[F1573"breach of condition notice" has the meaning given in section 187A;

[F1574"breach of planning control" has the meaning given in section 171A **]]**

"bridleway" has the same meaning as in the M171Highways Act 1980;

"the Broads" has the same meaning as in the M172Norfolk and Suffolk Broads Act 1988;

"building" includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building;

"buildings or works" includes waste materials, refuse and other matters deposited on land, and references to the erection or construction of buildings or works shall be construed accordingly **[**F1575and references to the removal of buildings or works include demolition of buildings and filling in of trenches**]**;

[F1576"building operations" has the meaning given by section 55 **]**

"caravan site" has the meaning given in section 1(4) of the M173Caravan Sites and Control of Development Act 1960;

"clearing", in relation to land, means the removal of buildings or materials from the land, the levelling of the surface of the land, and the carrying out of such other operations in relation to it as may be prescribed;

"common" includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green;

"compulsory acquisition" does not include the vesting in a person by an Act of Parliament of property previously vested in some other person;

"conservation area" means an area designated under section 69 of the Planning M174(Listed Buildings and Conservation Areas) Act 1990 **[**F1577or section 158 of the Historic Environment (Wales) Act 2023**]**;

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[F1578“corporate joint committee” means a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;**]**

[F1579“depositing of mineral waste” means any process whereby a mineral-working deposit is created or enlarged and “depositing of refuse or waste materials” includes the depositing of mineral waste; **]**

“development” has the meaning given in section 55, and “develop” shall be construed accordingly;

[F1580“development consent” means development consent under the Planning Act 2008;**]**

F1581 . . .

“development order” has the meaning given in section 59;

[F1582“development plan” must be construed in accordance with section 38 of the Planning and Compulsory Purchase Act 2004; **]**

“disposal” means disposal by way of sale, exchange or lease, or by way of the creation of any easement, right or privilege, or in any other manner, except by way of appropriation, gift or mortgage, and “dispose of” shall be construed accordingly;

[F1583“electronic communication” has the same meaning as in the Electronic Communications Act 2000;**]**

“enactment” includes an enactment in any local or private Act of Parliament and an order, rule, regulation, byelaw or scheme made under an Act of Parliament;

“enforcement notice” means a notice under section 172;

“engineering operations” includes the formation or laying out of means of access to highways;

“enterprise zone scheme” means a scheme or modified scheme having effect to grant planning permission in accordance with section 88;

“erection”, in relation to buildings as defined in this subsection, includes extension, alteration and re-erection;

F1584 . . .

“footpath” has the same meaning as in the M175Highways Act 1980;

“fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;

“functions” includes powers and duties;

“government department” includes any Minister of the Crown;

“the Greater London Development Plan” means the development plan submitted to the Minister of Housing and Local Government under section 25 of the M176London Government Act 1963 and approved by the Secretary of State under section 5 of the 1962 Act or the corresponding provision of the 1971 Act;

“highway” has the same meaning as in the M177Highways Act 1980 ;

“improvement”, in relation to a highway, has the same meaning as in the Highways Act 1980;

[F1585“infrastructure consent order has the meaning given in section 143 of the Infrastructure (Wales) Act 2024;**]**

“joint planning board” has the meaning given in section 2;

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"land" means any corporeal hereditament, including a building, and, in relation to the acquisition of land under Part IX, includes any interest in or right over land;

"lease" includes an underlease and an agreement for a lease or underlease, but does not include an option to take a lease or a mortgage, and "leasehold interest" means the interest of the tenant under a lease as so defined;

"local authority" (except in section 252 and subject to subsection (10) **[**F1586below and section 71(7) of the Environment Act 1995**]**) means—

(a) **[**F1587a billing authority or a precepting authority **[**F1588(except the Receiver for the Metropolitan Police District)**]**, as defined in section 69 of the Local Government Finance Act 1992 **[**F1589or the **[**F1590Mayor's Office for Policing and Crime**]]** ;

(aa) **[**F1591a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;**]]**

(ab) **[**F1592the London Fire Commissioner;**]**

(b) a levying body within the meaning of section 74 of **[**F1593the Local Government Finance Act 1988**]**; and

(c) a body as regards which section 75 of that Act applies;

and includes any joint board or joint committee if all the constituent authorities are local authorities within paragraph (a), (b) or (c);

"local highway authority" means a highway authority other than the Secretary of State **[**F1594or a strategic highways company**]**;

"local planning authority" shall be construed in accordance with Part I;

"London borough" includes the City of London, references to the council of a London borough or the clerk to such a council being construed, in relation to the City, as references to the Common Council of the City and the town clerk of the City respectively;

"means of access" includes any means of access, whether private or public, for vehicles or for foot passengers, and includes a street;

F1581 . . .

"mineral planning authority" has the meaning given in section **[**F1595 1**]**;

"mineral-working deposit" means any deposit of material remaining after minerals have been extracted from land or otherwise deriving from the carrying out of operations for the winning and working of minerals in, on or under land;

"minerals" includes all **[**F1596substances**]** of a kind ordinarily worked for removal by underground or surface working, except that it does not include peat cut for purposes other than sale;

"Minister" means any Minister of the Crown or other government department;

"mortgage" includes any charge or lien on any property for securing money or money's worth;

F1597 . . .

"open space" means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground;

"operational land" has the meaning given in section 263;

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"owner", in relation to any land, means F1598. . .a person, other than a mortgagee not in possession, who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let;

[F1599"permission in principle" means permission of the kind referred to in section 58A;**]**

"the planning Acts" means this Act, the M178Planning (Listed Buildings and Conservation Areas) Act 1990 **[**F1600Parts 3 to 5 of the Historic Environment (Wales) Act 2023 (and Part 7 of that Act as it applies for the purposes of those Parts)**]**, the M179Planning (Hazardous Substances) Act 1990 and the Planning (Consequential Provisions) Act 1990;

[F1601"planning contravention notice" has the meaning given in section 171C **]**

"planning decision" means a decision made on an application under **[**F1602Part III **[**F1603or section 293A**]][**F1602Parts 3 or 13**]**;

"planning permission" means permission under **[**F1604Part III **[**F1603or section 293A**]][**F1604Parts 3 or 13**]**, F1605. . . **[**F1606but does not include permission in principle**]**;

"planning permission granted for a limited period" has the meaning given in section 72(2);

"prescribed" (except in relation to matters expressly required or authorised by this Act to be prescribed in some other way) means prescribed by regulations under this Act;

F1597
. . .

"**[**F1607public gas transporter**]**" has the same meaning as in Part I of the M180Gas Act 1986;

"purchase notice" has the meaning given in section 137;

F1608
. . .

"replacement of open space", in relation to any area, means the rendering of land available for use as an open space, or otherwise in an undeveloped state, in substitution for land in that area which is so used;

"restoration condition" has the meaning given in paragraph 2(2) of Schedule 5;

[F1609"restricted byway" has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000; **]**

F1608
. . .

"simplified planning zone" and "simplified planning zone scheme" shall be construed in accordance with sections 82 and 83;

[F1610"spatial development strategy" shall be construed in accordance with Part VIII of the Greater London Authority Act 1999 (planning); **]**

F1608
. . .

"statutory undertakers" and "statutory undertaking" have the meanings given in section 262;

"steps for the protection of the environment" has the meaning given in paragraph 5(4) of Schedule 9;

"stop notice" has the meaning given in section 183;

[F1611"strategic highways company" means a company for the time being appointed under Part 1 of the Infrastructure Act 2015;**]**

F1612
...

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"suspension order" has the meaning given in paragraph 5 of Schedule 9; and

"supplementary suspension order" has the meaning given in paragraph 6 of Schedule 9;

"tenancy" has the same meaning as in the [M181]Landlord and Tenant Act 1954 ;

"tree preservation order" has the meaning given in section 198;

[[F1613]"tree preservation regulations" means regulations under section 202A(1);**]**

[[F1614]"universal postal service provider" means a universal service provider within the meaning of **[**[F1615]Part 3 of the Postal Services Act 2011**]**; and references to the provision of a universal postal service shall be construed in accordance with **[**[F1616]that Part**];]**

"urban development area" and "urban development corporation" have the same meanings as in Part XVI of the [M182]Local Government, Planning and Land Act 1980;

"use", in relation to land, does not include the use of land for the carrying out of any building or other operations on it;

"Valuation Office" means the Valuation Office of the Inland Revenue Department;

"war damage" has the meaning given in the [M183]War Damage Act 1943.

[[F1617]"waste" includes anything that—

(a) is waste within the meaning of Article 3(1) of Directive 2008/98/ EC of the European Parliament and of the Council on waste **[**[F1618]as last amended by **[**[F1619]Directive (EU) 2018/851**]**,**]** and

(b) is not excluded from the scope of that definition by Article 2(1), (2) or (3);**]**

[[F1579]"the winning and working of minerals " includes the extraction of minerals from a mineral working deposit.

[F1620](1A) **[** In this Act—

(a) any reference to a county (other than one to a county planning authority) shall be construed, in relation to Wales, as including a reference to a county borough;

(b) any reference to a county council shall be construed, in relation to Wales, as including a reference to a county borough council; and

(c) section 17(4) and (5) of the Local Government (Wales) Act 1994 (references to counties and districts to be construed generally in relation to Wales as references to counties and county boroughs) shall not apply.**]**

(2) If, in relation to anything required or authorised to be done under this Act, any question arises as to which Minister is or was the appropriate Minister in relation to any statutory undertakers, that question shall be determined by the Treasury.

(3) If any question so arises whether land of statutory undertakers is operational land, that question shall be determined by the Minister who is the appropriate Minister in relation to those undertakers.

(4) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of any enactment, is to be deemed to be served.

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[Where—

F1621(4A) (a) an electronic communication is used for the purpose of serving or giving a notice or other document on or to any person for the purposes of this Act, and

(b) the communication is received by that person outside that person's business hours,

it shall be taken to have been received on the next working day, and in this subsection, " working day " means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday. **]**

(5) With respect to references in this Act to planning decisions—

(a) in relation to a decision altered on appeal by the reversal or variation of the whole or part of it, such references shall be construed as references to the decision as so altered;

(b) in relation to a decision upheld on appeal, such references shall be construed as references to the decision of the local planning authority and not to the decision of the Secretary of State on the appeal;

(c) in relation to a decision given on an appeal in the circumstances mentioned in section 78(2), such references shall be construed as references to the decision so given;

(d) the time of a planning decision, in a case where there is or was an appeal, shall be taken to be or have been the time of the decision as made by the local planning authority (whether or not that decision is or was altered on that appeal) or, in the case of a decision given on an appeal in the circumstances mentioned in section 78(2), the end of the period there mentioned.

(6) Section 56 shall apply for determining for the purposes of this Act when development of land shall be taken to be initiated.

(7) In relation to the sale or acquisition of an interest in land—

(a) in a case where the interest is or was conveyed or assigned without a preliminary contract, references in this Act to a contract are references to the conveyance or assignment; and

(b) references to the making of a contract are references to the execution of it.

(8) In this Act—

(a) references to a person from whom title is derived by another person include references to any predecessor in title of that other person;

(b) references to a person deriving title from another person include references to any successor in title of that other person;

(c) references to deriving title are references to deriving title either directly or indirectly.

(9) References in the planning Acts to any of the provisions **[**F1622of Parts III, VII and VIII**]** include, except where the context otherwise requires, references to those provisions as modified under section 316 F1623. . ..

(10) In section 90, Chapter I of Part VI, and **[**F1624section**]** 330 "local authority", in relation to land in the Broads, includes the Broads Authority.**]**

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Textual Amendments

F1569 Definition in s. 336(1) inserted (E.) (31.3.2003) by The Town and Country Planning (Electronic Communications) (England) Order 2003 (S.I. 2003/956), **art. 6(2)**; (W.) (1.1.2005) by The Town and Country Planning (Electronic Communications) (Wales) Order 2004 (S.I. 2004/3156), **art. 6(2)** (with art. 14)

F1570 Words in s. 336(1) inserted (6.4.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 24**(with s. 84(5)); S.I. 1992/665, **art. 2**

F1571 Words in definition of "authority possessing compulsory purchase powers" in s. 336(1) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(13)(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F1572 Words in s. 336(1) inserted (12.2.2024) by The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 (S.I. 2024/49), regs. 1(2), **10**; S.I. 2024/44, reg. 2(1)(e)

F1573 Definition in s. 336(1) inserted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 52(2)(a)** (with s. 84(5)); S.I. 1992/1630, art. 2, **Sch. 1**

F1574 Definition in s. 336(1) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 52(2)(a)** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5)

F1575 Words in s. 336(1) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 52(2)(b)**(with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5)

F1576 Definition in s. 336(1) substituted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 52(2)(c)**(with s. 84(5)); S.I. 1992/1279, **art. 2** (with art. 3)

F1577 Words in s. 336(1) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 91(a)** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

F1578 Words in s. 336(1) inserted (21.1.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(1)(e), **Sch. 9 para. 29(a)**

F1579 Definitions in s. 336(1) inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 12(a)(e)**(with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F1580 S. 336(1): definition of "development consent" inserted (1.3.2010) by Planning Act 2008 (c. 29), ss. 36, 241, **Sch. 2 para. 37** (with s. 226); S.I. 2010/101, **art. 2** (with art. 6)

F1581 Definitions in s. 336(1) repealed (25.9.1991) by Planning and compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 12(b), Sch. 19 Pt. I (with s. 84(5)); S.I. 1991/2067, art. 3, **Sch. 1**

F1582 S.336(1): definition of "development plan" substituted (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 121, **Sch. 6 para. 15** (with s. 111); S.I. 2004/2202, **art. 2** (subject to transitional provisions and savings in art. 4) ; S.I. 2005/2847, **art. 2** (subject to transitional provisions and savings in art. 3)

F1583 Definition in s. 336(1) inserted (E.) (31.3.2003) by The Town and Country Planning (Electronic Communications) (England) Order 2003 (S.I. 2003/956), **art. 6(2)**; (W.) (1.1.2005) by The Town and Country Planning (Electronic Communications) (Wales) Order 2004 (S.I. 2004/3156), **art. 6(2)** (with art. 14)

F1584 Definition in s. 336(1) repealed (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 52(2)(d), **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1992/1630, art. 2, Schs. 1, **2**

F1585 Words in s. 336(1) inserted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(23)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1586 Words in definition of "local authority" in s. 336(1) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(13)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

F1587 Paras.(a)(aa) in definition of "local authority" in s. 336(1) substituted (2.11.1992) for para. (a) by Local Government Finance Act 1992 (c. 14), s. 117(1), **Sch. 13 para. 91**; S.I. 1992/2454, **art. 2**

F1588 Words in para. (a) in the definition of "local authority" in s. 336(1) repealed (prosp.) by 1999 c. 29, ss. 325, 423, 425(2), Sch. 27 para. 66(a), **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1))

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F1589 Words in para. (a) in the definition of "local authority" in s. 336(1) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 66(b)**; S.I. 1999/3434, **art. 2**; S.I. 2000/1648, art. 2, **Sch.** (subject to transitional provisions in Sch.)

F1590 Words in s. 336(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 210**; S.I. 2011/3019, art. 3, Sch. 1

F1591 S. 336(1): words in definition of "local authority" substituted (1.10.2004 for E. and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), ss. 53, 61, **Sch. 1 para. 72(2)**; S.I. 2004/2304, **art. 2(2)** (subject to art. 3); S.I. 2004/2917, **art. 2**

F1592 Words in s. 336(1) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not alrady in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 94**; S.I. 2018/227, **reg. 4(c)**

F1593 Words in s. 336(1) substituted (1.10.2004 for E. and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), ss. 53, 61, **Sch. 1 para. 72(3)**; S.I. 2004/2304, **art. 2(2)** (subject to art. 3); S.I. 2004/2917, **art. 2**

F1594 Words in s. 336(1) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 108(a)**; S.I. 2015/481, reg. 2(a)

F1595 Words in definition of "mineral planning authority" in s. 336(1) substituted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(13)(c)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F1596 Word in s. 336(1) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 12(c)**(with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F1597 Definitions repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(4), 84(6), Sch. 6 para. 38, **Sch. 19 Pt. II** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F1598 Words in s. 336(1) repealed (17.7.1992) by Planning and compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 52(2)(e), Sch. 19 Pt. I (with s. 84(5)); S.I. 1992/1491, art. 2, Schs. 1, **2**

F1599 Words in s. 336(1) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 40(2)**; S.I. 2016/733, reg. 3(d)

F1600 Words in s. 336(1) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 91(b)** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

F1601 Definition in s. 336(1) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 52(2)(f)**(with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5)

F1602 Words in s. 336(1) substituted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 10 para. 10(a)** (with s. 247); S.I. 2025/430, reg. 2(b)

F1603 Words in s. 336(1) inserted (7.6.2006) by The Planning and Compulsory Purchase Act 2004 (Commencement No. 9 and Consequential Provisions) Order 2006 (S.I. 2006/1281), **art. 5(d)**

F1604 Words in s. 336(1) substituted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 10 para. 10(b)** (with s. 247); S.I. 2025/430, reg. 2(b)

F1605 Words in s. 336(1) repealed (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 52(2)(g), **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 2** (subject to art. 5)

F1606 Words in s. 336(1) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 40(3)**; S.I. 2016/733, reg. 3(d)

F1607 Words in s. 336(1) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 18(4)**; S.I. 1996/218, **art. 2**

F1608 Definitions in s. 336(1) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 12(d), **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1991/2067, art. 3, **Sch. 1**

F1609 Words in s. 336(1) inserted (2.5.2006 for E. and 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), **Sch. 1 Pt. 1** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

F1610 Definition of "spatial development strategy" in s. 336(1) inserted (12.1.2000) by 1999 c. 29, **s. 344(10)** (with Sch. 12 para. 9(1)); S.I. 1999/3434, **art. 2**

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F1611 Words in s. 336(1) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 108(b)**; S.I. 2015/481, reg. 2(a)
F1612 Words in s. 336(1) omitted (21.1.2021) by virtue of Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(1)(e), **Sch. 9 para. 29(b)**
F1613 Words in s. 336(1) inserted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 8 para. 19** (with s. 226); S.I. 2012/601, art. 2(a)
F1614 Definition of "universal postal service provider" in s. 336(1) inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 83**
F1615 Words in s. 336(1) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 134(a)**; S.I. 2011/2329, art. 3
F1616 Words in s. 336(1) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 134(b)**; S.I. 2011/2329, art. 3
F1617 Words in s. 336(1) substituted (29.3.2011) by The Waste (England and Wales) Regulations 2011 (S.I. 2011/988), reg. 1(2), **Sch. 4 para. 2** (with regs. 2, 47(2))
F1618 Words in s. 336(1) inserted (31.12.2018) by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232), regs. 1(3), **2(3)**
F1619 Words in s. 336(1) substituted (1.10.2020) by The Waste (Circular Economy) (Amendment) Regulations 2020 (S.I. 2020/904), regs. 1(1), **2**
F1620 S. 336(1A) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(14)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
F1621 S. 336(4A) inserted (E.) (31.3.2003) by The Town and Country Planning (Electronic Communications) (England) Order 2003 (S.I. 2003/956), **art. 6(3)**; (W.) (1.1.2005) by The Town and Country Planning (Electronic Communications) (Wales) Order 2004 (S.I. 2004/3156), **art. 6(3)** (with art. 14)
F1622 Words in s. 336(9) substituted (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 52(3)**(with s. 84(5)); S.I. 1992/1491, art. 2, **Sch. 1**
F1623 Words in s. 336(9) repealed (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 52(3), **Sch. 19 Pt. I**(with s. 84(5)); S.I. 1992/1491, art. 2, Schs. 1, **2**
F1624 Words in s. 336(10) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 52(4)**(with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5)

Modifications etc. (not altering text)

C1400 S. 336: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**
C1401 S. 336(1) applied (1.12.1991) by Water Industry Act 1991 (c. 56, SIF 130), **ss. 209(3)(a)**, 223(2)
S. 336(1) applied (1.12.1991) by Water Resources Act 1991 (c. 57, SIF 130), **ss. 208(3)(a)**, 225(2)

Marginal Citations

M165 1947 c. 51.
M166 1954 c. 72.
M167 1959 c. 53.
M168 1962 c. 38.
M169 1968 c. 72.
M170 1971 c. 78.
M171 1980 c. 66.
M172 1988 c. 4.
M173 1960 c. 62.
M174 1990 c. 9.
M175 1980 c. 66.
M176 1963 c. 33.
M177 1980 c. 66.
M178 1990 c. 9.
M179 1990 c. 10.
M180 1986 c. 44.
M181 1954 c. 56.

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M182 1980 c. 65.
M183 1943 c. 21.

337 Short title, commencement and extent.

(1) This Act may be cited as the Town and Country Planning Act 1990.

(2) Except as provided in Part II and in Schedule 4 to the [M184]Planning (Consequential Provisions) Act 1990, this Act shall come into force at the end of the period of three months beginning with the day on which it is passed.

(3) This Act extends to England and Wales only.

Marginal Citations
M184 1990 c. 11.

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SCHEDULES

SCHEDULE 1 Section 1.

LOCAL PLANNING AUTHORITIES: DISTRIBUTION OF FUNCTIONS

Preliminary

1 (1) In this Schedule "county matter" means in relation to any application, order or notice—

(a) the winning and working of minerals in, on or under land (whether by surface or underground working) or the erection of any building, plant or machinery—

(i) which it is proposed to use in connection with the winning and working of minerals or with their treatment or disposal in or on land adjoining the site of the working; or

(ii) which a person engaged in mining operations proposes to use in connection with the grading, washing, grinding or crushing of minerals;

(b) the use of land, or the erection of any building, plant or machinery on land, for the carrying out of any process for the preparation or adaptation for sale of any mineral or the manufacture of any article from a mineral where—

(i) the land forms part of or adjoins a site used or proposed to be used for the winning and working of minerals; or

(ii) the mineral is, or is proposed to be, brought to the land from a site used, or proposed to be used, for the winning and working of minerals by means of a pipeline, conveyor belt, aerial ropeway, or similar plant or machinery, or by private road, private waterway or private railway;

(c) the carrying out of searches and tests of mineral deposits or the erection of any building, plant or machinery which it is proposed to use in connection with them;

(d) the **[**F1625depositing**]** of mineral waste;

(e) the use of land for any purpose required in connection with the transport by rail or water of aggregates (that is to say, any of the following, namely—

(i) sand and gravel;

(ii) crushed rock;

(iii) artificial materials of appearance similar to sand, gravel or crushed rock and manufactured or otherwise derived from iron or steel slags, pulverised fuel ash, clay or mineral waste),

or the erection of any building, plant or machinery which it is proposed to use in connection with them;

(f) the erection of any building, plant or machinery which it is proposed to use for the coating of roadstone or the production of concrete or of concrete products or artificial aggregates, where the building, plant or machinery is to

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be erected in or on land which forms part of or adjoins a site used or proposed to be used—

(i) for the winning and working of minerals; or

(ii) for any of the purposes mentioned in paragraph (e) above;

(g) the erection of any building, plant or machinery which it is proposed to use for the manufacture of cement;

(h) the carrying out of operations in, on, over or under land, or a use of land, where the land is or forms part of a site used or formerly used for the winning and working of minerals and where the operations or use would conflict with or prejudice compliance with a restoration condition or an aftercare condition;

(i) the carrying out of operations in, on, over or under land, or any use of land, which is situated partly in and partly outside a National Park;

(j) the carrying out of any operation which is, as respects the area in question, a prescribed operation or an operation of a prescribed class or any use which is, as respects that area, a prescribed use or use of a prescribed class.

F1626(2) . . . . . .

Textual Amendments

F1625 Words in Sch. 1 para. 1(1)(d) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 13(a)** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1626 Sch. 1 para. 1(2) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21 , 84(6), Sch. 1 para. 13(b), **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

Development plans

2 F1627 . . . . . .

Textual Amendments

F1627 Sch. 1 para. 2 repealed (6.8.2004 for certain purposes, 28.9.2004 for E. and otherwise prosp.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 120, 121, Sch. 6 para. 16(2), **Sch. 9** (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2004/2202, **art. 2**, Sch. 1 (subject to transitional provisions and savings in art. 4)

Planning and special control

3 (1) The functions of a local planning authority of determining—

(a) applications for planning permission **[**F1628or permission in principle**]**;

[F1629(aza) applications under section 74B;**]**

[F1630(azb) applications for additional environmental approvals under section 93B;**]**

[F1631(azc) applications for additional environmental approvals under section 93F;**]**

[F1632(aa) applications for non-material changes to planning permission under section 96A;**]**

F1633**[**(b) applications for a certificate under section 191 or 192**]**

shall, subject to sub-paragraph (2), be exercised by the district planning authority.

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(2) The functions of a local planning authority of determining any such application as is mentioned in sub-paragraph (1) which **[**F1634relates**]** to a county matter shall be exercised by the county planning authority.

F1635(3) . . . . . .

F1635(4) . . . . . .

F1635(5) . . . . . .

F1635(6) . . . . . .

(7) The previous provisions of this paragraph shall not apply to applications relating to land in a National Park F1636. . . .

Textual Amendments

F1628 Words in Sch. 1 para. 3(1)(a) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 41(2)**; S.I. 2016/733, reg. 3(d)

F1629 Sch. 1 para. 3(1)(aza) inserted (temp.) (28.7.2020) by virtue of Business and Planning Act 2020 (c. 16), **ss. 16(4)**, 25(3)(a) (with s. 16(6))

F1630 Sch. 1 para. 3(1)(azb) inserted (temp.) (19.8.2020) by virtue of Business and Planning Act 2020 (c. 16), **ss. 17(4)**, 25(3)(b) (with s. 17(6))

F1631 Sch. 1 para. 3(1)(azc) inserted (temp.) (19.8.2020) by virtue of Business and Planning Act 2020 (c. 16), **ss. 18(4)**, 25(3)(b) (with s. 18(6))

F1632 Sch. 1 para. 3(1)(aa) inserted (1.10.2009) by Planning Act 2008 (c. 29), **ss. 190(6)**, 241 (with s. 226); S.I. 2009/2260, **art. 3**

F1633 Sch. 1 para. 3(1)(b) substituted (27.7.1992) for para. 3(1)(b)(c) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 53(2)**(with s. 84(5)); S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

F1634 Word in Sch. 1 para. 3(2) substituted (25.11.1991 for certain purposes and otherwise 2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **ss. 19(2)(a)**, 84(2)-(4)(with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1991/2905, **art. 3** (subject to art. 4)

F1635 Sch. 1 para. 3(3)-(6) omitted (25.11.1991 for certain purposes and otherwise 2.1.1992) by virtue of Planning and Compensation Act 1991 (c. 34, SIF 123:1), **ss. 19(2)(b)**, 84(2)-(4)(6), Sch. 19 Pt. I (with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1991/2905, **art. 3** (subject to art. 4)

F1636 Words in Sch. 1 para. 3(7) repealed (6.8.2004 for certain purposes, otherwise prosp .) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 120, 121, Sch. 6 para. 16(3), **Sch. 9** (with s. 111); S.I. 2004/2097, **art. 2**

4 F1637(1) . . . . . .

(2) Where any **[**F1638application for planning permission **[**F1639or permission in principle**]**, for a certificate under section 191 or 192 or for consent to the display of advertisements under section 220, relating in each case**]** to land in a National Park or an application so relating for approval of a matter reserved under an outline planning permission within the meaning of section 92 falls to be determined by a **[**F1640National Park authority**]**. . ., that authority shall before determining it consult with **[**F1641any authority which (but for section 4A) would be F1642. . .**]** the district planning authority for the area in which the land to which the application relates is situated.

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Textual Amendments

F1637 Sch. 1 para. 4(1) repealed (25.11.1991 for certain purposes, 2.1.1992 for other purposes and 6.4.1992 so far as not yet in force) by virtue of Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 19(2)(b), 84(6), **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1991/2905, **art. 3** (subject to art. 5); S.I. 1992/665, **art. 2**

F1638 Words in Sch. 1 para. 4(2) substituted (2.1.1992 for certain purposes and 6.4.1992 otherwise) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 53(3)** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5); S.I. 1992/665, **art. 2**

F1639 Words in Sch. 1 para. 4(2) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 41(3)**; S.I. 2016/733, reg. 3(d)

F1640 Words in Sch. 1 para. 4(2) inserted (1.4.1997) by 1995 c. 25, s. 78, **Sch. 10 para. 23(14)(a)(i)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/2560, **art. 2**

F1641 Words in Sch. 1 para. 4(2) inserted (1.4.1997) by 1995 c. 25, s. 78, **Sch. 10 para. 32(14)(a)(ii)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/2560, **art. 2**

F1642 Words in Sch. 1 para. 4(2) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

5 (1) The Secretary of State may include in a development order such provisions as he thinks fit enabling a local highway authority to impose restrictions on the grant by the local planning authority of planning permission for the following descriptions of development relating to land in the area of the local highway authority—

(a) the formation, laying out or alteration of any means of access to a road classified under section 12(3) of the [M185]Highways Act 1980 or section 27 of the [M186]Local Government Act 1966 or to a proposed road the route of which has been adopted by resolution of the local highway authority and notified as such to the local planning authority;

(b) any other operations or use of land which appear to the local highway authority to be likely to result in a material increase in the volume of traffic entering or leaving such a classified or proposed road, to prejudice the improvement or construction of such a road or to result in a material change in the character of traffic entering, leaving or using such a road.

[[F1643](2) The reference to a local planning authority in sub-paragraph (1) **[**[F1644]does not include a development corporation planning authority;**]** and no provision of a development order which is included in it by virtue of that sub-paragraph is to be construed as applying to such a corporation.**]**

(3) The Secretary of State may include in a development order provision enabling a local highway authority to impose restrictions on the grant by **[**[F1645]a development corporation planning authority**]** of planning permission for such descriptions of development as may be specified in the order.

[[F1646](4) In this paragraph, "development corporation planning authority" means—

(a) an urban development corporation which is the local planning authority by virtue of an order under section 149 of the Local Government, Planning and Land Act 1980,

(b) a development corporation established under section 3 of the New Towns Act 1981 which is the local planning authority by virtue of an order under section 7A of that Act, or

(c) a Mayoral development corporation which is the local planning authority by virtue of an order under section 198(2) of the Localism Act 2011.**]**

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Textual Amendments

F1643 Sch. 1 para. 5(2) substituted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 36(2)**

F1644 Words in Sch. 1 para. 5(2) substituted (14.4.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 17 para. 2(7)(a)** (with s. 247); S.I. 2026/168, reg. 2(g)

F1645 Words in Sch. 1 para. 5(3) substituted (14.4.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 17 para. 2(7)(b)** (with s. 247); S.I. 2026/168, reg. 2(g)

F1646 Sch. 1 para. 5(4) inserted (14.4.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 17 para. 2(7)(c)** (with s. 247); S.I. 2026/168, reg. 2(g)

Marginal Citations

M185 1980 c. 66.

M186 1966 c. 42.

6 (1) A development order may also include provision requiring a county planning authority who are determining any application mentioned in paragraph 3 and relating to a county matter, or an application for approval of a matter reserved under an outline planning permission within the meaning of section 92 and so relating, to give the district planning authority for the area in which the land to which the application relates is situated an opportunity to make recommendations to the county planning authority as to the manner in which the application is determined, and to take into account any such recommendations.

(2) It may also include provision requiring a county or district planning authority who have received any application so mentioned or any application for such approval [F1647]. . .) to notify the district or, as the case may be, county planning authority of the terms of their decision, or, where the application is referred to the Secretary of State, the date when it was so referred and, when notified to them, the terms of his decision.

Textual Amendments

F1647 Words in Sch. 1 para. 6(2) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 3, **Sch.**

[F1648 6A (1) This paragraph applies to the functions of local planning authorities under any of sections 61E to 61Q and Schedules 4B and 4C (neighbourhood development orders).

(2) Those functions are to be exercised by a district planning authority in any area of a non-metropolitan county.**]**

Textual Amendments

F1648 Sch. 1 para. 6A inserted (15.11.2011 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 9 para. 4**; S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2

[F1649 7 (1) A local planning authority must not determine an application for planning permission **[F1650** or permission in principle**]** to which the consultation requirements apply unless it complies with sub-paragraph (7).

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(2) The consultation requirements are—

F1651(a) . . . . . .

(b) consultation by a district planning authority with the county planning authority for their area if the development is one to which sub-paragraph (4) applies.

F1652(3) . . . . . .

(4) This sub-paragraph applies to—

(a) a development which would materially conflict with or prejudice the implementation of a relevant county policy,

(b) a development in an area in relation to which the county planning authority have given notice in writing to the district planning authority that development is likely to affect or be affected by the winning and working of minerals, other than coal,

(c) a development of land in respect of which the county planning authority have given notice in writing to the district planning authority that they propose to carry out development,

(d) a development which would prejudice a proposed development mentioned in paragraph (c) in respect of which notice has been given as so mentioned,

(e) a development of land in relation to which the county planning authority have given notice in writing to the district planning authority that it is proposed to use the land for waste disposal, or

(f) a development which would prejudice a proposed use mentioned in paragraph (e) in respect of which notice has been given as so mentioned.

(5) The consultation requirements do not apply—

F1653(a) . . . . . .

(b) in respect of a development to which sub-paragraph (4) applies if the county planning authority gives a direction authorising the determination of the application without compliance with the requirements.

(6) A direction under sub-paragraph (5) may be given in respect of a particular application or a description of application.

(7) If the consultation requirements apply the local planning authority—

(a) must give notice to **[**F1654**[**F1655the county planning authority**]** that they propose to consider the application,

(b) must send a copy of the application to **[**F1656the county planning authority**]** , and

(c) must not determine the application until the end of such period as is prescribed by development order beginning with the date of the giving of notice under paragraph (a).

(8) Sub-paragraph (7)(c) does not apply if before the end of the period mentioned in that sub-paragraph—

(a) the local planning authority have received representations concerning the application from **[**F1657the county planning authority**]** , or

(b) **[**F1657the county planning authority**]** gives notice that it does not intend to make representations.

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F1658(9) . . . . . .

(10) **[**F1659A relevant county policy is a policy contained in a relevant document, plan or revision which—

(a) has been submitted for independent examination under Part 2 of the 2004 Act and has not been withdrawn, or

(b) has been adopted, approved or made for the purposes of that Part.

(10A) In sub-paragraph (10)—

(a) a "relevant document, plan or revision" means—

(i) a document prepared to be, or to form part of, the county planning authority's minerals and waste plan for the purposes of Part 2 of the 2004 Act,

(ii) a revision of a document which is, or forms part of, the county planning authority's minerals and waste plan for the purposes of that Part,

(iii) a supplementary plan prepared by the county planning authority acting as a minerals and waste planning authority under that Part, or

(iv) a revision of a such a supplementary plan;

(b) the reference to submission of a relevant document, plan or revision for independent examination under Part 2 of the 2004 Act is to be taken to include any case where an independent examination is held under that Part.**]**

F1660**[**F1661(11)**]** . . . . . .

(12) The 2004 Act is the Planning and Compulsory Purchase Act 2004.**]]**

Textual Amendments

F1649 Sch. 1 para. 7 substituted (6.8.2004 for certain purposes and 24.8.2005 for E. and otherwise prosp.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 120, 121, **Sch. 6 para. 16(4)** (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2005/2081, **art. 2** (subject to savings in art. 4)

F1650 Words in Sch. 1 para. 7(1) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 41(4)**; S.I. 2016/733, reg. 3(d)

F1651 Sch. 1 para. 7(2)(a) repealed (15.11.2011) by Localism Act 2011 (c. 20), s. 240(5)(h), Sch. 8 para. 1(a), **Sch. 25 Pt. 15**

F1652 Sch. 1 para. 7(3) repealed (15.11.2011) by Localism Act 2011 (c. 20), s. 240(5)(h), Sch. 8 para. 1(a), **Sch. 25 Pt. 15**

F1653 Sch. 1 para. 7(5)(a) repealed (15.11.2011) by Localism Act 2011 (c. 20), s. 240(5)(h), Sch. 8 para. 1(a), **Sch. 25 Pt. 15**

F1654 Words in Sch. 1 para. 7(7)(a) substituted (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 85, 148, 149, **Sch. 5 para. 3(5)**; S.I. 2009/3318, **art. 4**

F1655 Words in Sch. 1 para. 7(7)(a) substituted (15.11.2011) by Localism Act 2011 (c. 20), s. 240(5)(h), **Sch. 8 para. 1(b)**

F1656 Words in Sch. 1 para. 7(7)(b) substituted (15.11.2011) by Localism Act 2011 (c. 20), s. 240(5)(h), **Sch. 8 para. 1(c)**

F1657 Words in Sch. 1 para. 7(8) substituted (15.11.2011) by Localism Act 2011 (c. 20), s. 240(5)(h), **Sch. 8 para. 1(c)**

F1658 Sch. 1 para. 7(9) repealed (15.11.2011) by Localism Act 2011 (c. 20), s. 240(5)(h), Sch. 8 para. 1(d), **Sch. 25 Pt. 15**

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F1659 Sch. 1 para. 7(10)(10A) substituted for Sch. 1para. 7(10) (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 11(2)** (with s. 247); S.I. 2026/169, reg. 3(f)(iv) (with Sch. 1)

F1660 Sch. 1 para. 7(11) repealed (15.11.2011) by Localism Act 2011 (c. 20), s. 240(5)(h), Sch. 8 para. 1(d), **Sch. 25 Pt. 15**

F1661 Sch. 1 para. 7(11) substituted (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 85, 148, 149, **Sch. 5 para. 3(7)**; S.I. 2009/3318, **art. 4**

F1662 **[** 8(1) A local planning authority who have the function of determining applications for planning permission **[**F1663 or permission in principle**]** shall, if requested to do so by the council of any parish F1664 . . . situated in their area, notify the council of—

(a) any relevant planning application; and

(b) any alteration to that application accepted by the authority.

(2) In sub-paragraph (1) " a relevant planning application " means an application which —

(a) relates to land in the parish F1664 . . .; and

(b) is an application for—

(i) planning permission **[**F1665 or permission in principle**]**; or

(ii) approval of a matter reserved under an outline planning permission within the meaning of section 92.

(3) Any request made for the purposes of sub-paragraph (1) shall be in writing and state that the council wishes to be notified of all relevant applications or all applications of a description specified in the request.

F1666 **[** (3A) Sub-paragraph (3B) applies to a local planning authority who have the function of determining applications for planning permission or permission in principle if—

(a) there is a relevant neighbourhood development plan for a neighbourhood area all or part of which falls within the authority's area, and

(b) a parish council are authorised to act in relation to the neighbourhood area as a result of section 61F.

(3B) The local planning authority must notify the parish council of—

(a) any relevant planning application, and

(b) any alteration to that application accepted by the authority.

(3C) Sub-paragraph (3B) does not apply if the parish council have notified the local planning authority in writing that they do not wish to be notified of any such application.

(3D) If the parish council have notified the local planning authority in writing that they only wish to be notified under sub-paragraph (3B) of applications of a particular description, that sub-paragraph only requires the authority to notify the council of applications of that description.

(3E) For the purposes of sub-paragraphs (3A) to (3D)—

"neighbourhood area" means an area designated as such under section 61G;

"relevant neighbourhood development plan" means—

(a) a post-examination draft neighbourhood development plan as defined by section 70(3B) to (3F), or

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(b) a neighbourhood development plan which forms part of a development plan by virtue of section 38**[**F1667(2A)**]** or (3A) of the Planning and Compulsory Purchase Act 2004 (plans which have been made or approved in a referendum);

"relevant planning application" means an application which relates to land in the neighbourhood area and is an application for—

(a) planning permission or permission in principle, or

(b) approval of a matter reserved under an outline planning permission within the meaning of section 92.**]**

(4) An authority shall comply with **[**F1668a duty under this paragraph**]** to notify a council of an application by—

(a) sending the council a copy of the application; or

(b) indicating to the council the nature of the development which is the subject of the application and identifying the land to which it relates,

and any notification falling within paragraph (b) shall be in writing.

(5) An authority shall comply with **[**F1669a duty under this paragraph**]** to notify a council of an alteration by—

(a) sending a copy of the alteration to the council; or

(b) informing the council in writing of its general effect,

but they need not notify a council of an alteration which in their opinion is trivial.

(6) A development order may require a local planning authority which is dealing with an application of which a council is entitled to be notified—

(a) to give the council an opportunity to make representations to them as to the manner in which the application should be determined;

(b) to take into account any such representations;

(c) to notify the council of the terms of their decision or, where the application is referred to the Secretary of State, the date when it was so referred and, when notified to them, the terms of his decision.**]**

Textual Amendments

F1662 Sch. 1 para. 8 substituted (2.1.1992 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 53(5)**(with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5); S.I. 1992/2831, **art. 2** (with art. 3)

F1663 Words in Sch. 1 para. 8(1) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 41(4)**; S.I. 2016/733, reg. 3(d)

F1664 Words in Sch. 1 para. 8(1)(2)(a) repealed (1.4.1996) by 1994 c. 19, ss. 20(4), 66(8), Sch. 6 Pt. II para. 24(15), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F1665 Words in Sch. 1 para. 8(2)(b)(i) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 41(4)**; S.I. 2016/733, reg. 3(d)

F1666 Sch. 1 para. 8(3A)-(3E) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by Neighbourhood Planning Act 2017 (c. 20), **ss. 2(3)**, 46(3); S.I. 2018/38, reg. 3(a)

F1667 Word in Sch. 1 para. 8(3E) substituted (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 11(3)** (with s. 247); S.I. 2026/169, reg. 3(f)(iv) (with Sch. 1)

F1668 Words in Sch. 1 para. 8(4) substituted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by Neighbourhood Planning Act 2017 (c. 20), **ss. 2(4)**, 46(3); S.I. 2018/38, reg. 3(a)

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F1669 Words in Sch. 1 para. 8(5) substituted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by Neighbourhood Planning Act 2017 (c. 20), **ss. 2(5)**, 46(3); S.I. 2018/38, reg. 3(a)

[F1670 8A (1) A local planning authority who have the function of determining applications for planning permission or permission in principle shall, if requested to do so by a neighbourhood forum for an area which (or any part of which) is situated in the authority's area, notify the neighbourhood forum of—

(a) any relevant planning application; and

(b) any alteration to that application accepted by the authority.

[F1671 (1A) Sub-paragraph (1B) applies to a local planning authority who have the function of determining applications for planning permission or permission in principle if—

(a) there is a relevant neighbourhood development plan for a neighbourhood area all or part of which falls within the authority's area, and

(b) a neighbourhood forum are authorised to act in relation to the neighbourhood area as a result of section 61F.

(1B) The local planning authority must notify the neighbourhood forum of—

(a) any relevant planning application, and

(b) any alteration to that application accepted by the authority.

(1C) Sub-paragraph (1B) does not apply if the neighbourhood forum has notified the local planning authority in writing that it does not wish to be notified of any such application.

(1D) If the neighbourhood forum has notified the local planning authority in writing that it only wishes to be notified under sub-paragraph (1B) of applications of a particular description, that sub-paragraph only requires the authority to notify the forum of applications of that description.**]**

(2) In this paragraph—

[F1672 "neighbourhood area" means an area designated as such under section 61G;**]**

"neighbourhood forum" means an organisation or body designated as such under section 61F;

[F1673 relevant neighbourhood development plan" means—

(a) a post-examination draft neighbourhood development plan as defined by section 70(3B) to (3F), or

(b) a neighbourhood development plan which forms part of a development plan by virtue of section 38**[**F1674 (2A)**]** or (3A) of the Planning and Compulsory Purchase Act 2004 (development plans which have been approved in a referendum or made);**]**

"relevant planning application" means an application which—

(a) relates to land in the area for which the neighbourhood forum is designated; and

(b) is an application for—

(i) planning permission or permission in principle; or

(ii) approval of a matter reserved under an outline planning permission within the meaning of section 92.

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(3) Sub-paragraphs **[**F1675(3) and (4) to (6)**]** of paragraph 8 have effect for the purposes of this paragraph, any reference to a parish council being read as a reference to a neighbourhood forum.**]**

Textual Amendments

F1670 Sch. 1 para. 8A inserted (1.10.2016) by Housing and Planning Act 2016 (c. 22), **ss. 142**, 216(3); S.I. 2016/733, reg. 4(1)(b)

F1671 Sch. 1 para. 8A(1A)-(1D) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by Neighbourhood Planning Act 2017 (c. 20), **ss. 2(7)**, 46(3); S.I. 2018/38, reg. 3(a)

F1672 Words in Sch. 1 para. 8A(2) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by Neighbourhood Planning Act 2017 (c. 20), **ss. 2(8)(a)**, 46(3); S.I. 2018/38, reg. 3(a)

F1673 Words in Sch. 1 para. 8A(2) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by Neighbourhood Planning Act 2017 (c. 20), **ss. 2(8)(b)**, 46(3); S.I. 2018/38, reg. 3(a)

F1674 Word in Sch. 1 para. 8A(2) substituted (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 11(4)** (with s. 247); S.I. 2026/169, reg. 3(f)(iv) (with Sch. 1)

F1675 Words in Sch. 1 para. 8A(3) substituted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by Neighbourhood Planning Act 2017 (c. 20), **ss. 2(9)**, 46(3); S.I. 2018/38, reg. 3(a)

9 (1) The functions of local planning authorities under the provisions of this Act relating to simplified planning zone schemes shall be exercised in non-metropolitan counties by the district planning authorities.

F1676(2) . . . . . .

F1676(3) . . . . . .

Textual Amendments

F1676 Sch. 1 para. 9(2)(3) repealed (25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 28, 84(6), Sch. 5 Pt. II para.3, **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/2413, **art. 2** (with art. 3); S.I. 1992/2831, art. 2, **Sch.**

10 Elsewhere than in a National Park, the functions of a local planning authority under section **[**F1677 93H or**]** 94 shall be exercisable by the district planning authority, except that where the relevant planning permission was granted by the county planning authority, those functions, so far as relating to that permission, shall be exercisable by the county planning authority and also by the district planning authority after consulting the county planning authority.

Textual Amendments

F1677 Words in Sch. 1 para. 10 inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 11 para. 13** (with s. 247)

11 (1) The functions of a local planning authority of—

(a) making orders under section 97 revoking or modifying planning permission **[**F1678 or permission in principle**]**, or under section 102 requiring discontinuance of use, imposing conditions on continuance of use or requiring the alteration or removal of buildings or works, or

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(b) issuing enforcement notices under section 172 or serving **[**[F1679]planning contravention notices under section 171C or**]** stop notices under section 183 **[**[F1680]or breach of condition notices under section 187A**]**,

shall, subject to sub-paragraphs (2) to (4), be exercisable by the district planning authority.

(2) In a case where it appears to the district planning authority of a district in a non-metropolitan county that the functions mentioned in sub-paragraph (1) relate to county matters, they shall not exercise those functions without first consulting the county planning authority.

(3) Subject to sub-paragraph (4), in a non-metropolitan county those functions shall also be exercisable by a county planning authority in a case where it appears to that authority that they relate to a matter which should properly be considered a county matter.

(4) In relation to a matter which is a county matter by virtue of any of the provisions of paragraph 1(1)(a) to (h) the functions of a local planning authority specified in sub-paragraph (1)(b) shall only be exercisable by the county planning authority in their capacity as mineral planning authority.

Textual Amendments

F1678 Words in Sch. 1 para. 11(1)(a) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 41(4)**; S.I. 2016/733, reg. 3(d)

F1679 Words in Sch. 1 para. 11(1)(b) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 53(6)** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5)

F1680 Words in Sch. 1 para. 11(1)(b) inserted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 53(6)**(with s. 84(5)); S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

12 In sections 178(1), 181(4)(b) and 190(2) to (5) any reference to the local planning authority shall be construed as a reference to the authority who issued the notice or made the order in question or, in the case of an notice issued or an order made by the Secretary of State, the authority named in the notice or order.

[[F1681]12A The functions of a local planning authority under section 187B are exercisable by any body having the function of taking enforcement action in respect of the breach in question**]**

Textual Amendments

F1681 Sch. 1 para. 12A inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 53(7)** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch.1** (subject to art. 5)

13 (1) **[**[F1682]In the case of any area for which there is both a district planning authority and a county planning authority, the county planning authority**]** may only make a tree preservation order—

(a) if they make it in pursuance of section 197(b);

(b) if it relates to land which does not lie wholly within the area of a single district planning authority;

(c) if it relates to land in which the county planning authority hold an interest;

[F1683] . . .

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(d) . . . . . .

(2) Where a local planning authority have made a tree preservation order under section 198 or the Secretary of State has made such an order by virtue of section 202, the powers of varying or revoking the order and the powers of dispensing with section 206 or serving, or appearing on an appeal relating to, a notice under section 207 shall be exercisable only by the authority who made the order or, in the case of an order made by the Secretary of State, the authority named in the order.

Textual Amendments

F1682 Words in Sch. 1 para. 13(1) substituted (1.4.1997) by 1995 c. 25, s. 78, **Sch. 10 para. 32(14)(b)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/2560, **art. 2**

F1683 Sch. 1 para. 13(d) and word "or" preceding it repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

14 The functions of local planning authorities under sections 69, 211, 214, 220, 221, 224 and 225, and in non-metropolitan counties the functions under section 215, are exercisable by district planning authorities.

15 (1) The copy of the notice required to be served by paragraph 4(5) of Schedule 8 on a local planning authority shall, in the case of a proposal that a government department should give a direction under section 90(1) or that development should be carried out by or on behalf of a government department, be served on the local planning authority who, in the opinion of the Secretary of State, would have been responsible for dealing with an application for planning permission for the development in question if such an application had fallen to be made.

(2) References in paragraphs 3(2) and 5(1) of that Schedule to the local planning authority shall be construed as references to the local planning authority on whom that copy is required to be served.

Compensation

16 (1) Claims for payment of compensation under section 107 (including that section as applied by section 108) and sections [F1684]. . . 115(1) to (4), 186 and 223 shall, subject to sub-paragraph (3), be made to and paid by the local planning authority who took the action by virtue of which the claim arose or, where that action was taken by the Secretary of State, the local planning authority from whom the appeal was made to him or who referred the matter to him or, in the case of an order made or notice served by him by virtue of section 100, 104 or 185, the appropriate authority, and references in those sections to a local planning authority shall be construed accordingly.

(2) In this paragraph "appropriate authority" means—

(a) in the case of a claim for compensation under section 107 or 108, the local planning authority who granted, or are to be treated for the purposes of section 107 as having granted, the planning permission **[**[F1685]or permission in principle**]** the revocation or modification of which gave rise to the claim;

(b) in the case of a claim for compensation under section 115(1) to (4) or 186, the local planning authority named in the relevant order or stop notice of the Secretary of State;

(c) in the case of a claim for compensation under section 223, the district planning authority.

Changes to legislation: *Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) The Secretary of State may after consultation with all the authorities concerned direct that where a local planning authority is liable to pay compensation under any of the provisions mentioned in sub-paragraph (1) in any particular case or class of case they shall be entitled to be reimbursed the whole of the compensation or such proportion of it as he may direct from one or more authorities specified in the direction.

(4) The local planning authority by whom compensation is to be paid and to whom claims for compensation are to be made under section 144(2) shall be the district planning authority.

Textual Amendments

F1684 Word in Sch. 1 para. 16(1) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(4), 84(6), Sch. 6 para. 39, **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1685 Words in Sch. 1 para. 16(2)(a) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 41(4)**; S.I. 2016/733, reg. 3(d)

17 **[**F1686Claims for payment of compensation under a tree preservation order by virtue of section 203, and claims for payment of compensation under section 204 by virtue of directions given in pursuance of such an order, shall be made to and paid by the local planning authority who made the order or, in the case of an order made by the Secretary of State, the authority named in the order; and the reference in section 204(2) to the authority exercising functions under the tree preservation order shall have effect subject to the provisions of this paragraph.**]**

Textual Amendments

F1686 Sch. 1 para. 17 repealed (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 13** (with s. 226); S.I. 2012/601, art. 2(c), Sch.

18 The local planning authority by whom compensation is to be paid under section 279(1)(a) to statutory undertakers shall be the authority who referred the application for planning permission **[**F1687or permission in principle**]** to the Secretary of State and the appropriate Minister, or from whose decision the appeal was made to them or who served the enforcement notice appealed against, as the case may be.

Textual Amendments

F1687 Words in Sch. 1 para. 18 inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 41(4)**; S.I. 2016/733, reg. 3(d)

The Crown

19 (1) Elsewhere than in a metropolitan county or a National Park the functions conferred by section 302 and Schedule 15 on the authority responsible for enforcing planning control shall, subject to sub-paragraph (3)—

(a) in the case of works on or a use of land which in the opinion of the district planning authority relates to a county matter, be exercised by the county planning authority;

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(b) in any other case be exercised by the district planning authority.

F1688(2) . . . . . .

[F1689(2A) As respects the area of any National Park for which a National Park authority is the local planning authority those functions shall be exercised by that authority.**]**

(3) Every application made under subsection (3) of that section to an authority responsible for enforcing planning control shall be made to the district planning authority who, in the case of an application falling to be determined by the county planning authority, shall send it on to the latter.

(4) A county planning authority determining any such application shall give the district planning authority for the area in which the land to which the application relates is situated an opportunity to make recommendations to the county planning authority as to the manner in which the application should be determined and shall take any such recommendations into account.

(5) A county or district planning authority who have dealt with any such application shall notify the district or, as the case may be, the county planning authority of the terms of their determination or, in a case where the application has been referred to the Secretary of State, the date when it was so referred.

Textual Amendments

F1688 Sch. 1 para. 19(2) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

F1689 Sch. 1 para. 19(2A) inserted (1.4.1997) by 1995 c. 25, s. 78, **Sch. 10 para. 32(14)(c)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/2560, **art. 2**

Miscellaneous

20 (1) The local planning authority whom the Secretary of State is required to consult under section **[**F1690100(3), 104(3), 196A(3), 202(1) or 214B(6)**]** or serve with a notice of his proposals under section 100(4) or 104(4) shall be the county planning authority or the district planning authority, as he thinks appropriate, and references in sections 100(2), (3) and (4) and 104(2), (3) and (4) and 202 to the local planning authority shall be construed accordingly.

(2) In sections 96, 182 and 185 any reference to the local planning authority shall be construed as a reference to the county planning authority or the district planning authority, as the Secretary of State thinks appropriate.

F1691**[**(3) In relation to land in the area of a joint planning board, a person entering into a planning obligation under section 106 or 299A may identify the council of the county in which the land is situated as the authority by whom the obligation is enforceable.**]**

(4) In paragraph 16 of Schedule 13 the reference to the local planning authority shall be construed—

F1692(a) . . . . . .

(b) in relation to land F1693**[**F1694. . . land in an area the local planning authority for which comprises both a county planning authority and a district planning authority**]**, as a reference to the district planning authority.

Changes to legislation: *Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F1690 Words in Sch. 1 para. 20(1) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 53(8)**(with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5)

F1691 Sch. 1 para. 20(3) substituted (25.10.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 53(9)**(with s. 84(5)); S.I. 1991/2272, **art. 3**

F1692 Sch. 1 para. 20(4)(a) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

F1693 By 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.** it is provided (1.4.1997) that the word "other" in Sch. 1 para. 20(4)(b) shall be repealed

F1694 Words in Sch. 1 para. 20(4)(b) substituted (1.4.1997) by 1995 c. 25, s. 78, **Sch. 10 para. 32(14)(d)(ii)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/2560, **art. 2**

21 (1) Subject to sub-paragraph (2), the provisions of this Schedule do not apply in Greater London.

(2) Paragraph 5(3) of this Schedule applies in Greater London and paragraph 2(3) of Part I and of Part II of Schedule 2 shall apply as respects the temporary application of paragraph 7(1) of this Schedule in the metropolitan counties and in Greater London respectively.

[F1695 SCHEDULE 1A

Distribution of Local Planning Authority Functions: Wales

Textual Amendments

F1695 Sch. 1A inserted (1.4.1996) by 1994 c. 19, s. 18(7), **Sch. 4** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 4, **Sch. 2**

1 (1) Where a local planning authority are not the local highway authority, the Secretary of State may include in a development order such provisions as he thinks fit enabling the local highway authority to impose restrictions on the grant by the local planning authority of planning permission for the following descriptions of development relating to land in the area of the local highway authority—

(a) the formation, laying out or alteration of any means of access to—

(i) a road classified under section 12(3) of the M187 Highways Act 1980 or section 27 of the M188 Local Government Act 1966; or

(ii) a proposed road the route of which has been adopted by resolution of the local highway authority and notified as such to the local planning authority;

(b) any other operations or use of land which appear to the local highway authority to be likely to—

(i) result in a material increase in the volume of traffic entering or leaving such a classified or proposed road;

(ii) prejudice the improvement or construction of such a road; or

(iii) result in a material change in the character of traffic entering, leaving or using such a road.

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(2) The reference to a local planning authority in sub-paragraph (1) shall not be construed as including a reference to an urban development corporation who are the local planning authority by virtue of an order under section 149 of the [M189] Local Government, Planning and Land Act 1980, and no provision of a development order which is included in it by virtue of that sub-paragraph is to be construed as applying to such a corporation.

(3) The Secretary of State may include in a development order provision enabling a local highway authority to impose restrictions on the grant by an urban development corporation who are the local planning authority of planning permission for such descriptions of development as may be specified in the order.

Marginal Citations

M187 1980 c. 66.
M188 1966 c. 42.
M189 1980 c. 65.

2 (1) A local planning authority who have the function of determining applications for planning permission shall, if requested to do so by the council for any community or group of communities situated in their area, notify that council of—

(a) any relevant planning application; and

(b) any alteration to that application accepted by the authority.

(2) In sub-paragraph (1) " relevant planning application " means an application which—

(a) relates to land in the community or (as the case may be) one of the communities concerned; and

(b) is an application for—

(i) planning permission; or

(ii) approval of a matter reserved under an outline planning permission within the meaning of section 92.

(3) Any request made for the purposes of sub-paragraph (1) shall be in writing and shall state that the community council wishes to be notified of all relevant applications or all applications of a description specified in the request.

(4) An authority shall comply with the duty to notify a community council of an application by—

(a) sending the council a copy of the application; or

(b) indicating to the council the nature of the development which is the subject of the application and identifying the land to which it relates,

and any notification falling within paragraph (b) shall be in writing.

(5) An authority shall comply with their duty to notify a community council of an alteration by—

(a) sending a copy of the alteration to the council; or

(b) informing the council in writing of its general effect,

but they need not notify a community council of an alteration which in their opinion is trivial.

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(6) A development order may require a local planning authority who are dealing with an application of which a community council is entitled to be notified—

(a) to give to the council an opportunity to make representations to them as to the manner in which the application should be determined;

(b) to take into account any such representations;

(c) to notify the council of the terms of their decision or, where the application is referred to the Secretary of State, the date when it was so referred and, when notified to them, the terms of his decision.

3 Paragraphs 4 to 10 apply only in relation to any area for which, by virtue of any provision of or made under section 6, 7 or 8, there is more than one local planning authority.

4 In sections 178(1), 181(4)(b) and 190(2), (3) and (5) any reference to the local planning authority shall be construed as a reference to the authority who issued the notice or made the order in question or, in the case of a notice issued or an order made by the Secretary of State, the authority named in the notice or order.

5 The functions of a local planning authority under section 187B are exercisable by any body having the function of taking enforcement action in respect of the breach in question.

6 Where a local planning authority have made a tree preservation order under section 198 or the Secretary of State has made such an order by virtue of section 202, the powers of varying or revoking the order and the powers of dispensing with section 206 or serving, or appearing on an appeal relating to, a notice under section 207 shall be exercisable only by the authority who made the order or, in the case of an order made by the Secretary of State, the authority named in the order.

7 (1) The copy of the notice required to be served by paragraph 4(5) of Schedule 8 on a local planning authority shall, in the case of a proposal that a government department should give a direction under section 90(1) or that development should be carried out by or on behalf of a government department, be served on the local planning authority who, in the opinion of the Secretary of State, would have been responsible for dealing with an application for planning permission for the development in question if such an application had fallen to be made.

(2) References in paragraphs 3(2) and 5(1) of that Schedule to the local planning authority shall be construed as references to the local planning authority on whom that copy is required to be served.

Compensation

8 (1) Claims for payment of compensation under section 107 (including that section as applied by section 108) and sections 115(1) to (4) and 186 shall, subject to sub-paragraph (3), be made to and paid by the local planning authority who took the action by virtue of which the claim arose or, where that action was taken by the Secretary of State, the local planning authority from whom the appeal was made to him or who referred the matter to him or, in the case of an order made or notice served by him by virtue of section 100, 104 or 185, the appropriate authority, and references in those sections to a local planning authority shall be construed accordingly.

(2) In this paragraph " appropriate authority " means—

(a) in the case of a claim for compensation under section 107 or 108, the local planning authority who granted, or are to be treated for the purposes of

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section 107 as having granted, the planning permission the revocation or modification of which gave rise to the claim; and

(b) in the case of a claim for compensation under section 115(1) to (4) or 186, the local planning authority named in the relevant order or stop notice of the Secretary of State.

[F1696(2A) Sub-paragraph (2B) applies where the planning permission the revocation or modification of which gave rise to the claim was granted by the Welsh Ministers by virtue of section F1697... 62M or 62O.

(2B) The local planning authority to which the application for planning permission would, but for the section in question, have been made, are to be treated for the purposes of sub-paragraph (2)(a) as having granted the permission.**]**

(3) The Secretary of State may, after consultation with all the authorities concerned, direct that where a local planning authority is liable to pay compensation under any of the provisions mentioned in sub-paragraph (1) in any particular case or class of case they shall be entitled to be reimbursed the whole of the compensation or such proportion of it as he may direct from one or more authorities specified in the direction.

Textual Amendments

F1696 Sch. 1A para. 8(2A)(2B) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 22**; S.I. 2016/52, art. 3(e)

F1697 Words in Sch. 1A para. 8(2A) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(24)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

9 Claims for payment of compensation under a tree preservation order by virtue of section 203, and claims for payment of compensation under section 204 by virtue of directions given in pursuance of such an order, shall be made to and paid by the local planning authority who made the order or, in the case of an order made by the Secretary of State, the authority named in the order; and the reference in section 204(2) to the authority exercising functions under the tree preservation order shall have effect subject to the provisions of this paragraph.

10 The local planning authority by whom compensation is to be paid under section 279(1)(a) to statutory undertakers shall be the authority who referred the application for planning permission to the Secretary of State and the appropriate Minister, or from whose decision the appeal was made to them or who served the enforcement notice appealed against, as the case may be.

Miscellaneous

11 In relation to land in the area of a joint planning board, a person entering into a planning obligation under section 106 or 299A may identify the council of the county or county borough in which the land is situated as the authority by whom the obligation is enforceable.**]**

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SCHEDULE 2

Sections 28 and 54.

DEVELOPMENT PLANS: TRANSITIONAL PROVISIONS

F1698F1698PART I

THE METROPOLITAN COUNTIES

Textual Amendments

F1698 Sch. 2 Pts. 1, 2, 3 repealed (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 120, 121, Sch. 6 para. 17, **Sch. 9** (with s. 111)

Modifications etc. (not altering text)

C1402 Sch. 2 Pt. I applied (with modifications) (*temp.* from 1.5.1994) by S.I. 1994/1210, **art. 7(3)(a)**
Sch. 2 Pt. I applied (with modifications) (*temp.* from 1.4.1998) by S.I. 1996/1863, **art. 4(4)(a)**
Sch. 2 Pt. I applied (with modifications) (*temp.* from 1.4.1998) by S.I. 1996/1867, **art. 13(4)(a)**
Sch. 2 Pt. I applied (with modifications) (*temp.* from 1.4.1998) by S.I. 1996/1875, **art. 5(6)(a)**

Publicity in connection with local plan

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Pending proposals by metropolitan county council

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F1701 PART IA

WALES

Textual Amendments

F1701 Sch. 2 Pt. 1A omitted (W.) (10.9.2025) by virtue of Legislation (Procedure, Publication and Repeals) (Wales) Act 2025 (asc 3), s. 9(2)(d), **Sch. 1 para. 18**

Continuation of structure, local and old development plans

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Revocation of structure plan

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***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Incorporation of current policy in unitary development plan

3 . . . . . .

Meaning of "local plan"

4 . . . . . .

F1702F1702PART II

GREATER LONDON

Textual Amendments

F1702 Sch. 2 Pts. 1, 2, 3 repealed (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 120, 121, Sch. 6 para. 17, **Sch. 9** (with s. 111)

Surveys and local plans

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Changes to legislation: *Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Joint plans

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Incorporation of current local plan in unitary development plan

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17 (1) Sub-paragraph (2) applies where—

(a) a local plan is in force in the area of a local planning authority;

(b) a unitary development plan is being prepared;

(c) the local planning authority who are preparing that plan have published in the prescribed manner a statement in the prescribed form identifying a policy included in the plan as an existing policy; and

(d) a local inquiry or other hearing is held for the purpose of considering any objection to the plan.

(2) Where this sub-paragraph applies, the person holding the inquiry or other hearing need not allow an objector to appear if he is satisfied that—

(a) the objection is to a policy identified in the statement published under sub-paragraph (1)(c);

(b) the policy so identified is an existing policy; and

(c) there has been no significant change in circumstances affecting the existing policy since it first formed part of the plan mentioned in sub-paragraph (1)(a).

(3) In this paragraph " existing policy " means a policy or proposal the substance of which (however expressed) was contained in a local plan in force as mentioned in sub-paragraph (1)(a).

Publicity in connection with local plan

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***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F1717F1717PART III

OLD DEVELOPMENT PLANS

Textual Amendments

F1717 Sch. 2 Pts. 1, 2, 3 repealed (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 120, 121, Sch. 6 para. 17, **Sch. 9** (with s. 111)

Modifications etc. (not altering text)

C1403 Sch. 2 Pt. III applied (*temp.* from 1.5.1994) by S.I. 1994/1210, **art. 7(3)**
Sch. 2 Pt. III applied (*temp.* from 1.4.1998) by S.I. 1996/1863, **art. 4(4)(b)**
Sch. 2 Pt. III applied (*temp.* from 1.4.1998) by S.I. 1996/1867, **art. 13(4)(b)**
Sch. 2 Pt. III applied (*temp.* from 1.4.1998) by S.I. 1996/1875, **art. 5(6)(b)**

Development plans for compensation purposes

5 Where there is no local plan in force in a district, then, for any of the purposes of the Land Compensation Act 1961—

(a) the development plan or current development plan shall as respects that district be taken as being whichever of the following plans gives rise to those assumptions as to the grant of planning permission which are more favourable to the owner of the land acquired, for that purpose, namely the structure plan or, as the case may be, the Greater London Development Plan, so far as applicable to the district, and any alterations to it, together with the Secretary of State's notice of approval of the plan and alterations, and the old development plan;

(b) land situated in an area defined in the current development plan as an area of comprehensive development shall be taken to be situated in whichever of the following areas leads to such assumptions as are mentioned in paragraph (a), namely any area wholly or partly within that district selected by the structure plan or, as the case may be, the Greater London Development Plan as an action area and the area so defined in the old development plan.

Discontinuance of old development plan on adoption of local plan

6 Subject to paragraph 8, on the adoption or approval of a local plan under section 43 or 45 or paragraph 10 of Part II of this Schedule so much of any old development plan as relates to the area to which the local plan relates shall cease to have effect.

7 The Secretary of State may by order direct that any of the provisions of the old development plan shall continue in force in relation to the area to which the local plan relates.

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8 If the Secretary of State makes an order under paragraph 7, the provisions of the old development plan specified in the order shall continue in force to the extent so specified.

9 Subject to paragraph 10, the Secretary of State may by order wholly or partly revoke a development plan continued in force under this Schedule whether in its application to the whole of the area of a local planning authority or in its application to part of that area and make such consequential amendments to the plan as appear to him to be necessary or expedient.

10 Before making an order with respect to a development plan under paragraph 7 or 9, the Secretary of State shall consult with the local planning authority for the area to which the plan relates.

SCHEDULE 3 Sections 55, 107 and 114.

DEVELOPMENT NOT CONSTITUTING NEW DEVELOPMENT

PART I

DEVELOPMENT NOT RANKING FOR COMPENSATION UNDER S. 114

1 The carrying out of—

(a) the rebuilding, as often as occasion may require, of any building which was in existence on 1st July 1948, or of any building which was in existence before that date but was destroyed or demolished after 7th January 1937, including the making good of war damage sustained by any such building;

(b) the rebuilding, as often as occasion may require, of any building erected after 1st July 1948 which was in existence at a material date;

(c) the carrying out for the maintenance, improvement or other alteration of any building, of works which—

(i) affect only the interior of the building, or do not materially affect the external appearance of the building, and

(ii) are works for making good war damage,

so long as the cubic content of the original building is not substantially exceeded.

Modifications etc. (not altering text)

C1404 Sch. 3 para. 1(b) modified (E.W.S.) (1.10.2011) by The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (S.I. 2011/2055), regs. 1, **62(2)**

2 The use as two or more separate dwellinghouses of any building which at a material date was used as a single dwellinghouse.

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PART II

DEVELOPMENT RANKING FOR COMPENSATION UNDER S. 114

F1718 3 . . . . . .

Textual Amendments

F1718 Sch. 3 paras 3-8 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 40(1), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1719 4 . . . . . .

Textual Amendments

F1719 Sch. 3 paras. 3-8 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 40(1), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F1720 5 . . . . . .

Textual Amendments

F1720 Sch. 3 paras. 3-8 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31 , 84(6), Sch.6 para. 40(1), **Sch. 19 Pt. II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1721 6 . . . . . .

Textual Amendments

F1721 Sch. 3 paras. 3-8 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch.6 para. 40(1), **Sch. 19 Pt.II**(with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F1722 7 . . . . . .

Textual Amendments

F1722 Sch. 3 paras. 3-8 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 40(1), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1723 8 . . . . . .

Textual Amendments

F1723 Sch 3 paras. 3-8 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 40(1), **Sch. 19 Pt. II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

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PART III

SUPPLEMENTARY PROVISIONS

9 Where after 1st July 1948—

(a) any buildings or works have been erected or constructed, or any use of land has been instituted, and

(b) any condition imposed under Part III of this Act, limiting the period for which those buildings or works may be retained, or that use may be continued, has effect in relation to those buildings or works or that use,

this Schedule shall not operate except as respects the period specified in that condition.

10 (1) Any reference in this Schedule to the cubic content of a building shall be construed as a reference to that content as ascertained by external measurement.

(2) For the purposes of **[**F1724paragraph 1**]** the cubic content of a building is substantially increased or exceeded—

(a) in the case of a dwellinghouse, if it is increased or exceeded by more than one-tenth or 1,750 cubic feet, whichever is the greater; and

(b) in any other case, if it is increased or exceeded by more than one-tenth.

Textual Amendments

F1724 Words in Sch. 3 para. 10(2) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(5), **Sch. 6 para. 40(2)** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1725 11 . . . . . .

Textual Amendments

F1725 Sch. 3 para. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 40(1), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

12 (1) In this Schedule "at a material date" means at either—

(a) 1st July 1948; or

(b) the date by reference to which this Schedule falls to be applied in the particular case in question.

(2) Sub-paragraph (1)(b) shall not apply in relation to any buildings, works or use of land in respect of which, whether before or after the date mentioned in that sub-paragraph, an enforcement notice served before that date has become or becomes effective.

13 (1) In relation to a building erected after 1st July 1948 which results from the carrying out of any such works as are described in paragraph 1, any reference in this Schedule to the original building is a reference to the building in relation to which those works were carried out and not to the building resulting from the carrying out of those works.

F1726**[**(2) This paragraph does not apply for the purposes of sections 111 and 138.**]**

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Textual Amendments

F1726 Sch. 3 para. 13(2) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(5), **Sch. 6 para. 40(3)** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1727 14 . . . . . .

Textual Amendments

F1727 Sch. 3 para. 14 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 40(1), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

SCHEDULE 4

Section 57(7).

SPECIAL PROVISIONS AS TO LAND USE IN 1948

1 Where on lst July 1948 land was being temporarily used for a purpose other than the purpose for which it was normally used, planning permission is not required for the resumption of the use of the land for the latter purpose before 6th December 1968.

2 Where on 1st July 1948 land was normally used for one purpose and was also used on occasions, whether at regular intervals or not, for another purpose, planning permission is not required in respect of the use of the land for that other purpose on similar occasions on or after 6th December 1968 if the land has been used for that other purpose on at least one similar occasion since 1st July 1948 and before the beginning of 1968.

3 Where land was unoccupied on 1st July 1948, but had before that date been occupied at some time on or after 7th January 1937, planning permission is not required in respect of any use of the land begun before 6th December 1968 for the purpose for which the land was last used before 1st July 1948.

4 Notwithstanding anything in paragraphs 1 to 3, the use of land as a caravan site shall not, by virtue of any of those paragraphs, be treated as a use for which planning permission is not required, unless the land was so used on one occasion at least during the period of two years ending with 9th March 1960.

[F1728 SCHEDULE 4A

LOCAL DEVELOPMENT ORDERS: PROCEDURE

Textual Amendments

F1728 Sch. 4A inserted (6.8.2004 for specified purposes, 10.5.2006 for E. so far as not already in force, 30.4.2012 for W. so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **Sch. 1** (with s. 111); S.I. 2004/2097, art. 2; S.I. 2006/1061, art. 2(c); S.I. 2012/1100, art. 2

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Preparation

1 (1) A local development order must be prepared in accordance with such procedure as is prescribed by a development order.

(2) A development order may include provision as to—

(a) the preparation, submission, approval, adoption, revision, revocation and withdrawal of a local development order;

(b) notice, publicity, and inspection by the public;

(c) consultation with and consideration of views of such persons and for such purposes as are prescribed;

(d) the making and consideration of representations.

[Sub-paragraph (2)(a) applies in relation to England as if for "submission, approval, [F1729](2A) adoption," there were substituted " adoption, post-adoption submission, ".**]**

(3) Regulations under this paragraph may include provision as to the matters relating to a local development order to be included in the report to be made by a local planning authority under section [F1730]... 76 of the Planning and Compulsory Purchase Act 2004.

Textual Amendments

F1729 Sch. 4A para. 1(2A) inserted (9.12.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 5(5)**, 35(1); S.I. 2013/2878, art. 2 (with art. 3)

F1730 Words in Sch. 4A para. 1(3) omitted (9.12.2013) by virtue of Growth and Infrastructure Act 2013 (c. 27), **ss. 5(6)(b)**, 35(1); S.I. 2013/2878, art. 2 (with art. 3)

Revision

2 (1) The local planning authority may at any time prepare a revision of a local development order.

(2) An authority in England must prepare a revision of a local development order—

(a) if the Secretary of State directs them to do so, and

(b) in accordance with such timetable as he directs.

(3) An authority in Wales must prepare a revision of a local development order—

(a) if the National Assembly for Wales directs them to do so, and

(b) in accordance with such timetable as it directs.

[F1731](4) . . . . . .

[F1732](5) . . . . . .

(6) This Schedule applies to the revision of a local development order as it applies to the preparation of the order.

Textual Amendments

F1731 Sch. 4A para. 2(4) repealed (23.6.2009 for E., 30.4.2012 for W.) by Planning Act 2008 (c. 29), ss. 188(4), 241(3)(4), Sch. 13 (with s. 226); S.I. 2009/1303, art. 2, Sch.; S.I. 2012/802, art. 2(a)(c), Sch.

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F1732 Sch. 4A para. 2(5) repealed (23.6.2009 for E., 30.4.2012 for W.) by Planning Act 2008 (c. 29), ss. 188(4), 241(3)(4), Sch. 13 (with s. 226); S.I. 2009/1303, art. 2, Sch.; S.I. 2012/802, art. 2(a)(c), Sch.

Order to be adopted

3 A local development order is of no effect unless it is adopted by resolution of the local planning authority.

Annual report

F1733 4 . . . . . .

Textual Amendments

F1733 Sch. 4A para. 4 omitted (9.12.2013) by virtue of Growth and Infrastructure Act 2013 (c. 27), **ss. 5(6)(a)**, 35(1); S.I. 2013/2878, art. 2 (with art. 3)

Annual report

5 (1) The report made **[**F1734 by a local planning authority**]** under section 76 of the Planning and Compulsory Purchase Act 2004 must include a report as to the extent to which the local development order is achieving its purposes.

(2) The National Assembly for Wales may prescribe the form and content of the report as it relates to the local development order.**]**

Textual Amendments

F1734 Words in Sch. 4A para. 5(1) inserted (6.9.2015 for specified purposes, 7.1.2021 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 2 para. 14**; S.I. 2021/7, reg. 2(c)

[F1735 SCHEDULE 4B

Section 61E

PROCESS FOR MAKING OF NEIGHBOURHOOD DEVELOPMENT ORDERS

Textual Amendments

F1735 Sch. 4B inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), ss. 116(2), 240(5)(j), **Sch. 10**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2

Modifications etc. (not altering text)

C1405 Sch. 4B applied (with modifications) by 2004 c. 5, **ss. 38A(3)**, 38C(5) (as inserted (15.11.2011 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 9 para. 7**; S.I. 2012/628, art. 8(a)

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(with **arts. 9**, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, **4**); S.I. 2012/2029, arts. 2, **3(a)** (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, **art. 4**); S.I. 2013/797, arts. 1(2), **2** (which affecting provision is amended (25.3.2026) by Levelling Up and Regeneration Act 2023 (c. 55), **ss. 99(2)**, 255(3)(b) (with s. 247); S.I. 2026/169, reg. 3(d) (with **Sch. 1**))

Proposals for neighbourhood development orders

1 (1) A qualifying body is entitled to submit a proposal to a local planning authority for the making of a neighbourhood development order by the authority in relation to a neighbourhood area within the area of the authority.

(2) The proposal must be accompanied by—

(a) a draft of the order, and

(b) a statement which contains a summary of the proposals and sets out the reasons why an order should be made in the proposed terms.

(3) The proposal must—

(a) be made in the prescribed form, and

(b) be accompanied by other documents and information of a prescribed description.

(4) The qualifying body must send to prescribed persons a copy of—

(a) the proposal,

(b) the draft neighbourhood development order, and

(c) such of the other documents and information accompanying the proposal as may be prescribed.

(5) The Secretary of State may publish a document setting standards for—

(a) the preparation of a draft neighbourhood development order and other documents accompanying the proposal,

(b) the coverage in any document accompanying the proposal of a matter falling to be dealt with in it, and

(c) all or any of the collection, sources, verification, processing and presentation of information accompanying the proposal.

(6) The documents and information accompanying the proposal (including the draft neighbourhood development order) must comply with those standards.

2 (1) A qualifying body may withdraw a proposal at any time before the local planning authority make a decision under paragraph 12.

(2) If—

(a) a proposal by a qualifying body is made by an organisation or body designated as a neighbourhood forum, and

(b) the designation is withdrawn at any time before the proposal is submitted for independent examination under paragraph 7,

the proposal is to be treated as withdrawn by the qualifying body at that time.

(3) If the withdrawal of the designation occurs after the proposal is submitted for independent examination under that paragraph, the withdrawal is not to affect the validity of the proposal.

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Advice and assistance in connection with proposals

3 (1) A local planning authority must give such advice or assistance to qualifying bodies as, in all the circumstances, they consider appropriate for the purpose of, or in connection with, facilitating the making of proposals for neighbourhood development orders in relation to neighbourhood areas within their area.

(2) Nothing in this paragraph is to be read as requiring the giving of financial assistance.

Requirements to be complied with before proposals made or considered

4 (1) Regulations may make provision as to requirements that must be complied with before proposals for a neighbourhood development order may be submitted to a local planning authority or fall to be considered by a local planning authority.

(2) The regulations may in particular make provision—

(a) as to the giving of notice and publicity,

(b) as to the information and documents that are to be made available to the public,

(c) as to the making of reasonable charges for anything provided as a result of the regulations,

(d) as to consultation with and participation by the public,

(e) as to the making and consideration of representations (including the time by which they must be made),

(f) requiring prescribed steps to be taken before a proposal of a prescribed description falls to be considered by a local planning authority, and

(g) conferring powers or imposing duties on local planning authorities, the Secretary of State or other public authorities.

(3) The power to make regulations under this paragraph must be exercised to secure that—

(a) prescribed requirements as to consultation with and participation by the public must be complied with before a proposal for a neighbourhood development order may be submitted to a local planning authority, and

(b) a statement containing the following information in relation to that consultation and participation must accompany the proposal submitted to the authority—

(i) details of those consulted,

(ii) a summary of the main issues raised, and

(iii) any other information of a prescribed description.

Consideration of proposals by authority

5 (1) A local planning authority may decline to consider a proposal submitted to them if they consider that it is a repeat proposal.

(2) A proposal ("the proposal in question") is a "repeat" proposal for the purposes of this paragraph if it meets conditions A and B.

(3) Condition A is that in the period of two years ending with the date on which the proposal in question is received—

(a) the authority have refused a proposal under paragraph 12 or section 61E(8) that is the same as or similar to the proposal in question, or

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(b) a referendum on an order relating to a proposal under this Schedule that is the same as or similar to the proposal in question has been held under this Schedule and half or less than half of those voting voted in favour of the order.

(4) Condition B is that the local planning authority consider that there has been no significant change in relevant considerations since the refusal of the proposal or the holding of the referendum.

(5) For the purposes of this paragraph " relevant considerations " means—

(a) national policies and advice contained in guidance issued by the Secretary of State that are relevant to the draft neighbourhood development order to which the proposal in question relates, and

(b) the strategic policies contained in the development plan for the area of the authority (or any part of that area).

(6) If the authority decline to consider the proposal, they must notify the qualifying body of that fact and of their reasons for declining to consider it.

6 (1) This paragraph applies if—

(a) a proposal has been made to a local planning authority, and

(b) the authority have not exercised their powers under paragraph 5 to decline to consider it.

(2) The authority must consider—

(a) whether the qualifying body is authorised for the purposes of a neighbourhood development order to act in relation to the neighbourhood area concerned as a result of section 61F,

(b) whether the proposal by the body complies with provision made by or under that section,

(c) whether the proposal and the documents and information accompanying it (including the draft neighbourhood development order) comply with provision made by or under paragraph 1, and

(d) whether the body has complied with the requirements of regulations made under paragraph 4 imposed on it in relation to the proposal.

(3) The authority must also consider whether the draft neighbourhood development order complies with the provision made by or under sections 61E(2), 61J and 61L.

(4) The authority must—

(a) notify the qualifying body as to whether or not they are satisfied that the matters mentioned in sub-paragraphs (2) and (3) have been met or complied with, and

(b) in any case where they are not so satisfied, refuse the proposal and notify the body of their reasons for refusing it.

Independent examination

7 (1) This paragraph applies if—

(a) a local planning authority have considered the matters mentioned in paragraph 6(2) and (3), and

(b) they are satisfied that the matters mentioned there have been met or complied with.

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(2) The authority must submit for independent examination—

(a) the draft neighbourhood development order, and

(b) such other documents as may be prescribed.

(3) The authority must make such arrangements as they consider appropriate in connection with the holding of the examination.

(4) The authority may appoint a person to carry out the examination, but only if the qualifying body consents to the appointment.

(5) If—

(a) it appears to the Secretary of State that no person may be appointed under sub-paragraph (4), and

(b) the Secretary of State considers that it is expedient for an appointment to be made under this sub-paragraph,

the Secretary of State may appoint a person to carry out the examination.

(6) The person appointed must be someone who, in the opinion of the person making the appointment—

(a) is independent of the qualifying body and the authority,

(b) does not have an interest in any land that may be affected by the draft order, and

(c) has appropriate qualifications and experience.

(7) The Secretary of State or another local planning authority may enter into arrangements with the authority for the provision of the services of any of their employees as examiners.

(8) Those arrangements may include—

(a) provision requiring payments to be made by the authority to the Secretary of State or other local planning authority, and

(b) other provision in relation to those payments and other financial matters.

8 (1) The examiner must consider the following—

(a) whether the draft neighbourhood development order meets the basic conditions (see sub-paragraph (2)),

(b) whether the draft order complies with the provision made by or under sections 61E(2), 61J and 61L,

(c) whether any period specified under section 61L(2)(b) or (5) is appropriate,

(d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft order relates, and

(e) such other matters as may be prescribed.

(2) A draft order meets the basic conditions if—

(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,

(b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,

(c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,

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(d) the making of the order contributes to the achievement of sustainable development,

[F1736(ea) the making of the order would not have the effect of preventing development from taking place which—

(i) is proposed in the development plan for the area of the authority (or any part of that area), and

(ii) if it took place, would provide housing,**]**

(f) the making of the order does not breach, and is otherwise compatible with, **[**F1737assimilated**]**obligations,

[F1738(fa) any requirements imposed in relation to the order by or under Part 6 of the Levelling-up and Regeneration Act 2023 (environmental outcomes reports) have been complied with,**]** and

(g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

(3) Sub-paragraph (2)(b) applies in relation to a listed building only in so far as the order grants planning permission for development that affects the building or its setting.

(4) Sub-paragraph (2)(c) applies in relation to a conservation area only in so far as the order grants planning permission for development in relation to buildings or other land in the area.

(5) In this paragraph " listed building " **[**F1739means—

(a) a listed building (within the meaning given by section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990) situated in England, or

(b) a listed building (within the meaning given by section 76 of the Historic Environment (Wales) Act 2023) situated in Wales.**]**

(6) The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft order is compatible with the Convention rights).

Textual Amendments

F1736 Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 99(1)(a)**, 255(3)(b) (with s. 247); S.I. 2026/169, reg. 3(d) (with Sch. 1)

F1737 Word in Sch. 4B para. 8(2)(f) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 27(2)(b)**

F1738 Sch. 4B para. 8(2)(fa) inserted (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 99(1)(b)**, 255(3)(b) (with s. 247); S.I. 2026/169, reg. 3(d) (with Sch. 1)

F1739 Words in Sch. 4B para. 8(5) substituted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 92** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)

9 (1) The general rule is that the examination of the issues by the examiner is to take the form of the consideration of written representations.

(2) But the examiner must cause a hearing to be held for the purpose of receiving oral representations about a particular issue at the hearing—

(a) in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue or a person has a fair chance to put a case, or

(b) in such other cases as may be prescribed.

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(3) The following persons are entitled to make oral representations about the issue at the hearing—

(a) the qualifying body,

(b) the local planning authority,

(c) where the hearing is held to give a person a fair chance to put a case, that person, and

(d) such other persons as may be prescribed.

(4) The hearing must be in public.

(5) It is for the examiner to decide how the hearing is to be conducted, including—

(a) whether a person making oral representations may be questioned by another person and, if so, the matters to which the questioning may relate, and

(b) the amount of time for the making of a person's oral representations or for any questioning by another person.

(6) In making decisions about the questioning of a person's oral representations by another, the examiner must apply the principle that the questioning should be done by the examiner except where the examiner considers that questioning by another is necessary to ensure—

(a) adequate examination of a particular issue, or

(b) a person has a fair chance to put a case.

(7) Sub-paragraph (5) is subject to regulations under paragraph 11.

10 (1) The examiner must make a report on the draft order containing recommendations in accordance with this paragraph (and no other recommendations).

(2) The report must recommend either—

(a) that the draft order is submitted to a referendum, or

(b) that modifications specified in the report are made to the draft order and that the draft order as modified is submitted to a referendum, or

(c) that the proposal for the order is refused.

(3) The only modifications that may be recommended are—

(a) modifications that the examiner considers need to be made to secure that the draft order meets the basic conditions mentioned in paragraph 8(2),

(b) modifications that the examiner considers need to be made to secure that the draft order is compatible with the Convention rights,

(c) modifications that the examiner considers need to be made to secure that the draft order complies with the provision made by or under sections 61E(2), 61J and 61L,

(d) modifications specifying a period under section 61L(2)(b) or (5), and

(e) modifications for the purpose of correcting errors.

(4) The report may not recommend that an order (with or without modifications) is submitted to a referendum if the examiner considers that the order does not—

(a) meet the basic conditions mentioned in paragraph 8(2), or

(b) comply with the provision made by or under sections 61E(2), 61J and 61L.

(5) If the report recommends that an order (with or without modifications) is submitted to a referendum, the report must also make—

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(a) a recommendation as to whether the area for the referendum should extend beyond the neighbourhood area to which the order relates, and

(b) if a recommendation is made for an extended area, a recommendation as to what the extended area should be.

(6) The report must—

(a) give reasons for each of its recommendations, and

(b) contain a summary of its main findings.

(7) The examiner must send a copy of the report to the qualifying body and the local planning authority.

(8) The local planning authority must then arrange for the publication of the report in such manner as may be prescribed.

11 (1) Regulations may make provision in connection with examinations under paragraph 7.

(2) The regulations may in particular make provision as to—

(a) the giving of notice and publicity in connection with an examination,

(b) the information and documents relating to an examination that are to be made available to the public,

(c) the making of reasonable charges for anything provided as a result of the regulations,

(d) the making of written or oral representations in relation to draft neighbourhood development orders (including the time by which written representations must be made),

(e) the written representations which are to be, or which may be or may not be, considered at an examination,

(f) the refusal to allow oral representations of a prescribed description to be made at a hearing,

(g) the procedure to be followed at an examination (including the procedure to be followed at a hearing),

(h) the payment by a local planning authority of remuneration and expenses of the examiner, and

(i) the award of costs by the examiner.

Consideration by authority of recommendations made by examiner etc

12 (1) This paragraph applies if an examiner has made a report under paragraph 10.

(2) The local planning authority must—

(a) consider each of the recommendations made by the report (and the reasons for them), and

(b) decide what action to take in response to each recommendation.

(3) The authority must also consider such other matters as may be prescribed.

(4) If the authority are satisfied—

(a) that the draft order meets the basic conditions mentioned in paragraph 8(2), is compatible with the Convention rights and complies with the provision made by or under sections 61E(2), 61J and 61L, or

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(b) that the draft order would meet those conditions, be compatible with those rights and comply with that provision if modifications were made to the draft order (whether or not recommended by the examiner),

a referendum in accordance with paragraph 14, and (if applicable) an additional referendum in accordance with paragraph 15, must be held on the making by the authority of a neighbourhood development order.

(5) The order on which the referendum is (or referendums are) to be held is the draft order subject to such modifications (if any) as the authority consider appropriate.

(6) The only modifications that the authority may make are—

(a) modifications that the authority consider need to be made to secure that the draft order meets the basic conditions mentioned in paragraph 8(2),

(b) modifications that the authority consider need to be made to secure that the draft order is compatible with the Convention rights,

(c) modifications that the authority consider need to be made to secure that the draft order complies with the provision made by or under sections 61E(2), 61J and 61L,

(d) modifications specifying a period under section 61L(2)(b) or (5), and

(e) modifications for the purpose of correcting errors.

(7) The area in which the referendum is (or referendums are) to take place must, as a minimum, be the neighbourhood area to which the proposed order relates.

(8) If the authority consider it appropriate to do so, they may extend the area in which the referendum is (or referendums are) to take place to include other areas (whether or not those areas fall wholly or partly outside the authority's area).

(9) If the authority decide to extend the area in which the referendum is (or referendums are) to take place, they must publish a map of that area.

(10) In any case where the authority are not satisfied as mentioned in sub-paragraph (4), they must refuse the proposal.

(11) The authority must publish in such manner as may be prescribed—

(a) the decisions they make under this paragraph,

(b) their reasons for making those decisions, and

(c) such other matters relating to those decisions as may be prescribed.

(12) The authority must send a copy of the matters required to be published to—

(a) the qualifying body, and

(b) such other persons as may be prescribed.

13 (1) If—

(a) the local planning authority propose to make a decision which differs from that recommended by the examiner, and

(b) the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact,

the authority must notify prescribed persons of their proposed decision (and the reason for it) and invite representations.

(2) If the authority consider it appropriate to do so, they may refer the issue to independent examination.

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(3) Regulations may make provision about examinations under this paragraph (and the regulations may include any provision of a kind mentioned in paragraph 11(2)).

(4) This paragraph does not apply in relation to recommendations in relation to the area in which a referendum is to take place.

[F1740 13A Regulations may make provision—

(a) requiring any prescribed action falling to be taken by the local planning authority under paragraph 12 or 13 to be taken by a prescribed date;

(b) imposing time limits for the submission of representations invited under paragraph 13(1).**]**

Textual Amendments

F1740 Sch. 4B para. 13A inserted (12.5.2016) by Housing and Planning Act 2016 (c. 22), **ss. 140(1)**, 216(1)(d)

Referendum

Intervention powers of Secretary of State

[F1741 13B (1) This paragraph applies where the qualifying body requests the Secretary of State to intervene under this paragraph and—

(a) the local planning authority have failed, by the applicable date prescribed under paragraph 13A, to take a decision as to whether a referendum is (or referendums are) to be held on the making of a neighbourhood development order,

(b) a recommendation made under paragraph 10(2) is not followed by the authority, or

(c) the authority make any modification under paragraph 12(5) that is not—

(i) a modification recommended under paragraph 10(2)(b),

(ii) a modification that the authority consider needs to be made to secure that the draft order does not breach, and is otherwise compatible with, **[**F1742**[**F1743assimilated**]** obligations**]**,

(iii) a modification that the authority consider needs to be made to secure that the draft order is compatible with the Convention rights, or

(iv) a modification for the purpose of correcting an error.

(2) The Secretary of State may exercise functions of the local planning authority under paragraph 12(2) and (3) and—

(a) if satisfied that paragraph (a) or (b) of paragraph 12(4) applies, may direct the authority to make arrangements for a referendum (or referendums) to be held on the making of a neighbourhood development order;

(b) if not so satisfied, may direct the authority to refuse the proposal.

(3) The Secretary of State may direct the authority to take the actions referred to in paragraph 12(8) and (9).

(4) If by reason (wholly or partly) of new evidence or a new fact, or a different view taken by the Secretary of State as to a particular fact, the Secretary of State proposes to direct the local planning authority to act in a way that is not in accordance with what was recommended by the examiner—

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(a) the Secretary of State may require the authority to notify prescribed persons of the proposed direction (and the reason for it) and invite representations;

(b) the Secretary of State may also require them to refer the issue to independent examination.

(5) The order on which a referendum is (or referendums are) to be held by virtue of sub-paragraph (2)(a) is the draft order subject to such modification (if any) as the Secretary of State or the local planning authority consider appropriate.

(6) The only modifications the local planning authority may make under sub-paragraph (5) are—

(a) modifications that the authority consider need to be made to secure that the draft order does not breach, and is otherwise compatible with, **[**F1744**[**F1745assimilated**]** obligations**]**,

(b) modifications that the authority consider need to be made to secure that the draft order is compatible with the Convention rights, and

(c) modifications for the purpose of correcting errors.

Textual Amendments

F1741 Sch. 4B paras. 13B, 13C and cross-heading inserted (1.10.2016) by Housing and Planning Act 2016 (c. 22), **ss. 141(1)**, 216(3); S.I. 2016/733, reg. 4(1)(b)

F1742 Words in Sch. 4B para. 13B(1)(c)(ii) substituted (31.12.2020) by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232), regs. 1(2), **2(4)**; 2020 c. 1, Sch. 5 para. 1(1)

F1743 Word in Sch. 4B para. 13B(1)(c)(ii) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 27(2)(b)**

F1744 Words in Sch. 4B para. 13B(6)(a) substituted (31.12.2020) by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232), regs. 1(2), **2(4)**; 2020 c. 1, Sch. 5 para. 1(1)

F1745 Word in Sch. 4B para. 13B(6)(a) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 27(2)(b)**

[F1741 13C Regulations may make provision supplementing that made by paragraph 13B; and the regulations may in particular—

(a) prescribe the form and content of a request by the qualifying body under paragraph 13B(1) and the date by which it must be made;

(b) confer power on the Secretary of State to direct a local planning authority to refrain from taking any action specified in the direction that they would otherwise be required or entitled to take under paragraph 12 or 13;

(c) make provision under which decisions falling to be made by the Secretary of State under paragraph 13B may be made instead by a person appointed by the Secretary of State for the purpose (an "inspector");

(d) prescribe matters that the Secretary of State or an inspector must take into account in making a decision;

(e) require a local planning authority to provide prescribed information to the Secretary of State or to an inspector;

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(f) make provision about examinations carried out by virtue of paragraph 13B(4)(b) (including any provision of a kind mentioned in paragraph 11(2));

(g) make provision (in addition to that made by paragraph 13B(4)(b)) for the holding of an examination, and for the payment by a local planning authority of remuneration and expenses of the examiner;

(h) provide for the Secretary of State, or a local planning authority on the direction of the Secretary of State, to notify to prescribed persons and to publish—

(i) prescribed decisions made by the Secretary of State under paragraph 13B,

(ii) the reasons for making those decisions, and

(iii) other prescribed matters relating to those decisions.**]**

Textual Amendments

F1741 Sch. 4B paras. 13B, 13C and cross-heading inserted (1.10.2016) by Housing and Planning Act 2016 (c. 22), **ss. 141(1)**, 216(3); S.I. 2016/733, reg. 4(1)(b)

Textual Amendments

F1741 Sch. 4B paras. 13B, 13C and cross-heading inserted (1.10.2016) by Housing and Planning Act 2016 (c. 22), **ss. 141(1)**, 216(3); S.I. 2016/733, reg. 4(1)(b)

F1742 Words in Sch. 4B para. 13B(1)(c)(ii) substituted (31.12.2020) by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232), regs. 1(2), **2(4)**; 2020 c. 1, Sch. 5 para. 1(1)

F1743 Word in Sch. 4B para. 13B(1)(c)(ii) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 27(2)(b)**

F1744 Words in Sch. 4B para. 13B(6)(a) substituted (31.12.2020) by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232), regs. 1(2), **2(4)**; 2020 c. 1, Sch. 5 para. 1(1)

F1745 Word in Sch. 4B para. 13B(6)(a) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 27(2)(b)**

14 (1) This paragraph makes provision in relation to a referendum that, as a result of paragraph 12(4) **[**[F1746]or a direction under paragraph 13B(2)(a)**]**, must be held on the making of a neighbourhood development order.

(2) A relevant council must make arrangements for the referendum to take place in so much of their area as falls within the area ("the referendum area") in which the referendum is to take place (as determined under paragraph 12(7) and (8)).

(3) A " relevant council " means—

(a) a district council,

(b) a London borough council,

(c) a metropolitan district council, or

(d) a county council in relation to any area in England for which there is no district council.

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(4) A person is entitled to vote in the referendum if on the prescribed date—

(a) the person is entitled to vote in an election of any councillors of a relevant council any of whose area is in the referendum area, and

(b) the person's qualifying address for the election is in the referendum area.

(5) Sub-paragraph (4) does not apply in relation to so much of the referendum area as falls within the City of London.

(6) In that case a person is entitled to vote in the referendum if on the prescribed date—

(a) the person is entitled to vote in an Authority election, and

(b) the person's qualifying address for the election is in the City of London.

(7) For the purposes of this paragraph—

(a) " Authority election " has the same meaning as in the Representation of the People Act 1983 (see section 203(1)),

(b) the Inner Temple and the Middle Temple are to be treated as forming part of the City of London, and

(c) " qualifying address " has the same meaning as in the Representation of the People Act 1983 (see section 9).

Textual Amendments

F1746 Words in Sch. 4B para. 14(1) inserted (1.10.2016) by Housing and Planning Act 2016 (c. 22), **ss. 141(2)**, 216(3); S.I. 2016/733, reg. 4(1)(b)

15 (1) The additional referendum mentioned in paragraph 12(4) must be held on the making of a neighbourhood development order if the draft order relates to a neighbourhood area that has been designated as a business area under section 61H.

(2) Sub-paragraph (2) of paragraph 14 is to apply in relation to the additional referendum as it applies in relation to a referendum under that paragraph.

(3) A person is entitled to vote in the additional referendum if on the prescribed date—

(a) the person is a non-domestic ratepayer in the referendum area, or

(b) the person meets such other conditions as may be prescribed.

(4) " Non-domestic ratepayer " has the same meaning as in Part 4 of the Local Government Act 2003 (see section 59(1)).

(5) Regulations may make provision for excluding a person's entitlement to vote in the additional referendum.

16 (1) **[**F1747The Secretary of State F1748... may by regulations**]** make provision about referendums held under paragraph 14 or 15.

(2) The regulations may in particular make provision—

(a) dealing with any case where there are two or more relevant councils any of whose areas fall within the referendum area,

(b) for only one relevant council to be subject to the duty to make arrangements for the referendum in a case within paragraph (a),

(c) prescribing a date by which the referendum must be held or before which it cannot be held,

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(d) as to the question to be asked in the referendum and any explanatory material in relation to that question (including provision conferring power on a local planning authority to set the question and provide that material),

(e) as to the publicity to be given in connection with the referendum,

(f) about the limitation of expenditure in connection with the referendum,

(g) as to the conduct of the referendum,

(h) as to when, where and how voting in the referendum is to take place,

(i) as to how the votes cast are to be counted,

(j) about certification as to the number of persons voting in the referendum and as to the number of those persons voting in favour of a neighbourhood development order, and

(k) about the combination of polls at a referendum held under paragraph 14 or 15 with polls at another referendum or at any election.

(3) The regulations may apply or incorporate, with or without modifications, any provision made by or under any enactment relating to elections or referendums.

(4) But where the regulations apply or incorporate (with or without modifications) any provision that creates an offence, the regulations may not impose a penalty greater than is provided for in respect of that provision.

(5) Before making the regulations, the Secretary of State [F1749]... must consult the Electoral Commission.

(6) In this paragraph " enactment " means an enactment, whenever passed or made.

Textual Amendments

F1747 Words in Sch. 4B para. 16(1) substituted (6.11.2013) by The Transfer of Functions (Elections and Referendums) Order 2013 (S.I. 2013/2597), art. 1(2), **Sch. para. 5(a)** (with art. 3)

F1748 Words in Sch. 4B para. 16(1) omitted (8.12.2021) by virtue of The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 6(3)** (with art. 12)

F1749 Words in Sch. 4B para. 16(5) omitted (8.12.2021) by virtue of The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 6(3)** (with art. 12)

Modifications etc. (not altering text)

C1406 Sch. 4B para. 16 functions made excercisable concurrently (6.11.2013) by The Transfer of Functions (Elections and Referendums) Order 2013 (S.I. 2013/2597), arts. 1(2), **2(a)** (with art. 3)

C1407 Sch. 4B para. 16 functions transferred (22.6.2015) by The Chancellor of the Duchy of Lancaster Order 2015 (S.I. 2015/1376), arts. 1(2), 3(1), **Sch. 1** (with art. 9)

C1408 Sch. 4B para. 16 functions transferred (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), arts. 1(2), 3(1), **Sch. 1(d)** (with arts. 3(2), 6, 12)

C1409 Sch. 4B para. 16: functions cease to be exercisable concurrently (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), arts. 1(2), 9, **Sch. 1(d)** (with arts. 11, 12)

Interpretation

17 In this Schedule—

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" the Convention rights " has the same meaning as in the Human Rights Act 1998, and

"development plan"—

(a) includes a development plan for the purposes of paragraph 1 of Schedule 8 to the Planning and Compulsory Purchase Act 2004 (transitional provisions), but

(b) does not include so much of a development plan as consists of a neighbourhood development plan under section 38A of that Act.**]**

[F1750SCHEDULE 4C

Section 61Q

COMMUNITY RIGHT TO BUILD ORDERS

Textual Amendments

F1750 Sch. 4C inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes) by Localism Act 2011 (c. 20), ss. 116(3), 240(5)(j), **Sch. 11**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4)

Introduction

1 (1) This Schedule makes special provision about a particular type of neighbourhood development order, which is to be known as a "community right to build order".

(2) In their application to community right to build orders, the provisions of this Act relating to neighbourhood development orders have effect subject to the provision made by or under this Schedule.

(3) In its application to community organisations, section 61G (meaning of "neighbourhood area") has effect subject to the provision made by this Schedule.

Meaning of "community right to build order"

2 (1) A neighbourhood development order is a community right to build order if—

(a) the order is made pursuant to a proposal made by a community organisation,

(b) the order grants planning permission for specified development in relation to a specified site in the specified neighbourhood area, and

(c) the specified development does not exceed prescribed limits.

(2) Regulations under sub-paragraph (1)(c) may prescribe a limit by reference to—

(a) the area in which the development is to take place,

(b) the number or type of operations or uses of land constituting the development, or

(c) any other factor.

(3) In this paragraph " specified " means specified in the community right to build order.

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Meaning of "community organisation"

3 (1) For the purposes of this Schedule a "community organisation" is a body corporate—

(a) which is established for the express purpose of furthering the social, economic and environmental well-being of individuals living, or wanting to live, in a particular area, and

(b) which meets such other conditions in relation to its establishment or constitution as may be prescribed.

(2) Regulations under sub-paragraph (1)(b) may make provision in relation to—

(a) the distribution of profits made by the body to its members,

(b) the distribution of the assets of the body (in the event of its winding up or in any other circumstances),

(c) the membership of the body, and

(d) the control of the body (whether by the exercise of voting rights or otherwise).

Proposals by community organisations for community right to build orders

4 (1) A community organisation is authorised for the purposes of a community right to build order to act in relation to a neighbourhood area (whether or not any part of the neighbourhood area falls within the area of a parish council) if—

(a) the area mentioned in paragraph 3(1)(a) consists of or includes the neighbourhood area, and

(b) at the time the proposal for the order is made more than half of the members of the organisation live in the neighbourhood area.

(2) Accordingly, the community organisation is in that case to be regarded as a qualifying body for the purposes of section 61E.

(3) Nothing in section 61F is to apply in relation to community right to build orders except subsections (12)(a) and (13)(d) of that section.

(4) In particular, the reference in section 61F(10) to a neighbourhood development order is not to include a reference to a community right to build order (in a case where a community organisation is also a neighbourhood forum).

(5) But a local planning authority may decline to consider a proposal for a community right to build order or other neighbourhood development order if—

(a) another proposal has been made for a community right to build order or other neighbourhood development order,

(b) the other proposal is outstanding, and

(c) the authority consider that the development and site to which the proposals relate are the same or substantially the same.

(6) If the authority decline to consider the proposal, they must notify the person making the proposal of that fact and of their reasons for declining to consider it.

(7) A proposal for a community right to build order must state that the proposal is for such an order.

5 (1) A community organisation is to be regarded as a relevant body for the purposes of section 61G if—

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(a) the area specified in the application made by the organisation consists of or includes the area mentioned in paragraph 3(1)(a), and

(b) at the time the application is made more than half of the members of the organisation live in the area specified in the application.

(2) The application made by the community organisation may specify any area within the local planning authority's area, irrespective of whether or not any part of the specified area falls within the area of a parish council.

(3) This paragraph applies only if the application by the community organisation under section 61G is made in connection with a proposal (or an anticipated proposal) for a community right to build order.

Development likely to have significant effects on environment etc

6 (1) A local planning authority must decline to consider a proposal for a community right to build order if they consider that—

(a) the specified development falls within Annex 2 to the EIA directive and is likely to have significant effects on the environment by virtue of factors such as its nature, size or location, or

(b) the specified development is likely to have significant effects on a qualifying European site (whether alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of that site.

(2) In determining whether or not the specified development is within sub-paragraph (1)(a), the authority must take into account any relevant criteria mentioned in Annex 3 to the EIA directive.

(3) If the authority decline to consider the proposal as a result of sub-paragraph (1), they must notify the community organisation making the proposal of that fact and of their reasons for declining to consider it.

(4) Regulations may make provision requiring the publication of any decisions made by a local planning authority under this paragraph.

(5) In this paragraph—

" the EIA directive " means Council Directive 85/337/ EEC on the assessment of the effects of certain public and private projects on the environment (as amended from time to time),

" qualifying European site " means—

(a) a European offshore marine site within the meaning of **[**F1751the Conservation of Offshore Marine Habitats and Species Regulations 2017 (S.I. 2017/1013)**]**, or

(b) a European site within the meaning of **[**F1752the Conservation of Habitats and Species Regulations 2017**]**, and

" specified " means specified in the community right to build order.

Textual Amendments

F1751 Words in Sch. 4C para. 6(5) substituted (30.11.2017) by The Conservation of Offshore Marine Habitats and Species Regulations 2017 (S.I. 2017/1013), reg. 1, **Sch. 4 para. 1(2)** (with regs. 3, 4(2))

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F1752 Words in Sch. 4C para. 6(5) substituted (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), reg. 1(2), **Sch. 6 para. 5**

Examination of proposals for community right to build orders etc

7 The provisions of Schedule 4B have effect in relation to community right to build orders with the following modifications.

8 Any reference in that Schedule to section 61E(2) includes a reference to paragraph 2 of this Schedule.

9 Any reference in that Schedule to section 61F includes a reference to paragraph 4 of this Schedule.

10 (1) The provision made by sub-paragraphs (2) to (5) of this paragraph is to have effect instead of paragraph 12(4) to (6) and (10) of that Schedule.

(2) If the examiner's report recommends that the draft order is refused, the authority must refuse the proposal.

(3) If the examiner's report recommends that the draft order is submitted to a referendum (with or without modifications), a referendum in accordance with paragraph 14 of that Schedule must be held on the making by the authority of a community right to build order.

(4) The order on which the referendum is to be held is the order that the examiner's report recommended be submitted to a referendum subject to such modifications (if any) as the authority consider appropriate.

(5) The only modifications that the authority may make are—

(a) modifications that the authority consider need to be made to secure that the order does not breach, and is otherwise compatible with, **[**F1753**[**F1754assimilated**]** obligations**]**,

(b) modifications that the authority consider need to be made to secure that the order is compatible with the Convention rights (within the meaning of the Human Rights Act 1998), and

(c) modifications for the purpose of correcting errors.

(6) In consequence of the provision made by sub-paragraphs (2) to (5) of this paragraph—

(a) paragraph 12(7) to (9) of Schedule 4B have effect as if the words "(or referendums are)" were omitted, and

(b) that Schedule has effect as if paragraph 15 (and references to that paragraph) were omitted.

(7) Any reference in this Act or any other enactment to paragraph 12 of Schedule 4B includes a reference to that paragraph as modified in accordance with this paragraph.

Textual Amendments

F1753 Words in Sch. 4C para. 10(5)(a) substituted (31.12.2020) by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232), regs. 1(2), **2(5)**; 2020 c. 1, Sch. 5 para. 1(1)

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F1754 Word in Sch. 4C para. 10(5)(a) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 27(2)(c)**

Use of land

11 (1) Regulations may make provision for securing that in prescribed circumstances—

(a) an enfranchisement right is not exercisable in relation to land the development of which is authorised by a community right to build order, or

(b) the exercise of an enfranchisement right in relation to that land is subject to modifications provided for by the regulations.

(2) Each of the following is an "enfranchisement right"—

(a) the right under Part 1 of the Leasehold Reform Act 1967 to acquire the freehold of a house (enfranchisement),

(b) the right under Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993 (collective enfranchisement in case of tenants of flats), and

(c) the right under section 180 of the Housing and Regeneration Act 2008 (right to acquire social housing).

(3) The regulations may—

(a) confer discretionary powers on the Secretary of State, a community organisation or any other specified person, and

(b) require notice to be given in any case where, as a result of the regulations, an enfranchisement right is not exercisable or is exercisable subject to modifications.

Different provision made by regulations for community right to build orders

12 (1) The provision that may be made by regulations under any provision of this Act relating to neighbourhood development orders includes different provision in relation to community right to build orders.

(2) Sub-paragraph (1) is not to be read as limiting in any way the generality of section 333(2A) (which provides that regulations may make different provision for different purposes).**]**

[F1755SCHEDULE 4D

EXERCISE OF FUNCTIONS BY APPOINTED PERSON IN CONNECTION WITH F1756... APPLICATIONS MADE TO THE WELSH MINISTERS

Textual Amendments

F1755 Sch. 4D inserted (W.) (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 3 para. 1**; S.I. 2016/52, **art. 3(d)**

F1756 Words in Sch. 4D heading omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(25)(a)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Exercise of functions in respect of development of national significance and connected applications

F1757 1 . . . . . .

Textual Amendments

F1757 Sch. 4D para. 1 omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(25)(b)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

Applications under section 62M or 62O: exercise of functions

2 Unless a direction otherwise is given under paragraph 9—

(a) an application made under section 62M or 62O is to be determined by a person appointed for the purpose by the Welsh Ministers under this paragraph;

(b) functions exercisable by the Welsh Ministers, by virtue of section 61Z1, in respect of an application that a person proposes to make under section 62M or 62O, are to be exercised by a person appointed for the purpose by the Welsh Ministers under this paragraph.

Revocation of appointments

3 Where a person has been appointed under paragraph F1758... 2 in respect of an application F1759..., the Welsh Ministers may at any time—

(a) revoke the appointment, and

(b) appoint another person, in respect of the application F1759..., under paragraph F1758... 2 F1760....

Textual Amendments

F1758 Words in Sch. 4D para. 3 omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(25)(c)(i)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1759 Words in Sch. 4D para. 3 omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(25)(c)(ii)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1760 Words in Sch. 4D para. 3 omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(25)(c)(iii)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

Exercise of functions by appointed person

4 (1) This paragraph applies for the purposes of paragraphs 5 to 14.

(2) References to an appointed person are to a person appointed to exercise functions under paragraph F1761... 2.

(3) References to a relevant application F1762... are to an application F1762..., or a proposed application, in respect of which functions are exercisable by a person other than the Welsh Ministers by virtue of the person's appointment under paragraph F1761... 2.

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F1761 Words in Sch. 4D para. 4 omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(25)(d)(i)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1762 Words in Sch. 4D para. 4 omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(25)(d)(ii)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

5 A person appointed under paragraph 2 to determine an application has, so far as the context permits, the same powers and duties that the Welsh Ministers have by virtue of provision made by a development order by virtue of section 75A.

6 (1) Sub-paragraph (2) applies where any enactment (other than this Schedule)—

(a) refers (or is to be read as referring) to the Welsh Ministers in a context relating to or capable of relating to an application under section 62M or section 62O, or

(b) refers (or is to be read as referring) to anything (other than the making of an application) done or authorised or required to be done by, to or before the Welsh Ministers in connection with any such application.

(2) So far as the context permits, the enactment is to be read, in relation to an application determined or to be determined by a person appointed under paragraph 2, as if the reference to the Welsh Ministers were or included a reference to an appointed person.

Determination by appointed person

7 Where a decision on a relevant application F1763... is determined by an appointed person, that person's decision is to be treated as being the decision of the Welsh Ministers (including for the purposes of section 284).

Textual Amendments

F1763 Words in Sch. 4D para. 7 omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(25)(e)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

8 (1) It is not a ground of application to the High Court under section 288 that the determination ought to have been made by the Welsh Ministers instead of an appointed person, unless the applicant challenges the person's power to make the determination before the person's decision is given.

F1764(2) . . . . . .

Textual Amendments

F1764 Sch. 4D para. 8(2) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(25)(f)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

Power of Welsh Ministers to exercise functions in place of appointed person

9 The Welsh Ministers may direct that functions specified in the direction are to be exercised, in respect of a relevant application F1765..., by them instead of by a person appointed under F1766... paragraph 2.

Changes to legislation: *Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F1765 Words in Sch. 4D para. 9 omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(25)(g)(i)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1766 Words in Sch. 4D para. 9 omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(25)(g)(ii)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

10 A copy of a direction given under paragraph 9 in respect of a relevant application F1767... is to be served on—

(a) the person (if any) appointed, in respect of the application F1767..., under paragraph F1768... 2;

(b) the applicant;

(c) in the case of an application under section 62M or 62O, the local planning authority or hazardous substances authority concerned.

Textual Amendments

F1767 Words in Sch. 4D para. 10 omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(25)(h)(i)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1768 Words in Sch. 4D para. 10 omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(25)(h)(ii)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

11 (1) Sub-paragraph (2) applies where, in consequence of a direction under paragraph 9, a decision on an application F1769... is to be made by the Welsh Ministers instead of a person appointed under paragraph F1770... 2.

(2) In making their decision, the Welsh Ministers may take into account any report made to them by any person previously appointed under paragraph F1771... 2 in respect of the application.

Textual Amendments

F1769 Words in Sch. 4D para. 11(1) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(25)(i)(i)** (with ss. 84(5), 146(10)); S.I. 2025/698, **art. 3(l)**

F1770 Words in Sch. 4D para. 11(1) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(25)(i)(ii)** (with ss. 84(5), 146(10)); S.I. 2025/698, **art. 3(l)**

F1771 Words in Sch. 4D para. 11(2) omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(25)(j)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

12 Subject to that, for the purpose of the exercise of functions by the Welsh Ministers in consequence of a direction under paragraph 9, the application F1772... concerned is to be treated as though no appointment under paragraph F1773... 2 had ever been made.

Textual Amendments

F1772 Words in Sch. 4D para. 12 omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(25)(k)(i)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1773 Words in Sch. 4D para. 12 omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(25)(k)(ii)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

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13 (1) The Welsh Ministers may by a further direction revoke a direction under paragraph 9 at any time before the decision on the application [F1774]... concerned has been made.

(2) On giving a direction under this paragraph, the Welsh Ministers must serve a copy of the direction on—

(a) the person, if any, previously appointed under paragraph [F1775]... 2 in respect of the application [F1774]...;

(b) the applicant;

(c) in the case of an application under section 62M or 62O, the local planning authority or hazardous substances authority concerned.

(3) Where a direction is given under this paragraph—

(a) the Welsh Ministers must appoint a person (the "new appointee") under paragraph [F1775]... 2 [F1776]... in respect of the application [F1774]...,

(b) anything done by or on behalf of the Welsh Ministers in connection with the application [F1774]... that might have been done by a person appointed under paragraph [F1775]... 2 is, unless the new appointee directs otherwise, to be treated as having been done by that person, and

(c) subject to that, this Schedule applies as if no direction under paragraph 9 had been given.

Textual Amendments

F1774 Words in Sch. 4D para. 13 omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(25)(l)(i)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1775 Words in Sch. 4D para. 13 omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(25)(l)(ii)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

F1776 Words in Sch. 4D para. 13 omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(25)(l)(iii)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

Power of Welsh Ministers to appoint assessor

14 Where an appointed person holds a hearing or inquiry in relation to a relevant application [F1777]..., the Welsh Ministers may appoint an assessor to assist the appointed person at the hearing or inquiry.**]**

Textual Amendments

F1777 Words in Sch. 4D para. 14 omitted (W.) (15.12.2025) by virtue of Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(25)(m)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

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SCHEDULE 5 Sections 72(5), 79(4), 97(5) and Schedule 9.

CONDITIONS RELATING TO MINERAL WORKING

PART I

CONDITIONS IMPOSED ON GRANT OF PERMISSION

Duration of development

1 (1) Every planning permission for development **[**F1778—

(a) consisting of the winning and working of minerals; or

(b) involving the depositing of mineral waste,**]**

shall be subject to a condition as to the duration of the development.

(2) Except where a condition is specified under sub-paragraph (3), the condition in the case of planning permission granted or deemed to be granted after 22nd February 1982 is that the **[**F1779winning and working of minerals or the depositing of mineral waste**]** must cease not later than the expiration of the period of 60 years beginning with the date of the permission.

(3) An authority granting planning permission after that date or directing after that date that planning permission shall be deemed to be granted may specify a longer or shorter period than 60 years, and if they do so, the condition is that the **[**F1779winning and working of minerals or the depositing of mineral waste**]** must cease not later than the expiration of a period of the specified length beginning with the date of the permission.(4)A longer or shorter period than 60 years may be prescribed for the purposes of sub-paragraphs (2) and (3).

(5) The condition in the case of planning permission granted or deemed to have been granted before 22nd February 1982 is that the **[**F1779winning and working of minerals or the depositing of mineral waste**]** must cease not later than the expiration of the period of 60 years beginning with that date.

(6) A condition to which planning permission for development **[**F1780consisting of the winning and working of minerals**]** is subject by virtue of this paragraph—

(a) is not to be regarded for the purposes of the planning Acts as a condition such as is mentioned in section 72(1)(b); but

(b) is to be regarded for the purposes of sections 78 and 79 as a condition imposed by a decision of the local planning authority, and may accordingly be the subject of an appeal under section 78.

Textual Amendments

F1778 Words in Sch. 5 para. 1(1) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 14(1)** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1779 Words in Sch. 5 para. 1(2)(3)(5) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 14(2)**(with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

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F1780 Words in Sch. 5 para. 1(6) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 14(3), **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

Power to impose aftercare conditions

2 (1) Where—

(a) planning permission for development consisting of the winning and working of minerals **[**F1781or involving the depositing of refuse or waste materials**]** is granted, and

(b) the permission is subject to a condition requiring that after **[**F1782the winning and working is completed or the depositing has ceased**]**, the site shall be restored by the use of any or all of the following, namely, subsoil, topsoil and soil-making material,

it may be granted subject also to any such condition as the mineral planning authority think fit requiring that such steps shall be taken as may be necessary to bring land to the required standard for whichever of the following uses is specified in the condition, namely—

(i) use for agriculture;

(ii) use for forestry; or

(iii) use for amenity.

(2) In this Act—

(a) a condition such as is mentioned in paragraph (b) of sub-paragraph (1) is referred to as " a restoration condition"; and

(b) a condition requiring such steps to be taken as are mentioned in that sub-paragraph is referred to as "an aftercare condition".

(3) An aftercare condition may either—

(a) specify the steps to be taken; or

(b) require that the steps be taken in accordance with a scheme (in this Act referred to as an "aftercare scheme") approved by the mineral planning authority.

(4) A mineral planning authority may approve an aftercare scheme in the form in which it is submitted to them or may modify it and approve it as modified.

(5) The steps that may be specified in an aftercare condition or an aftercare scheme may consist of planting, cultivating, fertilising, watering, draining or otherwise treating the land.

(6) Where a step is specified in a condition or a scheme, the period during which it is to be taken may also be specified, but no step may be required to be taken after the expiry of the aftercare period.

(7) In sub-paragraph (6) "the aftercare period" means a period of five years from compliance with the restoration condition or such other maximum period after compliance with that condition as may be prescribed; and in respect of any part of a site, the aftercare period shall commence on compliance with the restoration condition in respect of that part.

(8) The power to prescribe maximum periods conferred by sub-paragraph (7) includes power to prescribe maximum periods differing according to the use specified.

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(9) In this paragraph "forestry" means the growing of a utilisable crop of timber.

Textual Amendments

F1781 Words in Sch. 5 para. 2(1)(a) inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 14(4)(a)** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1782 Words in Sch. 5 para. 2(1)(b) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 14(4)(b)** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

Meaning of "required standard"

3 (1) In a case where—

(a) the use specified in an aftercare condition is a use for agriculture; and

(b) the land was in use for agriculture at the time of the grant of the planning permission or had previously been used for that purpose and had not at the time of the grant been used for any authorised purpose since its use for agriculture ceased; and

(c) the Minister has notified the mineral planning authority of the physical characteristics of the land when it was last used for agriculture,

the land is brought to the required standard when its physical characteristics are restored, so far as it is practicable to do so, to what they were when it was last used for agriculture.

(2) In any other case where the use specified in an aftercare condition is a use for agriculture, the land is brought to the required standard when it is reasonably fit for that use.

(3) Where the use specified in an aftercare condition is a use for forestry, the land is brought to the required standard when it is reasonably fit for that use.

(4) Where the use specified in an aftercare condition is a use for amenity, the land is brought to the required standard when it is suitable for sustaining trees, shrubs or other plants.

(5) In this paragraph—

"authorised" means authorised by planning permission;

"forestry" has the same meaning as in paragraph 2; and

"the Minister" means—

(a) in relation to England, the Minister of Agriculture, Fisheries and Food; and

(b) in relation to Wales, the Secretary of State.

Consultations

4 (1) Before imposing an aftercare condition, the mineral planning authority shall consult—

(a) the Minister, where they propose that the use specified in the condition shall be a use for agriculture; and

(b) the **[**F1783appropriate body**]**, where they propose that the use so specified shall be a use for forestry,

as to whether it is appropriate to specify that use.

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(2) Where after consultations required by sub-paragraph (1) the mineral planning authority are satisfied that the use that they ought to specify is a use for agriculture or for forestry, they shall consult—

(a) where it is for agriculture, the Minister; and

(b) where it is for forestry, the **[**F1783appropriate body**]**,

with regard to whether the steps to be taken should be specified in the aftercare condition or in an aftercare scheme.

(3) The mineral planning authority shall also consult the Minister or, as the case may be, the Forestry Commission—

(a) as to the steps to be specified in an aftercare condition which specifies a use for agriculture or for forestry; and

(b) before approving an aftercare scheme submitted in accordance with an aftercare condition which specifies such a use.

(4) The mineral planning authority shall also, from time to time as they consider expedient, consult the Minister or the **[**F1784appropriate body**]**, as the case may be, as to whether the steps specified in an aftercare condition or an aftercare scheme are being taken.

[F1785(4A) Without prejudice to the application of this paragraph in relation to consultation with the **[**F1783appropriate body**]**, where the Minister is consulted pursuant to any provision of this paragraph—

(a) he is not required to inspect any land or to express a view on any matter or question; and

(b) he is not precluded from responding in general terms or otherwise in terms which are not specific to the land in question.**]**

(5) In this paragraph "forestry" and "the Minister" have the same meanings as in paragraph 3.

[F1786(6) In this paragraph "appropriate body" means—

(a) in relation to England, the Forestry Commission; and

(b) in relation to Wales, the Natural Resources Body for Wales.**]**

Textual Amendments

F1783 Words in Sch. 5 para. 4 substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 204(2)** (with Sch. 7)

F1784 Words in Sch. 5 para. 4(4) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 204(3)** (with Sch. 7)

F1785 Sch. 5 para. 4(4A) inserted (1.2.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 43** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 2**

F1786 Sch. 5 para. 4(6) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 204(4)** (with Sch. 7)

Certificate of compliance

5 If, on the application of any person with an interest in land in respect of which an aftercare condition has been imposed, the mineral planning authority are satisfied that the condition has been complied with they shall issue a certificate to that effect.

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Recovery of expenses of compliance

6 A person who has complied with an aftercare condition but who has not himself **[**[F1787]won and worked minerals or deposited refuse or waste materials**]** shall be entitled, subject to any condition to the contrary contained in a contract which is enforceable against him by the person who last carried out such operations, to recover from that person any expenses reasonably incurred in complying with the aftercare condition.

Textual Amendments

F1787 Words in Sch. 5 para. 6 substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 14(5)**(with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

PART II

CONDITIONS IMPOSED ON REVOCATION OR MODIFICATION OF PERMISSION

7 An order under section 97 may in relation to planning permission for development consisting of the winning and working of minerals **[**[F1788]or involving the depositing of refuse or waste materials**]**, include such aftercare condition as the mineral planning authority think fit if—

(a) it also includes a restoration condition; or

(b) a restoration condition has previously been imposed in relation to the land by virtue of any provision of this Act.

Textual Amendments

F1788 Words in Sch. 5 para. 7 inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 14(6)**(with s. 84(5)); S.I. 1991/2067, **art3** (subject to art. 4)

8 Paragraphs 2(3) to (9) and 3 to 6 shall apply in relation to an aftercare condition so imposed as they apply in relation to such a condition imposed under paragraph 2.

[F1789] Interpretation

Textual Amendments

F1789 Sch. 5 para. 9 and cross heading inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 14(7)** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

[F1790] 9 In this Schedule any reference to a mineral planning authority shall be construed, in relation to the exercise of functions with respect to the depositing of refuse or waste materials (other than mineral waste), as a reference to the authority entitled to discharge such functions.**]**

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Textual Amendments

F1790 Sch. 5 para. 9 and cross heading inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 14(7)** (with s. 84(5)); S.I. 1991/ 2067, art.3 (subject to art. 4)

SCHEDULE 6 Sections 79,175,195,208.

DETERMINATION OF CERTAIN APPEALS BY PERSON APPOINTED BY SECRETARY OF STATE

Modifications etc. (not altering text)

C1410 Sch. 6 excluded (27.5.1997) by 1997 c. 8, ss. 70(4), 278(2), **Sch. 7 para. 7** (with s. 64)

C1411 Sch. 6 applied (E.) (6.4.2012) by The Town and Country Planning (Tree Preservation)(England) Regulations 2012 (S.I. 2012/605), regs. 1(1), **19(5)**

Determination of appeals by appointed person

1 (1) The Secretary of State may by regulations prescribe classes of appeals under sections 78 **[**F1791 93I,**]** 106B, **[**F1792 106BC,**]** 174, 195 and 208, **[**F1793 of this Act, paragraph 5 of Schedule 2 to the Planning and Compensation Act 1991**][**F1794 and paragraphs 6(11) and (12) and 11(1) of Schedule 13 and paragraph 9(1) of Schedule 14 to the Environment Act 1925**]** which are to be determined by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State.

(2) Those classes of appeals shall be so determined except in such classes of case—

(a) as may for the time being be prescribed, or

(b) as may be specified in directions given by the Secretary of State.

[F1795 (2A) If no classes of appeals under section 106BC are prescribed by regulations under sub-paragraph (1), all appeals under that section are to be determined by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State.**]**

(3) Regulations made for the purpose of this paragraph may provide for the giving of publicity to any directions given by the Secretary of State under this paragraph.

(4) This paragraph shall not affect any provision in this Act or **[**F1796 any other Act or any instrument made under this Act or any other Act**]** that an appeal shall lie to, or a notice of appeal shall be served on, the Secretary of State.

(5) A person appointed under this paragraph is referred to in this Schedule as "an appointed person".

Textual Amendments

F1791 Word in Sch. 6 para. 1(1) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 11 para. 14(a)** (with s. 247)

F1792 Word in Sch. 6 para. 1(1) inserted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27), s. 35(2), **Sch. 2 para. 9(2)(a)**

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F1793 Words in Sch. 6 para. 1(1) inserted (6.4.2009 for E., 28.11.2014 for W.) by Planning Act 2008 (c. 29), **ss. 198(2)(a)**, 241 (with s. 226); S.I. 2009/400, **art. 5**; S.I. 2014/2780, art. 2

F1794 Words in Sch. 6 para. 1(1) inserted (1.2.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 44** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 2**

F1795 Sch. 6 para. 1(2A) inserted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27), s. 35(2), **Sch. 2 para. 9(2)(b)**

F1796 Words in Sch. 6 para. 1(4) substituted (6.4.2009 for E., 28.11.2014 for W.) by Planning Act 2008 (c. 29), **ss. 198(2)(b)**, 241 (with s. 226); S.I. 2009/400, **art. 5**; S.I. 2014/2780, art. 2

Powers and duties of appointed person

2 (1) An appointed person shall have the same powers and duties—

(a) in relation to an appeal under section 78, as the Secretary of State has under **[**F1797 subsections (1), (4) and (6A)**]** of section 79;

[F1798 (zaa) in relation to an appeal under section 93I, as the Secretary of State has under that section;**]**

[F1799 (aa) in relation to an appeal under section 106B **[**F1800 or 106BC**]**, as he has under that section**]**

(b) in relation to an appeal under section 174, as he has under sections 176(1), (2) **[**F1801 to (2A)**][**F1802, (5) and (6)**]** and 177(1) to (4);

(c) in relation to an appeal under section 195, as he has under subsections (2) **[**F1803, (3) and (3A)**]** of that section F1804...;

(d) in relation to an appeal under section 208, as he has under subsections (7) **[**F1805 to (8A)**]** of that section.

[F1806 (e) in relation to an appeal under paragraph 5 of Schedule 2 to the Planning and Compensation Act 1991, as the Secretary of State has under paragraph 6(1) and (3) of that Schedule.**]**

(2) Sections 79(2) **[**F1807 106B(4)**]**, 175(3), 196(1) and 208(5) **[**F1808 of this Act and paragraph 6(2) of Schedule 2 to the Planning and Compensation Act 1991**]** shall not apply to an appeal which falls to be determined by an appointed person, but before it is determined the Secretary of State shall ask the appellant and the local planning authority whether they wish to appear before and be heard by the appointed person.

(3) If both the parties express a wish not to appear and be heard the appeal may be determined without their being heard.

(4) If either of the parties expresses a wish to appear and be heard, the appointed person shall give them both an opportunity of doing so.

[F1809 (5) Sub-paragraph (2) does not apply—

(a) in the case of an appeal to which section 319A applies; or

(b) in the case of an appeal under section 78 if the appeal is referred to a Planning Inquiry Commission under section 101.**]**

[F1810 (5A) Sub-paragraph (2) does not apply in the case of an appeal to which section 319B applies.**]**

(6) Where an appeal has been determined by an appointed person, his decision shall be treated as that of the Secretary of State.

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(7) Except as provided by Part XII, the validity of that decision shall not be questioned in any proceedings whatsoever.

(8) It shall not be a ground of application to the High Court under section 288, or of appeal to the High Court under section 289 [F1811]..., that an appeal ought to have been determined by the Secretary of State and not by an appointed person, unless the appellant or the local planning authority challenge the appointed person's power to determine the appeal before his decision on the appeal is given.

(9) Where in any enactment (including this Act) there is a reference to the Secretary of State in a context relating or capable of relating to an appeal to which this Schedule applies or to anything done or authorised or required to be done by, to or before the Secretary of State on or in connection with any such appeal, then so far as the context permits it shall be construed, in relation to an appeal determined or falling to be determined by an appointed person, as a reference to him.

[[F1812](10) Sub-paragraph (9) **[**[F1813]applies**]** to references to the Secretary of State in section 319A (powers and duties of the Secretary of State in relation to the determination of procedure for certain proceedings) **[**[F1814]only for the purposes of subsection (4) of that section**].]**

[[F1815](10A) Sub-paragraph (9) does not apply to references to the Welsh Ministers in section 319B (determination of procedure for certain proceedings: Wales).**]**

[[F1816](11) The Secretary of State may, if he thinks fit, direct that anything in connection with an appeal in England to which this Schedule applies which would otherwise fall to be done by an appointed person shall instead be done by the Secretary of State.**]**

Textual Amendments

F1797 Words in Sch. 6 para. 2(1)(a) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 54(3)(a)** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F1798 Sch. 6 para. 2(1)(zaa) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 11 para. 14(b)** (with s. 247)

F1799 Sch. 6 para. 2(1)(aa) inserted (9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 54(3)(b)**; S.I. 1992/2831, **art. 2**

F1800 Words in Sch. 6 para. 2(1)(aa) inserted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27), s. 35(2), **Sch. 2 para. 9(3)**

F1801 Words in Sch. 6 para. 2(1)(b) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 54(3)(c)** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5)

F1802 Words in Sch. 6 para. 2(1)(b) substituted (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 119(4)(a)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(f) (with reg. 8)

F1803 Words in Sch. 6 para. 2(1)(c) substituted (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 119(4)(b)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(f) (with reg. 8)

F1804 Words in Sch. 6 para. 2(1)(c) repealed (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 54(3)(d), **Sch. 19 Pt. I**; S.I. 1992/1630, art. 2, Schs. 1, **2** (with art. 3(1))

F1805 Words in Sch. 6 para. 2(1)(d) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 54(3)(e)**(with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5)

F1806 Sch. 6 para. 2(1)(e) inserted (6.4.2009 for E., 28.11.2014 for W.) by Planning Act 2008 (c. 29), **ss. 198(3)(a)**, 241 (with s. 226); S.I. 2009/400, **art. 5**; S.I. 2014/2780, art. 2

F1807 Words in Sch. 6 para. 2(2) inserted (9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 54(3)(f)**; S.I. 1992/2831, **art. 2**

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F1808 Words in Sch. 6 para. 2(2) inserted (6.4.2009 for E., 28.11.2014 for W.) by Planning Act 2008 (c. 29), **ss. 198(3)(b)**, 241 (with s. 226); S.I. 2009/400, **art. 5**; S.I. 2014/2780, art. 2

F1809 Sch. 6 para. 2(5) substituted (6.4.2009 for E.W. for specified purposes, 25.4.2024 for specified purposes) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 10 para. 14(2)** (with s. 226); S.I. 2009/400, art. 3(j); S.I. 2024/452, reg. 2(b)

F1810 Sch. 6 para. 2(5A) inserted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 13(2)(a)**

F1811 Words in Sch. 6 para. 2(8) repealed (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 54(3)(g), **Sch. 19 Pt. I**; S.I. 1992/1630, art. 2, Schs. 1, **2** (with art. 3(1))

F1812 Sch. 6 para. 2(10) inserted (6.4.2009 for E.W. for specified purposes, 25.4.2024 for specified purposes) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 10 para. 14(3)** (with s. 226); S.I. 2009/400, art. 3(j); S.I. 2024/452, reg. 2(b)

F1813 Word in Sch. 6 para. 2(10) substituted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 131(a)**, 255(3)(a) (with s. 247)

F1814 Words in Sch. 6 para. 2(10) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 131(b)**, 255(3)(a) (with s. 247)

F1815 Sch. 6 para. 2(10A) inserted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 13(2)(b)**

F1816 Sch. 6 para. 2(11) inserted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 2(7)**, 35(1); S.I. 2013/1488, art. 3(a)

Determination of appeals by Secretary of State

3 (1) The Secretary of State may, if he thinks fit, direct that an appeal which would otherwise fall to be determined by an appointed person shall instead be determined by the Secretary of State.

(2) Such a direction shall state the reasons for which it is given and shall be served on the person, if any, so appointed, the appellant, the local planning authority and any person who has made representations relating to the subject matter of the appeal which the authority are required to take into account under **[**[F1817]any provision of a development order made by virtue of**]** section 71(2)(a).

(3) Where in consequence of such a direction an appeal falls to be determined by the Secretary of State, the provisions of this Act which are relevant to the appeal shall, subject to the following provisions of this paragraph, apply to the appeal as if this Schedule had never applied to it.

(4) The Secretary of State shall give the appellant, the local planning authority and any person who has made any such representations as mentioned in sub-paragraph (2) an opportunity of appearing before and being heard by a person appointed by the Secretary of State for that purpose if—

(a) the reasons for the direction raise matters with respect to which any of those persons have not made representations; or

(b) in the case of the appellant or the local planning authority, either of them was not asked in pursuance of paragraph 2(2) whether they wished to appear before and be heard by the appointed person, or expressed no wish in answer to that question, or expressed a wish to appear and be heard, but was not given an opportunity of doing so.

[[F1818](5) Sub-paragraph (4) does not apply—

(a) in the case of an appeal to which section 319A applies; or

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(b) in the case of an appeal under section 78 if the appeal is referred to a Planning Inquiry Commission under section 101.**]**

[F1819(5ZA) Sub-paragraph (4) does not apply in the case of an appeal to which section 319B applies.**]**

[F1818(5A) In the case of an appeal to which section 319A applies, the Secretary of State must give the appellant, the local planning authority and any person who has made any representations mentioned in sub-paragraph (2) an opportunity to make further representations if the reasons for the direction raise matters with respect to which any of those persons have not made representations.**]**

[F1820(5B) In the case of an appeal to which section 319B applies, the Welsh Ministers must give the appellant, the local planning authority and any person who has made any representations mentioned in sub-paragraph (2) an opportunity to make further representations if the reasons for the direction raise matters with respect to which any of those persons have not made representations.**]**

(6) Except as provided by sub-paragraph (4) **[**F1821or (5A)**][**F1822or (5B)**]**, the Secretary of State need not give any person an opportunity of appearing before and being heard by a person appointed for the purpose, or of making fresh representations or making or withdrawing any representations already made.

(7) In determining the appeal the Secretary of State may take into account any report made to him by any person previously appointed to determine it.

Textual Amendments

F1817 Words in Sch. 6 para. 3(2) inserted (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 54(4)**; S.I. 1992/1491, art. 2, **Sch. 1**

F1818 Sch. 6 para. 3(5)(5A) substituted for Sch. 6 para. 3(5) (6.4.2009 for E.W. for specified purposes, 25.4.2024 for specified purposes) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 10 para. 14(4)** (with s. 226); S.I. 2009/400, art. 3(j); S.I. 2024/452, reg. 2(b)

F1819 Sch. 6 para. 3(5ZA) inserted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 13(3)(a)**

F1820 Sch. 6 para. 3(5B) inserted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 13(3)(b)**

F1821 Words in Sch. 6 para. 3(6) inserted (6.4.2009 for E.W. for specified purposes, 25.4.2024 for specified purposes) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 10 para. 14(5)** (with s. 226); S.I. 2009/400, art. 3(j); S.I. 2024/452, reg. 2(b)

F1822 Words in Sch. 6 para. 3(6) inserted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 13(3)(c)**

4 (1) The Secretary of State may by a further direction revoke a direction under paragraph 3 at any time before the determination of the appeal.

(2) Such a further direction shall state the reasons for which it is given and shall be served on the person, if any, previously appointed to determine the appeal, the appellant, the local planning authority and any person who has made representations relating to the subject matter of the appeal which the authority are required to take into account under **[**F1823any provision of a development order made by virtue of**]** section 71(2)(a).

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(3) Where such a further direction has been given, the provisions of this Schedule relevant to the appeal shall apply, subject to sub-paragraph (4), as if no direction under paragraph 3 had been given.

(4) Anything done by or on behalf of the Secretary of State in connection with the appeal which might have been done by the appointed person (including any arrangements made for the holding of a hearing or local inquiry) shall, unless that person directs otherwise, be treated as having been done by him.

Textual Amendments

F1823 Words in Sch. 6 para. 4(2) inserted (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 54(4)**; S.I. 1992/1491, art. 2, **Sch. 1**

Appointment of another person to determine appeal

5 (1) At any time before the appointed person has determined the appeal the Secretary of State may—

(a) revoke his appointment; and

(b) appoint another person under paragraph 1 to determine the appeal instead.

(2) Where such a new appointment is made the consideration of the appeal or any inquiry or other hearing in connection with it shall be begun afresh.

(3) Nothing in sub-paragraph (2) shall require—

(a) the question referred to in paragraph 2(2) to be asked again with reference to the new appointed person if before his appointment it was asked with reference to the previous appointed person (any answers being treated as given with reference to the new appointed person); or

(b) any person to be given an opportunity of making fresh representations or modifying or withdrawing any representations already made.

Local inquiries and hearings

6 (1) Whether or not the parties to an appeal have asked for an opportunity to appear and be heard, an appointed person—

(a) may hold a local inquiry in connection with the appeal; and

(b) shall do so if the Secretary of State so directs.

[F1824(1A) Sub-paragraph (1) does not apply in the case of an appeal to which section 319A applies; but an appointed person may hold a hearing or local inquiry in connection with such an appeal pursuant to a determination under that section.**]**

[F1825(1B) Sub-paragraph (1) does not apply in the case of an appeal to which section 319B applies; but an appointed person may hold a hearing or local inquiry in connection with such an appeal pursuant to a determination under that section.**]**

(2) Where an appointed person—

(a) holds a hearing by virtue of paragraph 2(4) **[**F1826or this paragraph**]**; or

(b) holds an inquiry by virtue of this paragraph,

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an assessor may be appointed by the Secretary of State to sit with the appointed person at the hearing or inquiry to advise him on any matters arising, notwithstanding that the appointed person is to determine the appeal.

(3) Subject to sub-paragraph (4), the costs of any such hearing or inquiry shall be defrayed by the Secretary of State.

(4) Subsections (2) to (5) of section 250 of the [M190]Local Government Act 1972 (local inquiries: evidence and costs) apply to an inquiry held under this paragraph **[**[F1827]in England**]** with the following adaptations—

(a) with the substitution in subsection (4) (recovery of costs of holding the inquiry) for the references to the Minister causing the inquiry to be held of references to the Secretary of State; and

(b) with the substitution in subsection (5) (orders as to the costs of the parties) for the reference to the Minister causing the inquiry to be held of a reference to the appointed person or the Secretary of State.

[[F1828](4A) Subsections (2) and (3) of that section apply to an inquiry held under this paragraph in Wales.**]**

[[F1829](5) The appointed person or the Secretary of State has the same power to make orders under section 250(5) of that Act (orders with respect to costs of the parties) in relation to proceedings **[**[F1830]in England**]** under this Schedule which do not give rise to an inquiry as he has in relation to such an inquiry**]**.

Textual Amendments

F1824 Sch. 6 para. 6(1A) inserted (6.4.2009 for E.W. for specified purposes, 25.4.2024 for specified purposes) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 10 para. 14(6)** (with s. 226); S.I. 2009/400, art. 3(j); S.I. 2024/452, reg. 2(b)

F1825 Sch. 6 para. 6(1B) inserted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 13(4)(a)**

F1826 Words in Sch. 6 para. 6(2)(a) inserted (6.4.2009 for E.W. for specified purposes, 25.4.2024 for specified purposes) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 10 para. 14(7)** (with s. 226); S.I. 2009/400, art. 3(j); S.I. 2024/452, reg. 2(b)

F1827 Words in Sch. 6 para. 6(4) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 16(2)(a)**; S.I. 2016/52, art. 4(b) (with art. 17)

F1828 Sch. 6 para. 6(4A) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 16(2)(b)**; S.I. 2016/52, art. 4(b) (with art. 17)

F1829 Sch. 6 para. 6(5) omitted (temp.) by virtue of Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 6, Sch. 4 paras. 1, **7** (which temp. omission falls (2.1.1992 and 6.4.2009) for specified purposes only by virtue of S.I. 1991/2698, **art. 3** and S.I. 2009/849, **art. 2** (with art. 3))

F1830 Words in Sch. 6 para. 6(5) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 16(2)(c)**; S.I. 2016/52, art. 4(b) (with art. 17)

Marginal Citations

M190 1972 c. 70.

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Supplementary provisions

7 If before or during the determination of an appeal under section 78 which is to be or is being determined in accordance with paragraph 1, the Secretary of State forms the opinion mentioned in section 79(6), he may direct that the determination shall not be begun or proceeded with.

8 (1) The [M191]Tribunals and Inquiries Act **[**[F1831]1992**]** shall apply to a local inquiry or other hearing held **[**[F1832]in England**]** in pursuance of this Schedule as it applies to a statutory inquiry held by the Secretary of State, but as if in **[**[F1833]section 10(1)**]** of that Act (statement of reasons for decisions) the reference to any decision taken by the Secretary of State were a reference to a decision taken by an appointed person.

[F1834](1A) . . . . . .

(2) Where an appointed person is an officer of **[**[F1835]the Ministry of Housing, Communities and Local Government**]** or the Welsh Office the functions of determining an appeal and doing anything in connection with it conferred on him by this Schedule shall be treated for the purposes of the [M192]Parliamentary Commissioner Act 1967—

(a) if he was appointed by the Secretary of State for the time being having general responsibility in planning matters in relation to England, as functions of that Department; and

(b) if he was appointed by the Secretary of State for the time being having general responsibility in planning matters in relation to Wales, as functions of the Welsh Office.

Textual Amendments

F1831 Word in Sch. 6 para. 8(1) substituted (1.10.1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(1), 19(2), **Sch. 3 para. 28(a)**

F1832 Words in Sch. 6 para. 8(1) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 16(3)**; S.I. 2017/546, art. 3(e)

F1833 Words in Sch. 6 para. 8(1) substituted (1.10.1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(1), 19(2), **Sch. 3 para. 28(b)**

F1834 Sch. 6 para. 8(1A) omitted (19.9.2013) by virtue of The Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013 (S.I. 2013/2042), art. 1(2), **Sch. para. 5(a)**

F1835 Words in Sch. 6 para. 8(2) substituted (30.10.2024) by The Transfer of Functions (Secretary of State for Housing, Communities and Local Government) Order 2024 (S.I. 2024/991), art. 1(2), **Sch. para. 3(3)** (with art. 7)

Modifications etc. (not altering text)

C1412 Sch. 6 para. 8(2)(b) modified (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

Marginal Citations

M191 1992 c. 53.

M192 1967 c. 13.

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SCHEDULE 7

Section 83.

SIMPLIFIED PLANNING ZONES

General

1 (1) A simplified planning zone scheme shall consist of a map and a written statement, and such diagrams, illustrations and descriptive matter as the local planning authority think appropriate for explaining or illustrating the provisions of the scheme.

(2) A simplified planning zone scheme shall specify—

(a) the development or classes of development permitted by the scheme,

(b) the land in relation to which permission is granted, and

(c) any conditions, limitations or exceptions subject to which it is granted;

and shall contain such other matters as may be prescribed.

Notification of proposals to make or alter scheme

2 An authority who decide under section 83(2) to make or alter a simplified planning zone scheme shall—

(a) notify the Secretary of State of their decision as soon as practicable, and

(b) determine the date on which they will begin to prepare the scheme or the alterations.

Power of Secretary of State to direct making or alteration of scheme

3 (1) If a person requests a local planning authority to make or alter a simplified planning zone scheme but the authority—

(a) refuse to do so, or

(b) do not within the period of three months from the date of the request decide to do so,

he may, subject to sub-paragraph (2), require them to refer the matter to the Secretary of State.

(2) A person may not require the reference of the matter to the Secretary of State if—

(a) in the case of a request to make a scheme, a simplified planning zone scheme relating to the whole or part of the land specified in the request has been adopted or approved within the 12 months preceding his request;

(b) in the case of a request to alter the scheme, the scheme to which the request relates was adopted or approved, or any alteration to it has been adopted or approved, within that period.

(3) The Secretary of State shall, as soon as practicable after a matter is referred to him—

(a) send the authority a copy of any representations made to him by the applicant which have not been made to the authority, and

(b) notify the authority that if they wish to make any representations in the matter they should do so, in writing, within 28 days.

(4) After the Secretary of State has—

(a) considered the matter and any written representations made by the applicant or the authority, and

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(b) carried out such consultations with such persons as he thinks fit,

he may give the authority a simplified planning zone direction.

(5) The Secretary of State shall notify the applicant and the authority of his decision and of his reasons for it.

4 (1) A simplified planning zone direction is—

(a) if the request was for the making of a scheme, a direction to make a scheme which the Secretary of State considers appropriate; and

(b) if the request was for the alteration of a scheme, a direction to alter it in such manner as he considers appropriate **[**F1836and, in either case, requires the local planning authority to take all the steps required by this Schedule for the adoption of proposals for the making or, as the case may be, alteration of a scheme.**]**

(2) A direction under sub-paragraph (1)(a) or (b) may extend—

(a) to the land specified in the request to the authority,

(b) to any part of the land so specified, or

(c) to land which includes the whole or part of the land so specified;

and accordingly may direct that land shall be added to or excluded from an existing simplified planning zone.

Textual Amendments

F1836 Words in Sch. 7 para. 4(1) inserted (25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, **Sch. 5 Pt. II para.5**; S.I. 1991/2728, **art.2**; S.I. 1992/2413, **art. 2** (with art. 3)

F1837 *[Steps to be taken before depositing proposals*

Textual Amendments

F1837 Sch. 7 paras. 5-6 and cross headings substituted for paras. 5-7 (25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, **Sch. 5 Pt. I para.1** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/2413, **art. 2** (with art. 3)

F1838 5 (1) A local planning authority proposing to make or alter a simplified planning zone scheme shall, before determining the content of their proposals, comply with this paragraph.

(2) They shall—

(a) consult the Secretary of State having responsibility for highways as to the effect any proposals they may make might have on existing or future highways,

(b) if they are the district planning authority, consult the county council—

(i) as county planning authority, and

(ii) as to the effect which any matters the district planning authority are considering including in the proposals might have on existing or future highways, and

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(c) consult or notify such persons as regulations may require them to consult or, as the case may be, notify.

(3) They shall take such steps as may be prescribed or as the Secretary of State may, in a particular case, direct to publicise—

(a) the fact that they propose to make or alter a simplified planning zone scheme, and

(b) the matters which they are considering including in the proposals.

(4) They shall consider any representations that are made in accordance with regulations.**]**

Textual Amendments

F1838 Sch. 7 paras. 5-6 and cross headings substituted for paras. 5-7 (25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, **Sch. 5 Pt. I para.1** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/2413, **art. 2** (with art. 3)

*F1839**[Procedure after deposit of proposals***

Textual Amendments

F1839 Sch. 7 paras. 5-6 and cross headings substituted for paras. 5-7 (25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, **Sch. 5 Pt. I para.1** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/2413, **art. 2** (with art. 3)

F1840 6 Where a local planning authority have prepared a proposed simplified planning zone scheme, or proposed alterations to a simplified planning zone scheme, they shall—

(a) make copies of the proposed scheme or alterations available for inspection at such places as may be prescribed,

(b) take such steps as may be prescribed for the purpose of advertising the fact that the proposed scheme or alterations are so available and the places at which, and times during which, they may be inspected,

(c) take such steps as may be prescribed for inviting objections to be made within such period as may be prescribed, and

(d) send a copy of the proposed scheme or alterations to the Secretary of State and to the Secretary of State having responsibility for highways and, if they are the district planning authority, to the county council.**]**

Textual Amendments

F1840 Sch. 7 paras. 5-6 and cross headings substituted (25.11.1991 for certain purposes and otherwise 9.11.1992) for paras. 5-7 by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, **Sch. 5 Pt. I para.1** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/2413, **art. 2** (with art. 3)

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Powers of Secretary of State to secure adequate publicity and consultations

7 (1) The documents sent by the local planning authority to the Secretary of State under paragraph 5(3) shall be accompanied by a statement—

(a) of the steps which the authority have taken to comply with paragraph 5(2), and

(b) of the authority's consultations with other persons and their consideration of the views of those persons.

(2) The documents sent by the local planning authority to the Secretary of State under paragraph 6(2) shall be accompanied by a statement of the steps which the authority are taking to comply with paragraph 6(4).

(3) If, on considering the statement and the proposals and any other information provided by the local planning authority, the Secretary of State is not satisfied with the steps taken by the authority, he may, within 21 days of the receipt of the statement, direct the authority not to take further steps for the adoption of the proposals without—

(a) proceeding in accordance with paragraph 5 (if they have proceeded instead in accordance with paragraph 6), or

(b) in any case, taking such further steps as he may specify,

and satisfying him that they have done so.

(4) A local planning authority who are given directions by the Secretary of State shall—

(a) immediately withdraw the copies of the documents made available for inspection as required by paragraph 5(3)(b) or 6(2)(a), and

(b) notify any person by whom objections to the proposals have been made to the authority that the Secretary of State has given such directions.

***[F1841** Procedure for dealing with objections*

Textual Amendments

F1841 Sch. 7 para. 8(1)(2) and cross heading substituted (25.11.1991 for certain purposes and otherwise 9.11.1992) for para. 8(1)-(3) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, **Sch. 5 Pt. I para. 2(1)** (with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1992/2413, **art. 2** (with art. 3)

F1842 8 (1) Where objections to the proposed scheme or alterations are made, the local planning authority may—

(a) for the purpose of considering the objections, cause a local inquiry or other hearing to be held by a person appointed by the Secretary of State or, in such cases as may be prescribed, appointed by the authority, or

(b) require the objections to be considered by a person appointed by the Secretary of State.

(2) A local planning authority shall exercise the power under sub-paragraph (1), or paragraph (a) or (b) of that sub-paragraph, if directed to do so by the Secretary of State.**]**

(4) Regulations may—

(a) make provision with respect to the appointment, and qualifications for appointment, of persons **[**F1843for the purposes of this paragraph**]**;

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(b) include provision enabling the Secretary of State to direct a local planning authority to appoint a particular person, or one of a specified list or class of persons;

(c) make provision with respect to the remuneration and allowances of the person appointed.

(5) Subsections (2) and (3) of section 250 of the [M193]Local Government Act 1972 (power to summon and examine witnesses) apply to an inquiry held under this paragraph.

(6) The [M194]Tribunals and Inquiries Act **[**[F1844]1992**]** applies to a local inquiry or other hearing held **[**[F1845]in England**]** under this paragraph as it applies to a statutory inquiry held by the Secretary of State, with the substitution in **[**[F1846]section 10(1)**]** (statement of reasons for decision) for the references to a decision taken by the Secretary of State of references to a decision taken by a local authority.

[[F1847](6A) The power to make regulations under section 323A applies in relation to a local inquiry or other hearing held in Wales under this paragraph as it applies in relation to an inquiry or hearing held by the Welsh Ministers under this Act and as if references in section 323A(3) and (4) to the Welsh Ministers included references to a local planning authority.**]**

[F1848](7) . . . . . .

Textual Amendments

F1842 Sch. 7 para. 8(1)(2) and cross heading substituted (25.11.1991 for certain purposes and otherwise 9.11.1992) for para. 8(1)-(3) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, **Sch. 5 Pt. I para. 2(1)** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/2413, **art. 2** (with art. 3)

F1843 Words in Sch. 7 para. 8(4) substituted (25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, **Sch. 5 Pt. II para. 6** (with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1992/2413, **art. 2** (with art. 3)

F1844 Word in Sch. 7 para. 8(6) substituted (1.10.1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(1), 19(2), **Sch. 3 para. 29(a)**

F1845 Words in Sch. 7 para. 8(6) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 17(a)**; S.I. 2017/546, art. 3(e)

F1846 Words in Sch. 7 para. 8(6) substituted (1.10.1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(1), 19(2), **Sch. 3 para. 29(b)**

F1847 Sch. 7 para. 8(6A) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 17(b)**; S.I. 2017/546, art. 3(e)

F1848 Sch. 7 para. 8(7) omitted (19.9.2013) by virtue of The Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013 (S.I. 2013/2042), art. 1(2), **Sch. para. 5(b)**

Marginal Citations

M193 1972 c. 70.

M194 1992 c. 53.

Adoption of proposals by local planning authority

9 [F1849][(1) After the expiry of the period for making objections or, if objections have been made in accordance with the regulations, after considering those objections and the views of any person holding an inquiry or hearing or considering the objections

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under paragraph 8, the local planning authority may by resolution adopt the proposals (subject to the following provisions of this paragraph and paragraph 10).**]**

(2) The authority may adopt the proposals as originally prepared or as modified so as to take account of—

(a) any such objections as are mentioned in sub-paragraph (1) or any other objections to the proposals, or

(b) any other considerations which appear to the authority to be material.

(3) If, before the proposals have been adopted by the local planning authority, it appears to the Secretary of State that they are unsatisfactory, he may direct the authority to **[**[F1850]modify**]** the proposals in such respects as are indicated in the direction.

(4) An authority to whom such a direction is given shall not adopt the proposals unless—

(a) they satisfy the Secretary of State that they have made the modifications necessary to conform with the direction, or

(b) the direction is withdrawn.

Textual Amendments

F1849 Sch. 7 para. 9(1) substituted (25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, **Sch. 5 Pt. II para. 7(1)** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/2413, **art. 2** (with art. 3)

F1850 Word in Sch. 7 para. 9(3) substituted (25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, **Sch. 5 Pt. II para. 7(2)** (with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1992/2413, **art. 2** (with art. 3)

Calling in of proposals for approval by Secretary of State

10 (1) Before the proposals have been adopted by the local planning authority the Secretary of State may direct that they shall be submitted to him for his approval.

(2) If the Secretary of State gives such a direction—

(a) the authority shall not take any further steps for the adoption of the proposals, and in particular shall not hold or proceed with a local inquiry or other hearing **[**[F1851]or any consideration of objections**]** in respect of the proposals under paragraph 8; and

(b) the proposals shall not have effect unless approved by the Secretary of State and shall not require adoption by the authority.

Textual Amendments

F1851 Words in Sch. 7 para. 10(2) inserted (25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, **Sch. 5 Pt. II para.8** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/2413, **art. 2** (with art. 3)

Approval of proposals by Secretary of State

11 (1) The Secretary of State may after considering proposals submitted to him under paragraph 10 either approve them, in whole or in part and with or without modifications, or reject them.

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(2) In considering the proposals the Secretary of State may take into account any matters he thinks are relevant, whether or not they were taken into account in the proposals as submitted to him.

F1852 **[**(3) Where on taking the proposals into consideration the Secretary of State does not determine then to reject them he shall, before determining whether or not to approve them, consider any objections made in accordance with regulations (and not withdrawn) except objections which—

(a) have already been considered by the local planning authority or by a person appointed by the Secretary of State, or

(b) have already been considered at a local inquiry or other hearing.

(4) The Secretary of State may—

(a) for the purpose of considering any objections and the views of the local planning authority and of such other persons as he thinks fit, cause a local inquiry or other hearing to be held by a person appointed by him, or

(b) require such objections and views to be considered by a person appointed by him.

(5) In considering the proposals the Secretary of State may consult with, or consider the views of, any local planning authority or any other person; but he need not do so, or give an opportunity for the making or consideration of representations or objections, except so far as he is required to do so by sub-paragraph (3).**]**

Textual Amendments

F1852 Sch. 7 para. 11(3)-(5) substituted for para. 11(3)(4) (25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, **Sch. 5 para. 2(2)**(with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/2413, **art. 2** (with art. 3)

Default powers

[F1853 12(1) Where —

(a) a local planning authority are directed under paragraph 3 to make a simplified planning zone scheme which the Secretary of State considers appropriate or to alter such a scheme in such manner as he considers appropriate, and

(b) the Secretary of State is satisfied, after holding a local inquiry or other hearing, that the authority are not taking within a reasonable period the steps required by this Schedule for the adoption of proposals for the making or, as the case may be, alteration of a scheme,

he may himself make a scheme or, as the case may be, the alterations.**]**

(2) Where under this paragraph anything which ought to have been done by a local planning authority is done by the Secretary of State, the previous provisions of this Schedule apply, so far as practicable, with any necessary modifications, in relation to the doing of that thing by the Secretary of State and the thing so done.

(3) Where the Secretary of State incurs expenses under this paragraph in connection with the doing of anything which should have been done by a local planning authority, so much of those expenses as may be certified by the Secretary of State to have been

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incurred in the performance of functions of that authority shall on demand be repaid by the authority to the Secretary of State.

Textual Amendments

F1853 Sch. 7 para. 12(1) substituted (25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, **Sch. 5 Pt. II para. 9** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/2413, **art. 2** (with art. 3)

Regulations and directions

13 (1) Without prejudice to the previous provisions of this Schedule, the Secretary of State may make regulations with respect—

(a) to the form and content of simplified planning zone schemes, and

(b) to the procedure to be followed in connection with their preparation, withdrawal, adoption, submission, approval, making or alteration.

(2) Any such regulations may in particular—

(a) provide for the notice to be given of, or the publicity to be given to—

(i) matters included or proposed to be included in a simplified planning zone scheme, and

(ii) the adoption or approval of such a scheme, or of any alteration of it, or any other prescribed procedural step,

and for publicity to be given to the procedure to be followed in these respects;

(b) make provision with respect to the making and consideration of representations as to matters to be included in, or objections to, any such scheme or proposals for its alteration;

F1854 **[**(bb) make provision with respect to the circumstances in which representations with respect to the matters to be included in such a scheme or proposals for its alteration are to be treated, for the purposes of this Schedule, as being objections made in accordance with regulations;**]**

(c) without prejudice to paragraph (a), provide for notice to be given to particular persons of the adoption or approval of a simplified planning zone scheme, or an alteration to such a scheme, if they have objected to the proposals and have notified the local planning authority of their wish to receive notice, subject (if the regulations so provide) to the payment of a reasonable charge;

(d) require or authorise a local planning authority to consult with, or consider the views of, other persons before taking any prescribed procedural step;

(e) require a local planning authority, in such cases as may be prescribed or in such particular cases as the Secretary of State may direct, to provide persons making a request with copies of any document which has been made public F1855. . ., subject (if the regulations so provide) to the payment of a reasonable charge;

(f) provide for the publication and inspection of a simplified planning zone scheme which has been adopted or approved, or any document adopted or approved altering such a scheme, and for copies of any such scheme or document to be made available on sale.

(3) Regulations under this paragraph may extend throughout England and Wales or to specified areas only and may make different provision for different cases.

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(4) Subject to the previous provisions of this Schedule and to any regulations under this paragraph, the Secretary of State may give directions to any local planning authority or to local planning authorities generally—

(a) for formulating the procedure for the carrying out of their functions under this Schedule;

(b) for requiring them to give him such information as he may require for carrying out any of his functions under this Schedule.

Textual Amendments

F1854 Sch. 7 para. 13(2)(bb) inserted (25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, **Sch. 5 Pt. II para. 10(a)**(with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/2413, **art. 2** (with art. 3)

F1855 Words in Sch. 7 para. 13(2)(e) repealed (25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 28, 84(6), Sch. 5 Pt. II para. 10(b), **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1992/2413, **art. 2** (with art. 3); S.I. 1992/2831, art. 2, **Sch.**

[F1856SCHEDULE 7A

Section 90A

BIODIVERSITY GAIN IN ENGLAND

Textual Amendments

F1856 Sch. 7A inserted (3.11.2023 for specified purposes, 12.2.2024 for specified purposes, 1.5.2025 for specified purposes) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 14 para. 2** (with s. 144); S.I. 2023/1170, reg. 2(d); S.I. 2024/44, reg. 2(1)(d)(2) (with regs. 3, 4); S.I. 2025/447, reg. 2(1)(b)(2)

PART 1

OVERVIEW AND INTERPRETATION

Overview

1 (1) This Schedule makes provision for grants of planning permission in England to be subject to a condition to secure that the biodiversity gain objective is met.

(2) Paragraphs 2 to 12 have effect for the purposes of this Schedule.

Biodiversity gain objective

2 (1) The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage.

(2) The biodiversity value attributable to the development is the total of—

(a) the post-development biodiversity value of the onsite habitat,

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(b) the biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development, and

(c) the biodiversity value of any biodiversity credits purchased for the development.

(3) The relevant percentage is 10%.

(4) The Secretary of State may by regulations amend this paragraph so as to change the relevant percentage.

Biodiversity value and the biodiversity metric

3 References to the biodiversity value of any habitat or habitat enhancement are to its value as calculated in accordance with the biodiversity metric.

4 (1) The biodiversity metric is a document for measuring, for the purposes of this Schedule, the biodiversity value or relative biodiversity value of habitat or habitat enhancement.

(2) The biodiversity metric is to be produced and published by the Secretary of State.

(3) The Secretary of State may from time to time revise and republish the biodiversity metric.

(4) Before publishing or republishing the biodiversity metric the Secretary of State must consult such persons as the Secretary of State considers appropriate.

(5) The Secretary of State may by regulations make transitional provision in relation to the revision and republication of the biodiversity metric.

(6) The Secretary of State must lay the biodiversity metric, and any revised biodiversity metric, before Parliament.

Pre-development biodiversity value

5 (1) In relation to any development for which planning permission is granted, the pre-development biodiversity value of the onsite habitat is the biodiversity value of the onsite habitat on the relevant date.

(2) The relevant date is—

(a) in a case in which planning permission is granted on application, the date of the application, and

(b) in any other case, the date on which the planning permission is granted.

(3) But the person submitting the biodiversity gain plan for approval and the planning authority may agree that the relevant date is to be a date earlier than that specified in sub-paragraph (2)(a) or (b) (but not a date which is before the day on which this Schedule comes into force in relation to the development).

(4) This paragraph is subject to paragraphs 6 **[**F1857, 6A, 6B**]** and 7.

Textual Amendments

F1857 Words in Sch. 7A para. 5(4) inserted (12.2.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 135(a)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 3

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6 If—

(a) a person carries on activities on land on or after 30 January 2020 otherwise than in accordance with—

(i) planning permission, or

(ii) any other permission of a kind specified by the Secretary of State by regulations, and

(b) as a result of the activities the biodiversity value of the onsite habitat referred to in paragraph 5(1) is lower on the relevant date than it would otherwise have been,

the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities.

[

F1858 6A If—

(a) a person carries on activities on land on or after 25 August 2023 in accordance with a planning permission (other than the planning permission referred to in paragraph 5(1)),

(b) on the relevant date, development for which that other planning permission was granted—

(i) has not been begun, or

(ii) has been begun but has not been completed, and

(c) as a result of the activities the biodiversity value of the onsite habitat referred to in paragraph 5(1) is lower on the relevant date than it would otherwise have been,

the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities.

Textual Amendments

F1858 Sch. 7A paras. 6A, 6B inserted (12.2.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 135(b)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 3

[

F1858 6B (1) This paragraph applies where there is insufficient evidence of the biodiversity value of an onsite habitat immediately before the carrying on of the activities referred to in paragraph 6 or 6A.

(2) The biodiversity value of the onsite habitat immediately before the carrying on of the activities referred to in paragraph 6 or 6A is to be taken to be the highest biodiversity value of the onsite habitat which is reasonably supported by any available evidence relating to the onsite habitat.**]**

Textual Amendments

F1858 Sch. 7A paras. 6A, 6B inserted (12.2.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 135(b)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 3

7 Where planning permission is granted in respect of land which is registered in the biodiversity gain site register under section 100 of the Environment Act 2021, the pre-development biodiversity value of the land is the total of—

(a) the biodiversity value of the onsite habitat on the relevant date, and

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(b) to the extent that it is not included within that value, the biodiversity value of the habitat enhancement which is, on that date, recorded in the register as habitat enhancement to be achieved on the land.

Textual Amendments

F1857 Words in Sch. 7A para. 5(4) inserted (12.2.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 135(a)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 3

F1858 Sch. 7A paras. 6A, 6B inserted (12.2.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 135(b)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 3

Post-development biodiversity value

8 (1) In relation to any development for which planning permission is granted, the post-development biodiversity value of the onsite habitat is the projected value of the onsite habitat as at the time the development is completed.

(2) That value is to be calculated by taking the pre-development biodiversity value and—

(a) if at the time the development is completed the development will, taken as a whole, have increased the biodiversity value of the onsite habitat, adding the amount of that increase, or

(b) if at the time the development is completed the development will, taken as a whole, have decreased the biodiversity value of the onsite habitat, subtracting the amount of that decrease.

This is subject to paragraph 9.

9 (1) This paragraph applies in relation to any development for which planning permission is granted where—

(a) the person submitting the biodiversity gain plan for approval proposes to carry out works in the course of the development that increase the biodiversity value of the onsite habitat, and

(b) the planning authority considers that the increase is significant in relation to the pre-development biodiversity value.

(2) The increase in biodiversity value referred to in sub-paragraph (1) is to be taken into account in calculating the post-development biodiversity value of the onsite habitat only if the planning authority is satisfied that the condition in sub-paragraph (3) is met.

(3) The condition is that any habitat enhancement resulting from the works referred to in sub-paragraph (1)(a) will, by virtue of—

(a) a condition subject to which the planning permission is granted,

(b) a planning obligation, or

(c) a conservation covenant,

be maintained for at least 30 years after the development is completed.

(4) The Secretary of State may by regulations amend sub-paragraph (3) so as to substitute for the period for the time being specified there a different period of at least 30 years.

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Registered offsite biodiversity gains

10 (1) "Registered offsite biodiversity gain" means any habitat enhancement **[**F1859of an offsite habitat**]**, where—

(a) the enhancement is required to be carried out under a conservation covenant or planning obligation, and

(b) the enhancement is recorded in the biodiversity gain site register (as to which, see section 100 of the Environment Act 2021).

[F1860(1A) For the purposes of sub-paragraph (1) (and without prejudice to paragraphs 3 and 4(1)), a habitat enhancement is calculated as the amount by which the projected value of the offsite habitat as at the end of the maintenance period referred to in section 100(2)(b) of the Environment Act 2021 exceeds its pre-enhancement biodiversity value.

(1B) The pre-enhancement biodiversity value of an offsite habitat is the biodiversity value of the offsite habitat on the relevant date.

(1C) The relevant date is—

(a) the date on which the application is made to register the land subject to the habitat enhancement in the biodiversity gain site register, or

(b) such other date as may be specified in the conservation covenant or planning obligation.

(1D) But if—

(a) a person carries on activities on an offsite habitat on or after 25 August 2023 otherwise than in accordance with—

(i) planning permission, or

(ii) any other permission of a kind specified by the Secretary of State by regulations, and

(b) as a result of the activities the biodiversity value of the offsite habitat is lower on the relevant date than it would otherwise have been,

the pre-enhancement biodiversity value of the offsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities.**]**

(2) References to the allocation of registered offsite biodiversity gain are to its allocation in accordance with the terms of the conservation covenant or planning obligation referred to in sub-paragraph (1)(a).

(3) The biodiversity value of registered offsite biodiversity gain is measured, under the biodiversity metric, in relation to development to which it is allocated.

Textual Amendments

F1859 Words in Sch. 7A para. 10(1) inserted (12.2.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 135(c)(i)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 3

F1860 Sch. 7A para. 10(1A)-(1D) inserted (12.2.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 135(c)(ii)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 3

Biodiversity credits

11 "Biodiversity credits" means credits under section 101 of the Environment Act 2021.

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General

12 (1) In relation to development for which planning permission is granted—

"onsite habitat" means habitat on the land to which the planning permission relates;

[[F1861]"offsite habitat" means habitat which is not onsite habitat.**]**

"planning authority" means the local planning authority, except that—

(a) in a case where the planning permission is granted by Mayoral development order under section 61DB, "planning authority" means such of the Mayor of London or the local planning authority as may be specified in the order;

(b) in a case where the planning permission is granted by the Secretary of State under section 62A, 76A or 77, "planning authority" means such of the Secretary of State or the local planning authority as the Secretary of State may determine;

(c) in a case where the planning permission is granted on an appeal under section 78, "planning authority" means such of the person determining the appeal or the local planning authority as that person may direct.

((d)) **[**[F1862]in a case where the planning permission is granted under Part 3 by virtue of section 293H(1), "planning authority" means either—

(i) where a person appointed by the Secretary of State in accordance with section 293I granted the planning permission, such of that person or the local planning authority as that person may determine, or

(ii) where the Secretary of State granted the planning permission in accordance with section 293J, such of the Secretary of State or the local planning authority as the Secretary of State may determine.**]**

(2) "Habitat enhancement" means enhancement of the biodiversity of habitat.

(3) References to the grant of planning permission include the deemed grant of planning permission.

Textual Amendments

F1861 Words in Sch. 7A para. 12(1) inserted (12.2.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 135(d)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 3

F1862 Words in Sch. 7A para. 12(1) inserted (1.5.2025) by The Town and Country Planning (Fees and Consequential Amendments) Regulations 2025 (S.I. 2025/418), regs. 1(3), **13(14)(a)**

[[F1863]**PART 1A**

LOCAL PLANNING AUTHORITY

Textual Amendments

F1863 Sch. 7A Pt. 1A inserted (12.2.2024) by The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 (S.I. 2024/49), regs. 1(2), **6**; S.I. 2024/44, reg. 2(1)(e)

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Introduction

12A. This Part sets out rules for determining the local planning authority for the purposes of this Schedule.

General Rule

12B. The general rule is that the local planning authority is—

(a) the local planning authority which granted the planning permission, or

(b) the local planning authority which could have granted the planning permission had it not been granted by the Secretary of State or a person appointed by the Secretary of State.

12C. The general rule does not apply where—

(a) the Mayor of London has given a direction under section 2A (applications of strategic importance) (see instead paragraphs 12D and 12E);

(b) a combined authority has granted planning permission in exercise of a power that corresponds to section 2A (see instead paragraph 12G);

(c) an order is made under another Act providing for who is to be the local planning authority for the purposes of Schedule 7A (see instead paragraph 12H).

Rules in cases involving the Mayor of London

12D. (1) This paragraph applies where the Mayor of London has—

(a) given a direction under section 2A in relation to an application for planning permission, and

(b) granted the planning permission.

(2) The local planning authority is—

(a) in a case where the Mayor of London so directs, the local planning authority to whom the application was made;

(b) in any other case, the Mayor of London.

12E. (1) This paragraph applies where—

(a) the Mayor of London has given a direction under section 2A in relation to an application for planning permission, and

(b) the Secretary of State has granted the planning permission under section 76A or 77.

(2) The local planning authority is whichever of the following the Secretary of State determines is the local planning authority—

(a) the Mayor of London;

(b) the local planning authority to whom the application was made.

12F. (1) This paragraph applies where—

(a) the Mayor of London has given a direction under section 2A in relation to an application for planning permission, and

(b) the planning permission is granted on an appeal under section 78.

(2) The local planning authority is whichever of the following the person determining the appeal directs is the local planning authority—

(a) the Mayor of London;

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(b) the local planning authority to whom the application was made.

Rule in case involving combined authorities

12G. (1) This paragraph applies where a combined authority has granted planning permission in exercise of a function that—

(a) is conferred by an order made under section 105A of the Local Democracy, Economic Development and Construction Act 2009 (other public authority functions), and

(b) corresponds to the function of the Mayor of London under section 2A.

(2) The local planning authority is—

(a) in a case where the order mentioned in sub-paragraph (1)(a) provides for the combined authority to exercise the functions of the local planning authority for the purposes of Schedule 7A, the combined authority;

(b) in any other case, the local planning authority to whom the application for planning permission was made.

Rule in cases involving orders made under other Acts

12H. (1) In cases where a relevant order provides for the local planning authority, for the purposes of Schedule 7A the local planning authority is the person specified in the order.

(2) For the purposes of sub-paragraph (1), a "relevant order" means an order that is made under—

(a) section 149(1) of the Local Government, Planning and Land Act 1980 (urban development corporation as local planning authority);

(b) paragraph 5 of Schedule 32 to the Local Government, Planning and Land Act 1980 (enterprise zone authority as local planning authority);

(c) section 67(1) of the Housing Act 1988 (housing action trust as local planning authority);

(d) section 13(1) of the Housing and Regeneration Act 2008 (Homes and Communities Agency as local planning authority);

(e) sections 91, 105 or 105A of the Local Democracy, Economic Development and Construction Act 2009 (local authority and public authority functions);

(f) section 198(2) of the Localism Act 2011 (mayoral development corporation as local planning authority).

(3) This paragraph does not apply in relation to any case set out in paragraphs 12D to 12G (rules in cases involving the Mayor of London or combined authorities).

Supplementary

12I. In a case where a direction has been given under section 266(1A) (application for planning permission by the statutory undertaker to be dealt with by the Secretary of State and appropriate Minister) and not been revoked, references to the Secretary of State are to be read as references to the Secretary of State and the appropriate Minister.

12J. References in this Part of this Schedule to the local planning authority to whom an application for planning permission was made include references to the local

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planning authority to whom such an application would have been made had it not been made to the Secretary of State under section 62A.**]**

PART 2

CONDITION OF PLANNING PERMISSION RELATING TO BIODIVERSITY GAIN

Modifications etc. (not altering text)

C1413 Sch. 7A Pt. 2 applied (with modifications) (12.2.2024) by The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 (S.I. 2024/48), regs. 1(1), **3** (with reg. 4)

C1414 Sch. 7A Pt. 2 applied (with modifications) (12.2.2024) by The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 (S.I. 2024/50), regs. 1(2), **3-8**

General condition of planning permission

13 (1) Every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition in sub-paragraph (2).

(2) The condition is that the development may not be begun unless—

(a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and

(b) the planning authority has approved the plan (see paragraph 15).

Biodiversity gain plan

14 (1) For the purposes of paragraph 13(2)(a), a biodiversity gain plan is a plan which—

(a) relates to development for which planning permission is granted, and

(b) specifies the matters referred to in sub-paragraph (2).

(2) The matters are—

(a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,

(b) the pre-development biodiversity value of the onsite habitat,

(c) the post-development biodiversity value of the onsite habitat,

(d) any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,

(e) any biodiversity credits purchased for the development, and

(f) such other matters as the Secretary of State may by regulations specify.

(3) The Secretary of State may by regulations make provision about—

(a) any other matters to be included in a biodiversity gain plan;

(b) the form of a biodiversity gain plan;

(c) the procedure to be followed in relation to the submission of a biodiversity gain plan (including the time by which a plan must be submitted);

(d) persons who may or must submit a biodiversity gain plan.

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F1864 (4) **[** Section 327ZA applies to the power conferred by sub-paragraph (3) as if a biodiversity gain plan were an "associated document" within the meaning of that section.**]**

Textual Amendments

F1864 Sch. 7A para. 14(4) inserted (25.4.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 124(3)**, 255(3)(b) (with s. 247); S.I. 2024/452, reg. 3(i)

Approval of biodiversity gain plan

15 (1) For the purposes of paragraph 13(2)(b) a planning authority to which a biodiversity gain plan is submitted must approve the plan if, and only if, it is satisfied as to the matters specified in sub-paragraph (2).

(2) The matters are—

(a) that the pre-development biodiversity value of the onsite habitat is as specified in the plan,

(b) that the post-development biodiversity value of the onsite habitat is at least the value specified in the plan,

(c) that, in a case where any registered offsite biodiversity gain is specified in the plan as allocated to the development—

(i) the registered offsite biodiversity gain is so allocated (and, if the allocation is conditional, that any conditions attaching to the allocation have been met or will be met by the time the development begins), and

(ii) the registered offsite biodiversity gain has the biodiversity value specified in the plan in relation to the development,

(d) that any biodiversity credits specified in the plan as purchased for the development have been so purchased,

(e) that the biodiversity gain objective is met, and

(f) any other matters specified in the plan under paragraph 14(2)(f).

Regulations about determinations

16 The Secretary of State may make regulations as to—

(a) the procedure which a planning authority is to follow in determining whether to approve a biodiversity gain plan (including the time by which a determination must be made);

(b) factors which may or must be taken into account in making such a determination;

(c) appeals relating to such a determination.

Exceptions

17 Paragraph 13 does not apply in relation to—

(a) development for which planning permission is granted—

(i) by a development order, or

(ii) under section **[**F1865293C**]** (urgent Crown development), or

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(b) development of such other description as the Secretary of State may by regulations specify.

Textual Amendments

F1865 Word in Sch. 7A para. 17(a)(ii) substituted (1.5.2025) by The Town and Country Planning (Fees and Consequential Amendments) Regulations 2025 (S.I. 2025/418), regs. 1(3), **13(14)(b)**

Modifications for irreplaceable habitat

18 (1) The Secretary of State may by regulations make provision modifying or excluding the application of this Part of this Schedule in relation to any development for which planning permission is granted where the onsite habitat is "irreplaceable habitat" as defined in the regulations.

(2) Regulations under this paragraph must make provision requiring, in relation to any such development, the making of arrangements for the purpose of minimising the adverse effect of the development on the biodiversity of the onsite habitat.

(3) Regulations under this paragraph may confer powers and duties, including powers and duties in relation to the giving of guidance, on Natural England.

Modifications for particular kinds of planning permission

19 (1) The Secretary of State may by regulations make provision modifying the application of this Part of this Schedule in relation to—

(a) the grant of outline planning permission, where the reservation of matters for subsequent approval has the effect of requiring or permitting development to proceed in phases, or

(b) the grant of any kind of planning permission, where the grant is subject to conditions (whether requiring the subsequent approval of any matters or otherwise) having that effect.

(2) Regulations under this paragraph may include provision for a grant of planning permission referred to in sub-paragraph (1)(a) or (b) to be subject to conditions relating to meeting the biodiversity gain objective referred to in paragraph 2.

20 (1) The Secretary of State may by regulations make provision modifying or excluding the application of this Part of this Schedule in relation to development for which—

(a) planning permission is granted under section 73A (planning permission for development already carried out), or

(b) planning permission is granted by an order under section 102 (orders requiring discontinuance of use etc).

(2) Regulations under this paragraph may in particular include provision—

(a) for paragraph 13 not to apply in relation to the grant of planning permission referred to in sub-paragraph (1)(a) or (b);

(b) for the grant of any such planning permission to be subject to other conditions relating to meeting the biodiversity gain objective.

(3) The conditions referred to in sub-paragraph (2)(b) may include conditions requiring—

(a) habitat enhancement on the land to which the planning permission relates;

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(b) the allocation of registered offsite biodiversity gain to any development for which the planning permission is granted;

(c) the purchase of biodiversity credits for any such development.

Further application of this Part

21 The Secretary of State may by regulations make provision to apply this Part of this Schedule in relation to development for which planning permission is granted under section 141 or 177(1), with such modifications or exclusions as may be specified in the regulations.**]**

SCHEDULE 8 Section 101(4).

PLANNING INQUIRY COMMISSIONS

PART I

CONSTITUTION AND PROCEDURE ON REFERENCES

Constitution of Commissions

1 (1) A Planning Inquiry Commission shall consist of a chairman and not less than two nor more than four other members appointed by the Secretary of State.

(2) The Secretary of State may—

(a) pay to the members of any such commission such remuneration and allowances as he may with the consent of the Treasury determine, and

(b) provide for each such commission such officers or servants, and such accommodation, as appears to him expedient to provide for the purpose of assisting the commission in the discharge of their functions.

(3) The validity of any proceedings of any such commission shall not be affected by any vacancy among the members of the commission or by any defect in the appointment of any member.

(4) In relation to any matter affecting both England and Wales—

(a) the functions of the Secretary of State under sub-paragraph (1) shall be exercised by the Secretaries of State for the time being having general responsibility in planning matters in relation to England and in relation to Wales acting jointly, and

(b) his functions under sub-paragraph (2) shall be exercised by one of those Secretaries of State authorised by the other to act on behalf of both of them for the purposes of that sub-paragraph.

Reference to a Planning Inquiry Commission

2 (1) Two or more of the matters mentioned in section 101(2) may be referred to the same commission if it appears to the responsible Minister or Ministers that they relate to proposals to carry out development for similar purposes on different sites.

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(2) Where a matter referred to a commission under section 101 relates to a proposal to carry out development for any purpose at a particular site, the responsible Minister or Ministers may also refer to the commission the question whether development for that purpose should instead be carried out at an alternative site.

(3) On referring a matter to a commission, the responsible Minister or Ministers—

(a) shall state in the reference the reasons for the reference, and

(b) may draw the attention of the commission to any points which seem to him or them to be relevant to their inquiry.

Functions of Planning Inquiry Commission on reference

3 (1) A commission inquiring into a matter referred to them under section 101 shall—

(a) identify and investigate the considerations relevant to, or the technical or scientific aspects of, that matter which in their opinion are relevant to the question whether the proposed development should be permitted to be carried out, and

(b) assess the importance to be attached to those considerations or aspects.

(2) If—

(a) in the case of a matter mentioned in section 101(2)(a), (b) or (c), the applicant, or

(b) in any case, the local planning authority,

so wish, the commission shall give to each of them, and, in the case of an application or appeal mentioned in section 101(2)(a) or (b), also to any person who has made representations relating to the subject matter of the application or appeal which the authority are required to take into account under **[**[F1866]any provision of a development order made by virtue of section 71(2)(a)**]**, an opportunity of appearing before and being heard by one or more members of the commission.

(3) The commission shall then report to the responsible Minister or Ministers on the matter referred to them.

(4) A commission may, with the approval of the Secretary of State and at his expense, arrange for the carrying out (whether by the commission themselves or by others) of research of any kind appearing to them to be relevant to a matter referred to them for inquiry and report.

(5) In sub-paragraph (4) "the Secretary of State," in relation to any matter affecting both England and Wales, means—

(a) the Secretary of State for the time being having general responsibility in planning matters in relation to England, or

(b) the Secretary of State for the time being having responsibility in relation to Wales,

acting, by arrangements between the two of them, on behalf of both.

Textual Amendments

F1866 Words in Sch. 8 para. 3(2) substituted (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para.55** (with s. 84(5)); S.I. 1992/1491, art. 2, **Sch. 1**

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Procedure on reference to a Planning Inquiry Commission

4 (1) A reference to a Planning Inquiry Commission of a proposal that development should be carried out by or on behalf of a government department may be made at any time.

(2) A reference of any other matter mentioned in section 101 may be made at any time before, but not after, the determination of the relevant application referred under section 77 or the relevant appeal under section 78 or, as the case may be, the giving of the relevant direction under section 90(1).

(3) The fact that an inquiry or other hearing has been held into a proposal by a person appointed by any Minister for the purpose shall not prevent a reference of the proposal to a Planning Inquiry Commission.

(4) Notice of the making of a reference to any such commission shall be published in the prescribed manner.

(5) A copy of the notice must be served on the local planning authority for the area in which it is proposed that the relevant development will be carried out, and—

(a) in the case of an application for planning permission referred under section 77 or an appeal under section 78, on the applicant and any person who has made representations relating to the subject matter of the application or appeal which the authority are required to take into account under **[**F1867any provision of a development order made by virtue of section 71(2)(a)**]**;

(b) in the case of a proposal that a direction should be given under section 90(1) with respect to any development, on the local authority **[**F1868or National Park authority**]** or statutory undertakers applying for authorisation to carry out that development.

(6) Subject to the provisions of this paragraph and paragraph 5 and to any directions given to them by the responsible Minister or Ministers, a Planning Inquiry Commission shall have power to regulate their own procedure.

Textual Amendments

F1867 Words in Sch. 8 para. 4(5)(a) substituted (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 55** (with s. 84(5)); S.I. 1992/1491, art. 2, **Sch. 1**

F1868 Words in Sch. 8 para. 4(5)(b) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(15)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

Local inquiries held by Planning Inquiry Commission

5 (1) A Planning Inquiry Commission shall, for the purpose of complying with paragraph 3(2), hold a local inquiry; and they may hold such an inquiry, if they think it necessary for the proper discharge of their functions, notwithstanding that neither the applicant nor the local planning authority want an opportunity to appear and be heard.

(2) Where a Planning Inquiry Commission are to hold a local inquiry under sub-paragraph (1) in connection with a matter referred to them, and it appears to the responsible Minister or Ministers, in the case of some other matter falling to be determined by a Minister of the Crown and required or authorised by an enactment other than this paragraph to be the subject of a local inquiry, that the two matters are so far cognate that they should be considered together, he or, as the case may be, they may direct that the two inquiries be held concurrently or combined as one inquiry.

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(3) An inquiry held **[**F1869in England**]** by a commission under this paragraph shall be treated for the purposes of the Tribunals and Inquiries Act **[**F1870**]** 1992 **]** as one held by a Minister in pursuance of a duty imposed by a statutory provision.

[F1871(3ZA) The power to make regulations under section 323A applies in relation to an inquiry held in Wales by a commission under this paragraph as it applies in relation to an inquiry held by the Welsh Ministers under this Act and as if references in section 323A(3) and (4) to the Welsh Ministers included references to a commission.**]**

F1872(3A) . . . . . .

(4) Subsections (2) to (5) of section 250 of the M195Local Government Act 1972 (local inquiries: evidence and costs) shall apply in relation to an inquiry held under sub-paragraph (1) **[**F1873in England, and subsections (2) and (3) of that section shall apply in relation to an inquiry held under that sub-paragraph in Wales,**]** as they apply in relation to an inquiry caused to be held by a Minister under subsection (1) of that section, with the substitution for references to the Minister causing the inquiry to be held (other than the first reference in subsection (4)) of references to the responsible Minister or Ministers.

Textual Amendments

F1869 Words in Sch. 8 para. 5(3) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 18(a)**; S.I. 2017/546, art. 3(e)

F1870 Word in Sch. 8 para. 5(3) substituted (1.10.1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(1), 19(2), **Sch. 3 para. 30**

F1871 Sch. 8 para. 5(3ZA) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 18(b)**; S.I. 2017/546, art. 3(e)

F1872 Sch. 8 para. 5(3A) omitted (19.9.2013) by virtue of The Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013 (S.I. 2013/2042), art. 1(2), **Sch. para. 5(c)**

F1873 Words in Sch. 8 para. 5(4) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 18(c)**; S.I. 2016/52, art. 4(c) (with art. 17)

Marginal Citations

M195 1972 c. 70.

PART II

MEANING OF "THE RESPONSIBLE MINISTER OR MINISTERS"

6 In relation to the matters specified in the first column of the Table below (which are matters mentioned in subsection (2)(a), (b), (c) or (d) of section 101 as matters which may be referred to a Planning Inquiry Commission under that section) "the responsible Minister or Ministers" for the purposes of that section and this Schedule—

(a) in the case of a matter affecting England only, are those specified opposite in the second column of the Table;

(b) in the case of a matter affecting Wales only, are those specified opposite in the third column of the Table; and

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(c) in the case of a matter affecting both England and Wales, are those specified opposite in the fourth column of the Table.

7 Where an entry in the second, third or fourth columns of the Table specifies two or more Ministers, that entry shall be construed as referring to those Ministers acting jointly.

TABLE

Referred matter	**Affecting England only**	**Affecting Wales only**	**Affecting both England and Wales**
1. Application for planning permission or appeal under section 78 relating to land to which section 266(1) applies.	The Secretary of State for the time being having general responsibility in planning matters in relation to England and the appropriate Minister (if different).	The Secretary of State for the time being having general responsibility in planning matters in relation to Wales and the appropriate Minister (if different).	The Secretaries of State for the time being having general responsibility in planning matters in relation to England and in relation to Wales and the appropriate Minister (if different).
2. Application for planning permission or appeal under section 78 relating to land to which section 266(1) does not apply.	The Secretary of State for the time being having general responsibility in planning matters in relation to England.	The Secretary of State for the time being having general responsibility in planning matters in relation to Wales.	The Secretaries of State for the time being having general responsibility in planning matters in relation to England and in relation to Wales.
3. Proposal that a government department should give a direction under section 90(1) or that development should be carried out by or on behalf of a government department.	The Secretary of State for the time being having general responsibility in planning matters in relation to England and the Minister (if different) in charge of the government department concerned.	The Secretary of State for the time being having general responsibility in planning matters in relation to Wales and the Minister (if different) in charge of the government department concerned.	The Secretaries of State for the time being having general responsibility in planning matters in relation to England and in relation to Wales and the Minister (if different) in charge of the government department concerned.

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SCHEDULE 9

Section 102(8).

REQUIREMENTS RELATING TO DISCONTINUANCE OF MINERAL WORKING

Modifications etc. (not altering text)

C1415 Sch. 9 modified (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **ss. 22(6)(b)(7)** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

C1416 Sch. 9 modified (W.) (8.1.2010) by The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009 (S.I. 2009/3342), **reg. 51**

Orders requiring discontinuance of mineral working

1 (1) If, having regard to the development plan and to any other material considerations, it appears to a mineral planning authority that it is expedient in the interests of the proper planning of their area (including the interests of amenity)—

F1874[(a) that any use of land for—

(i) development consisting of the winning and working of minerals; or

(ii) the depositing of refuse or waste materials,

should be discontinued or that any conditions should be imposed on the continuance of the winning and working or the depositing;]

(b) that any buildings or works on land so used should be altered or removed; or

F1875[(c) that any plant or machinery used for the winning and working or the depositing should be altered or removed,]

the mineral planning authority may by order require the discontinuance of that use, or impose such conditions as may be specified in the order on the continuance of it or, as the case may be, require such steps as may be so specified to be taken for the alteration or removal of the buildings or works or plant or machinery.

F1876[(2) An order under this paragraph may grant planning permission for any development of the land to which the order relates, subject to such conditions as may be—

(a) required by paragraph 1 of Schedule 5; or

(b) specified in the order.

(3) Subsections (3) to (5) and (7) of section 102 and section 103 apply to orders under this paragraph as they apply to orders under section 102, but as if—

(a) references to the local planning authority were references to the mineral planning authority; and

(b) the reference in section 103(2)(a) to subsection (2) of section 102 were a reference to sub-paragraph (2).]

Textual Amendments

F1874 Sch. 9 para. 1(1)(a) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 15(1)** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1875 Sch. 9 para. 1(1)(c) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 15(2)** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F1876 Sch. 9 para. 1(2)(3) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 15(3)** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

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2 [F1877](1) An order under paragraph 1 may impose a restoration condition]

(2) If such an order—

(a) includes a restoration condition, or

(b) a restoration condition has previously been imposed in relation to the land by virtue of any provision of this Act,

the order may also include any such aftercare condition as the mineral planning authority think fit.

(3) Paragraphs 2(3) to (9) and 3 to 6 of Schedule 5 shall apply in relation to an aftercare condition imposed under this paragraph as they apply in relation to such a condition imposed under paragraph 2 of that Schedule, but with the substitution for sub-paragraphs (1) and (2) of paragraph 3 of that Schedule of sub-paragraphs (4) and (5) below.

(4) In a case where—

(a) the use specified in the aftercare condition is a use for agriculture;

(b) the land was in use for agriculture immediately [F1878before the development began], or had previously been used for agriculture and had not been used for any authorised purpose since its use for agriculture ceased; and

(c) the Minister has notified the mineral planning authority of the physical characteristics of the land when it was last used for agriculture,

the land is brought to the required standard when its physical characteristics are restored, so far as it is practicable to do so, to what they were when it was last used for agriculture.

(5) In any other case where the use specified in the aftercare condition is a use for agriculture, the land is brought to the required standard when it is reasonably fit for that use.

Textual Amendments

F1877 Sch. 9 para. 2(1) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 15(4)**(with s. 84(5)); S.I. 1991/2067, **art.3**

F1878 Words in Sch. 9 para. 2(4)(b) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 15(5)**(with s. 84(5)); S.I. 1991/2067, **art.3**

Prohibition of resumption of mineral working

3 [F1879](1) Where it appears to the mineral planning authority—

(a) that development of land—

(i) consisting of the winning and working of minerals; or

(ii) involving the depositing of mineral waste,

has occurred; but

(b) the winning and working or depositing has permanently ceased,

the mineral planning authority may by order—

(i) prohibit the resumption of the winning and working or the depositing; and

(ii) impose, in relation to the site, any such requirement as is specified in sub-paragraph (3).

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(2) The mineral planning authority may assume that the winning and working or the depositing has permanently ceased only when—

(a) no winning and working or depositing has occurred, to any substantial extent, at the site for a period of at least two years; and

(b) it appears to the mineral planning authority, on the evidence available to them at the time when they make the order, that resumption of the winning and working or the depositing to any substantial extent at the site is unlikely.

(3) The requirements mentioned in sub-paragraph (1) are—

(a) a requirement to alter or remove plant or machinery which was used for the purpose of the winning and working or the depositing or for any purpose ancillary to that purpose;

(b) a requirement to take such steps as may be specified in the order, within such period as may be so specified, for the purpose of removing or alleviating any injury to amenity which has been caused by the winning and working or depositing, other than injury due to subsidence caused by underground mining operations;

(c) a requirement that any condition subject to which planning permission for the development was granted or which has been imposed by virtue of any provision of this Act shall be complied with; and

(d) a restoration condition.**]**

(4) If—

(a) an order under this paragraph includes a restoration condition; or

(b) a restoration condition has previously been imposed in relation to the site by virtue of any provision of this Act,

the order under this paragraph may include any such aftercare condition as the mineral planning authority think fit.

(5) Paragraphs 2(3) to (9) and 3 to 6 of Schedule 5 apply in relation to an aftercare condition imposed under this paragraph as they apply to such a condition imposed under paragraph 2 of this Schedule.

Textual Amendments

F1879 Sch. 9 para. 3(1)-(3) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **ss. 21**, 84(2)-(4)(5), Sch. 1 para. 15(6)(with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

Modifications etc. (not altering text)

C1417 Sch. 9 para. 3 modified (22.7.2008) by The Town and Country Planning (Environmental Impact Assessment) (Mineral Permissions and Amendment) (England) Regulations 2008 (S.I. 2008/1556), **reg. 4(3)-(5)**

C1418 Sch. 9 para. 3 modified (E.) (24.8.2011) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (S.I. 2011/1824), regs. 1(1), **52(3)**

C1419 Sch. 9 para. 3 modified (W.) (1.3.2016) by The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (S.I. 2016/58), reg. 1(2), **Sch. 7 para. 10(3)-(5)** (with reg. 52(2)(3), 59)

C1420 Sch. 9 para. 3 modified (E.) (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571), regs. 1(1), **57(3)** (with regs. 47, 70)

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C1421 Sch. 9 para. 3 modified (W.) (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (S.I. 2017/567), reg. 1(2), **Sch. 8 para. 10(3)-(5)** (with regs. 1(4), 55(2)(3), 63, 65)

C1422 Sch. 9 para. 3(1) modified (E.) (24.8.2011) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (S.I. 2011/1824), regs. 1(1), **52(4)**

C1423 Sch. 9 para. 3(1)(b) modified (E.) (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571), regs. 1(1), **57(4)** (with regs. 47, 70)

C1424 Sch. 9 para. 3(2)(a)(b) modified (E.) (24.8.2011) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (S.I. 2011/1824), regs. 1(1), **52(5)**

C1425 Sch. 9 para. 3(2)(a)(b) modified (E.) (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571), regs. 1(1), **57(5)** (with regs. 47, 70)

4 (1) An order under paragraph 3 shall not take effect unless it is confirmed by the Secretary of State, either without modification or subject to such modifications as he considers expedient.

(2) Where a mineral planning authority submit such an order to the Secretary of State for his confirmation under this paragraph, the authority shall serve notice of the order—

(a) on any person who is an owner or occupier of any of the land to which the order relates, and

(b) on any other person who in their opinion will be affected by it.

(3) The notice shall specify the period within which any person on whom the notice is served may require the Secretary of State to give him an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for that purpose.

(4) If within that period such a person so requires, before the Secretary of State confirms the order he shall give such an opportunity both to him and to the mineral planning authority.

(5) The period referred to in sub-paragraph (3) must not be less than 28 days from the service of the notice.

(6) Where an order under paragraph 3 has been confirmed by the Secretary of State, the mineral planning authority shall serve a copy of the order on every person who was entitled to be served with notice under sub-paragraph (2).

(7) When an order under paragraph 3 takes effect any planning permission for the development to which the order relates shall cease to have effect.

(8) Sub-paragraph (7) is without prejudice to the power of the mineral planning authority, on revoking the order, to make a further grant of planning permission for development consisting of the winning and working of minerals **[**F1880or involving the depositing of mineral waste**]**.

Textual Amendments

F1880 Words in Sch. 9 para. 4(8) inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 15(7)**(with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

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Modifications etc. (not altering text)

C1426 Sch. 9 para. 4(7) modified (22.7.2008) by The Town and Country Planning (Environmental Impact Assessment) (Mineral Permissions and Amendment) (England) Regulations 2008 (S.I. 2008/1556), **reg. 4(6)**

C1427 Sch. 9 para. 4(7) modified (E.) (24.8.2011) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (S.I. 2011/1824), regs. 1(1), **52(6)**

C1428 Sch. 9 para. 4(7) modified (W.) (1.3.2016) by The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (S.I. 2016/58), reg. 1(2), **Sch. 7 para. 10(6)** (with reg. 52(2)(3), 59)

C1429 Sch. 9 para. 4(7) modified (E.) (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571), regs. 1(1), **57(6)** (with regs. 47, 70)

C1430 Sch. 9 para. 4(7) modified (W.) (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (S.I. 2017/567), reg. 1(2), **Sch. 8 para. 10(6)** (with regs. 1(4), 55(2)(3), 63, 65)

Orders after suspension of winning and working of minerals

5 F1881 **[**(1) Where it appears to the mineral planning authority—

(a) that development of land—

(i) consisting of the winning and working of minerals; or

(ii) involving the depositing of mineral waste,

has occurred; but

(b) the winning and working or depositing has been temporarily suspended,

the mineral planning authority may by order require that steps be taken for the protection of the environment.**]**

(2) An order under sub-paragraph (1) is in this Act referred to as a "suspension order".

F1882 **[**(3) The mineral planning authority may assume that the winning and working or the depositing has been temporarily suspended only when—

(a) no such winning and working or depositing has occurred, to any substantial extent, at the site for a period of at least twelve months; but

(b) it appears to the mineral planning authority, on the evidence available to them at the time when they make the order, that a resumption of such winning and working or depositing to a substantial extent is likely.

(4) In this Act " steps for the protection of the environment " means steps for the purpose —

(a) of preserving the amenities of the area in which the land in, on or under which the development was carried out is situated during the period while the winning and working or the depositing is suspended;

(b) of protecting that area from damage during that period; or

(c) of preventing any deterioration in the condition of the land during that period.**]**

(5) A suspension order shall specify a period, commencing with the date on which it is to take effect, within which any required step for the protection of the environment is to be taken and may specify different periods for the taking of different steps.

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Textual Amendments

F1881 Sch. 9 para. 5(1) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 15(8)**(with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4

F1882 Sch. 9 para. 5(3)(4) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 15(9)**(with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

Supplementary suspension orders

6 (1) At any time when a suspension order is in operation the mineral planning authority may by order direct—

(a) that steps for the protection of the environment shall be taken in addition to or in substitution for any of the steps which the suspension order or a previous order under this sub-paragraph specified as required to be taken; or

(b) that the suspension order or any order under this sub-paragraph shall cease to have effect.

(2) An order under sub-paragraph (1) is in this Act referred to as a "supplementary suspension order".

Confirmation and coming into operation of suspension orders

7 (1) Subject to sub-paragraph (2), a suspension order or a supplementary suspension order shall not take effect unless it is confirmed by the Secretary of State, either without modification or subject to such modifications as he considers expedient.

(2) A supplementary suspension order revoking a suspension order or a previous supplementary suspension order and not requiring that any fresh step shall be taken for the protection of the environment shall take effect without confirmation.

(3) Sub-paragraphs (2) to (5) of paragraph 4 shall have effect in relation to a suspension order or supplementary suspension order submitted to the Secretary of State for his confirmation as they have effect in relation to an order submitted to him for his confirmation under that paragraph.

(4) Where a suspension order or supplementary suspension order has been confirmed by the Secretary of State, the mineral planning authority shall serve a copy of the order on every person who was entitled to be served with notice of the order by virtue of sub-paragraph (3).

Registration of suspension orders as local land charges

8 A suspension order or a supplementary suspension order shall be a local land charge.

Review of suspension orders

9 (1) It shall be the duty of a mineral planning authority—

(a) to undertake in accordance with the following provisions of this paragraph reviews of suspension orders and supplementary suspension orders which are in operation in their area; and

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(b) to determine whether they should make in relation to any land to which a suspension order or supplementary suspension order applies—

(i) an order under paragraph 3; or

(ii) a supplementary suspension order.

(2) The first review of a suspension order shall be undertaken not more than five years from the date on which the order takes effect.

(3) Each subsequent review shall be undertaken not more than five years after the previous review.

(4) If a supplementary suspension order is in operation for any part of the area for which a suspension order is in operation, they shall be reviewed together.

(5) If a mineral planning authority have made a supplementary suspension order which requires the taking of steps for the protection of the environment in substitution for all the steps required to be taken by a previous suspension order or supplementary suspension order, the authority shall undertake reviews of the supplementary suspension order in accordance with sub-paragraphs (6) and (7).

(6) The first review shall be undertaken not more than five years from the date on which the order takes effect.

(7) Each subsequent review shall be undertaken not more than five years after the previous review.

(8) The duties to undertake reviews imposed by this paragraph are in addition to and not in substitution for the duties imposed by section 105.

Resumption of mineral working after suspension order

10 (1) Subject to sub-paragraph (2), nothing in a suspension order or a supplementary suspension order shall prevent the recommencement of development consisting of the winning and working of minerals **[**F1883or involving the depositing of mineral waste at the site**]** in relation to which the order has effect.

(2) No person shall recommence such development without first giving the mineral planning authority notice of his intention to do so.

(3) A notice under sub-paragraph (2) shall specify the date on which the person giving the notice intends to recommence **[**F1884the development**]**.

F1885**[**(4) The mineral planning authority shall revoke the order if the winning and working of minerals or the depositing of mineral waste has recommenced to a substantial extent at the site in relation to which the order has effect.**]**

(5) If the authority do not revoke the order before the end of the period of two months from the date specified in the notice under sub-paragraph (2), the person who gave that notice may apply to the Secretary of State for the revocation of the order.

(6) Notice of an application under sub-paragraph (5) shall be given by the applicant to the mineral planning authority.

(7) If he is required to do so by the person who gave the notice or by the mineral planning authority, the Secretary of State shall, before deciding whether to revoke the order,

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give him and the mineral planning authority an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

F1886[(8) If the Secretary of State is satisfied that the winning and working of minerals or the depositing of mineral waste has recommenced to a substantial extent at the site in relation to which the order has effect, he shall revoke the order.]

(9) If the Secretary of State revokes an order by virtue of sub-paragraph (8), he shall give notice of its revocation—

(a) to the person who applied to him for the revocation, and

(b) to the mineral planning authority.

Textual Amendments

F1883 Words in Sch. 9 para. 10(1) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 15(10)** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1884 Words in Sch. 9 para. 10(3) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 15** (11) (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1885 Sch. 9 para. 10(4) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 15(12)**(with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1886 Sch. 9 para. 10(8) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 15(13)**(with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

Default powers of Secretary of State

11 (1) If it appears to the Secretary of State to be expedient that any order under paragraph 1, 3, 5 or 6 should be made, he may himself make such an order.

(2) Such an order which is made by the Secretary of State shall have the same effect as if it had been made by the mineral planning authority and confirmed by the Secretary of State.

(3) The Secretary of State shall not make such an order without consulting the mineral planning authority.

(4) Where the Secretary of State proposes to make an order under paragraph 1 he shall serve a notice of the proposal on the mineral planning authority.

(5) The notice shall specify the period (which must not be less than 28 days from the date of its service) within which the authority may require an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(6) If within that period the authority so require, before the Secretary of State makes the order he shall give the authority such an opportunity.

(7) The provisions of this Schedule and of any regulations made under this Act with respect to the procedure to be followed in connection with the submission by the mineral planning authority of any order to which sub-paragraph (1) applies, its confirmation by the Secretary of State and the service of copies of it as confirmed shall have effect, subject to any necessary modifications, in relation to any proposal by the Secretary of State to make such an order, its making by him and the service of copies of it.

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Modifications etc. (not altering text)

C1431 Sch. 9 para. 11 : power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

F1887[Interpretation

Textual Amendments

F1887 Sch. 9 para. 12 and cross heading inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 15(14)** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1888 12 In this Schedule any reference to a mineral planning authority shall be construed, in relation to the exercise of functions with respect to the depositing of refuse or waste materials (other than mineral waste), as a reference to the authority entitled to discharge such functions.**]**

Textual Amendments

F1888 Sch. 9 para. 12 and cross heading inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 15(14)** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

SCHEDULE 10 Sections 111 and 114.

CONDITION TREATED AS APPLICABLE TO REBUILDING AND ALTERATIONS

1 Where the building to be rebuilt or altered is the original building, the amount of gross floor space in the building as rebuilt or altered which may be used for any purpose shall not exceed by more than ten per cent. the amount of gross floor space which was last used for that purpose in the original building.

2 Where the building to be rebuilt or altered is not the original building, the amount of gross floor space in the building as rebuilt or altered which may be used for any purpose shall not exceed the amount of gross floor space which was last used for that purpose in the building before the rebuilding or alteration.

3 In determining under this Schedule the purpose for which floor space was last used in any building, no account shall be taken of any use in respect of which an effective enforcement notice has been or could be served or, in the case of a use which has been discontinued, could have been served immediately before the discontinuance.

4 (1) For the purposes of this Schedule gross floor space shall be ascertained by external measurement.

(2) Where different parts of a building are used for different purposes, floor space common to those purposes shall be apportioned rateably.

5 In relation to a building erected after 1st July 1948 which is a building resulting from the carrying out of any such works as are described in paragraph 1 of Schedule 3, any reference in this Schedule to the original building is a reference to the building in relation to which those works were carried out and not to the building resulting from the carrying out of those works.

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F1889SCHEDULE 11

Textual Amendments

F1889 Sch. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt.I**(with s. 84(5); S.I. 1991/2067, art. 3, **Sch. 1** (subject to art. 4)

F1890 . . .

Textual Amendments

F1890 Sch. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt.I**(with s. 84(5); S.I. 1991/2067, art.3, **Sch. 1** (subject to art. 4)

F1891 1 . . . . . .

Textual Amendments

F1891 Sch. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt.I**(with s. 84(5); S.I. 1991/2067, art.3, **Sch. 1** (subject to art. 4)

F1892 . . .

Textual Amendments

F1892 Sch. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt.I** (with s. 84(5); S.I. 1991/2067, art. 3, **Sch. 1** (subject to art. 4)

F1893 2 . . . . . .

Textual Amendments

F1893 Sch. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt.I**(with s. 84(5); S.I. 1991/2067, art.3, **Sch. 1** (subject to art. 4)

F1894 3 . . . . . .

Textual Amendments

F1894 Sch. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt.I**(with s. 84(5); S.I. 1991/2067, art. 3, **Sch. 1** (subject to art. 4)

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F1895 . . .

Textual Amendments

F1895 Sch. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1991/2067, art.3, **Sch. 1** (subject to art. 4)

F1896 4 . . . . . .

Textual Amendments

F1896 Sch. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt.I**(with s. 84(5)); S.I. 1991/2067, art.3, **Sch. 1** (subject to art. 4)

F1897 5 . . . . . .

Textual Amendments

F1897 Sch. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt. I**(with s. 84(5)); S.I. 1991/2067, art.3, **Sch. 1** (subject to art. 4)

F1898 6 . . . . . .

Textual Amendments

F1898 Sch. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1991/2067, art.3, **Sch. 1** (subject to art. 4)

F1899 7 . . . . . .

Textual Amendments

F1899 Sch. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt.I**(with s. 84(5)); S.I. 1991/2067, art.3, **Sch. 1** (subject to art. 4)

F1900 8 . . . . . .

Textual Amendments

F1900 Sch. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt. I**(with s. 84(5)); S.I. 1991/2067, art.3, **Sch. 1** (subject to art. 4)

F1901 9 . . . . . .

Textual Amendments

F1901 Sch. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1991/2067, art.3, **Sch. 1** (subject to art. 4)

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F1902 . . .

Textual Amendments

F1902 Sch. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt.I**(with s. 84(5)); S.I. 1991/2067, art.3, **Sch. 1** (subject to art. 4)

F1903 10 . . . . . .

Textual Amendments

F1903 Sch. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt.I**(with s. 84(5)); S.I. 1991/2067, art.3, **Sch. 1** (subject to art. 4)

F1904 . . .

Textual Amendments

F1904 Sch. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt.I**(with s. 84(5)); S.I. 1991/2067, art. 3, **Sch. 1** (subject to art. 4)

F1905 11 . . . . . .

Textual Amendments

F1905 Sch. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1991/2067, art.3, **Sch. 1** (subject to art. 4)

F1906 . . .

Textual Amendments

F1906 Sch. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1991/2067, art.3, **Sch. 1** (subject to art. 4)

F1907 12 . . . . . .

Textual Amendments

F1907 Sch. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt. I**; S.I. 1991/2067, art. 3, **Sch. 1** (subject to art. 4)

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F1908 . . .

Textual Amendments

F1908 Sch. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), **Sch. 1 para. 16(1)**,(2) Sch. 19 Pt.I(with s. 84(5)); S.I. 1991/2067, art. 3, **Sch.1** (subject to art. 4)

F1909 13 . . . . . .

Textual Amendments

F1909 Sch. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1991/2067, art.3, **Sch. 1** (subject to art. 4)

F1910 SCHEDULE 12

Textual Amendments

F1910 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1911 . . .

Textual Amendments

F1911 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt. II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1912 1 . . . . . .

Textual Amendments

F1912 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1913 . . .

Textual Amendments

F1913 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt. II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1914 2 . . . . . .

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Textual Amendments

F1914 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt. II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1915 . . .

Textual Amendments

F1915 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 31(1), 84(6), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art.3**(subject to art. 4)

F19163 . . . . . .

Textual Amendments

F1916 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1917 . . .

Textual Amendments

F1917 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F19184 . . . . . .

Textual Amendments

F1918 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1919 . . .

Textual Amendments

F1919 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt. II (with s. 84(5)); S.I. 1991/2067, **art.3**(subject to art. 4)

F19205 . . . . . .

Textual Amendments

F1920 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19 Pt. II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

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F1921 6 . . . . . .

Textual Amendments

F1921 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt. II(with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1922 . . .

Textual Amendments

F1922 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt. II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1923 7 . . . . . .

Textual Amendments

F1923 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt. II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1924 . . .

Textual Amendments

F1924 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt. II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1925 8 . . . . . .

Textual Amendments

F1925 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1926 . . .

Textual Amendments

F1926 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt. II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1927 9 . . . . . .

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Textual Amendments

F1927 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II(with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1928 . . .

Textual Amendments

F1928 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II(with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1929 10 . . . . . .

Textual Amendments

F1929 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt. II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1930 . . .

Textual Amendments

F1930 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1931 11 . . . . . .

Textual Amendments

F1931 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1932 . . .

Textual Amendments

F1932 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1933 12 . . . . . .

Textual Amendments

F1933 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19 Pt. II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

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F1934 . . .

Textual Amendments

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F1935 13 . . . . . .

Textual Amendments

F1935 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F1936 . . .

Textual Amendments

F1936 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1937 14 . . . . . .

Textual Amendments

F1937 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1938 . . .

Textual Amendments

F1938 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F1939 15 . . . . . .

Textual Amendments

F1939 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

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F1940 . . .

Textual Amendments

F1940 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt. II (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F1941 16 . . . . . .

Textual Amendments

F1941 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II(with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1942 . . .

Textual Amendments

F1942 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1943 17 . . . . . .

Textual Amendments

F1943 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt. II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1944 . . .

Textual Amendments

F1944 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt. II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1945 18 . . . . . .

Textual Amendments

F1945 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt. II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

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F1946 . . .

Textual Amendments

F1946 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19 Pt. II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1947 19 . . . . . .

Textual Amendments

F1947 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

F1948 . . .

Textual Amendments

F1948 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1949 20 . . . . . .

Textual Amendments

F1949 Sch. 12 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(1), 84(6), **Sch. 19**, Pt.II (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

SCHEDULE 13

Section 149.

BLIGHTED LAND

Land allocated for public authority functions in development plans etc.

1 F1950 . . . . . .

Textual Amendments

F1950 Sch. 13 paras. 1-4 repealed (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 120, 121, Sch. 6 para. 18(2), **Sch. 9** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4 and in S.I. 2005/2722, art. 7); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3); 2008 c. 29, **ss. 204**, 241 (and subject to savings in s. 226)

[F1951 1A Land which is identified for the purposes of relevant public functions by a **[**F1952 local plan, minerals and waste plan or supplementary pla**]** for the area in which the land

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is situated **[**F1953or by a neighbourhood development plan for the area in which the land is situated**]**.

Notes

(1) Relevant public functions are—

(a) the functions of a government department, local authority, National Park authority or statutory undertakers;

(b) the establishment or running by a public telecommunications operator of a telecommunication system.

[F1954(2) For the purposes of this paragraph a local plan is a local plan, or revision of such a plan, which—

(a) has been submitted for independent examination under Part 2 of the Planning and Compulsory Purchase Act 2004 (in this paragraph, "the 2004 Act") and has not been withdrawn, or

(b) has been adopted, approved or made for the purposes of that Part.

(2ZA) For the purposes of this paragraph a minerals and waste plan is a document prepared to be or to form part of a minerals and waste plan, or a revision of such a document, which—

(a) has been submitted for independent examination under Part 2 of the 2004 Act and has not been withdrawn, or

(b) has been adopted, approved or made for the purposes of that Part.

(2ZB) For the purposes of this paragraph a supplementary plan is a supplementary plan, or a revision of such a plan, which—

(a) has been submitted for independent examination under Part 2 of the 2004 Act and has not been withdrawn, or

(b) has been adopted, approved or made for the purposes of that Part.**]**

[F1955(2A) For the purposes of this paragraph a neighbourhood development plan includes a draft of a neighbourhood development plan which has been submitted for examination under paragraph 7(2) of Schedule 4B (as applied by section 38A(3) of the 2004 Act).**]**

F1956(3) . . . . . .

[F1957(4) In Notes (2) to (2ZB) the references to submission of a local plan, a supplementary plan, a document or a revision for independent examination under Part 2 of the 2004 Act are to be taken to include any case where an independent examination is held under that Part.**]**

[F1958(6) Note (2A) does not apply if the proposal for the draft plan is withdrawn under paragraph 2 of Schedule 4B (as applied by section 38A(3) of the 2004 Act) at any time after the draft plan has been submitted for examination.**]]**

Textual Amendments

F1951 Sch. 13 para. 1A inserted (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 120, 121, **Sch. 6 para. 18(3)** (with s. 111); S.I. 2004/2202, **art. 2** (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2** (with transitional provisions and savings in art. 3)

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F1952 Words in Sch. 13 para. 1A substituted (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 12(a)** (with s. 247); S.I. 2026/169, reg. 3(f)(iv) (with Sch. 1)

F1953 Words in Sch. 13 para. 1A inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 23(a)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4)

F1954 Sch. 13 para. 1A Notes (2)-(2ZB) substituted for Sch. 13 para. 1A Note (2) (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 12(b)** (with s. 247); S.I. 2026/169, reg. 3(f)(iv) (with Sch. 1)

F1955 Sch. 13 para. 1A Note (2A) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 23(b)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4)

F1956 Sch. 13 para. 1A Note (3) omitted (25.3.2026) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 12(c)** (with s. 247); S.I. 2026/169, reg. 3(f)(iv) (with Sch. 1)

F1957 Sch. 13 para. 1A Note (4) substituted (25.3.2026) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3)(b), **Sch. 8 para. 12(d)** (with s. 247); S.I. 2026/169, reg. 3(f)(iv) (with Sch. 1)

F1958 Sch. 13 para. 1A Note (6) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 23(c)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4)

[F19591B Land in Wales which is identified for the purposes of relevant public functions by a local development plan **[F1960**or strategic development plan**]** for the area in which the land is situated.

Notes

(1) Relevant public functions are—

(a) the functions of the **[F1961**Welsh Ministers**]**, a government department, local authority, National Park authority or statutory undertakers;

(b) the establishment or running by a public telecommunications operator of a telecommunications system.

(2) For the purposes of this paragraph a local development plan **[F1962**or strategic development plan**]** is—

(a) a local development plan **[F1962**or strategic development plan**]** which is adopted or approved for the purposes of Part 6 of the Planning and Compulsory Act 2004 (in this paragraph, the 2004 Act);

(b) a revision of **[F1963**such a plan**]** in pursuance of section 70 of the 2004 Act which is adopted or approved for purposes of Part 6 of the 2004 Act;

(c) a local development plan **[F1964**or strategic development plan**]** which has been submitted to the **[F1965**Welsh Ministers**]** for independent examination under section 64(1) of the 2004 Act;

(d) a revision of **[F1966**such a plan**]** in pursuance of section 70 of the 2004 Act if the plan has been submitted to the **[F1967**Welsh Ministers**]** for independent examination under section 64(1) of that Act.

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(3) But Note (2)(c) and (d) does not apply if the plan is withdrawn under section 66 **[**F1968or 66A**]** of the 2004 Act at any time after it has been submitted for independent examination.

(4) In Note (2)(c) and (d) the submission of a F1969... plan to the **[**F1970Welsh Ministers**]** for independent examination is to be taken to include the holding of an independent examination by the **[**F1970Welsh Ministers**]** under section 65 or section 71 of the 2004 Act.**]**

Textual Amendments

F1959 Sch. 13 para. 1B inserted (5.10.2005) by Planning and Compulsory Purchase Act 2004 (Commencement No. 4 and Consequential, Transitional and Savings Provisions) (Wales) Order 2005 (S.I. 2005/2722), **art. 3(3)** (with art. 7)

F1960 Words in Sch. 13 para. 1B inserted (6.9.2015 for specified purposes, 4.12.2020 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 10(2)**, 58(2)(b)(4)(b); S.I. 2020/1216, reg. 2(a)

F1961 Words in Sch. 13 para. 1B substituted (6.9.2015 for specified purposes, 4.12.2020 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 10(3)**, 58(2)(b)(4)(b); S.I. 2020/1216, reg. 2(a)

F1962 Words in Sch. 13 para. 1B inserted (6.9.2015 for specified purposes, 4.12.2020 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 10(4)(a)**, 58(2)(b)(4)(b); S.I. 2020/1216, reg. 2(a)

F1963 Words in Sch. 13 para. 1B substituted (6.9.2015 for specified purposes, 4.12.2020 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 10(4)(b)**, 58(2)(b)(4)(b); S.I. 2020/1216, reg. 2(a)

F1964 Words in Sch. 13 para. 1B inserted (6.9.2015 for specified purposes, 4.12.2020 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 10(4)(c)(i)**, 58(2)(b)(4)(b); S.I. 2020/1216, reg. 2(a)

F1965 Words in Sch. 13 para. 1B substituted (6.9.2015 for specified purposes, 4.12.2020 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 10(4)(c)(ii)**, 58(2)(b)(4)(b); S.I. 2020/1216, reg. 2(a)

F1966 Words in Sch. 13 para. 1B substituted (6.9.2015 for specified purposes, 4.12.2020 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 10(4)(d)(i)**, 58(2)(b)(4)(b); S.I. 2020/1216, reg. 2(a)

F1967 Words in Sch. 13 para. 1B substituted (6.9.2015 for specified purposes, 4.12.2020 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 10(4)(d)(ii)**, 58(2)(b)(4)(b); S.I. 2020/1216, reg. 2(a)

F1968 Words in Sch. 13 para. 1B inserted (6.9.2015 for specified purposes, 4.12.2020 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 2 para. 15**; S.I. 2020/1216, reg. 2(b)

F1969 Words in Sch. 13 para. 1B omitted (6.9.2015 for specified purposes, 4.12.2020 in so far as not already in force) by virtue of Planning (Wales) Act 2015 (anaw 4), **ss. 10(5)(a)**, 58(2)(b)(4)(b); S.I. 2020/1216, reg. 2(a)

F1970 Words in Sch. 13 para. 1B substituted (6.9.2015 for specified purposes, 4.12.2020 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 10(5)(b)**, 58(2)(b)(4)(b); S.I. 2020/1216, reg. 2(a)

[F1971 1C Land in Wales which is identified for the purposes of relevant public functions (within the meaning of paragraph 1B) by the National Development Framework for Wales.

Notes

(1) In this paragraph, the reference to the National Development Framework for Wales is a reference to—

(a) the National Development Framework for Wales, or a revised Framework, which is published under sections 60 to 60C of the Planning and Compulsory Purchase Act 2004, and

(b) a draft of the Framework, or of a revised Framework, which has been laid before the National Assembly for Wales under section 60B(3) of that Act.

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) This paragraph does not apply to land that falls within paragraph 1B.

(3) Note (1)(b) ceases to apply in relation to a draft of a revised Framework if the Welsh Ministers lay before the National Assembly for Wales a copy of a notice that they have decided not to proceed with the revision of the Framework.**]**

Textual Amendments

F1971 Sch. 13 para. 1C inserted (6.9.2015 for specified purposes, 4.12.2020 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 10(6)**, 58(2)(b)(4)(b); S.I. 2020/1216, reg. 2(a)

2 **F1972** . . . . . .

Textual Amendments

F1972 Sch. 13 paras. 1-4 repealed (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 120, 121, Sch. 6 para. 18(2), **Sch. 9** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4 and in S.I. 2005/2722, art. 7); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3); 2008 c. 29, **ss. 204**, 241 (and subject to savings in s. 226)

3 **F1973** . . . . . .

Textual Amendments

F1973 Sch. 13 paras. 1-4 repealed (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 120, 121, Sch. 6 para. 18(2), **Sch. 9** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4 and in S.I. 2005/2722, art. 7); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3); 2008 c. 29, **ss. 204**, 241 (and subject to savings in s. 226)

4 **F1974** . . . . . .

Textual Amendments

F1974 Sch. 13 paras. 1-4 repealed (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 120, 121, Sch. 6 para. 18(2), **Sch. 9** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4 and in S.I. 2005/2722, art. 7); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3); 2008 c. 29, **ss. 204**, 241 (and subject to savings in s. 226)

5 Land indicated in a plan (other than a development plan) approved by a resolution passed by a local planning authority for the purpose of the exercise of their powers under Part III as land which may be required for the purposes of **[**F1975relevant public functions (within the meaning of paragraph 1A)**]** .

6 Land in respect of which a local planning authority—

(a) have resolved to take action to safeguard it for development for the purposes of **[**F1976relevant public functions (within the meaning of paragraph 1A)**]**

(b) have been directed by the Secretary of State to restrict the grant of planning permission in order to safeguard it for such development.

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

New towns and urban development areas

7 Land within an area described as the site of a proposed new town in the draft of an order in respect of which a notice has been published under paragraph 2 of Schedule 1 to the [M196]New Towns Act 1981.

Note

Land shall cease to be within this paragraph when—

(a) the order comes into operation (whether in the form of the draft or with modifications), or

(b) the Secretary of State decides not to make the order.

Marginal Citations

M196 1981 c. 64

8 Land within an area designated as the site of a proposed new town by an order which has come into operation under section 1 of the New Towns Act 1981.

9 Land which is—

(a) within an area intended to be designated as an urban development area by an order which has been made under section 134 of the [M197]Local Government, Planning and Land Act 1980 but has not come into effect; or

(b) within an area which has been so designated by an order under that section which has come into effect.

Marginal Citations

M197 1980 c. 65.

⌊[F1977]9A Land which is within an area designated under section 197 of the Localism Act 2011 as a Mayoral development area where—

(a) an order under section 198(2) of that Act establishing a Mayoral development corporation for the area has not been made or has been made but has not come into effect; or

(b) such an order has come into effect.⌋

Textual Amendments

F1977 Sch. 13 para. 9A inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 37**

Clearance and renewal areas

10 Land within an area declared to be a clearance area by a resolution under section 289 of the [M198]Housing Act 1985.

Marginal Citations

M198 1985 c. 68.

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

11 Land which—

(a) is surrounded by or adjoining an area declared to be a clearance area by a resolution under section 289 of the [M199]Housing Act 1985, and

(b) is land which a local authority have determined to purchase under section 290 of that Act.

Marginal Citations

M199 1985 c. 68.

12 Land indicated by information published in pursuance of section 92 of the [M200]Local Government and Housing Act 1989 as land which a local authority propose to acquire in exercise of their powers under Part VII of that Act (renewal areas).

Marginal Citations

M200 1989 c. 42.

Highways

13 Land indicated in a development plan (otherwise than by being dealt with in a manner mentioned in **[**[F1978]paragraph 1A**]**) as—

(a) land on which a highway is proposed to be constructed, or

(b) land to be included in a highway as proposed to be improved or altered.

14 Land on or adjacent to the line of a highway proposed to be constructed, improved or altered, as indicated in an order or scheme which has come into operation under Part II of the [M201]Highways Act 1980 (or under the corresponding provisions of Part II of the [M202]Highways Act 1959 or section 1 of the [M203]Highways Act 1971), being land in relation to which a power of compulsory acquisition conferred by any of the provisions of Part XII of that Act of 1980 (including a power compulsorily to acquire any right by virtue of section 250) may become exercisable, as being land required for purposes of construction, improvement or alteration as indicated in the order or scheme.

Notes

(1) In this paragraph the reference to an order or scheme which has come into operation includes a reference to an order or scheme which has been submitted for confirmation to, or been prepared in draft by, the Minister of Transport or the Secretary of State under Part II of that Act of 1980 and in respect of which a notice has been published under paragraph 1, 2 or 10 of Schedule 1 to that Act.

(2) Note (1) shall cease to apply when—

(a) the relevant order or scheme comes into operation (whether in its original form or with modifications), or

(b) the Secretary of State decides not to confirm or make the order or scheme.

(3) In this paragraph the reference to land required for purposes of construction, improvement or alteration as indicated in an order or scheme includes a reference to land required for the purposes of section 246(1) of the Highways Act 1980.

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Marginal Citations

M201 1980 c. 66.
M202 1959 c. 25.
M203 1971 c. 41.

15 Land shown on plans approved by a resolution of a local highway authority as land comprised in the site of a highway as proposed to be constructed, improved or altered by that authority.

F1979[16 Land comprised in the site of a highway as proposed to be constructed, improved or altered by the Secretary of State [F1980or a strategic highways company if he or it] has given written notice of the proposal, together with maps or plans sufficient to identify the land in question, to the local planning authority.]

Textual Amendments

F1979 Sch. 13 para. 16 substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 70, **Sch. 15 Pt. I para. 14(1)**; S.I. 1991/2067, **art.3** (subject to art. 4)

F1980 Words in Sch. 13 para. 16 substituted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 109(2)**; S.I. 2015/481, reg. 2(a)

17 Land shown on plans approved by a resolution of a local highway authority as land proposed to be acquired by them for the purposes of section 246(1) of the M204Highways Act 1980.

Marginal Citations

M204 1980 c. 66

18 Land shown in a written notice given by the Secretary of State [F1981or a strategic highways company] to the local planning authority as land proposed to be acquired by him [F1982or it] for the purposes of section 246(1) of the Highways Act 1980 in connection with a [F1983highway] which he [F1984or it] proposes to provide.

Textual Amendments

F1981 Words in Sch. 13 para. 18 inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 109(3)(a)**; S.I. 2015/481, reg. 2(a)

F1982 Words in Sch. 13 para. 18 inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 109(3)(b)**; S.I. 2015/481, reg. 2(a)

F1983 Words in Sch. 13 para. 18 substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 70, **Sch. 15 Pt. I para. 14(2)**(with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F1984 Words in Sch. 13 para. 18 inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 109(3)(c)**; S.I. 2015/481, reg. 2(a)

New streets

19 Land which—

(a) either—

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(i) is within the outer lines prescribed by an order under section 188 of the Highways Act 1980 (orders prescribing minimum width of new streets) or section 159 of the [M205]Highways Act 1959 (which is the predecessor of that section); or

(ii) has a frontage to a highway declared to be a new street by an order under section 30 of the [M206]Public Health Act 1925 and lies within the minimum width of the street prescribed by any byelaws or local Act applicable by virtue of the order; and

(b) is, or is part of—

(i) a dwelling erected before, or under construction on, the date on which the order is made; or

(ii) the curtilage of any such dwelling.

Note

This paragraph does not include any land in which the appropriate authority have previously acquired an interest either in pursuance of a blight notice served by virtue of this paragraph or by agreement in circumstances such that they could have been required to acquire it in pursuance of such a notice.

Marginal Citations

M205 1959 c. 25.

M206 1925 c. 71.

General improvement areas

20 Land indicated by information published in pursuance of section 257 of the [M207]Housing Act 1985 as land which a local authority propose to acquire in the exercise of their powers under the provisions of Part VIII of that Act relating to general improvement areas.

Marginal Citations

M207 1985 c. 68.

Compulsory purchase

21 Land authorised by a special enactment to be compulsorily acquired, or land falling within the limits of deviation within which powers of compulsory acquisition conferred by a special enactment are exercisable.

22 Land in respect of which—

(a) a compulsory purchase order is in force; or

(b) there is in force a compulsory purchase order providing for the acquisition of a right or rights over that land;

and the appropriate authority have power to serve, but have not served, notice to treat in respect of the land or, as the case may be, the right or rights.

Notes

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(1) This paragraph applies also to land in respect of which—

(a) a compulsory purchase order has been submitted for confirmation to, or been prepared in draft by, a Minister, and

(b) a notice has been published under paragraph 3(1)(a) of Schedule 1 to the [M208]Acquisition of Land Act 1981 or under any corresponding enactment applicable to it.

(2) Note (1) shall cease to apply when—

(a) the relevant compulsory purchase order comes into force (whether in its original form or with modifications); **[**[F1985]or**]**

(b) the Minister concerned decides not to confirm or make the order **[**[F1986]; or

(c) the order (having been confirmed or made conditionally) expires by virtue of section 13BA(2)(b) of, or paragraph 4AA(2) of Schedule 1 to, the Acquisition of Land Act 1981.**]**

Textual Amendments

F1985 Word in Sch. 13 para. 22 omitted (18.2.2026 for specified purposes) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 18 para. 5(3)(a)** (with s. 247); S.I. 2025/1370, reg. 2(1)(c)(2)

F1986 Words in Sch. 13 para. 22 inserted (18.2.2026 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 18 para. 5(3)(b)** (with s. 247); S.I. 2025/1370, reg. 2(1)(c)(2)

Marginal Citations

M208 1981 c. 67.

[[F1987]23 Land—

(a) the compulsory acquisition of which is authorised by an order under section 1 or 3 of the Transport and Works Act 1992, or

(b) which falls within the limits of deviation within which powers of compulsory acquisition conferred by such an order are exercisable, or

(c) which is the subject of a proposal, contained in an application made in accordance with rules under section 6 of that Act or in a draft order prepared under section 7(3) of that Act, that it should be such land.**]**

Textual Amendments

F1987 Sch. 13 para. 23 added (1.1.1993) by Transport and Works Act 1992 (c. 42), **s. 16(2)**; S.I. 1992/2784, art. 2(a), **Sch. 1**

[[F1988]24 Land falls within this paragraph if—

(a) the compulsory acquisition of the land is authorised by an order granting development consent, or

(b) the land falls within the limits of deviation within which powers of compulsory acquisition conferred by an order granting development consent are exercisable, or

(c) an application for an order granting development consent seeks authority to compulsorily acquire the land.**]**

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Textual Amendments

F1988 Sch. 13 para. 24 inserted (6.4.2009 for certain purposes and otherwise 1.3.2010) by Planning Act 2008 (c. 29), **ss. 175(2)**, 241 (with s. 226); S.I. 2009/400, **art. 3**; S.I. 2010/101, **art. 4** (with art. 6)

[F1989 24ZA Land falls within this paragraph if—

(a) the compulsory acquisition of the land is authorised by an infrastructure consent order, or

(b) the land falls within the limits of deviation within which powers of compulsory acquisition conferred by an infrastructure consent order are exercisable, or

(c) an application for infrastructure consent seeks authority to compulsorily acquire the land.**]**

Textual Amendments

F1989 Sch. 13 para. 24ZA inserted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), **ss. 99(2)(a)**, 147(2) (with s. 84(5)); S.I. 2025/698, art. 3(h)

[**F1990 Land identified in national policy statements

Textual Amendments

F1990 Sch. 13 para. 25 and cross-heading inserted (6.4.2009 for certain purposes and otherwise 1.3.2010) by Planning Act 2008 (c. 29), **ss. 175(2)**, 241 (with s. 226); S.I. 2009/400, **art. 3**; S.I. 2010/101, **art. 4** (with art. 6)

25 Land falls within this paragraph if the land is in a location identified in a national policy statement as suitable (or potentially suitable) for a specified description of development.

Note

Land ceases to fall within this paragraph when the national policy statement—

(a) ceases to have effect, or

(b) ceases to identify the land as suitable or potentially suitable for that description of development.**]**

[**F1991 Land identified in infrastructure policy statements

Textual Amendments

F1991 Sch. 13 para. 26 and cross-heading inserted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), **ss. 99(2)(b)**, 147(2) (with s. 84(5)); S.I. 2025/698, art. 3(h)

26 (1) Land falls within this paragraph if the land is in a location identified in an infrastructure policy statement as suitable (or potentially suitable) for a specified kind of development.

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(2) Land ceases to fall within this paragraph when the infrastructure policy statement—

(a) ceases to have effect, or

(b) ceases to identify the land as suitable or potentially suitable for that kind of development.

SCHEDULE 14

Section 259.

PROCEDURE FOR FOOTPATHS AND BRIDLEWAYS ORDERS

Modifications etc. (not altering text)

C1432 Sch. 14 applied (2.5.2006 for E. and 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), reg. 2(1), **Sch. Pt. 1** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

PART I

CONFIRMATION OF ORDERS

1 (1) Before an order under section 257 or 258 is submitted to the Secretary of State for confirmation or confirmed as an unopposed order, the authority by whom the order was made shall give notice in the prescribed form—

(a) stating the general effect of the order and that it has been made and is about to be submitted for confirmation or to be confirmed as an unopposed order;

(b) naming a place in the area in which the land to which the order relates is situated where a copy of the order may be inspected free of charge and copies of it may be obtained at a reasonable charge at all reasonable hours; and

(c) specifying the time (which must not be less than 28 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the order may be made.

(2) Subject to sub-paragraphs (6) and (7), the notice to be given under sub-paragraph (1) shall be given—

(a) by publication in at least one local newspaper circulating in the area in which the land to which the order relates is situated; and

(b) by serving a similar notice on—

(i) every owner, occupier and lessee (except tenants for a month or a period less than a month and statutory tenants within the meaning of the [M209]Rent Act 1977) of any of that land; and

(ii) every council, the council of every [F1992]. . . parish [[F1993]or community] and the parish meeting of every [F1992]. . . parish not having a separate council, being a council or parish whose area includes any of that land; and

[F1994][any National Park authority for a National Park which includes any (iia) of that land; and]

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(iii) any statutory undertakers to whom there belongs, or by whom there is used, for the purposes of their undertaking, any apparatus under, in, on, over, along or across that land; and

(iv) every person on whom notice is required to be served in pursuance of sub-paragraph (4); and

(v) such other persons as may be prescribed in relation to the area in which that land is situated or as the authority may consider appropriate; and

(c) by causing a copy of the notice to be displayed in a prominent position—

(i) at the ends of so much of any footpath **[**F1995, bridleway or restricted byway**]** as is to be stopped up, diverted or extinguished by the order;

(ii) at council offices in the locality of the land to which the order relates; and

(iii) at such other places as the authority may consider appropriate.

(3) In sub-paragraph (2)—

"council" means a county council, **[**F1996a county borough council**]** a district council, a London borough council **[**F1997, the London Fire Commissioner,**][**F1998a joint authority established by Part 4 of the Local Government Act 1985, an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009 **[**F1999, a combined authority established under section 103 of that Act **[**F2000, a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023**]** or a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004**]**;**]**

"council offices" means offices or buildings acquired or provided by a council or by the council of a parish or community or the parish meeting of a parish not having a separate parish council.

(4) Any person may, on payment of such reasonable charge as the authority may consider appropriate, require an authority to give him notice of all such orders under section 257 or 258 as are made by the authority during a specified period, are of a specified description and relate to land comprised in a specified area.

(5) In sub-paragraph (4) "specified" means specified in the requirement.

(6) Except where an owner, occupier or lessee is a local authority **[**F2001National Park authority**]** or statutory undertaker, the Secretary of State may in any particular case direct that it shall not be necessary to comply with sub-paragraph (2)(b)(i).

(7) If the Secretary of State gives a direction under sub-paragraph (6) in the case of any land, then—

(a) in addition to publication the notice shall be addressed to "the owners and any occupiers" of the land (describing it); and

(b) a copy or copies of the notice shall be affixed to some conspicuous object or objects on the land.

(8) Sub-paragraph (2)(b) and (c) and, where applicable, sub-paragraph (7) shall be complied with not less than 28 days before the expiry of the time specified in the notice.

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(9) A notice required to be served by sub-paragraph (2)(b)(i), (ii), (iii) or (v) shall be accompanied by a copy of the order.

(10) A notice required to be displayed by sub-paragraph (2)(c)(i) at the ends of so much of any way as is affected by the order shall be accompanied by a plan showing the general effect of the order so far as it relates to that way.

Textual Amendments

F1992 Words in Sch. 14 para. 1(2)(b)(ii) repealed (8.11.1995) by 1995 c. 44, s. 1, **Sch. 1 Pt. VI**

F1993 Words in Sch. 14 para. 1(2)(b)(ii) inserted (1.10.1995) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(17)(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/2490, art. 4(1), **Sch. 2**

F1994 Sch. 14 para. 1(2)(b)(iia) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(17)(a)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

F1995 Words in Sch. 14 para. 1(2)(c)(i) substituted (2.5.2006 for E. and 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177, **Sch. 1 Pt. 1** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

F1996 Words in definition of "council" in Sch. 14 para. 1(3) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(17)(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F1997 Words in Sch. 14 para. 1(3) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 95**; S.I. 2018/227, **reg. 4(c)**

F1998 Sch. 14 para. 1(3): words in definition of "council" substituted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148, 149, **Sch. 6 para. 82(3)**; S.I. 2009/3318, **art. 2**

F1999 Words in Sch. 14 para. 1(3) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 70**; S.I. 2017/399, reg. 2, **Sch. para. 38**

F2000 Words in Sch. 14 para. 1(3) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2)(c), **Sch. 4 para. 108** (with s. 247)

F2001 Words in Sch. 14 para. 1(6) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(17)(b)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

Modifications etc. (not altering text)

C1433 Sch. 14 para. 1(3) amended (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 5**

Marginal Citations

M209 1977 c. 42.

2 If no representations or objections are duly made, or if any so made are withdrawn, the authority by whom the order was made may, instead of submitting the order to the Secretary of State, themselves confirm the order (but without any modification).

3 (1) This paragraph applies where any representation or objection which has been duly made is not withdrawn.

(2) If the objection is made by a local authority **[**[F2002]or a National Park authority**]** the Secretary of State shall, before confirming the order, cause a local inquiry to be held.

(3) If the representation or objection is made by a person other than a local authority the Secretary of State shall, before confirming the order, either—

(a) cause a local inquiry to be held; or

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(b) give any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Secretary of State for the purpose.

(4) After considering the report of the person appointed under sub-paragraph (2) or (3) to hold the inquiry or hear representations or objections, the Secretary of State may confirm the order, with or without modifications.

(5) In the case of an order under section 257, if objection is made by statutory undertakers on the ground that the order provides for the creation of a public right of way over land covered by works used for the purpose of their undertaking, or over the curtilage of such land, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

(6) Notwithstanding anything in the previous provisions of this paragraph, the Secretary of State shall not confirm an order so as to affect land not affected by the order as submitted to him, except after—

(a) giving such notice as appears to him requisite of his proposal so to modify the order, specifying the time (which must not be less than 28 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the proposal may be made;

(b) holding a local inquiry or giving any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Secretary of State for the purpose; and

(c) considering the report of the person appointed to hold the inquiry or, as the case may be, to hear representations or objections.

(7) In the case of an order under section 257, if objection is made by statutory undertakers on the ground that the order as modified would provide for the creation of a public right of way over land covered by works used for the purposes of their undertaking or over the curtilage of such land, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

Textual Amendments

F2002 Words in Sch. 14 para. 3(2) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(17)(c)** (with ss. 7(6), 115, 117); S.I. 1995/2950, **art. 2(1)**

4 (1) A decision of the Secretary of State under paragraph 3 shall, except in such classes of case as may for the time being be prescribed or as may be specified in directions given by the Secretary of State, be made by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State.

(2) A decision made by a person so appointed shall be treated as a decision of the Secretary of State.

(3) The Secretary of State may, if he thinks fit, direct that a decision which, by virtue of sub-paragraph (1) and apart from this sub-paragraph, falls to be made by a person appointed by the Secretary of State shall instead be made by the Secretary of State.

(4) A direction under sub-paragraph (3) shall—

(a) state the reasons for which it is given; and

(b) be served on the person, if any, so appointed, the authority and any person by whom a representation or objection has been duly made and not withdrawn.

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(5) Where the Secretary of State has appointed a person to make a decision under paragraph 3 the Secretary of State may, at any time before the making of the decision, appoint another person to make it instead of the person first appointed to make it.

(6) Where by virtue of sub-paragraph (3) or (5) a particular decision falls to be made by the Secretary of State or any other person instead of the person first appointed to make it, anything done by or in relation to the latter shall be treated as having been done by or in relation to the former.

(7) Regulations under this Act may provide for the giving of publicity to any directions given by the Secretary of State under this paragraph.

5 (1) The Secretary of State shall not confirm an order under section 257 which extinguishes a right of way over land under, in, on, over, along or across which there is any apparatus belonging to or used by statutory undertakers for the purposes of their undertaking, unless the undertakers have consented to the confirmation of the order.

(2) Any such consent may be given subject to the condition that there are included in the order such provisions for the protection of the undertakers as they may reasonably require.

(3) The consent of statutory undertakers to any such order shall not be unreasonably withheld.

(4) Any question arising under this paragraph whether the withholding of consent is unreasonable, or whether any requirement is reasonable, shall be determined by whichever Minister is the appropriate Minister in relation to the statutory undertakers concerned.

6 Regulations under this Act may, subject to this Part of this Schedule, make such provision as the Secretary of State thinks expedient as to the procedure on the making, submission and confirmation of orders under sections 257 and 258.

PART II

PUBLICITY FOR ORDERS AFTER CONFIRMATION

7 (1) As soon as possible after an order under section 257 or 258 has been confirmed by the Secretary of State or confirmed as an unopposed order, the authority by whom the order was made—

(a) shall publish, in the manner required by paragraph 1(2)(a), a notice in the prescribed form—

(i) describing the general effect of the order,

(ii) stating that it has been confirmed, and

(iii) naming a place in the area in which the land to which the order relates is situated where a copy of the order as confirmed may be inspected free of charge and copies of it may be obtained at a reasonable charge at all reasonable hours;

(b) shall serve a similar notice on any persons on whom notices were required to be served under paragraph 1(2)(b) or (7); and

(c) shall cause similar notices to be displayed in a similar manner as the notices required to be displayed under paragraph 1(2)(c).

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(2) No such notice or copy need be served on a person unless he has sent to the authority a request in that behalf, specifying an address for service.

(3) A notice required to be served by sub-paragraph (1)(b) on—

(a) a person on whom notice was required to be served by paragraph 1(2)(b)(i), (ii) or (iii); or

(b) in the case of an order which has been confirmed with modifications, a person on whom notice was required to be served by paragraph 1(2)(b)(v),

shall be accompanied by a copy of the order as confirmed.

(4) As soon as possible after a decision not to confirm an order under section 257 or 258, the authority by whom the order was made shall give notice of the decision by serving a copy of it on any persons on whom notices were required to be served under paragraph 1(2)(b) or (7).

8 Where an order under section 257 or 258 has come into force otherwise than—

(a) on the date on which it was confirmed by the Secretary of State or confirmed as an unopposed order; or

(b) at the expiration of a specified period beginning with that date,

then as soon as possible after it has come into force the authority by whom it was made shall give notice of its coming into force by publication in at least one local newspaper circulating in the area in which the land to which the order relates is situated.

SCHEDULE 15 Section 302(5).

PRELIMINARY

1 In this Schedule an application under section 302(3) and a determination given on such an application are referred to respectively as "a compliance determination application" and "a compliance determination".

Making of compliance determination applications

2 (1) A compliance determination application may be made with respect to any land—

(a) by the owner or occupier of the land, or

(b) by any person who proves that he has or intends to acquire an interest in the land which will be affected by a compliance determination or that he has borne any of the cost of carrying out works on the land during the war period.

(2) In the case of land owned or occupied by or on behalf of the Crown, or leased to, or to a person acting on behalf of, the Crown, or land with respect to which it is proved that there is held, or intended to be acquired, by or on behalf of the Crown an interest in the land which will be affected as mentioned in sub-paragraph (1) or that any of the cost there mentioned has been borne by the Crown, a compliance determination application may be made by any person acting on behalf of the Crown.

3 A compliance determination application shall be accompanied by such plans and other information as are necessary to enable the application to be determined.

4 (1) The authority to whom a compliance determination application is made shall within 14 days from the receipt of the application publish notice of it in one or more local

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newspapers circulating in the area in which the land is situated and serve notice of it on any person appearing to the authority to be specially affected by the application.

(2) The authority shall take into consideration any representations made to them in connection with the application within 14 days from the publication of the notice.

Determination of applications

5 (1) Where a compliance determination application is made to an authority the authority shall determine whether the works or use in question fail to comply with any planning control which the authority are responsible for enforcing and, if so, shall specify the control in question.

(2) Where the authority determine that works or a use fail so to comply they shall further determine whether having regard to all relevant circumstances the works or use shall, notwithstanding the failure, be deemed so to comply, either unconditionally or subject to such conditions as to the time for which the works or use may be continued, the carrying out of alterations, or other matters, as the authority think expedient.

Appeals against compliance determinations or failure to make such determinations

6 (1) Where the applicant is aggrieved by a compliance determination, or where a person by whom representations have been made as mentioned in paragraph 4 is aggrieved by such a determination, he may appeal to the Secretary of State.

(2) The applicant may also appeal if he is aggrieved by the failure of the authority to determine the application within two months from the last day on which representations under paragraph 4 may be made and has served notice on the authority that he appeals to the Secretary of State.

(3) An appeal under this paragraph must be made within the period of 28 days after the applicant has notice of the determination or, in the case of an appeal under sub-paragraph (2), after the applicant has served notice on the authority of the appeal, or within such extended period as the Secretary of State may allow.

7 (1) On such an appeal the Secretary of State may give, in substitution for the determination, if any, given by the authority, such determination as appears to him to be proper having regard to all relevant circumstances, or, if he is satisfied that the applicant was not a person entitled to make the application, may decide that the application is not to be entertained.

(2) At any stage of the proceedings on such an appeal to him the Secretary of State may, and shall if so directed by the High Court, state in the form of a special case for the opinion of the High Court any question of law arising in connection with the appeal.

8 Subject to paragraph 9 and to any determination or decision of the Secretary of State on an appeal under paragraph 7, any compliance determination shall be final and any such failure to give a determination as mentioned in paragraph 6(2) shall be taken on the service of the notice there mentioned as a final refusal by the authority to entertain the application, and any determination or decision of the Secretary of State on an appeal under paragraph 7 shall be final.

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Fresh applications where alteration in circumstances

9 Where a compliance determination has been given that works on land or a use of land shall not be deemed to comply with planning control or shall be deemed to comply with it subject to conditions, then if a person entitled to make a compliance determination application with respect to the land satisfies the authority or on appeal the Secretary of State that there has been a material change of circumstances since the previous application was determined, he may make a subsequent application and on such an application the authority or on appeal the Secretary of State may substitute for the compliance determination such determination as appears proper having regard to all relevant circumstances.

References of application to Secretary of State

10 (1) If it appears to the Secretary of State that it is expedient, having regard to considerations affecting the public interest (whether generally or in the locality concerned), that any compliance determination application to an authority or any class or description of such applications, should instead of being determined by the authority be referred to him for decision, he may give directions to the authority requiring that application, or applications of that class or description, to be so referred.

(2) This Schedule shall apply to any such reference as if it were an appeal under paragraph 6(2) following failure of the authority to entertain the application.

Information

11 The Secretary of State may give directions to any authority responsible for enforcing planning control requiring them to furnish him with such information with respect to compliance determination applications received by them as he considers necessary or expedient in connection with the exercise of his functions under this Schedule.

Opportunity for hearing

12 On any compliance determination application or any appeal under this Schedule the applicant or, in the case of an application referred to the Secretary of State for decision or an appeal to the Secretary of State, the applicant or the authority responsible for enforcing the planning control in question, may require the authority by whom the application is to be determined or, as the case may be, the Secretary of State to give him or them an opportunity before the application or appeal is determined of appearing before and being heard by a person appointed by the authority or, as the case may be, the Secretary of State for the purpose.

Notice of proposed enforcement

13 (1) This paragraph applies where before the relevant date any person proposes to take steps for enforcing a planning control in the case of such works or such a use as mentioned in subsection (1) of section 302.

(2) Subject to sub-paragraph (4), unless a compliance determination application has been made in relation to the land which has not been finally determined, that person shall serve on every owner and occupier of the land not less than 28 days' notice of the proposal, and if within that period any person makes such an application in relation

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to the land and within seven days of making it serves on the person proposing to take steps as aforesaid notice that the application has been made, no steps for enforcing the control shall be taken until the final determination of the application.

(3) If such an application has been made which has not been finally determined, no such steps shall be taken until the final determination of it.

(4) No notice shall be required under sub-paragraph (2) if steps for enforcing a planning control in the case of any works on land are begun within 28 days of the final determination of a compliance determination application in relation to the land.

(5) For the purpose of this paragraph a compliance determination application shall be treated as having been finally determined notwithstanding that a subsequent application may be made under paragraph 9.

Power of entry

14 (1) At any time before the relevant date any officer of an authority responsible for enforcing planning control shall, on producing, if so required, some duly authenticated document showing his authority to act for the purposes of this paragraph, have a right, subject to the provisions of this paragraph, to enter any premises at all reasonable hours—

(a) for the purpose of ascertaining whether there are on the premises any works carried out during the war period which do not comply with planning control, or whether a use of the premises continues which was begun during that period and does not comply with it;

(b) where a compliance determination application has been made to the authority, for the purpose of obtaining any information required by the authority for the exercise of their functions under section 302 and this Schedule in relation to the application.

(2) Admission to any premises which are occupied shall not be demanded as of right unless 24 hours' notice of the intended entry has been served on the occupier.

(3) Any person who wilfully obstructs any officer of an authority acting in the exercise of his powers under this section shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(4) If any person who in compliance with this paragraph is admitted into a factory, workshop or workplace, discloses to any person any information obtained by him in it with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding three months.

Service of notices

15 (1) Any notice or other document required or authorised to be served under this Schedule may be served on any person either by delivering it to him, or by leaving it at his proper address or by post.

(2) Any such document required or authorised to be served upon an incorporated company or body shall be duly served if it is served upon the secretary or clerk of the company or body.

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(3) For the purposes of this paragraph and of section 7 of the [M210]Interpretation Act 1978, the proper address of any person upon whom any such document is to be served is—

(a) in the case of the secretary or clerk of any incorporated company or body, that of the registered or principal office of the company or body, and

(b) in any other case, the last known address of the person to be served.

(4) If it is not practicable after reasonable enquiry to ascertain the name or address of an owner or occupier of land on whom any such document is to be served, the document may be served by addressing it to him by the description of "owner" or "occupier" of the premises (describing them) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

Marginal Citations

M210 1978 c. 30.

Supplementary provisions

16 Parts XIV and XV do not apply to section 302 and this Schedule.

SCHEDULE 16 Sections 314 to 319.

PROVISIONS OF THE PLANNING ACTS REFERRED TO IN SECTIONS 314 TO 319

[F2003][F2004][F2005]PART I

Textual Amendments

F2003 Words in Sch. 16 Pt. I substituted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 23(2)**; S.I. 2016/52, art. 3(e)

F2004 Words in Sch. 16 Pt. I inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 23(3)**; S.I. 2016/52, art. 3(e)

F2005 Words in Sch. 16 Pt. I inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 23(4)**; S.I. 2016/52, art. 3(e)

[[F2006]Section 1(1) to (3), (5) and (6)**]**.

Textual Amendments

F2006 Words in Sch. 16 Pt. 1 substituted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(18)** (with ss. 54(5)(6), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

Section 2.

Section 9.

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Section 55.

Section 57.

Section 59.

Section 60 except subsection (4).

[[F2003]Sections 61 **[**[F2007]and 62**].]**

Textual Amendments

F2007 Words in entry in Sch. 16 Pt. 1 relating to ss. 61-64 substituted (2.1.1992 so far as relating to the omission of the reference to s. 63 otherwise 27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 57(2)(a)** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1**; S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

[[F2003]Section 61.

Sections 61Z to 61Z2.

Section 62.

Sections **[**[F2008]62M**]** to 62S.**]**

Textual Amendments

F2008 Word in Sch. 16 Pt. 1 substituted (W.) (15.12.2025) by Infrastructure (Wales) Act 2024 (asc 3), s. 147(2), **Sch. 3 para. 4(26)** (with ss. 84(5), 146(10)); S.I. 2025/698, art. 3(l)

Section 69(1), (2) and (5).

Section 70.

[[F2009]Section 70A.**]**

Textual Amendments

F2009 Entry in Sch. 16 Pt. 1 inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 57(2)(b)** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

[[F2004]Sections 71ZA and 71ZB.**]**

Section 72(1) to (4).

[[F2010]Section 73A.**]**

Textual Amendments

F2010 Entry in Sch. 16 Pt. 1 inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 57(2)(c)** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5)

Section 74.

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Section 75.

Section 77 with the omission in subsection (4) of the reference to sections 65 [F2011]...

Textual Amendments

F2011 Words in the entry in Sch. 16 Pt. 1 relating to s. 77 repealed (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, Sch. 7 para. 57(2)(d), **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1992/1491, art. 2, Schs. 1, **2**

Sections 78 and 79(1) to (5) [F2012]...

Textual Amendments

F2012 Words in the entry in Sch. 16 Pt. 1 relating to ss. 78-79 repealed (17.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, Sch. 7 para. 57(2)(e), **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1992/1491, art. 2, Schs. 1, **2**

Section 90(1), (3) and (4).

Sections 96 to 98 except subsection (5) of section 97.

Section 100.

[[F2005]Section 100A.**]**

Sections 102 to 104 except subsection (8) of section 102.

Sections 106 to **[**[F2013]106BC**]**.

Textual Amendments

F2013 Word in Sch. 16 Pt. 1 substituted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27), s. 35(2), **Sch. 2 para. 10**

Section 107.

Section 108.

[[F2014]Section 115**]**

Textual Amendments

F2014 Entry in Sch. 16 Pt. 1 substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 31(4), **Sch. 6 para. 41(a)** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

Sections 117 and 118.

Section 137 except subsections (6) and (7).

Section 138.

Section 139(1) to (4).

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Sections 140 and 141.

Sections 143 and 144.

Section 148.

Section 175(5) **[**[F2015](7)**]**.

Textual Amendments

F2015 Words inserted (temp.) by virtue of Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 6, Sch. 4 paras. 1, **8(a)** (which temp. insertion falls (2.1.1992 and 6.4.2009) for specified purposes only by virtue of S.I. 1991/2698, **art. 3** and S.I. 2009/849, **art. 2** (with art. 3))

Sections 178 to 182

Section 185.

Section 186(6) and (7).

Section 188.

Section 189.

Section 190 (in so far as it applies to orders under section 102).

[[F2016]Section 192.**]**

Textual Amendments

F2016 Entry in Sch. 16 Pt. 1 inserted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 57(2)(g)** (with s. 84(5)); S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

[[F2015]Section 196(8)**]**

[[F2017]Sections 196A to 196C.**]**

Textual Amendments

F2017 Entry in Sch. 16 Pt. 1 inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 57(2)(g)** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5)

Sections 198 to 200.

Sections 202 and 203.

Section 205.

Section 208(10) **[**[F2015](11)**]**.

Section 209(6).

Section 210.

Section 211(4).

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[[F2018]Sections 214A to 214D.**]**

Textual Amendments

F2018 Entry in Sch. 16 Pt. 1 inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 57(2)(h)** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5)

Sections 215 to 224.

Section 227.

Sections 229 to 233.

Sections 235 to 247.

Sections 251 and 252.

Sections 254 to 256.

Section 260.

Section 263.

Section 265(1) and (4).

Sections 266 to 272.

Sections 274 to 278.

Section 279 except subsection (4).

Section 280 except subsections (6) and (8)(b).

Sections 281 to 283.

Section 284(1) except paragraphs (e) and (f).

Section 285 [F2019]...

Textual Amendments

F2019 Words in entry in Sch. 16 Pt. 1 relating to s. 285 repealed (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 57(2)(i), **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1991/2905, art. 3, Schs. 1, **2** (subject to art. 5)

Section 287.

Section 289.

Section 292 with the omission in subsection (2) of the references to section 288.

Section 293(1) to (3).

Section 294(1).

Section 296(1) (the reference in paragraph (c) to Part III not being construed as referring to **[**[F2020]section 65**]**), and (2) to (4).

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F2020 Words in the entry in Sch. 16 Pt. 1 relating to s. 296 substituted (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 57(2)(j)**(with s. 84(5)); S.I. 1992/1491, art. 2, **Sch. 1**

Section 297.

Sections 305 and 306.

Section 314.

Section 315.

[[F2021]Sections 316 and 316A.**]**

Textual Amendments

F2021 Entry in Sch. 16 Pt. 1 substituted (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 57(2)(k)** (with s. 84(5)); S.I. 1992/1491, art. 2, **Sch. 1**

Section 318 except subsections (2)(a), (4) and (5).

Section 324(1), (3) and (5) to (9).

Section 325.

Section 330.

Section 334.

Paragraphs 13 and 20(3) of Schedule 1.

Schedule 3.

Paragraphs 1 to 3 of Schedule 4.

Schedule 17.

Any other provisions of the planning Acts in so far as they apply, or have effect for the purposes of, any of the provisions specified above.

PART II

Sections 30 to 49.

Section 50(5).

Section 51.

Sections 53 and 54.

Section 56(2) to (6) with the omission in subsection (3) of the references to sections 85, 86(6) and 87(4).

[[F2022]Section 65.**]**

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F2022 Entry in Sch. 16 Pt. 2 substituted (17.7.1992) for entries relating to ss. 65 and 68 by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 57(3)(a)** (with s. 84(5)); S.I. 1992/1491, art. 2, **Sch. 1**

Section 69(3) and (4).

Section 79(6) **[**F2023to**]** (7).

Textual Amendments

F2023 Word in Sch. 16 Pt. 2 substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 57(3)(b)**(with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

Sections 91 to 93.

[F2024Sections 93H to 93J**]**

Textual Amendments

F2024 Words in Sch. 16 Pt. 2 inserted (26.12.2023) by Levelling Up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 11 para. 15** (with s. 247)

Section 94(1)(a) and (2) to (6).

Section 95.

Section 99.

Section 101.

Section 137(6) and (7).

Section 142.

Section 157(1) and (2).

Sections 162 and 163.

Section 166.**[**F2025Sections 171A to 171D.**]**

Textual Amendments

F2025 Entry in Sch. 16 Pt. 2 inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch 7 para. 57(3)(c)**(with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5)

Sections 172 to 174.

Section 175(1) to (4) and (6).

Sections 176 and 177.

Sections 183 and 184.

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Section 186(1) to (5).

[[F2026]Sections 187 to 187B.**]**

Textual Amendments

F2026 Entry in Sch. 16 Pt. 2 substituted (2.1.1992 except so far as relating to s. 187A which exception is 27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 57(3)(d)**(with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5); S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

Sections 191 to 196.

Section 208(9).

Section 226.

Section 228(1), (3), (4) and (7).

Sections 248, 249 and 250.

Section 253.

Section 257.

Section 258(1).

Section 259.

Section 261.

Section 264(1) to (6).

Section 273.

Section 279(4).

Section 280(6) and (8)(b).

Section 304.

Section 307.

Section 331.

Paragraphs 3 to 12 of Part II of Schedule 2, Part III of Schedule 2, Schedules 6 and 14.

PART III

[[F2027]Sections 109 to 112.**]**

Textual Amendments

F2027 Entry in Sch. 16 Pt. III substituted (25.9.1991) for the first three entries by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 57(4)(a)**(with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

Section 298.

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Sections 308 to 310.

F2028 . . .

Textual Amendments

F2028 Entries in Sch. 16 Pt. III repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 57(4)(b), **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1991/2067, art. 3, **Sch. 1** (subject to art. 4)

Section 318(4) and (5).

F2028 . . .

[F2029 Section 328.**]**

Textual Amendments

F2029 Entry in Sch. 16 Pt. III substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 57(4)(c)** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F2030 . . .

Textual Amendments

F2030 Entry in Sch. 16 Pt. III repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(4), 84(6), Sch. 6 para. 41(b), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

Any other provisions of the planning Acts in so far as they apply, or have effect for the purposes of, any of the provisions specified above.

F2031 PART IV

Textual Amendments

F2031 Sch. 16 Pt. IV repealed (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 57(5), **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1992/1630, art. 2, Schs. 1, **2** (with art. 3(1))

F2032 PART V

Textual Amendments

F2032 Sch. 16 Pt. V repealed (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, Sch. 7 para. 57(5), **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1992/1491, art. 2, Schs. 1, **2**

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

PART VI

Section 60(4).

F2033**[** Section 65. **]**

Textual Amendments

F2033 Entries in Sch. 16 Pt. VI substituted (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 57(6)(a)**(with s. 84(5)); S.I. 1992/1491, art. 2, **Sch. 1**

Section 71(1) **[**F2034(2) and (2A)**]**.

Textual Amendments

F2034 Words in entries in Sch. 16 Pt. VI substituted (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 57(6)(b)(d)**(with s. 84(5)); S.I. 1992/1491, art. 2, **Sch. 1**

Sections 149 to 151.

Section 153(1) to (7).

Sections 154 to 156.

Section 161(1) in so far as it relates to provisions mentioned in this Part of this Schedule.

Section 164.

Sections 168 to 171.

Section 284 except subsection (1)(a) to (d).

Section 285(5) and (6).

Section 288.

[F2035Section 291.**]**

Textual Amendments

F2035 Entries in Sch. 16 Pt. VI substituted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 57(6)(c)** (with s. 84(5)); S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

Section 292(2).

Section 296(1) (construed as if the reference to Part III were a reference only to **[**F2034section 65**]**) and (5).

Section 318(2) except paragraph (b).

F2036 . . .

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F2036 Entry in Sch. 16 Pt. VI repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(4), 84(6), Sch. 6 para. 41(b), **Sch. 19 Pt. II** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

In Schedule 13, paragraphs 1 to 4, 12 to 16 and 20 to 22.

Any other provisions of this Act in so far as they apply, or have effect for the purpose of, any of the provisions specified above.

SCHEDULE 17 Section 333(6).

ENACTMENTS EXEMPTED FROM SECTION 333(6)

1 **F2037**

Textual Amendments

F2037 Sch. 17 para. 1 repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(1), **Sch. 16 Pt. III**

2 The following provisions of the **M211** Highways Act 1980—

section 73(1) to (3), (6) and (9) to (11)

section 74 (except subsection (6))

F2038 . . .

section 241

section 261(5) and, so far as it relates to it, section 261(6)

section 307(5) and (7)

Schedule 9.

Textual Amendments

F2038 Words in Sch. 17 para. 2 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 84(6), **Sch. 19 Pt. V** (with s. 84(5) and subject to saving in s. 81(2)); S.I. 1991/2067, **art.3** (subject to art. 4)

Marginal Citations

M211 1980 c. 66.

3 The following further provisions of the Highways Act 1980—

F2039 [(a) sections 187 and 200(1) so far as applicable for the purposes of section 188 of that Act;]

(b) section 247(6) so far as applicable for the purposes of section 241 of that Act;

(c) in section 307—

(i) subsections (1) to (3) so far as applicable for the purposes of section 73 of that Act;

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(ii) subsections (1), (3) and (6) so far as applicable for the purposes of section 74 of that Act;

F2039(iii) . . . . . .

(d) section 311 so far as applicable for the purposes of section 74 of that Act.

Textual Amendments

F2039 Sch. 17 para. 3(a)(c)(iii) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 84(6), **Sch. 19 Pt.V** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

4 Section 279 of the Highways Act 1980 so far as the purposes in question are the purposes of the exercise by a county council **[**F2040, county borough council**]** or metropolitan district council in relation to roads maintained by that council of their powers under section 73(1) to (3), (6) and (9) to (11) or section 241 of that Act.

Textual Amendments

F2040 Words in Sch. 17 para. 4 inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(19)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

5 Any enactment making such provision as might by virtue of any Act of Parliament have been made in relation to the area to which the order applies by means of a byelaw, order or regulation not requiring confirmation by Parliament.

6 Any enactment which has been previously excluded or modified by a development order, and any enactment having substantially the same effect as any such enactment.

TABLE OF DERIVATIONS

Notes:

1 The following abbreviations are used in this Table:—

1946 c. 35 =	The Building Restrictions (War-Time Contraventions) Act 1946
1951 c. 60 =	The Mineral Workings Act 1951
1953 c. 49 =	The Historic Buildings and Ancient Monuments Act 1953
1958 c. 69 =	The Opencast Coal Act 1958
1969 c. 22 =	The Redundant Churches and Other Religious Buildings Act 1969
1969 c. 48. =	The Post Office Act 1969
1971 c. 78 =	The Town and Country Planning Act 1971
1972 c. 5 =	The Local Employment Act 1972

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1972 c. 42 =	The Town and Country Planning (Amendment) Act 1972
1972 c. 70 =	The Local Government Act 1972
1973 c. 26 =	The Land Compensation Act 1973
1973 c. 37 =	The Water Act 1973
1973 c. 41 =	The Fair Trading Act 1973
1974 c. 7 =	The Local Government Act 1974
1974 c. 32 =	The Town and Country Amenities Act 1974
1974 c. 36 =	The Mines (Working Facilities and Support) Act 1974
1975 c. 24 =	The House of Commons Disqualification Act 1975
1975 c. 10 =	The Statute Law (Repeals) Act 1975
1975 c. 71 =	The Housing (Consequential Provisions) Act 1975
1975 c. 76 =	The Local Land Charges Act 1975
1977 c. 29 =	The Town and Country Planning (Amendment) Act 1977
1977 c. 38 =	The Administration of Justice Act 1977
1977 c. 40 =	The Control of Office Development Act 1977
1977 c. 45 =	The Criminal Law Act 1977
1977 SI/293 =	The Local Authorities Etc. (Miscellaneous Provisions) Order 1977
1978 c. 30 =	The Interpretation Act 1978
1979 c. 46 =	The Ancient Monuments and Archaeological Areas Act 1979
1980 c. 43 =	The Magistrates' Courts Act 1980
1980 c. 65 =	The Local Government, Planning and Land Act 1980
1980 c. 66 =	The Highways Act 1980
1981 c. 36 =	The Town and Country Planning (Minerals) Act 1981
1981 c. 38 =	The British Telecommunications Act 1981
1981 c. 41 =	The Local Government and Planning (Amendment) Act 1981
1981 c. 43 =	The Disabled Persons Act 1981

Changes to legislation: *Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

1981 c. 54 =	The Supreme Court Act 1981
1981 c. 64 =	The New Towns Act 1981
1981 c. 66 =	The Compulsory Purchase (Vesting Declarations) Act 1981
1981 c. 67 =	The Acquisition of Land Act 1981
1981 c. 69 =	The Wildlife and Countryside Act 1981
1982 c. 16 =	The Civil Aviation Act 1982
1982 c. 21 =	The Planning Inquiries (Attendance of Public) Act 1982
1982 c. 30 =	The Local Government (Miscellaneous Provisions) Act 1982
1982 c. 48 =	The Criminal Justice Act 1982
1982 c. 52 =	The Industrial Development Act 1982
1982 SI/86 =	The Town and Country Planning (Minerals) Act 1981 (Commencement No 1) Order 1982
1983 c. 47 =	The National Heritage Act 1983
1984 c. 10 =	The Town and Country Planning Act 1984
1984 c. 12 =	The Telecommunications Act 1984
1984 c. 32 =	The London Regional Transport Act
1985 c. 9 =	The Companies (Consequential Provisions) Act 1985
1985 c. 19 =	The Town and Country Planning (Compensation) Act 1985
1985 c. 51 =	The Local Government Act 1985
1985 c. 52 =	The Town and Country Planning (Amendment) Act 1985
1985 c. 71 =	The Housing (Consequential Provisions) Act 1985
1986 c. 31 =	The Airports Act 1986
1986 c. 63 =	The Housing and Planning Act 1986
1986 c. 44 =	The Gas Act 1986
1986 SI/452 =	The Local Government Reorganisation (Miscellaneous Provision) (No 4) Order 1986
1987 c. 3 =	The Coal Industry Act 1987
1988 c. 4 =	The Norfolk and Suffolk Broads Act 1988

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

1988 c. 40 =	The Education Reform Act 1988
1988 c. 50 =	The Housing Act 1988
1989 c. 15 =	The Water Act 1989
1989 c. 29 =	The Electricity Act 1989
1989 c. 34 =	The Law of Property (Miscellaneous Provisions) Act 1989
1989 c. 42 =	The Local Government and Housing Act 1989
1989 c. 43 =	The Statute Law (Repeals) Act 1989
1990 SI/465 =	The Town and Country Planning (Blight Provisions) Order 1990
1990 SI/776 =	The Local Government Finance (Repeals, Savings and Consequential Amendments) Order 1990

2 The Table does not show the effect of transfer of functions orders.

3 The letter R followed by a number indicates that the provision gives effect to the Recommendation bearing that number in the Law Commission's Report on the Consolidation of Certain Enactments relating to Town and Country Planning (Cmnd.958).

4 The entry "drafting" indicates a provision of a mechanical or editorial nature only affecting the arrangement of the consolidation.

1(1)	1971 c.78 s.1(1)(a), (2A); 1985 c.51 s.3(1); 1986 c.63, Sch.11 para. 14.
(2)	1971 c.78 s.1(1)(b), (c); 1985 c.51 s.3(1).
(3)	1972 c.70 s.182(2); 1985 c. 51 s.3(5).
(4)	1971 c.78 s.1(2B); 1985 c. 51 s.3(3).
(5)(a)	1971 c.78 s.1(6); 1972 c.70 Sch.16 para. 43(b); 1988 c.4 s.2(5), Sch.3 para. 8.
(b)	1971 c.78 s.1(1).
(c)	1972 s.182(2).
2(1),(2)	1971 c.78 s.1(2); 1972 c.70 s.182(1).
(3)	1971 c.78 s.1(4).
(4), (5)	1971 c.78 Sch.1 paras. 1, 2 .
(6)	1971 c.78 Sch.1 para. 3; 1972 c.70 Sch.16 paras. 49,52; 1972 s.272(2).
(7)	1971 c.78 s.1(6); 1972 c.70 s.182(2) Sch.16 para. 43(b); 1988 c.4 Sch. 3 para. 8.

Changes to legislation: *Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

3 (1)	1985 c.51 s.5(1), drafting.
(2) to (4)	1985 c.51 s.5(2) to (4).
4(1)	1972 c.70 s.182(4); 1985 c. 51 s.7(1), Sch.3 para. 3(1).
(2)	1972 c. 70 s.182(5); 1985 c. 51 Sch.3 para. 3(1); R 1.
(3)	1972 c. 70 s.182(6).
(4)	1985 c. 51 s.7(1), Sch.3 para. 2(2) (part).
5(1)	1971 c.78 ss.212(10), 280(10)(b); 1984 c.10 s.6(5); 1988 c.4 Sch.3 paras. 21, 23, 32, 48; R 2.
(2),(3)	1971 c.78 ss.273A, 280(10)(a); 1972 c.70 Sch 16 para 10(5); 1988 c.4 Sch.3 paras. 7, 23, 28.
6(1)	1980 c.65 Sch.32 para. 5(7).
(2)	1980 c.65 Sch.32 para. 15(2)(b)(i).
(3)	1980 c.65 Sch.32 para. 20(1).
(4)	1980 c.65 Sch.32 para. 25(1)(c).
(5)	1980 c.65 Sch.32 para. 25(2).
7(1) to (4)	1980 c.65 s. 149(1) to (4).
(5)	1980 c.65 s.149(11).
8(1)	1988 c.50 s.67(1).
(2)	1988 c.50 s.67(3).
9	1971 c.78 s.1(5)
10	1985 c.51 s.4(1), Sch.3 para. 2(2)(part).
11	1985 c.51 Sch.1 para. 1.
12(1)	1985 c.51 Sch.1 para. 2(1).
(2) to (4)	1985 c.51 Sch.1 para. 2(2).
(5) to (9)	1985 c.51 Sch.1 para. 2(3) to (7).
13(1), (2)	1985 c.51 Sch.1 para. 3(1).
(3), (4)	1985 c.51 Sch.1 para. 3(2).
(5) to (7)	1985 c.51 Sch.1 para. 3(3) to (5).
14	1985 c.51 Sch.1 para. 4.
15	1985 c.51 Sch.1 para. 5.
16(1) to (3)	1985 c.51 Sch.1 para. 6(1).
(4), (5)	1985 c.51 Sch.1 para. 6(2), (3).

***Changes to legislation:** Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 06 May 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

17(1)	1985 c.51 para. 6A; 1986 c.63 Sch. 10 Pt.II para. 2.
(2)	1985 c.51 para. 6A; 1986 c.63 Sch. 10 Pt.II para. 2.
18(1), (2)	1985 c.51 Sch.1 para. 7(1).
(3), (4)	1985 c.51 Sch.1 para. 7(2), (3).
19	1985 c.51 Sch.1 para. 8.
20	1985 c.51 Sch.1 para. 9.
21(1)	1985 c.51 Sch.1 para. 10(1).
(2)	1985 c.51 Sch.1 para. 10(2); 1986 c.63 Sch.10 Pt.II para. 3.
(3)	1985 c.51 Sch.1 para. 10(3).
22	1985 c.51 Sch. 1 para. 10A; 1986 c.63 Sch. 10 Pt.II para. 4.
23(1)	1985 c.51 Sch.1 para. 12(1), and (7) (part).
(2)	1985 c.51 Sch.1 para. 12(3).
(3), (4)	1985 c.51 Sch.1 para. 12(2).
(5), (6)	1985 c.51 Sch.1 para. 12(4).
(7), (8)	1985 c.51 Sch.1 para. 12(5), (6).
(9)	1985 c.51 Sch.1 para. 12(7)(a); 1986 c.63 Sch.11 para. 26.
(10)	1985 c.51 Sch.1 para. 12(7)(b),(7A); 1986 c.63 Sch.11 para. 26.
(11)	1985 c.51 Sch.1 para. 12(8).
24	1985 c.51 Sch.1 para. 11.
25	1985 c.51 Sch. 1 para. 13.
26(1)	1985 c.51 Sch.1 para. 14(1).
(2)	1985 c.51 Sch.1 para. 14(1); R 3.
(3), (4)	1985 c.51 Sch.1 para. 14(2), (3).
27	1985 c.51 Sch.1 para. 15.
28(1),(2)	1985 c.51 s.4(1), Sch. 3, para 2(2)(part).
(3)	1985 c.51 s.4(2), Sch.1 para. 18(1),20(2)(part) drafting.
(4)	1985 c.51 s.103(1)(part).
29	Drafting.
30(1)	1971 c.78 s.6(1)(part), (2).
(2)	1971 c.78 s.6(3).

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(3)	1971 c.78 s.6(5)(part).
(4)	1971 c.78 s.6(4).
31(1)	Drafting.
(2)	1971 c.78 s.7(1A); 1980 c.65 s.89, Sch.14 para. 2(a).
(3)	1971 c.78 s.7(6); 1980 c.65 s.89, Sch.14 para. 2(c).
(4)	1971 c.78 s.7(4); 1982 c.30. Sch 6 para 7.
(5)	1971 c.78 s.7(7)(part).
32(1), (2)	1971 c.78 s.10(1); 1980 c.65 Sch.14 para. 5.
(3) to (7)	1971 c.78 s.10(2) to (6); 1980 c.65 Sch.14 para. 5.
33(1),(2)	1971 c.78 ss.8(1),10(7); 1980 c.65 Sch.14 para. 3(a).
(3),(4)	1971 c.78 s.8(2); 1980 c.65 Sch.14 para. 3(b).
(5)	1971 c.78 s.8(3).
(6), (7)	1971 c.78 s.8(4).
(8) to (10)	1971 c.78 s.8(5) to (7).
34(1)	1971 c.78 s.10B(1); 1972 c.42 s.2; R 4.
(2)	1971 c.78 s.10B(1); 1972 c.42 s.2; R 4.
(3)	1971 c.78 s.10B(2); 1972 c.42 s.2; R 4.
(4), (5)	1971 c.78 s.10B(3); 1972 c.42 s.2; R 4.
35(1)	1971 c.78 ss.9(1),10(7).
(2)	1971 c.78 s.9(2).
(3)	1971 c.78 s.9(3); 1972 c.42 s.3(1).
(4)	1978 c.78 s.10(8)
(5)	1971 c.78 s.9(4); 1972 c.42 s.3(1).
(6), (7)	1971 c.78 s.9(5); 1972 c.42 s.3(1).
(8) to (10)	1971 c.78 s.9(6) to (8); 1972 c.42 s.3(1).
36(1) to (3)	1971 c.78 s.11(1) to (3); 1986 c.63 Sch.10.
(4) to (5)	1971 c.78 s.11(5); 1986 c.63 Sch.10.
(6), (7)	1971 c.78 s.11(6),(7); 1986 c.63 Sch.10.

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37	1971 c.78 s.11A; 1986 c.63 Sch. 10 Pt. I.
38	1971 c.78 s.11B; 1986 c.63 Sch. 10 Pt. I.
39(1)	1971 c.78 s.12(1); 1986 c.63 Sch.10.
(2), (3)	1971 c.78 s.12(2); 1986 c.63 Sch.10.
(4) to (6)	1971 c.78 s.12(3) to (5); 1986 c.63 Sch.10.
40(1) to (3)	1971 c.78 s.12A(1) to (3); 1986 c.63 Sch.10 Pt. I.
(4), (5)	1971 c.78 s.12A(4); 1986 c.63 Sch. 10 Pt. I.
41	1971 c.78 s.12B; 1986 c.63 Sch. 10 Pt. I.
42	1971 c.78 s.13; 1986 c.63 Sch. 10 Pt. I.
43	1971 c.78 s.14; 1986 c.63 Sch. 10 Pt. I.
44	1971 c.78 s.14A; 1986 c.63 Sch. 10 Pt. I.
45	1971 c.78 s.14B; 1986 c.63 Sch. 10 Pt. I.
46(1)	1971 c.78 s.11(4); 1986 c.63 Sch. 10 Pt. I.
(2) to (6)	1971 c.78 s.15; 1986 c.63 Sch. 10 Pt. I.
47(1), (2)	1971 c.78 s.15A(1); 1986 c.63 Sch.10.
(3) to (6)	1971 c.78 s.15A(2) to (5); 1986 c.63 Sch.10.
48	1971 c.78 s.15B; 1986 c.63 Sch. 10 Pt. I.
49	1971 c.78 s.16; 1980 c.66 Sch.24 para. 20(a).
50(1)	1972 c.70 Sch.16 para. 9(1); 1980 c.65 Sch.14 para. 17.
(2)	1972 c.70 Sch.16 paras. 8(3),9(2).
(3)	1972 c.70 Sch.16 paras. 8(2),9(2); 1971 c.78 s.10(7); 1982 c.30 Sch.6 para. 7(a).
(4)	1972 c.70 Sch.16 paras. 8(4), 9; R 5.
(5)	1971 c.78 s.10B(1); 1972 (c.42) s.2.
(6)	1972 c.70 Sch.16 para. 10; 1986 c.63 Sch.11 para. 23.

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(7)	1972 c.70 Sch.16 para. 11; 1986 c.63 Sch.11 para. 23.
(8)	1972 c.70 Sch.16 para. 12; 1986 c.63 Sch.11 para. 23.
(9)	1972 c.70 Sch.16 para. 13; R 6.
51(1)	1971 c.78 s.17(1); 1972 c.70 Sch.16 paras.4, 52.
(2), (3)	1971 c.78 s.17(2), (3).
(4)	1971 c.78 s.17(4), (5).
52(1), (2)	1980 c.65 Sch.32 para. 23(1), (2).
(3)	1980 c.65 Sch.32 para. 23(4).
53(1)(2)	1971 c.78 s.18(1), 1986 c.63 Sch.11 para. 15; 1972 c.70 Sch.16 paras.5, 52.
(3) to (5)	1971 c.78 s.18(2) to (4).
54(1)	1971 c.78 s.20(1); 1980 c.66 Sch.24 para. 20.
(2) to (5)	1971 c.78 s.20(3) to (5).
55(1)	1971 c.78 s.22(1).
(2)	1971 c.78 s.22(2); 1986 c.63 Sch. 11 para. 1.
(3)	1971 c.78 s.22(3).
(4)	1971 c.78 s.22(3A); 1981 c.36 s.1(1).
(5)	1971 c.78 s.22(4).
(6)	1971 c.78 s.22(5).
56(1)	1971 c.78 s.290(5).
(2), (3)	1971 c.78 ss. 24C(4), 24D(6), 24E(4), 43(1), 44(1); 1980 c.65 Sch.32 para. 26(1A); 1986 c.63 ss.25(1), 54 (2).
(4)	1971 c.78 s.43(2).
(5)	1971 c.78 s.43(3) (part).
(6)	1971 c.78 s.43(3) (part).
57(1)	1971 c.78 s.23(1).
(2)	1971 c.78 s.23(5).
(3)	1971 c.78 s.23(8) (part).
(4)	1971 c.78 s.23(9); 1982 c.30 s.47(1), Sch. 6 para. 7.
(5)	1971 c.78 s.23(6), (8) (part).
(6)	1971 c.78 s.23(10).

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(7)	1971 c.78 s.23(1).
58	1971 c.78 ss.24(1), (2), 24A(2), 40; 1980 c.65 Sch.32 para. 17.
59(1)	1971 c.78 s.24(1).
(2)	1971 c.78 s.24(2).
(3)	1971 c.78 s.24(3) (part); 1986 c.63 Sch. 11 para. 2.
60(1)	1971 c.78 s.24(4).
(2), (3)	1971 c.78 s.24(5).
(4)	1971 c.78 s.24(6).
61(1)	1971 c.78 s.24(3)(a); 1986 c.63 Sch. 11 para. 2.
(2)	1971 c.78 s.24(7).
(3)	1971 c.78 s.24(8); 1980 c.66 Sch. 24 para. 20(c).
62	1971 c.78 s.25
63(1), (2)	1971 c.78 s.32(1).
(3)	1971 c.78 s.32(2)(part).
(4)	1971 c.78 s.32(3).
(5)	1971 c.78 s.32(2).
64(1)	1971 c.78 s.53(1) (part), (2)(part); 1980 c.65 Sch. 32 para. 18(3); 1986 c.63 Sch. 6 Pt ll para. 3.
(2)	1971 c.78 s.53(1) (part).
(3)	1971 c.78 s.53(2).
65(1) to (4)	1971 c.78 s.26(1) to (4).
(5), (6)	1971 c.78 s.26(5).
(7), (8)	1971 c.78 s.26(6).
(9)	1971 c.78 s.26(7).
66(1)	1971 c.78 s.27(1)(a), (b), (c), (d); 1980 c.65 Sch. 15 para. 2.
(2), (3)	1971 c.78 s.27(2).
(4), (5)	1971 c.78 s.27(3).
(6)	1971 c.78 s.27(4).
(7)	1971 c.78 s.27(7); 1978 c.30 s.17; 1980 c.65 Sch. 15 para. 3.
67(1)	Drafting.
(2)	1971 c.78 s.27(1A); 1981 c.36 s.4(2).

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(3)	1971 c.78 s.27(1), (part)(1A); 1981 c.36 s.4(1).
(4)	1971 c.78 s.27(1B); 1981 c.36 s.4(2).
(5), (6)	1971 c.78 s.27(2) (part).
(7)	1971 c.78 s.27(2A); 1981 c.36 s.4(4).
(8), (9)	1971 c.78 s.27(2B); 1981 c.36 s.4(4).
(10)	1971 c.78 s.27(2C); 1981 c.36 s.4(4).
(11)	1971 c.78 s.27(2) to (4); drafting; R 7.
68(1)	1971 c.78 ss.26(8)(part), 27(5)(part).
(2)	1971 c.78 s.26(8) (part), s.27(5) (part); 1982 c.48 ss.38, 46.
(3)	1971 c.78 ss.26(9), 27(6) (part).
(4)	1971 c.78 s.27(6) (part).
69(1)	1971 c.78 s.34(1) (part).
(2)	1971 c.78 s.34(1) (part); 1986 c.63 Sch. 6, Pt II para. 1.
(3)	1971 c.78 s.34(2) (part).
(4)	1971 c.78 s.34(2) (part).
(5)	1971 c.78 s.34(3).
70(1)	1971 c.78 s.29(1) (part); 1986 c.63 Sch. 11 Pt I para. 16.
(2)	1971 c.78 s.29(1) (part).
(3)	1971 c.78 s.29(1) (part), drafting.
71(1)	1971 c.78 s.29(2).
(2)	1971 c.78 s.29(3); R 7.
(3)	1971 c.78 s.29(5).
(4)	1971 c.78 s.29(6).
72(1)	1971 c.78 s.30(1).
(2)	1971 c.78 s.30(2).
(3)	1971 c.78 s.30(3) (part).
(4)	1971 c.78 s.30(3)(part); 1981 c.36 Sch.1 para. 1.
(5)	Drafting; 1971 c.78 s.30(2)(part); 1981 c.36 Sch.1 para. 1.
73(1)	1971 c.78 s.31A(1); 1986 c.63 Sch.11 para. 4.
(2)	1971 c.78 s.31A(3); 1986 c.63 Sch.11 para. 4.

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(3)	1971 c.78 s.31A(2); 1986 c.63 Sch.11 para. 4.
(4)	1971 c.78 S.31A(4); 1986 c.63 Sch.11 para. 4.
74(1)	1971 c.78. s.31(1) (part); 1972 c.70 Sch. 16 para. 22; 1980 c.65 Sch. 15 para. 4(1).
(2)	1971 c.78 s.31(1) (part).
75(1)	1971 c.78 s.33(1).
(2), (3)	1971 c.78 s.33(2).
76(1)	1971 c.78 ss.29A(1) (part), 29B(1) (part); 1981 c.43 s.3; 1988 c.40 Sch.12 para. 70.
(2)	1971 c.78 ss.29A(1) (part), (2); 29B(1) (part); 1981 c.43 s.3; 1986 c.63 Sch.11 para. 3, Sch. 12 Pt. III.
(3)	1971 c.78 s.29B(1A); 1988 c.40 Sch.12 para. 70.
77(1) to (3)	1971 c.78 s.35(1) to (3).
(4)	1971 c.78 s.35(4)(part); 1981 c.36 Sch.1 para. 2; 1986 c.63 Sch.11 para. 17.
(5), (6)	1971 c.78 s.35(5).
(7)	1971 c.78 s.35(6).
78(1)	1971 c.78 s.36(1); 1980 c.65 Sch. 15 para. 4(2).
(2)	1971 c.78 s.37 (part); 1980 c.65 Sch. 15 para. 4(3).
(3)	1971 c.78 s.36(2) (part).
(4)	1971 c.78 ss.36(2) (part), 37 (part).
(5)	1971 c.78 s.37 (part); R 8(a), (c), (d).
79(1)	1971 c.78 ss.36(3), 37.
(2), (3)	1971 c.78 s.36(4).
(4)	1971 c.78 s.36(5); 1981 c.36 Sch. 1 para. 3; 1986 c.63 Sch.11 para. 17.
(5)	1971 c.78 s.36(6).
(6)	1971 c.78 s.36(7); 1986 c.63 Sch. 11 para. 18.
(7)	1971 c.78 s.36(8).
80(1), (2)	1971 c.78 s.38(1), (2).

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(3)	1971 c.78 s.38(4).
(4)	1971 c.78 s.38(3).
81(1), (2)	1971 c.78 s.39(1).
(3), (4)	1971 c.78 s.39(2), (3).
82	1971 c.78 s.24A(1) to (3); 1986 c.63 s.25(1).
83(1)	1971 c.78 s.24A(4)(a); 1986 c.63 s.25(1).
(2)	1971 c.78 s.24A(4)(b); 1971 c.78 Sch.8A para. 2(1); 1986 c.63 s.25(1).
(3)	1971 c.78 s.24A(5); 1986 c.63 s.25(1).
84(1), (2)	1971 c.78 s.24B(1); 1986 c.63 s.25(1).
(3), (4)	1971 c.78 s.24B(2) (part); 1986 c.63 s.25(1).
85	1971 c.78 s.24C(1), (2); 1986 c.63 s.25(1).
86(1) to (5)	1971 c.78 s.24D(1) to (5); 1986 c.63 s.25(1).
(6)	1971 c.78 s.24D(6) (part); 1986 c.63 s.25(1).
87(1)	1971 c.78 s.24E(1); 1986 c.63 s.25(1); 1988 c.4 Sch.3 para. 10.
(2), (3)	1971 c.78 s.24E(2), (3); 1986 c.63 s.25(1).
(4)	1971 c.78 s.24E(4) (part); 1986 c.63 s.25(1).
88(1)	1980 c.65 Sch.32 paras. 5(4)(a), 17(1).
(2)	1980 c.65 Sch.32 paras. 11(3), 17(2).
(3) to (6)	1980 c.65 Sch.32 para. 17(3) to (6).
(7)	1980 c.65 Sch.32 para. 25(1)(a), (b).
(8)	1980 c.65 Sch.32 para. 25(2).
(9), (10)	1980 c.65 Sch.32 para. 17(7), (8).
89(1)	1980 c.65 Sch.32 para. 21; 1986 c.63 s.54(1).
(2)	1980 c.65 Sch.32 para. 22(1); 1986 c.63 s.54(1).
90(1)	1971 c.78 s.40(1)
(2)	1989 c.29 Sch. 8 para. 7(1).

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(3)	1971 c.78 s.40(2); 1989 c.29 Sch. 8 para. 7(3).
(4)	1971 c.78 s.40(3)
(5)	1989 c.29 Sch. 8 para. 7(4).
91(1), (2)	1971 c.78 s.41(1).
(3)	1971 c.78 s.41(2).
(4)	1971 c.78 s.41(3); 1980 c.65 Sch.32 para. 18(2); 1981 c.36 s.6; 1986 c.63 Sch.6 Pt II para. 2.
92	1971 c.78 s.42
93	1971 c.78 s.43(4) to (7); 1989 c.29 Sch. 8 para 7(3).
94(1)	1971 c.78 ss.44(1), 24C(3); 1980 c.65 Sch. 32 para. 22(2); 1986 c.63 ss.25, 54(1).
(2), (3)	1971 c.78 s.44(2).
(4)	1971 c.78 s.44(3)(a).
(5), (6)	1971 c.78 s.44(6).
95(1), (2)	1971 c.78 s.44(3)(b).
(3)	1971 c.78 s.44(4).
(4), (5)	1971 c.78 s.44(5).
96(1), (2)	1971 c.78 s.276(5); 1981 c.41 Sch. para. 24.
(3)	1971 c.78 s.276(5) (part); 1981 c.41 Sch. para. 24.
97(1), (2)	1971 c.78 s.45(1).
(3)	1971 c.78 s.45(4) (part).
(4)	1971 c.78 s.45(4) (proviso).
(5)	1971 c.78 s.45(5); 1981 c.36 s.8.
98(1)	1971 c.78 s.45(2) (part).
(2) to (5)	1971 c.78 s.45(3).
(6)	1971 c.78 s.45(2) (part).
99(1)	1971 c.78 s.46(1); 1974 c.7 Sch.6 para. 25(3), Sch.8.
(2)	1971 c.78 s.46(1)(part), (2)(part).
(3)	1971 c.78 s.46(3); 1974 c.7 Sch.8.
(4)	1971 c.78 s.46(2)(a)(part).
(5)	1971 c.78 s.46(2)(b)(part).

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(6) to (8)	1971 c.78 s.46(4) to (6).
100(1) to (3)	1971 c.78 s.276(1); 1974 c.7 Sch. 6 para. 25(12), Sch. 8.
(4) to (6)	1971 c.78 s.276(4).
(7)	1971 c.78 s.276(2), (3).
(8)	1971 c.78 s.45(5); R 9.
101(1)	1971 c.78 ss.47(1), 48(1) (part).
(2)	1971 c.78 s.48(1).
(3)	1971 c.78 s.48(2).
(4)	1971 c.78 s.48(8); drafting.
(5)	1971 c.78 s.47(6) (part).
102(1)	1971 c.78 s.51(1).
(2), (3)	1971 c.78 s.51(2).
(4)	1971 c.78 s.51(3) (part).
(5)	1971 c.78 s.51(3) (part) and s.32(3).
(6)	1971 c.78 s.51(8).
(7)	1971 c.78 s.51(9).
(8)	1971 c.78 s.51(1A); 1981 c.36 s.9; drafting.
103(1)	1971 c.78 s.51(4).
(2)	1971 c.78 s.51(5).
(3) to (6)	1971 c.78 s.51(6).
(7)	1971 c.78 s.51(7).
(8)	1971 c.78 s.51(9).
104(1)	1971 c.78 s.276(1) (part), (2) (part).
(2), (3)	1971 c.78 s.276(1) (part).
(4) to (7)	1971 c.78 s.276(4) (part).
(8)	1971 c.78 s.276(2),(3).
105(1)	1971 c.78 s.264A(1); 1981 c.36 s.3.
(2)	1971 c.78 s.264A(2); 1981 c.36 s.3.
106(1)	1971 c.78 s.52(1) (part).
(2)	1971 c.78 s.52(1) (part).
(3), (4)	1971 c.78 s.52(2), (3).
107(1)	1971 c.78 s.164(1); 1974 c.7, Sch. 6 para. 25(11), Sch. 8;1981 c.36 ss.12, 34, Sch. 1 para. 4.

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(2) to (5)	1971 c.78 s.164(2) to (5).
108(1)	1971 c.78 s.165(1),(2) (part).
(2)	1971 c.78 s.165(1A).
(3)	1971 c.78 s.165(3); 1985 c.19 s.1(1).
109(1)	1971 c.78 s.166(1).
(2)	1971 c.78 ss.165(2) (part), 166(2).
(3), (4)	1971 c.78 ss.156(2),(3), 166(3).
(5)	1971 c.78 s.166(4).
(6)	1971 c.78 ss.165(2), 166(6).
110(1)	1971 c.78 s.166(5).
(2)	1971 c.78 ss.158(4) (part), 166(5); 1972 c.70 s. 179(3).
(3)	1971 c.78 ss.158(4) (part), 165(2) (part), 166(5).
(4)	1971 c.78 ss.158(5), 166(5).
(5)	1971 c.78 ss.158(6), 166(5).
111(1)	1971 c.78 ss.159(1), 168(1).
(2)	1971 c.78 ss.159(2), 168(1).
(3)	1971 c.78 ss.159(3), 168(1).
(4)	1971 c.78 ss.165(2), 168(1),(proviso).
(5)	1971 c.78 s.168(4).
112(1)	1971 c.78 ss.160(1), 168(1).
(2), (3)	1971 c.78 ss.160(2), 168(1).
(4)	1971 c.78 ss.160(3), 168(1).
(5)	1971 c.78 ss.160(4), 168(1).
(6)	1971 c.78 ss.160(5)(a), 168(1).
(7)	1971 c.78 ss.160(5)(a) (part), 168(1).
(8)	1971 c.78 ss.160(5)(b), 168(1).
(9), (10)	1971 c.78 ss.160(6), 168(1).
(11)	1971 c.78 s.168(2).
(12)	1971 c.78 s.168(3).
(13)	1971 c.78 s.168(3),(proviso).
113	1971 c.78 ss. 165(2), 167.
114(1) to (3)	1971 c.78 s.169(1) to (3).
(4), (5)	1971 c.78 s.169(4) (part).

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(6)	1971 c.78 s.169(6),(6A); 1985 c.19 s.1(2).
(7), (8)	1971 c.78 s.169(7),(8).
115(1)	1971 c.78 s.170(1); 1981 c.36 s.34, Sch. 1 para. 5.
(2)	1971 c.78 s.170(2); 1981 c.36 s.14.
(3), (4)	1971 c.78 s.170(3),(4).
(5)	1971 c.78 ss.170(1)(part), 170A (part); 1981 c.36 s.15, Sch. 1 para. 5; R 10.
(6)	1971 c.78 ss.170(1), 170A (part); 1981 c.36 s.15; R 10.
116	Drafting.
117(1)	1971 c.78 s.178(1).
(2)	1971 c.78 s.178(2); 1981 c.36 Sch. 1 para. 6.
(3)	1971 c.78 s.178(3).
118(1)	1971 c.78 s.179(1) (part).
(2)	1971 c.78 s.179(2) (part).
119(1)	1971 c.78 s.134(1), (2).
(2)	Drafting.
(3)	1971 c.78 s.134(3).
(4)	1971 c.78 s.134(4); 1972 c.70 Sch. 16 para. 33.
120	1971 c.78 s.146.
121(1)	1971 c.78 s.147(1).
(2), (3)	1971 c.78 s.147(2).
(4)	1971 c.78 s.147(3).
(5)	1971 c.78 s.147(4) (part).
(6)	1971 c.78 s.147(4),(proviso); 1973 c.37 Sch. 8 para. 94.
(7)	1971 c.78 s.147(5).
(8)	1971 c.78 s.147(6).
122(1)	1971 c.78 s.148(1).
(2)	1971 c.78 s.148(1),(proviso).
(3)	1971 c.78 s.148(2).
(4)	1971 c.78 s.148(3).
123(1),(2)	1971 c.78 s.149(1),(2); 1987 c.3 s.1.

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(3), (4)	1971 c.78 s.149(3); 1987 c.3 s.1.
(5)	1971 c.78 s.149(4): 1987 c.3 s.1.
124	1971 c.78 s.150.
125	1971 c.78 s.152.
126	1971 c.78 s.153.
127(1),(2)	1971 c.78 s.154(1),(2)(part).
(3)	1971 c.78 s.154(2),(proviso).
(4)	1971 c.78 s.154(3).
(5), (6)	1971 c.78 s.154(4).
(7), (8)	1971 c.78 s.154(5).
128	1971 c.78 s.155.
129	1971 c.78 s.156.
130	1971 c.78 s.157.
131	1971 c.78 s.158(1) to (3).
132(1),(2)	1971 c.78 s.158(4); 1972 c.70 s. 179(3), Sch. 30.
(3)	1971 c.78 s.158(5); 1975 c.76 Sch. 1.
(4)	1971 c.78 s.158(6).
133	1971 c.78 s.159.
134(1)	1971 c.78 s.160(1).
(2),(3)	1971 c.78 s.160(2).
(4),(5)	1971 c.78 s.160(3),(4).
(6) to (8)	1971 c.78 s.160(5).
(9),(10)	1971 c.78 s.160(6).
135	1971 c.78 s.162; R 11.
136(1)	1971 c.78 s.163(1) (part).
(2)	1971 c.78 s.163(1),(proviso).
(3)	1971 c.78 s.163(2).
137(1)(a)	1971 c.78 s.180(1), (part).
(b)	1971 c.78 s.188(1), (part).
(c)	1971 c.78 s.189(1), (part).
(2)(a)	1971 c.78 ss.180(1)(part),(7), 188(1) (part),(2)(part); 1972 c.70 s. 179(3), Sch.30.
(b)	1971 c.78 s.189(1)(part),(2)(part); 1972 c.70 s. 179(3), Sch.30.

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(3)	1971 c.78 ss.180(1)(part), 188(1)(part).
(4)	1971 c.78 s.189(1)(part).
(5)	1971 c.78 s.180(4); 1986 c.63 Sch.12 Pt.III.
(6)	1971 c.78 s.180(5); R 12.
(7)	1971 c.78 s.180(6); R 12, R 41.
(8)	1971 c.78 s.189(5).
138(1)	1971 c.78 ss.180(2) (part), 188(2) (part), 189(2) (part).
(2)	1971 c.78 ss.180(2) (part), 188(3) (part), 189(3) (part), 198(3) (part).
139(1)	1971 c.78 ss.181(1) (part), 188(2) (part), 189(2) (part); 1986 c.63 Sch.11 para. 5(1)(a).
(2)	1971 c.78 s.181(1) (part), s.188(2) (part); s.189(2) (part).
(3)	1971 c.78 s.181(2), s.188(2) (part) s.189(2) (part).
(4)	1971 c.78 s.181(3), s.188(2) (part); s.189(2) (part), 1986 c.63 Sch. 11 para. 5(1)(b).
(5)	1971 c.78 s.208.
140(1)	1971 c.78 ss.182(1), 188(2) (part), 189(2) (part).
(2)	1971 c.78 s.182(2), s.188(2) (part), s.189(2) (part); 1972 c.70 Sch. 16 paras. 37, 52.
(3),(4)	1971 c.78 s.182(3), s.188(2) (part), s.189(2) (part).
(5)	1971 c.78 s.182(4), s.188(2) (part), s. 189(2) (part).
141(1)	1971 c.78 ss.183(1), 188(2) (part), 189(2) (part), (3) (part); R 13(a).
(2)	1971 c.78 ss.183(2), 188(2) (part), (3) (part), 189(2) (part), (3) (part).
(3) to (5)	1971 c.78 s.183(3) to (5), s.188(2) (part), s.189(2) (part).
142(1)	1971 c.78 ss.184(1), 188(2) (part), 189(2) (part); 1986 c.63 Sch. 11 para. 6(a); R 13(b).
(2)	1971 c.78 s.184(2).

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(3)	1971 c.78 s.184(3); 1986 c.63 Sch. 11 para. 6(b).
143(1)	1971 c.78 ss.186(1), 188(2) (part), 189(2) (part).
(2),(3)	1971 c.78 ss.186(2),(3), 188(2) (part), 189(2) (part).
(4)	1971 c.78 ss.186(3A), 188(2) (part), 189(2) (part); 1986 c.63 Sch.11 para. 7(1).
(5),(6)	1971 c.78 ss.186(4), 188(2) (part), 189(2) (part).
(7)	1971 c.78 ss.186(5), 188(2) (part), 189(2) (part).
(8)	1971 c.78 s.208.
144(1)	1971 c.78 ss.187(1), 188(2) (part), 189(2) (part).
(2)	1971 c.78 s.187(2), s.188(2) (part), s.189(2) (part).
(3),(4)	1971 c.78 ss.187(3), 188(2) (part), 189(2) (part).
(5),(6)	1971 c.78 ss.187(4),(5), 188(2) (part), 189(2) (part).
(7)	1971 c.78 s.189(4).
145(1),(2)	1973 c.26 s.53(1), (5).
(3),(4)	1973 c.26 s.53(3),(4); 1981 c. 66 Sch. 3 para. 1.
(5)	1973 c.26 s.53(2)
(6)	1973 c.26 s.53(1),(2).
(7)	1973 c.26 s.53(6).
146(1),(2)	1973 c.26 s.54(1).
(3)	1973 c.26 s.54(2).
(4),(5)	1973 c.26 s.54(3).
(6),(7)	1973 c.26 s.54(4),(5).
(8),(9)	1973 c.26 s.54(6).
(10),(11)	1973 c.26 s.54(7),(8).
147(1)	1973 c.26 s.84(2).
(2)	1973 c.26 s.87(1).
148(1)	1971 c.78 ss.181(4), 186(6), 191A; 1984 c.12 Sch. 4 para. 53(5).

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(2)	R 13(c).
149(1)	1971 c.78 s.192(1) (part), drafting.
(2)	1971 c.78 s.192(3),(4)(part),(5)(part).
(3)	1971 c.78 s.192(4) (part); 190 SI/465.
(4)	1971 c.78 s.192(4) (part), (5) (part).
(5)	1971 c.78 s.192(6); 1973 c.26 s.82(2).
150(1)	1971 c.78 s.193(1); 1973 c.26 s.77.
(2),(3)	1971 c.78 s.193(2).
(4)	1971 c.78 s.193(4)
151(1),(2)	1971 c.78 s.194(1)
(3)	1971 c.78 s.194(5) (part).
(4)	1971 c.78 s.194(2); 1980 c.65 Sch.15 paras. 18,19; 1985 c.51 Sch.1 para. 16(2).
(5)	1971 c.78 s.194(4); 1973 c.26 s.75(3)(a).
(6)	1971 c.78 s.194(3).
(7)	1973 c.26 s.76(2).
(8)	1971 c.78 s.194(6); 1973 c.26 s.75(3)(b).
152(1)	1973 c.26 ss.68(6)(part), 69(3); 1985 c.51 Sch. 1 para. 17(4).
(2)	1973 c.26 s.68(6)(part).
153(1),(2)	1971 c.78 s.195(1).
(3) to (7)	1971 c.78 s.195(2) to (6).
(8)	1973 c.26 s.68(6) (part).
154(1),(2)	1971 c.78 s.196(1).
(3)	1971 c.78 s.196(2).
(4),(5)	1971 c.78 s.196(3).
(6)	1971 c.78 s.196(4).
155	1971 c.78 s.199.
156(1),(2)	1971 c.78 s.198(1).
(3),(4)	1971 c.78 s.198(2),(3).
157(1),(2)	1971 c.78 s.197; 1981 c.67 Sch.4 para. 1; 1985 c.71 Sch.2 para. 22.
(3),(4)	1973 c.26 s.81(6),(7)(part).
158(1),(2)	1973 c.26 s.79(1).

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(3)	1973 c.26 s.79(2).
159(1)	1973 c.26 s.80(1).
(2),(3)	1973 c.26 s.80(2).
(4) to (8)	1973 c.26 s.80(3) to (7).
160(1) to (5)	1973 c.26 s.81(1) to (5).
(6)	1973 c.26 s.81(7).
161(1)	1971 c.78 s.200; 1973 c.26 s.81(8); R 14.
(2)	1973 c.26 s.78(1).
(3) to (4)	1973 c.26 s.78(2).
(5)	1973 c.26 s.78(3).
162(1)	1971 c.78 s.201(1); 1973 c.26 s.77(1), (2).
(2),(3)	1971 c.78 s.201(2).
(4)	1971 c.78 s.201(3).
(5)	1971 c.78 s.201(6).
163(1)	1971 c.78 s.201(4); 1973 c.26 s.78(4).
(2)	1971 c.78 s.201(5); 1973 c.26 s.78(4).
164	1971 c.78 s.204.
165(1),(2)	1973 c.26 s.72(4); 1980 c.65 s.147(4).
(3)	1973 c.26 s.72(5); 1980 c.65 s.147(5); 1981 c.64 Sch.12para. 11.
166(1)	1971 c.78 s.202(1),(2) (part).
(2)	1971 c.78 s.202(2) (part).
167	1971 c.78 s.208.
168	1971 c.78 s.203.
169(1) to (3)	1971 c.78 s.205; 1984 c.12 Sch.4 para. 53(6).
(4)	1973 c.26 s.72(3) (part); 1980 c.65 s.147(3) (part).
(5)	1973 c.26 s.76(3) (part).
170(1)	1971 c.78 s.206(1).
(2)	1971 c.78 s.206(2); 1985 c.51 Sch.1 para 17(6) (part).
(3)	1973 c.26 s.68(10) (part); 1985 c.51 Sch.1 para. 17(6) (part).
(4)	1973 c.26 s.71(3).

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(5)	1973 c.26 s.72(3) (part); 1980 c.65 s.147(3) (part).
(6)	1973 c.26 s.73(3); 1985 c.71 Sch.2 para. 24(8).
(7)	1973 c.26 s.76(3) (part); 1980 c.66 Sch.24 para. 23.
(8)	1973 c.26 s.70(3).
(9)	1971 c.78 s.206(3).
(10)	1971 c.78 s.206(4); 1980 c.66 Sch.24 para. 20.
(11),(12)	1971 c.78 s.206(5),(6).
171	1971 c.78 s.207; 1973 c.26 ss.82(5), 87(1); 1990 SI/465.
172(1) to (4)	1971 c.78 s.87(1) to (4); 1981 c.41 Sch. para. 1.
(5)	1971 c.78 s.87(13).
(6)	1971 c.78 s.87(5).
(7)	1971 c.78 s.87(14).
(8)	1971 c.78 s.87(15).
173(1)	1971 c.78 s.87(6).
(2)	1971 c.78 s.87(7).
(3)	1971 c.78 s.87(9).
(4)	1971 c.78 s.87(10).
(5)	1971 c.78 s.87(8).
(6)	1971 c.78 s.87(11).
(7)	1971 c.78 s.87(12).
(8)	1971 c.78 s.87(16).
174(1)	1971 c.78 s.88(1); 1981 c.41 Sch. para. 1; 1984 c.10 s.4(2).
(2) to (4)	1971 c.78 s.88(2) to (4), (5)(a).
(5)	1971 c.78 s.88(9).
(6)	1984 c.10 s.4(2).
175(1)	1971 c.78 s.88(5)(b) to (e).
(2)	1971 c.78 s.88(5)(d).
(3)	1971 c.78 s.88(7).
(4)	1971 c.78 s.88(10).
(5)	1971 c.78 s.110(2).

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(6)	1971 c.78 s.88(11).
176(1),(2)	1971 c.78 s.88A(1),(2); 1981 c.41 Sch.para. 1.
(3)	1971 c.78 s.88(6); 1981 c.41 Sch.para. 1.
(4)	1971 c.78 s.88(8); 1981 c.41 Sch.para. 1.
(5)	1971 c.78 s.88A(3); 1981 c.41 Sch.para. 1.
177(1)	1971 c.78 s.88B(1); 1981 c.41 Sch para 1.
(2)	1971 c.78 s.88B(2).
(3)	1971 c.78 s.88B(2); R 15.
(4)	1971 c.78 s.88B(2).
(5) to (8)	1971 c.78 s.88B(3).
178(1),(2)	1971 c.78 s.91(1),(2); 1981 c.41 Sch.para. 4.
(3)	1971 c.78 s.91(3),(4); 1974 c.7 Sch.8.
(4)	1971 c.78 s.91(3).
(5)	1971 c.78 s.91(5).
(6)	1971 c.78 s.111.
(7)	1971 c.78 ss.89(6),90(10),91(1); drafting.
179(1)	1971 c.78 s.89(1); 1981 c.41 Sch.para. 2(1).
(2)	1971 c.78 s.89(1); 1980 c.43 s.32(2); 1982 c.48 ss.46,74.
(3)	1971 c.78 s.89(2).
(4)	1971 c.78 s.89(3).
(5)	1971 c.78 s.89(4); 1986 c.63 Sch.11 para. 13.
(6)	1971 c.78 s.89(5).
(7), (8)	1971 c.78 s.89(5); 1980 c.43 s.32(2); 1982 c.48 ss.46,74; 1986 c.63 Sch.11 para. 13.
180(1)	1971 c.78 s.92(1); 1981 c.41 Sch.para. 5
(2),(3)	1971 c.78 s.92(2),(3).
181(1)	1971 c.78 s.93(1); 1981 c.41 Sch.para. 7(1).

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(2) to (4)	1971 c.78 s.93(2) to (4).
(5)	1971 c.78 s.93(5); 1981 c.41 Sch.para. 7(2); 1982 c.48 s.46.
182(1) to (3)	1971 c.78 s.276(5A); 1981 c.41 Sch.para. 24.
(4)	1971 c.78 s.276(5B)(part); 1981 c.41 Sch.para. 24; R 16.
183(1),(2)	1971 c.78 s.90(1); 1981 c.41 Sch.para. 3; 1977 c.29 s.1.
(3) to (5)	1971 c.78 s.90(2); 1977 c.29 s.1.
(6)	1971 c.78 s.90(5)(part); 1977 c.29 s.1.
(7)	1971 c.78 s.90(6)(part); 1977 c.29 s.1.
184(1)	1971 c.78 s.90(1)(part); 1977 c.29 s.1.
(2),(3)	1971 c.78 s.90(3); 1977 c.29 s.1.
(4),(5)	1971 c.78 s.90(4); 1977 c.29 s.1.
(6)	1971 c.78 s.90(5)(part); 1977 c.29 s.1.
(7)	1971 c.78 s.90(6)(part); 1977 c.29 s.1.
(8)	1971 c.78 s.90(9); 1977 c.29 s.1.
185	1971 c.78 s.276(5); 1981 c.41 Sch.para. 24.
186(1) to (5)	1971 c.78 s.177; 1977 c.29 s.2.
(6),(7)	1971 c.78 s.179.
187(1)	1971 c.78 s.90(7).
(2)	1971 c.78 s.90(7); 1986 c.63 Sch.11 para. 13
(3)	1971 c.78 s.90(8).
188(1)	1971 c.78 s.92A(1); 1981 c.41 Sch.para. 6; 1985 c.51 s.3(4).
(2)	1971 c.78 s.92A(3); 1981 c.41 Sch.para. 6; 1985 c.51 Sch.17.
(3)	1971 c.78 s.92A(4); 1981 c.41 Sch.para. 6.
189(1) to (3)	1971 c.78 s.108(1) to (3); 1981 c.36 s.11.
(4),(5)	1971 c.78 s.108(6),(7); 1981 c.36 s.11.
190(1)	1971 c.78 s.108(4)(part); 1981 c.36 s.11.
(2)	1971 c.78 s.108(4)(part),(5)(part); 1981 c.36 s.11.

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(3)	1971 c.78 s.108(4) (part); 1981 c.36 s.11.
(4)	1971 c.78 s.111; R 17.
(5)	1971 c.78 s.108(4)(part); 1981 c.36 s.11.
191	1971 c.78 s.94(1)
192(1) to (3)	1971 c.78 s.94(2).
(4)	1971 c.78 s.94(7); 1981 c.41 Sch.para. 8.
(5)	1971 c.78 s.95(1)(part).
(6)	1971 c.78 Sch.14 para. 6(part).
193(1)	1971 c.78 s.94(6); 1971 c.78 Sch.14 para. 1.
(2),(3)	1971 c.78 Sch.14 para. 3(1).
(4)	1971 c.78 Sch.14 para. 3(2); R 18.
(5)	1971 c.78 Sch.14 para. 3(2)(part); 1982 c.48 ss.46,74.
(6)	1971 c.78 s.94(8).
(7)	1971 c.78 s.94(8)(part); 1980 c.43 s.32;1982 c.48 ss.46,74.
194(1)	1971 c.78 ss.94(4), 95(1) (part).
(2)	1971 c.78 s.94(3).
(3)	1971 c.78 Sch.14 para. 4(a),(b).
(4)	1971 c.78 Sch.14 para. 4(c).
(5),(6)	1971 c.78 Sch.14 para. 2.
195(1)	1971 c.78 ss.94(5),95(2).
(2)	1971 c.78 s.95(2).
(3)	1971 c.78 s.95(2)(b).
(4)	1971 c.78 s.94(8); Sch.14 para 3(1).
(5)	R 8(a).
(6)	1971 c.78 s.95(7).
196(1)	1971 c.78 s.95(4).
(2)	1971 c.78 Sch.14 para. 5.
(3)	1971 c.78 s.95(5).
(4)	1971 c.78 Sch.14 para. 6(part).
(5)	1971 c.78 s.95(3).
(6),(7)	1971 c.78 s.95(6).

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197	1971 c.78 s.59.
198(1)	1971 c.78 s.60(1); 1980 c.65 Sch.15 para. 13(1)(a), (2).
(2)	1971 c.78 s.60(1)
(3)	1971 c.78 s.60(1); 1974 c.32 s.10(1).
(4)	1971 c.78 ss.60(2), 191(1).
(5)	1971 c.78 s.60(3).
(6)	1971 c.78 s.60(6); 1974 c.32 s.10(2)(a).
(7)	1971 c.78 s.60(10); 1986 c.63 Sch.12 Pt II.
199(1)	1971 c.78 s.60(4); 1980 c.65 Sch.15 para. 13(1)(c).
(2)	1971 c.78 s.60(5).
(3)	1971 c.78 s.60(5); 1980 c.65 Sch.15 para. 13(1)(d), (2), Sch.34 Pt X.
200(1)	1971 c.78 s.60(7).
(2)	1971 c.78 s.60(7); 1978 c.30 s.17(2)(a).
(3)	1971 c.78 s.60(8); 1978 c.30 s.17(2)(a).
(4)	1971 c.78 s.60(7),(9); 1978 c.30 s.17(2)(a).
201(1)	1971 c.78 s.61(1).
(2)	1971 c.78 s.61(2); 1980 c.65 Sch.15 para. 14, Sch.34 Pt X.
202(1),(2)	1971 c.78 s.276(1),(2)(c); 1974 c.7 s.35, Sch.6 para. 25(12).
(3)	1971 c.78 s.276(3).
203	1971 c.78 s.174.
204(1)(a)	1971 c.78 s.175(1).
(b)	1971 c.78 s.175(2); 1978 c.30 s.17(2)(a).
(2) to (4)	1971 c.78 s.175(2) to (4).
205	1971 c.78 s.179.
206(1),(2)	1971 c.78 s.62(1); 1974 c.32 s.10(2)(b); 1985 c.52 s.1(2).
(3)	1971 c.78 s.62(1A);1985 c.51 s.1(3).
(4)	1971 c.78 s.62(2).
(5)	1971 c.78 s.62(3)(part).
207(1),(2)	1971 c.78 s.103(1).

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(3),(4)	1971 c.78 s.103(2).
(5)	1971 c.78 s.62(3)(part).
208(1),(2)	1971 c.78 s.103(3); 1981 c.41 Sch. para. 12.
(3)	1971 c.78 s.103(3A); 1981 c.41 Sch. para. 12.
(4)	1971 c.78 s.103(3B); 1981 c.41 Sch. para. 12.
(5)	1971 c.78 s.103(3C); 1981 c.41 Sch. para. 12.
(6)	1971 c.78 s.103(3D); 1981 c.41 Sch. para. 12.
(7)	1971 c.78 s.103(3E); 1981 c.41 Sch. para. 12.
(8)	1971 c.78 s.103(3F); 1981 c.41 Sch. para. 12.
(9)	1971 c.78 s.103(4).
(10)	1971 c.78 s.110(2).
209(1)	1971 c.78 ss.103(5), 91(1); 1981 c.41 Sch. para. 4(a); 1972 c.70 Sch.16 paras. 29, 52.
(2)	1971 c.78 ss.103(5), 91(2); 1981 c.41 Sch. para. 4(b) (i), (ii).
(3), (4)	1971 c.78 ss.91(3),(4), 103(5); 1974 c.7 Sch.8.
(5)	1971 c.78 ss.91(5), 103(5).
(6)	1971 c.78 s.111.
210(1)	1971 c.78 s.102(1); 1974 c.32 s.10(3).
(2)	1971 c.78 s.102(1); 1974 c.32 s.10(3); 1980 c.43 ss.32(9), 143(1).
(3)	1971 c.78 s.102(1)(b); 1974 c.32 s.10(3).
(4)	1971 c.78 s.102(2); 1974 c.32 s.10(4); 1982 (c.48) s.46(1).
(5)	1971 c.78 s.102(3), 1974 c.32 s.10(5).
211(1) to (3)	1971 c.78 s.61A(1) to (3); 1974 c.32 s.8.
(4)	1971 c.78 s.102(4); 1974 c.32 s.10(6).
212(1)	1971 c.78 s.61A(4); 1974 c.32 s.8.
(2), (3)	1971 c.78 s.61A(5); 1974 c.32 s.8.

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(4)	1971 c.78 s.61A(6); 1974 c.32 s.8.
213(1),(2)	1971 c.78 s.61A(8); 1974 c.32 s.8.
(3)	1971 c.78 s.61A(9); 1974 c.32 s.8.
214	1971 c.78 s.61A(7); 1974 c. 32 s. 8.
215(1),(2)	1971 c.78 s.65(1),(2); 1986 c.63 s.46.
(3),(4)	1971 c.78 s.65(3); 1986 c.63 s.46.
216(1)	1971 c.78 s.104(1); 1981 c.41 Sch. para. 13.
(2)	1971 c.78 s.104(2); 1981 c.41 Sch. para. 13; 1982 c.48 ss.38, 46
(3)	1971 c.78 s.104(3); 1981 c.41 Sch. para. 13.
(4)	1971 c.78 s.104(4)(5); 1981 c.41 Sch. para. 13.
(5)	1971 c.78 s.104(6); 1981 c.41 Sch. para 13.
(6)	1971 c.78 s.104(7); 1981 c.41 Sch. para. 13; 1986 c.63 s.49(1), Sch.11 para. 13.
(7)	1971 c.78 s.104(8); 1981 c.41 Sch. para. 13.
217(1)	1971 c.78 s.105(1); 1986 c.63 s.49, Sch.11 para. 20.
(2) to (5)	1971 c.78 s.105(2) to (5).
(6)	1971 c.78 s.110(2).
218	1971 c.78 s.106; 1981 c.41 Sch. para. 14.
219(1)	1971 c.78 s.107(1); 1981 c.41 Sch. para. 15.
(2)	1971 c.78 s.107(2); 1981 c.41 Sch. para. 15.
(3) to (5)	1971 c.78 s.107(3).
(6)	1971 c.78 s.111.
220(1),(2)	1971 c.78 s.63(1),(2).
(3)	1971 c.78 ss.63(2)(c), 191(1).
(4)	1971 c.78 s.63(7).
(5)	1971 c.78 s.63(7); R 19.
221(1)	1971 c.78 s.63(3); 1974 c.32 s.3(1); 1986 c.63 s.45.

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(2)	1971 c.78 s.63(3A); 1986 c.63 s.45.
(3),(4)	1971 c.78 s.63(3B); 1986 c.63 s.45.
(5)	1971 c.78 s.63(4).
(6)	1971 c.78 s.63(5).
(7) to (9)	1971 c.78 s.63(6).
222	1971 c.78 s.64.
223(1)	1971 c.78 s.176.
(2)	1971 c.78 s.179(1); 1981 c.36 s.17.
(3)	1971 c.78 s.179(2).
224(1),(2)	1971 c.78 s.109(1).
(3)	1971 c.78 s.109(2); 1981 c.41 Sch. para 16; 1982 c.48 s.46; 1986 c.63 s.49(1), Sch.11 para. 13.
(4),(5)	1971 c.78 s.109(3).
225(1)	1971 c.78 s.109A(1),(6); 1982 c.30 s.36(a).
(2)	1971 c.78 s.109A(2); 1982 c.30 s.36(a).
(3)	1971 c.78 s.109A(3),(6); 1982 c.30 s.36(a).
(4),(5)	1971 c.78 s.109A(4),(5).
226(1) to (4)	1971 c.78 s.112(1)(1A) to (1C); 1980 c.65 s.91(1).
(5)	1971 c.78 s.112(2).
(6)	1971 c.78 s.112(3); 1972 c.70 s. 179(3), Sch. 30.
(7)	1971 c.78 s.112(4); 1981 c.67 Sch. 6 Pt. I; 1981 c.67 Sch. 4 para. 1.
(8)	1971 c.78 s.112(5); 1972 c.70 s. 179(3), Sch. 30.
227(1)	1971 c.78 s.119(1)(a); 1972 c.70 s. 179(3), Sch. 30.
(2)	1971 c.78 s.119(3).
228(1)	1971 c.78 s.113(1); 1980 c.65 s.122(2).
(2)	1980 c.65 s.122(1).
(3)	1971 c.78 s.113(2).
(4)	1971 c.78 s.113(2) (proviso); 1981 c.67 Sch. 4 para. 1.
(5),(6)	1980 c.65 s.122(3).

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(7)	1971 c.78 s.113(3); 1981 c.67 Sch. 4 para. 1, Sch. 6 Pt. I.
229(1)	1971 c.78 s.121(1).
(2)	1971 c.78 s.121(1); 1980 c.65 Sch. 34 Pt. XIII.
(3)	1971 c.78 s.121(2); 1981 c.67 Sch. 4, para. 21(6).
(4) to (6)	1971 c.78 s.121(4) to (6).
230	1971 c.78 s.120.
231(1)	1971 c.78 s.276(6)(a); 1972 c.70 s. 179.
(2)	1971 c.78 s.276(6)(b).
(3)	1971 c.78 s.276(7).
232(1)	1971 c.78 s.122(1).
(2) to (4)	1971 c.78 s.122(2)(2A)(2B); 1980 c.65 Sch. 23 para. 10.
(5),(6)	1971 c.78 s.122(4),(5); 1972 c.70 s.272(2).
233(1) to (4)	1971 c.78 s.123(1),(2),(2A); 1980 c.65 Sch. 23 para. 11,Sch. 34, Part XIII.
(5) to (7)	1971 c.78 s.123(7).
(8)	1971 c.78 s.123(9); 1972 c.70 s.272(2).
234	1980 c.65 s.122(6).
235(1)	1971 c.78 s.124(1), (5).
(2)	1971 c.78 s.124(2).
(3)	1971 c.78 s.124(1), (5).
(4)	1971 c.78 s.124(6); 1974 c.7 s.35, Sch. 6 para. 25(9).
(5)	1971 c.78 s.124(6) (proviso), (7).
(6)	1971 c.78 s.124(8); 1972 c.5 Sch. 3; 1982 c.52 s.19(1), Sch. 2 para. 7(2).
236(1)	1971 c.78 s.118(1).
(2)	1971 c.78 s.118(2); 1984 c.12 Sch. 4 para. 53(3).
(3) to (5)	1971 c.78 s.118(3) to (5).
237(1),(2)	1971 c.78 s.127(1),(2).
(3)	1971 c.78 s.127(1) (proviso); 1984 c.12 Sch. 4 para. 53(4).
(4)	1971 c.78 s.127(3).

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(5),(6)	1971 c.78 s.127(4).
(7)	1971 c.78 s.127(5).
238(1),(2)	1971 c.78 s.128(1) (part).
(3),(4)	1971 c.78 s.128(2).
(5)	1971 c.78 s.128(3).
(6)	1971 c.78 s.128(7) (part).
239(1),(2)	1971 c.78 s.128(4).
(3)	1971 c.78 s.128(7) (part).
240(1),(2)	1971 c.78 s.128(5), (6).
(3)	1971 c.78 s.128(8), (1) (part).
241	1971 c.78 s.129.
242	1971 c.78 s.130; 1973 c.26 Sch. 3; 1978 c.30 s.17(2)(a); 1989 c.42 Sch.11 para 19.
243(1)	1971 c.78 s.131(1).
(2),(3)	1971 c.78 s.131(2)
(4)	1971 c.78 s.131(3).
244(1)	1980 c.65 s.119(1); 1982 c.30 s.35(a).
(2)	1980 c.65 s.119(2); 1982 c.30 s.35(b).
(3)	1980 c.65 s.119(3); 1982 c.30 s.35(c)
(4)	1980 c.65 s.119(4); 1982 c.30 s.35(d).
245(1)	1971 c.78 s.132(1); 1981 c.67 Sch. 4 para. 21(7)(a).
(2)	1971 c.78 s.132(2); 1981 c.67 Sch. 4 para. 21(7)(b).
(3)	1971 c.78 s.132(3); 1981 c.67 Sch. 4 para. 21(7)(c).
(4)	1971 c.78 s.132(4).
246	1971 c.78 s.133.
247(1)	1971 c.78 s.209(1); 1980 c.65 Sch. 32 para. 18(4).
(2)	1971 c.78 s.209(2)(part).
(3)	1971 c.78 s.209(2); 1972 c.70 Sch. 16 para. 39; 1980 c.66 Sch. 24 para. 20; 1985 c.51 Sch. 4 para. 50(a), Sch. 17.
(4)	1971 c.78 s.209(3).
(5)	1971 c.78 s.209(4).

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(6)	1971 c.78 s.209(5); 1981 c.67 Sch. 4 para. 21(8).
248(1),(2)	1971 c.78 s.211(1).
(3)	1971 c.78 s.211(2); R 20.
249(1)	1971 c.78 s.212(1); 1974 c.7 Sch. 8.
(2)	1971 c.78 s.212(2); 1972 c.70 Sch.16 paras. 41(1),(2),52.
(3)	1971 c.78 s.212(3); 1972 c.70 Sch.16 paras.41(1),(3),52.
(4)	1971 c.78 s.212(3).
(5)	1971 c.78 s.212(4).
(6)	1971 c.78 s.212(8).
(7)	1971 c.78 s.212(8A); 1982 c.30 Sch.5 para. 2.
(8)	1971 c.78 s.212(2),(8); 1972 c.70 Sch.16 paras. 41(1),(5),52.
(9)	1971 c.78 s.212(9).
250(1),(2)	1971 c.75 s.212(5); 1972 c.70 Sch.16 paras.41(4),52.
(3)	1971 c.78 s.212(6); 1972 c.70 Sch.16 paras.41(4),52.
(4) to (7)	1971 c.78 ss.212(7), 178, 179; 1972 c.70 Sch.16 paras.41(4),52.
251(1)	1971 c.78 s.214(1)(a).
(2)	1971 c.78 s.214(2).
(3)	1971 c.78 s.214(3); 1988 c.4 Sch.3 para. 22.
252(1)	1971 c.78 s.215(1).
(2)	1971 c.78 s.215(2)(a), (7A)(part); 1986 c.44 Sch.7 para. 2(2)(c); 1989 c.15 Sch.25 para 42(1).
(3)	1971 c.78 s.215(2)(b).
(4),(5)	1971 c.78 s.215(3).
(6)	1971 c.78 s.215(4).
(7)	R 21.
(8)	1971 c.78 s.215(5).
(9)	1971 c.78 s.215(6).
(10),(11)	1971 c.78 s.215(7).

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(12)	1971 c.78 s.215(7A) (part),(8); 1972 c. 70 s.179(3); 1985 c.51 Sch.14 para. 48(a), Sch.17; 1988 c.40 Sch.13; 1988 c.50 Sch.17 para. 18; 1989 c.15 Sch.25 para 42(1); 1989 c.29 Sch.16 para 2(5)(b).
253(1)	1971 c.78 s.216(1)
(2)	1971 c.78 s.216(2); 1987 c.3 Sch.1 para. 19.
(3)	1971 c.78 s.216(3).
(4)	1971 c.78 s.216(4); 1972 c.70 Sch.30; 1985 c.51, Sch.4 para. 50(b); 1988 c.40 Sch.12 para 40.
(5)	1971 c.78 s.216(5).
254(1)	1971 c.78 s.218(1); R 22.
(2)	1971 c.78 s.218(2); 1981 c.67 Sch.4 para. 1, Sch.6 Pt.I.
255	1971 c.78 s.219.
256(1),(2)	1971 c.78 s.220(1); 1984 c.12 Sch.4 para. 53(7).
(3),(4)	1971 c.78 s.220(2); 1984 c.12 Sch.4 para. 53(7).
(5)	1971 c.78 s.220(6); 1984 c.12 Sch.4 para. 53(7).
(6)	1971 c.78 s.220(7); 1984 c.12 Sch.4 para. 53(7).
257(1) to (3)	1971 c.78 s.210(1) to (3).
(4)	1971 c.78 s.210(4); 1972 c.70 Sch.16 para. 40.
258(1)	1971 c.78 s.214(1).
(2)	1971 c.78 s.214(2).
(3)	1971 c.78 s.214(3); 1988 c.4 Sch.3 para. 22.
259	1971 c.78 s.217.
260(1)	1971 c.78 s.220(3)(part),(4);1984 c.12 Sch.4 para. 53(7).
(2)	1971 c.78 s.220(4)(part); 1984 c.12 Sch.4 para. 53(7), drafting.
(3)	1971 c.78 s.220(3)(a); 1984 c.12 Sch.4 para 53(7).

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(4)	1971 c.78 s.220(3)(b); 1984 c.12 Sch.4 para. 53(7).
(5)	1971 c.78 s.220(3)(c); 1984 c.12 Sch.4 para. 53(7).
(6)	1971 c.78 s.220(3)(d); 1984 c.12 Sch.4 para. 53(7).
(7)	1971 c.78 s.220 (3)(e); 1984 c.12 Sch.4 para. 53(7).
(8)	1971 c.78 s.220(5); 1984 c.12 Sch.4 para. 53(7).
(9)	1971 c.78 s.220(6),(7); 1984 c.12 Sch.4 para. 53(7).
261(1)	1951 c.60 s.32(1); 1971 c.78 s.221(1), (3).
(2)	1951 c.60 s.32(1); 1971 c.78 s.221(1), (3).
(3)	1951 c.60 s.32(2); 1971 c.78 s.221(1), (3).
(4)	1951 c.60 s.32(3); 1971 c.78 s.221(2), (3).
(5)	1958 c.69 s.13(5) 1986 c.63 Sch.8 para. 4.
262(1)	1971 c.78 s.290(1); 1986 c.31 Sch.2 para. 1(1); 1986 c.44 Sch.9; 1989 c.15 Sch.25 para. 42(3); 1989 c.29 Sch.18.
(2)	1971 c.78 s.290(1); 1986 c.31 Sch.2 para. 1(1).
(3) to (5)	1969 c.48 Sch.4 para. 93(1)(xxxiii), (4)(ii); 1980 c.65 Sch.33 para. 12; 1981 c.38 Sch.3 para. 10(2)(c); 1982 c.16 Sch.2 paras.4, 5(c); 1986 c.44 Sch.7 para. 2(1); 1986 c.63 Sch.7 para. 9; 1989 c.15 Sch.25 para. 1(2).
(6), (7)	1989 c.29 Sch.16 paras. 1(1)(xxii), (xxiv), (xxv), 2(2)(c), (4)(c).
263(1),(2)	1971 c.78 s.222.
(3), (4)	1969 c. 48 Sch.4 para. 93(4); 1982 c.16 Sch.2 para 5, Sch.13 Part III para. 1.
264(1)	1971 c.78 s.223(1).
(2)	1971 c.78 s.223(1)(part), (2)(part); 1969 c.48 Sch.4 para. 89(1).
(3)	1971 c.78 s.223(2)(a).

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(4)	1971 c.78 s.223(2)(b); 1984 c.32 Sch.6 para. 9; 1986 c.44; Sch.7 para. 12; 1986 c.31 Sch.4 para. 1; 1989 c.15 Sch.25 para. 42(2).
(5), (6)	1971 c.78 s.223(3).
(7)	1969 c.48 Sch.4 para. 89(2).
(8)	1982 c.16 Sch.2 para. 6(1).
265(1)	1971 c.78 s.224(1); 1986 c.31 Sch. 2 para. 1(2), Sch.6; 1986 c.44 Sch.7 para 2(1); 1989 c.15 Sch.27.
(2)	1986 c.44 Sch.7 para. 2(9); 1989 c.29 Sch.16 para. 3(1)(d).
(3)	1989 c.15 Sch.25 para. 1(9),(10).
(4)	1971 c.78 s.224(2).
266(1)	1971 c.78 s.225(1); 1981 c.41 Sch. para. 17.
(2)	1971 c.78 s.225(2).
(3)	1971 c.78 s.225(3).
(4)	1971 c.78 s.225(5).
(5)	1982 c.16 Sch.2 para. 6(2).
267	1971 c.78 s.225(4).
268(1)	1971 c.78 s.226(1).
(2)	1971 c.78 s.226(1).
(3)	1971 c.78 ss.40(3), 226(2).
269	1971 c.78 s.227; R 23.
270	1971 c.78 s.228; R 23; R 24.
271(1), (2)	1971 c.78 s.230(1).
(3)	1971 c.78 s.230(2).
(4)	1971 c.78 s.230(3).
(5)	1971 c.78 s.230(4).
(6)	1971 c.78 s.230(5).
(7)	1971 c.78 s.230(6).
(8)	1971 c.78 s.230(1)(part).
272(1)	1971 c.78 s.230(1),(7); 1984 c.12 Sch.4 para. 53(9).
(2)	1971 c.78 s.230(1),(7); 1984 c.12 Sch.4 para. 53(9).

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(3)	1971 c.78 s.230(2),(7); 1984 c.12 Sch.4 para. 53(9).
(4)	1971 c.78 s.230(3),(7); 1984 c.12 Sch.4 para. 53(9).
(5)	1971 c.78 s.230(4),(7); 1984 c.12 Sch.4 para. 53(9).
(6)	1971 c.78 s.230(5),(7); 1984 c.12 Sch.4 para. 53(9).
(7)	1971 c.78 s.230(6), (7); 1984 c.12 Sch.4 para. 53(9).
(8)	1971 c.78 s.230(1)(part),(7); 1984 c.12 Sch.4 para. 53(9).
273(1) to (6)	1971 c.78 s.232(1) to (6).
(7),(8)	1971 c.78 s.232(7); 1984 c.12 s.109, Sch.4 para. 53(10).
274	1971 c.78 ss.231, 230(7); 1984 c.12 Sch. 4 para. 53(9)
275	1971 c.78 s.233.
276(1), (2)	1971 c.78 s.234(1).
(3)	1971 c.78 s.234(2).
277(1), (2)	1971 c.78 s.235(1),(2).
(3),(4)	1971 c.78 s.235(3).
(5)	1971 c.78 s.235(4).
(6)	1971 c.78 s.235(5).
(7)	1971 c.78 s.235(6).
(8)	1971 c.78 s.235(7).
278(1) to (5)	1971 c.78 s.236(1) to (5).
(6),(7)	1971 c.78 s.236(6).
(8),(9)	1971 c.78 s.236(7).
(10)	1971 c.78 s.236(8).
(11)	1971 c.78 s.236(2) proviso.
279(1)	1971 c.78 s.237(1).
(2)	1971 c.78 s.237(2).
(3)	1971 c.78 ss.230(7), 237(2); 1984 c.12 Sch.4 para. 53(9).
(4)	1971 c.78 s.237(3).
(5),(6)	1971 c.78 s.237(4).

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(7)	1971 c.78 s.237(5); 1986 c.63 Sch.12 Pt.III.
280(1)	1971 c.78 ss.238(1), 230(7); 1981 c.36 Sch.1 para. 7; 1984 c.12 Sch.4 para. 53(9).
(2), (3)	1971 c.78 s.238(2); 1984 c.12, Sch.4 para. 53(9).
(4), (5)	1971 c.78 s.238(3); 1984 c.12 Sch.4 para. 53(9).
(6)	1971 c.78 s.238(4).
(7)	1971 c.78 s.238(5).
(8)	1971 c.78 s.238(6); 1981 c.67 Sch.4 para. 21(9).
281(1),(2)	1971 c.78 s.239(1).
(3)	1971 c.78 s.239(2).
(4)	1971 c.78 s.239(3).
282	1971 c.78 s.240.
283	1971 c.78 s.241.
284(1)	1971 c.78 s.242(1); 1985 c.51 Sch.1 para. 16(3); 1986 c.63 Sch.6 Pt.II para. 4.
(2)	1971 c.78 s.242(2); 1981 c.36 Sch.1 para. 8
(3)	1971 c.78 s.242(3); 1982 c.30 Sch.6 para. 7(b).
(4)	1971 c.78 s.242(4).
285(1)	1971 c.78 s.243(1); 1981 c.41 Sch.para. 18(1).
(2)	1971 c.78 s.243(2); 1981 c.41 Sch.para. 18(2).
(3)	1971 c.78 s.243(3).
(4)	1971 c.78 s.243(4).
(5),(6)	1971 c.78 s.243(5).
286(1)	1972 c.70 Sch.16 paras.51(1),54(6).
(2)	1972 c.70 Sch.16 para. 51(2); 1981 c.41 Sch.para. 28(d)
287(1)	1971 c.78 s.244(1),(6); 1985 c.51 Sch.1 para. 16(4).
(2)	1971 c.78 s.244(2).

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(3)	1971 c.78 s.244(3) to (7); 1986 c.63 Sch.6 Pt.II para. 5.
(4)	1971 c.78 s.244(1) (part).
(5)	1971 c.78 s.244(1),(3) to (7); 1986 c.63 Sch.6 Pt.II para. 5; R 25(a).
(6)	1971 c.78 s.244(7)(a); 1986 c.63 Sch.6 Pt.II para. 5.
288(1)	1971 c.78 s.245(1).
(2)	1971 c.78 s.245(2).
(3)	1971 c.78 s.245(1)(2); R 25(b).
(4)	1971 c.78 s.245(3)
(5),(6)	1971 c.78 s.245(4).
(7)	1971 c.78 s.245(5).
(8)	1971 c.78 s.245(6).
(9)	1971 c.78 s.245(7).
(10)	1971 c.78 s.245(7); 1972 c.70 Sch.16 para. 46; R 26.
289(1)	1971 c.78 s.246(1); 1981 c.41 Sch. para. 19.
(2)	1971 c.78 s.246(1A); 1981 c.41 Sch. para. 19.
(3)	1971 c.78 s.246(2).
(4)	1971 c.78 s.246(2); 1981 c.54 Sch.5.
(5)	1971 c.78 s.246(3).
(6)	1971 c.78 s.246(4); 1977 c.38 Sch.5 Pt.IV.
(7)	1971 c.78 s.246(5).
290	1971 c.78 s.247; R 8(b).
291	1971 c.78 s.248.
292	1971 c.78 s.249.
293(1) to (3)	1971 c.78 ss.266(7), 268(4); 1984 c.10 s.6(1), (2)
(4)	1984 c.10 s.4(1).
294(1)	1971 c.78 s.266(3); 1981 c.41 Sch. para 20(b).
(2)	1984 c.10 s.3(1).
(3)	1984 c.10 s.3(2).
(4)	1984 c.10 s.3(3).

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(5)	1984 c.10 s.3(4).
(6), (7)	1984 c.10 s.3(5).
295(1), (2)	1984 c.10 s.3(6).
(3), (4)	1984 c.10 s.3(7).
(5),(6)	1984 c.10 s.3(8).
296(1)	1971 c.78 s.266(1); 1985 c.51 Sch.1 para. 16(6).
(2)	1971 c.78 s.266(2); 1981 c.36 Sch.1 para. 9; 1981 c.41 Sch. para. 20(a).
(3), (4)	1971 c.78 s.266(5).
(5)	1971 c.78 s.266(6).
297(1), (2)	1971 c.78 s.267(1).
(3)	1971 c.78 s.267(2).
(4)	1971 c.78 s.267(3).
298	1971 c.78 s.268.
299(1) to (5)	1984 c.10 s.1(1) to (5).
(6)	1984 c.10 s.1(7).
(7)	1984 c.10 s.1(6)(part).
300(1)	1984 c.10 s.2(1).
(2)	1984 c.10. s.2(2).
(3), (4)	1984 c.10 s.2(3).
(5)	1984 c.10 s.2(4).
(6), (7)	1984 c.10 s.2(5).
301(1) to (4)	1984 c.10 s.5(1) to (4).
(5)	1984 c.10 s.5(6).
302(1), (2)	1946 c.35 ss.1(2), 7(6).
(3)	1946 c.35 s.2(1) to (3).
(4)	1946 c.35 s.4(1).
(5)	Drafting
(6)	1946 c.35 ss.1(2), (3), (5), 2(1), 4(1), 7(1), (6); 1989 c.43 Sch 2 para. 11.
(7)	1946 c.35 s.7(3).
(8)	1946 c.35 s.7(6).
303 (1)	1980 c.65 s.87(1).
(2)	1980 c.65 s.87(2)(a).
(3)	1980 c.65 s.87(3).

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(4)	1980 c.65 s.87(4).
(5)	1980 c.65 s.87(6).
304	1971 c.78 s.253.
305	1971 c.78 s.254.
306(1)	1971 c.78 s.255(1); 1980 c.66 Sch.24 para. 20(g)
(2)	1971 c.78 s.255(2); 1985 c.51 Sch.1 para. 16(5); R 27(a) and (b).
(3)	1971 c.78 s.255(3).
(4)	1971 c.78 s.255(4).
(5)	1971 c.78 s.255(5).
307	1971 c.78 s.256; 1972 c.70 s. 179(3), Sch.30; 1980 c.65 Sch.15 para. 22.
308(1),(2)	1971 c.78 s.257(1),(2).
(3) to (6)	1971 c.78 s.257(3) to (6).
309(1) to (5)	1971 c.78 s.258(1) to (5).
(6),(7)	1971 c.78 s.258(6).
310	1971 c.78 s.259.
311	1971 c.78 s.260.
312(1)	1971 c.78 s.261(1).
(2)	1971 c.78 s.261(4).
313	1971 c.78 s.262; 1980 c.65 s.87(7).
314	1971 c.78 s.263(1); 1972 c. 70 Sch. 29 Pt. I para 3(b).
315(1)	1971 c.78 s.264(1).
(2)	1971 c.78 s.264(2)
(3)	1971 c.78 s.264(1) to (3).
(4)	1971 c.78 s.264(4); 1987 c.3 Sch.1 para. 19.
(5)	1971 c.78 s.264(4).
316(1)	1971 c.78 s.270(1).
(2)	1971 c.78 s.270(2); 1981 c.41 Sch. para. 21.
(3)	1971 c.78 s.270 (3).
(4)	1971 c.78 s.272.
(5)	1980 c.65 s.149(5); 1988 c.50 s.67(5).

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317(1), (2)	1971 c.78 s.273(1); 1974 S.I./692 art.2(1), 5(3), Sch.1 Pt.I; 1987 c.3 s.1, Sch.1 para. 19.
(3)	1971 c.78 s.273(2).
318(1)	1971 c.78 s.274(1); 1981 c.41 Sch. para. 23; 1981 c.67 Sch.4 para. 1.
(2)	1971 c.78 s.274(2).
(3)	1971 c.78 s.274(3).
(4)	1971 c.78 s.274(4).
(5)	1971 c.78 s.274(4).
(6)	1971 c.78 s.274(5).
319(1)	1971 c.78 s.269(1), (3); 1980 c.65 Sch.15 para. 23(1); 1981 c.36 s.18; 1984 c.10 s.6(3).
(2)	1971 c.78 s.269(2); 1972 c.70 s. 179(3); 1982 c.30 s.36(b).
(3)	1971 c.78 s.269(3); 1972 c.70 s. 179(3).
(4)	1971 c.78 s.269(1), (3).
(5)	1971 c.78 s.269(4).
320(1)	1971 c.78 s.282(1).
(2)	1971 c.78 s.282(2); 1986 c.63 Sch.11 para. 8(1).
321(1)	1982 c.21 s.1(5).
(2)	1982 c.21 s.1(1).
(3)	1982 c.21 s.1(2),(3).
(4)	1982 c.21 s.1(4).
322	1971 c.78 s.282A; 1986 c.63 Sch.11 para. 9(1).
323	1971 c.78 s.282B; 1986 c.63 Sch.11 para. 10.
324(1)	1971 c.78 s.280(1); 1981 c.41 Sch.para. 25; 1985 c.51 Sch.1 para. 16(7).
(2)	1971 c.78 s.280(4).
(3)	1971 c.78 s.280(4A); 1982 c.30 s.36(c).
(4)	1971 c.78 s.280(5).
(5)	1971 c.78 s.280(6).
(6)	1971 c.78 s.280(7).
(7)	1971 c.78 s.280(8).

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(8)	1971 c.78 s.280(9).
(9)	1971 c.78 s.280(10); 1985 c.51 Sch.2 para. 1(16).
325(1)	1971 c.78 s.281(1)
(2)	1971 c.78 s.281(2); 1982 c.48 s.46.
(3) to (5)	1971 c.78 s.281(3).
(6)	1971 c.78 s.281(4).
(7)	1971 c.78 s.281(5).
(8)	1971 c.78 s.281(6)(a).
(9)	1971 c.78 s.281(6)(b).
326(1)	1971 c.78 s.278(1).
(2)	1971 c.78 s.278(2).
(3)	1971 c.78 s.278(4).
(4)	1971 c.78 s.278(5).
327(1)	1971 c.78 s.279(1).
(2)	1971 c.78 s.279(2)(a).
(3)	1971 c.78 s.279(2)(b).
(4)	1971 c.78 s.279(3).
(5)	1971 c.78 ss.279(4); 258(5).
328(1)	1971 c.78 s.275(1).
(2)	1971 c.78 s.275(1).
329	1971 c.78 s.283.
330(1)	1971 c.78 s.284(1); 1977 c.29 s.3(1), (2); 1981 c.41 Sch. para. 26.
(2)	1971 c.78 s.284(1A); 1977 c.29 s.3(1), (3).
(3)	1971 c.78 s.284(1)(part); 1977 c.29 s.3(1),(2); 1981 c.41 Sch. para. 26.
(4)	1971 c.78 s.284(2); 1977 c.29 s.3(4); 1982 c.48 ss.38, 46.
(5)	1971 c.78 s.284(3); 1977 c.29 s.3(5); 1982 c.48 s.74.
331	1971 c.78 s.285.
332	1971 c.78 s.286.
333(1)	1971 c.78 s.287(1).
(2), (3)	1971 c.78 s.287(2).

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(4)	1971 c.78 s.287(4); 1985 c.51 s.103(1); 1986 c.63 Sch.6 Pt.II para. 6(a), Sch.9 para. 5(2)(a), Sch.12 Pt.III.
(5)	1971 c.78 s.287(5); 1985 c.51 s.103(2); 1986 c.63 Sch.6 Pt.II para. 6(b), Sch.9 para. 5(2)(b), Sch.12 Pt.III.
(6)	1971 c.78 s.287(6).
(7)	1971 c.78 s.287(3).
334	1971 c.78 s.288.
335	1971 c.78 s.289.
336(1)	1971 c.78 ss. 264(1A), 290(1); 1972 c.70 s. 179(3), Sch.30; 1977 S.I./293 art.4(4); 1980 c.65 Sch.32 para. 18(5); 1980 c.66 Sch.24 para. 20(h); 1981 c.36 s.1(2), Sch.1 para. 11; 1985 c.51 Sch.1 para. 16(8), Sch.17; 1986 c.63 Sch.6 Pt.II para. 7, Sch.7 Pt.I para. 7, Sch.12 Pt.III; 1988 c.4 Sch.3 para. 25; 1989 c.15 Sch.25 paras.1(11)(ii), 42(3); 1990 SI/776 Sch.3 para. 15; R 28.
(2), (3)	1971 c.78 s.290(2).
(4)	1971 c.78 s.290(3).
(5)	1971 c.78 s.290(4).
(6)	1971 c.78 s.290(5)(part).
(7)	1971 c.78 s.290(6); 1989 c. 34 s.2.
(8)	1971 c.78 s.290(7).
(9)	1971 c.78 s.290(8).
(10)	1971 c.78 ss.40(4) 181(5), 182(5), 280(10)(c), 284(4); 1988 c.4 Sch.3 paras. 11,19,20,23,24,25.
337	
Sch. 1 para. 1	1972 c.70 Sch. 16 paras. 32, 32A; 1980 c.65 s.86(4), Sch. 34 Pt X; 1981 c.36 s.2(1), Sch para 12.
para. 2	1972 c.70 s.183(1).
para. 3	1972 c.70 Sch. 16 para. 15; 1980 c.65 s.86(1), Sch. 34 Pt X.
para. 4	1972 c.70 Sch. 16 para. 16.
para. 5(1)	1972 c.70 Sch. 16 para. 17; 1980 c.66 Sch. 24 para. 22; 1986 c.63 Sch. 11 para. 2(2).
(2),(3)	1980 c.65 s.150.

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para. 6	1972 c.70 Sch. 16 para. 18.
para. 7	1972 c.70 Sch. 16 para. 19; 1980 c.65 s.86(2),(3); 1986 c.63 Sch. 11 para. 23(3); R 29.
para. 8	1972 c.70 Sch. 16 para. 20; 1986 SI/452.
para. 9(1)	1971 c.78 s.24A(6); 1986 c.63 s.25(1).
(2)	1971 c.78 Sch.8A para. 5(6); 1986 c.63 s.25(2).
(3)	1971 c.78 Sch.8A para. 6(6); 1986 c.63 s.25(2).
para. 10	1972 c.70 Sch. 16 para. 23.
para. 11	1972 c.70 Sch. 16 para. 24; 1981 c.36 s.2(4)(c); 1981 c.41 Sch. para. 28(a).
para. 12	1972 c.70 Sch. 16 para. 29; 1978 c.30 s.17(2)(a); 1981 c.41 Sch. para. 28(b).
para. 13	1971 c.78 s.60(1A); 1972 c.70 Sch. 16 para. 27; 1980 c.65 Sch.15 para 13; R 2.
para. 14	1971 c.78 ss.61A(3),(7), 65(4), 109A; 1972 c.70 Sch. 16 para. 25 (part); 1980 c.65 Sch. 34 Pt X; 1986 c.63 s.46.
para. 15	1972 c.70 Sch. 16 para. 26.
para. 16	1972 c.70 Sch. 16 paras. 34, 38.
para. 17	1972 c.70 Sch. 16 para. 35.
para. 18	1972 c.70 Sch. 16 para. 36.
para. 19	1972 c.70 Sch. 16 para. 54(1) to (5); 1985 c.51 s.3(5), Sch. 3 para. 4.
para. 20	1972 c.70 Sch. 16 paras. 45,47 (part); 1971 c.78 s.52(4).
para. 21	1972 c.70 Sch. 16 para. 52.
Sch. 2 Pt.I para. 1	1985 c.51 Sch. 1 para. 18 (part), drafting.
para. 2	1985 c.51 Sch. 1 para. 19; 1971 c.78 Sch. 4 para. 5.
para. 3(1)	1971 c.78 Sch.23 Pt.I; 1985 c.51 Sch. 1 para. 20(1), (2); 1986 c.63 Sch. 11 para. 27(1), (2).
(2)	1985 c.51 Sch. 1 para. 20(2A); 1986 c.63 Sch. 11 para. 27(1), (3).
(3)	1985 c.51 Sch. 1 para. 20(3A); 1986 c.63 Sch. 11 para. 27(1), (4) (part).

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(4)	1985 c.51 Sch. 1 para. 20(4).
(5)	R 30.
para. 4(1),(2)	1985 c.51 Sch. 1 para. 21(1)
(3)	1985 c.51 Sch. 1 para. 21(2)
para. 5	1985 c.51 Sch. 1 para. 22
para. 6	1985 c.51 Sch. 1 para. 23(3)
Sch. 2 Pt.II, para. 1	1971 c.78 Sch.4 para. 5(1); 1985 c.51 Sch. 1 para. 18.
para. 2	1985 c.51 Sch. 1 para. 19
para. 3(1)	1971 c. 78 Sch. 4 para. 7, Sch. 23 Pt.I; 1985 c.51 Sch. 1 para. 20(1), (2); 1986 c.63 Sch. 11 para. 27(1), (2)
(2)	1971 c.78 Sch. 4 para. 2; 1972 c.42 Sch. 1; 1985 c.51 Sch.1 para. 20(2).
(3)	1971 c.78 Sch. 4 para. 5(1); 1985 c.51 Sch. 1 para. 20, drafting.
(4)	1981 c.51 Sch. 1 para. 20(4).
(5)	R 30.
para. 4(1)	1971 c.78 Sch. 4 para. 8(3); 1972 c.42 Sch. 1
(2)	1971 c.78 Sch. 4 para. 8(5); 1972 c.42 Sch. 1
para. 5(1)	1971 c.78 Sch. 4 paras. 5(3), 8(1); 1972 c.42 Sch. 1
(2)	1971 c.78 Sch. 4 para. 9(1)(b); 1972 c.42 Sch. 1
(3)	1971 c.78 Sch. 4 para. 9(3); 1972 c.42 Sch. 1
para. 6	1971 c.78 Sch. 4 para. 10; 1972 c.42 Sch. 1
para. 7(1)	1971 c.78 Sch. 4 para. 11(1); 1972 c.42 Sch. 1; 1972 c.70 Sch. 30
(2)	1971 c.78 Sch. 4 para. 11(2); 1972 c.42 Sch. 1; 1980 c.65 Sch. 14 para. 13(1)
(3)	1971 c.78 Sch. 4 para. 11(3); 1972 c.42 Sch. 1; 1980 c.65 Sch. 14 para. 13(1)
(4),(5)	1971 c.78 Sch. 4 para. 11(4),(5); 1972 c.42 Sch. 1
para. 8(1)	1971 c.78 Sch. 4 para. 12(1); 1972 c.42 Sch. 1

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(2)	1971 c.78 Sch. 4 para. 12(2)(part); 1972 c.42 Sch. 1; 1980 c.65 Sch. 14 para. 13(1)
(3)	1971 c.78 Sch. 4 para. 12(3); 1972 c.42 Sch. 1; 1980 c.65 Sch. 14 para. 13(1)
para. 9(1)	1971 c.78 s.13(1); 1972 c.70 s.272(2)
(2)	1971 c.78 s.13(2)
(3)	1971 c.78 s.13(3); 1980 c.65 Sch. 14 para. 9
para. 10	1971 c.78 s.14 Sch.4 para. 14; 1980 c.65 Sch. 14 para. 10.
para. 11(1)	1971 c.78 Sch. 4 para. 14(2); 1972 c.42 Sch. 1; 1972 c.70 Sch. 30
(2)	1971 c.78 Sch. 4 para. 14(3); 1972 c.42 Sch. 1
para. 12(1),(2)	1971 c.78 s.15(1),(2)
(3)	1985 c.51 Sch. 1 para. 20(3); 1986 c.63 Sch. 11 para. 27(4)
(4)	1971 c.78 s.15(3), Sch. 4 para. 16(1); 1972 c.42 s.3(3), Sch. 1; 1972 c.70 Sch. 30.
para. 13(1)	1972 c.70 Sch. 16 para. 10(1); 1986 c.63 Sch. 12 Pt.III
(2)	1972 c.70 Sch. 16 para. 10(2) (as it applies in London); 1986 c.63 Sch. 12 Pt.III
(3)	1972 c.70 Sch. 16 para. 14(3)
(4),(5)	1972 c.70 Sch. 16 para. 14(5),(6)
para. 14	1972 c.70 Sch. 16 para. 11(1) (as it applies in London).
para. 15	1972 c.70 Sch. 16 para. 12; 1986 c.63 Sch. 12 Pt.III
para. 16	1972 c.70 Sch. 16 para. 13; R 6.
para. 17(1),(2)	1985 c.51 Sch. 1 para. 21(1)
(3)	1985 c.51 Sch. 1 para. 21(2)
para. 18	1985 c.51 Sch. 1 para. 22
Sch. 2 Pt.III, para. 1	Drafting
para. 2	1971 c.78 Sch. 7 para. 2; 1980 c.66 Sch. 24 para. 20(j)
para. 3	1971 c.78 Sch. 4 para 5, Sch. 7 para. 3; 1980 c.65 Sch. 14 para. 14

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para. 4	1971 c.78 Sch. 7 para. 4.
para. 5	1971 c.78 Sch. 7 para. 5
para. 6	1971 c.78 Sch. 7 para. 5A; 1980 c.65 Sch. 14 para. 15(1)
para. 7	1971 c.78 Sch. 7 para. 5B; 1980 c.65 Sch. 14 para. 15(1)
para. 8	1971 c.78 Sch. 7 para. 5C; 1980 c.65 Sch. 14 para. 15(1)
para. 9	1971 c.78 Sch. 7 para. 6
para. 10	1971 c.78 Sch. 7 para. 7; 1980 c.65 Sch. 14 para. 15(2); 1985 c.51 Sch. 17
Sch. 3 para. 1	1971 c.78 Sch. 8 para. 1 (part)
para. 2	1971 c.78 Sch. 8 para. 2.
para. 3	1971 c.78 Sch. 8 para. 3 (part)
para. 4 to 8	1971 c.78 Sch. 8 paras. 4 to 8.
para. 9	1971 c.78 Sch. 8 para. 10.
para. 10(1)	1971 c.78 Sch. 8 para. 9.
(2)	1971 c.78 Sch. 8 paras. 1 (part), 3 (part).
paras. 11 to 13	1971 c.78 Sch. 8 paras. 11 to 13.
para. 14(1)	1971 c.78 s.180(3).
(2)	1971 c.78 s.278(2), (3).
Sch. 4 paras. 1 to 3	1971 c.78 s.23(2) to (4).
para. 4	1971 c.78 s.23(7).
Sch. 5 para. 1	1971 c.78 s.44A; 1981 c.36 s.7; 1982 SI/86.
para. 2	1971 c.78 s.30A(1) to (8), (19) (part); 1981 c.36 s.5.
para. 3	1971 c.78 s.30A(9) to (12), (19); 1981 c.36 s.5.
para. 4	1971 c.78 s.30A(13) to (16), (19); 1981 c.36 s.5.
para. 5	1971 c.78 s.30A(17); 1981 c.36 s.5.
para. 6	1971 c.78 s.30A(18); 1981 c.36 s.5.
para. 7	1971 c.78 s.45(6); 1981 c.36 s.8.
para. 8	1971 c.78 s.45(7); 1981 c.36 s.8.
Sch. 6 para. 1	1971 c.78 Sch. 9 para. 1.

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para. 2	1971 c.78 Sch. 9 para. 2; 1981 c.41 Sch. para. 27.
para. 3	1971 c.78 Sch. 9 para. 3.
para. 4	1971 c.78 Sch. 9 para. 3A; 1986 c.63 Sch. 11 para. 11.
para. 5	1971 c.78 Sch. 9 para. 4.
para. 6	1971 c.78 Sch. 9 para. 5; 1972 c.70 s.272(2); 1986 c.63 Sch. 11 paras. 8(2), 9(2), 12.
para. 7	1971 c.78 Sch.9 para. 6.
para. 8	1971 c.78 Sch. 9 para. 7.
Sch. 7 para. 1	1971 c.78 Sch.8A para. 1; 1986 c.63 s.25(2).
para. 2	1971 c.78 Sch.8A para. 2(2); 1986 c.63 s.25(2).
para. 3,4	1971 c.78 Sch.8A paras. 3,4; 1986 c.63 s.25(2).
para. 5	1971 c.78 Sch.8A para. 5(1) to (5); 1986 c.63 s.25(2).
para. 6	1971 c.78 Sch.8A para. 6(1) to (5); 1986 c.63 s.25(2).
paras. 7 to 12	1971 c.78 Sch.8A paras. 7 to 12; 1986 c.63 s.25(2).
para. 13(1),(2)	1971 c.78 Sch.8A para. 13(1),(2); 1986 c.63 s.25(2); R 31.
(3)	1971 c.78 Sch.8A para. 13(3); 1978 c.30 Sch.1; 1986 c.63 s.25(2).
(4)	1971 c.78 Sch.8A para. 13(4); 1986 c.63 s.25(2).
Sch. 8 para. 1	1971 c.78 s.47(2) to (4),(6).
para. 2	1971 c.78 s.48(3) to (5).
para. 3.	1971 c.78 s.48(6),(7).
para. 4.	1971 c.78 s.49(1),(2),(7).
para. 5	1971 c.78 s.49(3) to (6); 1972 c.70 s.272(2).
para. 6.	1971 c.78 Sch.10 para. 1.
para. 7.	1971 c.78 Sch.10 para. 2.
Sch. 9 para. 1	1971 c.78 s.51(1) to (1C),(2) to (9); 1981 c.36 s.9.

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para. 2	1971 c.78 s.51(1D) to (1H); 1981 c.36 s.9.
para. 3	1971 c.78 s.51A(1) to (7); 1981 c.36 s.10.
para. 4	1971 c.78 s.51A(8) to (11); 1981 c.36 s.10.
para. 5	1971 c.78 s.51B(1) to (4); 1981 c.36 s.10.
para. 6	1971 c.78 s.51B(5); 1981 c.36 s.10.
para. 7	1971 c.78 s.51C; 1981 c.36 s.10.
para. 8	1971 c.78 s.51D; 1981 c.36 s.10.
para. 9	1971 c.78 s.51E; 1981 c.36 s.10.
para. 10	1971 c.78 s.51F; 1981 c.36 s.10.
para. 11	1971 c.78 s.276(1) to (4); 1974 c.7 Sch. 6 para. 25(12), Sch. 8; 1981 c.36 Sch. 1 para. 10; R 9.
Sch. 10	1971 c.78 Sch. 18.
Sch. 11 para. 1	1971 c.78 s.178A; 1981 c.36 s.16; 1981 c.36 Sch. 1 paras. 4 to 6.
para. 2	1971 c.78 s.164A(1); 1981 c.36 s.13.
para. 3	1971 c.78 s.170B(1); 1981 c.36 s.15.
para. 4	1971 c.78 s.164A(2)(b) to (4); 1981 c.36 s.13; 1982 SI/86.
para. 5	1971 c.78 s.170B(2); 1981 c.36 s.15.
para. 6	1971 c.78 s.170B(3); 1981 c.36 s.15.
para. 7	1971 c.78 s.170B(4); 1981 c.36 s.15.
para. 8	1971 c.78 s.170B(5); 1981 c.36 s.15.
para. 9	1971 c.78 s.170B(6); 1981 c.36 s.15.
para. 10	1971 c.78 s.178C(1),(2); 1981 c.36 s.16.
para. 11	1971 c.78 s.178C(3); 1981 c.36 s.16.
para. 12	1971 c.78 s.178B; 1981 c.36 s.16.
para. 13	1971 c.78 s.179(1) (part); 1981 c.36 s.17.
Sch. 12 para. 1	1971 c.78 s.135.
para. 2	1971 c.78 s.136.
para. 3	1971 c.78 s.137.
para. 4	1971 c.78 s.138, Sch. 15 para. 29 (part).

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para. 5	1971 c.78 Sch. 15 paras. 2 to 5.
para. 6	1971 c.78 Sch. 15 para. 1.
para. 7	1971 c.78 Sch. 15 paras. 6 to 10.
para. 8	1971 c.78 Sch. 15 paras. 11 to 16.
para. 9	1971 c.78 Sch. 15 paras. 17 to 22.
para. 10	1971 c.78 Sch. 15 paras. 23 to 25.
para. 11	1971 c.78 Sch. 15 paras. 26 to 28, 29 (part).
para. 12	1971 c.78 s.139.
para. 13	1971 c.78 ss.140, 161.
para. 14	1971 c.78 s.141.
para. 15	1971 c.78 Sch. 16.
para. 16	1971 c.78 s.142.
para. 17	1971 c.78 Sch. 17.
para. 18	1971 c.78 s.143.
para. 19	1971 c.78 s.144.
para. 20	1971 c.78 s.145.
Sch. 13 para. 1	1971 c.78 s.192(1)(a); 1984 c.12 Sch.4 para. 53(6); 1987 c.3 Sch.1 para. 19.
Notes (1)	1973 c.26 s.68(1); R 32(a).
(2)	1973 c.26 s.68(4); R 32(a).
(3)	1973 c.26 s.68(5) (part).
(4)	1973 c.26 s.68(7) (part).
(5)	1971 c.78 s.192(2).
(6)	1973 c.26 s.71(2).
(7)	1971 c.78 Sch. 4 para. 5; 1973 c.26 s.68(8); 1985 c.51, Sch. 1 para. 20(2).
para. 2	1971 c.78 s.192(1)(b).
Notes (1)	1973 c.26 s.68(2), (9); R 32(b).
(2)	1973 c.26 s.68(4) (part); R 32(b).
(3)	1973 c.26 s.68(5) (part)(9).
(4)	1973 c.26 s.68(7) (part).
(5)	1973 c.26 s.68(8).
para. 3	1971 c.78 s.192(1)(bb); 1985 c.51 Sch.1 para. 16(1).
Notes (1)	1985 c.51 Sch.1 para. 17(1) (part); R 32(c).

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(2)	1985 c.51 Sch.1 para. 17(2) (part).
(3)	1985 c.51 Sch.1 para. 17(3) (part).
(4)	1985 c.51 Sch.1 para. 17(5) (part).
para. 4	1971 c.78 s.192(1)(bc); 1985 c.51 Sch.1 para. 16(1).
Notes (1)	1985 c.51 Sch.1 para. 17(1) (part); R 32(c).
(2)	1985 c.51 Sch.1 para. 17(2) (part).
(3)	1985 c.51 Sch.1 para. 17(3) (part).
(4)	1985 c.51 Sch.1 para. 17(5) (part).
para. 5	1973 c.26 s.71(1)(a).
para. 6	1973 c.26 s.71(1)(b).
para. 7	1973 c.26 s.72(1)(a); 1981 c.64 Sch.12 para. 11.
Note	1973 c.26 s.72(2).
para. 8	1973 c.26 s.72(1)(b); 1981 c.64 Sch.12 para. 11.
para. 9	1980 c.65 s.147(1).
Note	1980 c.65 s.147(2).
para. 10	1973 c.26 s.73(1)(a); 1985 c.71 Sch.2 para. 24(8).
para. 11	1973 c.26 s.73(1)(b); 1985 c.71 Sch.2 para. 24(8).
para. 12	1971 c.78 s.192(1)(ha); 1989 c.42 Sch.11 para. 20.
para. 13	1971 c.78 s.192(1)(c).
para. 14	1971 c.78 s.192(1)(d); 1980 c.66 Sch.24 para. 20.
Notes (1)	1973 c.26 s.69(1)(a); 1980 c.66 Sch.24 para. 23.
(2)	1973 c.26 s.69(2).
(3)	1973 c.26 s.74(1); 1980 c.66 Sch.24 para. 23.
para. 15	1971 c.78 s.192(1)(e).
para. 16	1971 c.78 s.192(1)(f).
para. 17	1973 c.26 s.74(2)(a); 1980 c.66 Sch.24 para. 23.
para. 18	1973 c.26 s.74(2)(b).

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para. 19	1973 c.26 s.76(1); 1980 c.66 Sch.24 para. 23.
Note	1973 c.26 s.76(4).
para. 20	1971 c.78 s.192(1)(h); 1985 c.71 Sch.2 para. 22.
para. 21	1971 c.78 s.192(1)(i).
para. 22	1971 c.78 s.192(1)(g), (j); 1973 c.26 s.75(1),(2).
Notes (1)	1973 c.26 s.70(1); 1978 c.30 s.17(2)(a).
(2)	1973 c.26 s.70(2).
Sch. 14 para 1	1971 c.78 Sch.20 para 1; 1981 c.69 Sch.16 para. 1; 1985 c.51 Sch.14 para. 48.
para 2	1971 c.78 Sch.20 para. 2.
para 3	1971 c.78 Sch.20 para. 3.
para 4	1971 c.78 Sch.20 para. 3A; 1981 c.69 Sch.16 paras. 2,10.
para 5	1971 c.78 Sch.20 para. 4.
para 6	1971 c.78 Sch.20 para 5.
para 7	1971 c.78 Sch.20 para. 6; 1981 c.69 Sch.16 paras. 3, 10; R 33.
para 8	1971 c.78 Sch.20 para. 7, 1981 c.69 Sch.16 paras. 4,10.
Sch. 15 para. 1	Drafting
para 2	1946 c.35 s.2(4),(5).
para. 3	1946 c.35 s.2(6).
para. 4	1946 c.35 s.2(7) (part).
para. 5	1946 c.35 s.2(2),(3).
para. 6	1946 c.35 s.2(8) (part), (7) (part).
para. 7	1946 c.35 s.2(8) (part).
para. 8	1946 c.35 s.2(9) (part).
para. 9	1946 c.35 s.2(9) proviso.
para. 10	1946 c.35 s.2(10).
para. 11	1946 c.35 s.2(11).
para. 12	1946 c.35 s.2(12).
para. 13	1946 c.35 s.3(1),(7).
para. 14	1946 c.35 s.5.
para. 15	1946 c.35 s.6.

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para. 16	Drafting.
Sch. 16	1971 c.78 Sch. 21.
Sch. 17	1971 c.78 Sch. 22; 1980 c.66 Sch.24 para. 20(k),(l),(m); 1985 c.51 Sch.4 para. 50.**]**

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Changes and effects yet to be applied to :

- s. 108 heading words inserted by 2015 c. 7 Sch. 4 para. 15(2)
- s. 108 heading words substituted by 2023 c. 55 Sch. 9 para. 1(16)(a)
- s. 155 heading word inserted by 2017 c. 20 s. 26(4)(a)
- s. 3 repealed by 1999 c. 29 Sch. 34 Pt. 9
- s. 5(3) word substituted by 2023 c. 55 Sch. 9 para. 1(2)
- s. 56(3) word inserted by 2023 c. 55 Sch. 9 para. 1(3)(a)
- s. 56(3) words substituted by 2023 c. 55 Sch. 9 para. 1(3)(b)
- s. 57(3) words inserted by 2015 c. 7 Sch. 4 para. 4
- s. 57(3) words substituted by 2023 c. 55 Sch. 9 para. 1(4)
- s. 58(1) words inserted by 2015 c. 7 Sch. 4 para. 5
- s. 58(1)(a) words substituted by 2023 c. 55 Sch. 9 para. 1(5)
- s. 58B and cross-heading inserted by 2023 c. 55 s. 102(1)
- s. 59A(11) words inserted by 2023 c. 55 Sch. 6 para. 2
- s. 62A(2) words inserted by 2023 c. 55 s. 110(3)(a)
- s. 62A(3)(d) words inserted by 2023 c. 55 s. 110(3)(b)
- s. 70(2)(azb) inserted by 2023 c. 55 Sch. 6 para. 3(a)
- s. 70(2A) words substituted by 2023 c. 55 Sch. 6 para. 3(b)
- s. 70(3) substituted by 2016 c. 22 s. 5(8)
- s. 70(3A) inserted by 2017 c. 20 Sch. 3 para. 2
- s. 70(4) words inserted by 2023 c. 55 Sch. 12 para. 3
- s. 70A(5A) inserted by 2023 c. 55 Sch. 6 para. 4(a)
- s. 70A(6) words inserted by 2023 c. 55 Sch. 6 para. 4(b)
- s. 70A(8) words substituted by 2023 c. 55 s. 110(4)(a)
- s. 70A(10)(11) inserted by 2023 c. 55 s. 110(4)(b)
- s. 70B(5) words inserted by 2023 c. 55 s. 110(5)(a)
- s. 70B(5A)(5B) inserted by 2023 c. 55 s. 110(5)(b)
- s. 73B inserted by 2023 c. 55 s. 110(2)
- s. 74(1)(b) words inserted by 2023 c. 55 Sch. 6 para. 5(a)
- s. 74(1C)(b) word substituted by 2023 c. 55 s. 96(3)
- s. 74(1C)(aa) inserted by 2023 c. 55 Sch. 6 para. 5(b)
- s. 74A(2A) word inserted by 2025 c. 34 Sch. 5 para. 42(a)
- s. 74A(2A)(b) and word inserted by 2025 c. 34 Sch. 5 para. 42(b)
- s. 75ZA and cross-heading inserted by 2016 c. 22 s. 155
- s. 77(1) words inserted by 2015 c. 7 Sch. 4 para. 11(b)
- s. 77(1) words substituted by 2015 c. 7 Sch. 4 para. 11(a)
- s. 77(1) words substituted by 2023 c. 55 Sch. 9 para. 1(11)
- s. 77(6) substituted by 2008 c. 29 Sch. 10 para. 2
- s. 78(1)(c) words inserted by 2015 c. 7 Sch. 4 para. 12
- s. 78(1)(c) words substituted by 2023 c. 55 Sch. 9 para. 1(12)
- s. 83(1) repealed by 2004 c. 5 s. 45(1)Sch. 9
- s. 83(1A)-(1C) amendment to earlier affecting provision 2004 c. 5, s. 45(2) by 2011 c. 20 Sch. 8 para. 14(4)(5)Sch. 25 Pt. 16
- s. 83(1A)-(1C) inserted by 2004 c. 5 s. 45(2)
- s. 83(2)-(2B) amendment to earlier affecting provision 2004 c. 5, s. 45(3) by 2011 c. 20 Sch. 8 para. 14(4)(5)Sch. 25 Pt. 16
- s. 83(2)-(2B) substituted for s. 83(2) by 2004 c. 5 s. 45(3)
- s. 83(4) inserted by 2004 c. 5 s. 45(4)
- s. 83(5) repealed by 2011 c. 20 Sch. 25 Pt. 16
- s. 85(1) words substituted by 2004 c. 5 s. 45(5)
- s. 85(1A) inserted by 2004 c. 5 s. 45(6)

- s. 88(9) words inserted by 2015 c. 7 Sch. 4 para. 13
- s. 88(9) words substituted by 2023 c. 55 Sch. 9 para. 1(13)
- s. 90(2B) words substituted by 2025 c. 34 s. 55(2)(a)
- s. 90(2B) words substituted by 2025 c. 34 s. 55(2)(b)
- s. 91(2) words substituted by 2023 c. 55 Sch. 6 para. 6
- s. 91(4)(a) words inserted by 2015 c. 7 Sch. 4 para. 14
- s. 91(4)(a) words substituted by 2023 c. 55 Sch. 9 para. 1(14)
- s. 92(6) words substituted by 2023 c. 55 Sch. 6 para. 7
- s. 93(5)(6) inserted by 2017 c. 20 Sch. 3 para. 6
- s. 94(1)(e) and word inserted by 2023 c. 55 Sch. 9 para. 1(15)
- s. 97(2) words substituted by 2023 c. 55 Sch. 6 para. 8
- s. 100ZA(6)(a) and word inserted by 2025 c. 34 Sch. 5 para. 43
- s. 102(1) words substituted by 2023 c. 55 Sch. 6 para. 9(a)
- s. 102(1A) inserted by 2023 c. 55 Sch. 6 para. 9(b)
- s. 106(1) words substituted by 2016 c. 22 s. 158(3)
- s. 106A(9A) inserted by 2023 c. 55 s. 125
- s. 106BB(1) words inserted by 2016 c. 22 Sch. 12 para. 27(2)
- s. 106BB(1)(a) word substituted by 2016 c. 22 Sch. 12 para. 27(1)
- s. 106BB(1)(b) word substituted by 2016 c. 22 Sch. 12 para. 27(1)
- s. 106BB(1)(c) word substituted by 2016 c. 22 Sch. 12 para. 27(1)
- s. 106ZA inserted by 2016 c. 22 s. 158(1)
- s. 106ZB inserted by 2016 c. 22 s. 159(1)
- s. 108(1) words inserted by 2015 c. 7 Sch. 4 para. 15(3)(b)
- s. 108(1) words substituted by 2023 c. 55 Sch. 9 para. 1(16)(b)(ii)
- s. 108(1)(a) words inserted by 2015 c. 7 Sch. 4 para. 15(3)(a)
- s. 108(1)(a) words substituted by 2023 c. 55 Sch. 9 para. 1(16)(b)(i)
- s. 108(1A)(1B) inserted by 2015 c. 7 Sch. 4 para. 15(4)
- s. 108(2) word inserted by 2015 c. 7 Sch. 4 para. 15(5)(b)
- s. 108(2) words inserted by 2015 c. 7 Sch. 4 para. 15(5)(a)
- s. 108(2) words substituted by 2023 c. 55 Sch. 9 para. 1(16)(c)
- s. 108(3A) inserted by 2004 c. 5 Sch. 6 para. 6
- s. 108(3B)(ba) inserted by 2015 c. 7 Sch. 4 para. 15(6)
- s. 108(3B)(ba) word omitted by 2023 c. 55 Sch. 9 para. 1(16)(d)(i)
- s. 108(3B)(bb) inserted by 2023 c. 55 Sch. 9 para. 1(16)(d)(ii)
- s. 108(3DA) inserted by 2015 c. 7 Sch. 4 para. 15(7)
- s. 108(3DB) inserted by 2023 c. 55 Sch. 9 para. 1(16)(e)
- s. 109(6) words inserted by 2015 c. 7 Sch. 4 para. 16
- s. 109(6) words substituted by 2023 c. 55 Sch. 9 para. 1(17)
- s. 141(6) inserted by 2017 c. 20 Sch. 3 para. 7
- s. 150(1)(b) words substituted by 2017 c. 20 s. 26(2)
- s. 151(4)(b) words inserted by 2017 c. 20 s. 26(3)(a)
- s. 151(8) words substituted by 2017 c. 20 s. 26(3)(b)
- s. 155(2) words inserted by 2017 c. 20 s. 26(4)(b)(ii)
- s. 155(2) words inserted by 2017 c. 20 s. 26(4)(b)(iii)
- s. 155(2)(a) words inserted by 2017 c. 20 s. 26(4)(b)(i)
- s. 169(1)(a) words renumbered as s. 169(1)(a) by 2017 c. 20 s. 26(5)(a)
- s. 169(1)(b) inserted by 2017 c. 20 s. 26(5)(b)
- s. 170(8BA) inserted by 2017 c. 20 s. 26(6)
- s. 171H(1)(a) words inserted by 2015 c. 7 Sch. 4 para. 17
- s. 171H(1)(a) words substituted by 2023 c. 55 Sch. 9 para. 1(18)
- s. 172(1)(b) words substituted by 2023 c. 55 Sch. 6 para. 10
- s. 177(2) substituted by 2023 c. 55 Sch. 6 para. 11
- s. 208(5A) inserted by 2008 c. 29 Sch. 10 para. 9(2)
- s. 208(6) words substituted by 2008 c. 29 Sch. 10 para. 9(3)
- s. 221(7)-(9) repealed by 1991 c. 34 Sch. 19 Pt. 1
- s. 264(3)(a) modified by S.I. 2011/1829 art. 18
- s. 264(5)(ca) words inserted by 2015 c. 7 Sch. 4 para. 18
- s. 264(5)(ca) words substituted by 2023 c. 55 Sch. 9 para. 1(19)

- s. 287 amended by 2008 c. 29 s. 186
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
- s. 303(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
- s. 303A(1A)(zza) inserted by 2025 c. 34 Sch. 2 para. 1(2)
- s. 303A(1A)(za) inserted by 2023 c. 55 Sch. 8 para. 7(2)(a)
- s. 303A(1BA) inserted by 2025 c. 34 Sch. 2 para. 1(3)
- s. 303A(2) words substituted by 2025 c. 34 Sch. 2 para. 1(4)
- s. 303A(3) words substituted by 2025 c. 34 Sch. 2 para. 1(5)
- s. 303A(6) words substituted by 2025 c. 34 Sch. 2 para. 1(6)
- s. 303A(9A) words substituted by 2025 c. 34 Sch. 2 para. 1(7)(a)
- s. 303A(9A)(a) words inserted by 2023 c. 55 Sch. 8 para. 7(3)(a)(ii)
- s. 303A(9A)(a) words substituted by 2025 c. 34 Sch. 2 para. 1(7)(a)
- s. 303A(9A)(b) substituted by 2025 c. 34 Sch. 2 para. 1(7)(b)
- s. 303A(9C) inserted by 2025 c. 34 Sch. 2 para. 1(8)
- s. 303A(13) inserted by 2025 c. 34 Sch. 2 para. 1(9)
- s. 303ZB inserted by 2023 c. 55 s. 134
- s. 305(1)(a) words inserted by 2015 c. 7 Sch. 4 para. 20
- s. 316(3) words inserted by 2025 c. 34 s. 54(2)
- s. 322A applied by 1981 c. 69 Sch. 13A para. 10(3) (as inserted) by 2015 c. 20 Sch. 7 para. 6
- s. 322A applied by 1981 c. 69 Sch. 14A para. 16(3) (as inserted) by 2015 c. 20 Sch. 7 para. 7
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by 2023 c. 55 Sch. 9 para. 1(20)(a)
- s. 324(1A)(b) and word inserted by 2023 c. 55 Sch. 9 para. 1(20)(b)
- s. 324(1B) inserted by 2015 c. 7 Sch. 4 para. 21
- s. 333(3ZZAA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(b)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(3ZZA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(a)
- s. 333(4) word inserted by 2015 c. 7 Sch. 4 para. 22(2)
- s. 333(5) word inserted by 2015 c. 7 Sch. 4 para. 22(3)
- s. 336 words inserted by 2023 c. 55 Sch. 8 para. 10
- s. 336(1) words inserted by 2015 c. 7 Sch. 4 para. 23
- Sch. 1 para. 6A words inserted by 2023 c. 55 Sch. 9 para. 1(22)
- Sch. 1A para. 9 repealed by 2008 c. 29 Sch. 13
- Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
- Sch. 4B para. 8(2)(ca) inserted by 2023 c. 55 s. 102(2)(a)(ii)
- Sch. 4B para. 8(4A)(4B) inserted by 2023 c. 55 s. 102(2)(b)
- Sch. 4B para. 5(5)(za) inserted by 2023 c. 55 Sch. 6 para. 12(a)
- Sch. 4B para. 8(2)(da) inserted by 2023 c. 55 Sch. 6 para. 12(b)
- Sch. 4B para. 8(2)(b) words inserted by 2023 c. 55 s. 102(2)(a)(i)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
- Sch. 7 para. 3 repealed by 2004 c. 5 s. 45(8)Sch. 9
- Sch. 7 para. 4 repealed by 2004 c. 5 s. 45(8)Sch. 9
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 7 para. 2 words substituted by 2004 c. 5 s. 45(7)
- Sch. 9 para. 1(1A) inserted by 2023 c. 55 Sch. 6 para. 13(b)
- Sch. 9 para. 1(1) words substituted by 2023 c. 55 Sch. 6 para. 13(a)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)
- Sch. 15 para. 14(4) words repealed by 2003 c. 44 Sch. 37 Pt. 9

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 58B and cross-heading inserted by 2023 c. 55 s. 102(1)
- s. 70(2)(azb) inserted by 2023 c. 55 Sch. 6 para. 3(a)
- s. 70(3A) inserted by 2017 c. 20 Sch. 3 para. 2
- s. 70A(5A) inserted by 2023 c. 55 Sch. 6 para. 4(a)
- s. 70A(10)(11) inserted by 2023 c. 55 s. 110(4)(b)
- s. 70B(5A)(5B) inserted by 2023 c. 55 s. 110(5)(b)
- s. 73B inserted by 2023 c. 55 s. 110(2)
- s. 74(1C)(aa) inserted by 2023 c. 55 Sch. 6 para. 5(b)
- s. 74A(2A)(b) and word inserted by 2025 c. 34 Sch. 5 para. 42(b)
- s. 75ZA and cross-heading inserted by 2016 c. 22 s. 155
- s. 83(1A)-(1C) amendment to earlier affecting provision 2004 c. 5, s. 45(2) by 2011 c. 20 Sch. 8 para. 14(4)(5)Sch. 25 Pt. 16
- s. 83(1A)-(1C) inserted by 2004 c. 5 s. 45(2)
- s. 83(2)-(2B) amendment to earlier affecting provision 2004 c. 5, s. 45(3) by 2011 c. 20 Sch. 8 para. 14(4)(5)Sch. 25 Pt. 16
- s. 83(2)-(2B) substituted for s. 83(2) by 2004 c. 5 s. 45(3)
- s. 83(4) inserted by 2004 c. 5 s. 45(4)
- s. 85(1A) inserted by 2004 c. 5 s. 45(6)
- s. 93(5)(6) inserted by 2017 c. 20 Sch. 3 para. 6
- s. 94(1)(e) and word inserted by 2023 c. 55 Sch. 9 para. 1(15)
- s. 100ZA(6)(a) and word inserted by 2025 c. 34 Sch. 5 para. 43
- s. 102(1A) inserted by 2023 c. 55 Sch. 6 para. 9(b)
- s. 106A(9A) inserted by 2023 c. 55 s. 125
- s. 106ZA inserted by 2016 c. 22 s. 158(1)
- s. 106ZB inserted by 2016 c. 22 s. 159(1)
- s. 108(1A)(1B) inserted by 2015 c. 7 Sch. 4 para. 15(4)
- s. 108(3A) inserted by 2004 c. 5 Sch. 6 para. 6
- s. 108(3B)(ba) inserted by 2015 c. 7 Sch. 4 para. 15(6)
- s. 108(3B)(ba) word omitted by 2023 c. 55 Sch. 9 para. 1(16)(d)(i)
- s. 108(3B)(bb) inserted by 2023 c. 55 Sch. 9 para. 1(16)(d)(ii)
- s. 108(3DA) inserted by 2015 c. 7 Sch. 4 para. 15(7)
- s. 108(3DB) inserted by 2023 c. 55 Sch. 9 para. 1(16)(e)
- s. 141(6) inserted by 2017 c. 20 Sch. 3 para. 7
- s. 169(1)(a) words renumbered as s. 169(1)(a) by 2017 c. 20 s. 26(5)(a)
- s. 169(1)(b) inserted by 2017 c. 20 s. 26(5)(b)
- s. 170(8BA) inserted by 2017 c. 20 s. 26(6)
- s. 208(5A) inserted by 2008 c. 29 Sch. 10 para. 9(2)
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
- s. 303(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
- s. 303A(1A)(zza) inserted by 2025 c. 34 Sch. 2 para. 1(2)
- s. 303A(1A)(za) inserted by 2023 c. 55 Sch. 8 para. 7(2)(a)
- s. 303A(1BA) inserted by 2025 c. 34 Sch. 2 para. 1(3)
- s. 303A(9C) inserted by 2025 c. 34 Sch. 2 para. 1(8)
- s. 303A(13) inserted by 2025 c. 34 Sch. 2 para. 1(9)
- s. 303ZB inserted by 2023 c. 55 s. 134
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by 2023 c. 55 Sch. 9 para. 1(20)(a)
- s. 324(1A)(b) and word inserted by 2023 c. 55 Sch. 9 para. 1(20)(b)
- s. 333(3ZZAA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(b)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(3ZZA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(a)
- Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
- Sch. 4B para. 8(2)(ca) inserted by 2023 c. 55 s. 102(2)(a)(ii)
- Sch. 4B para. 8(4A)(4B) inserted by 2023 c. 55 s. 102(2)(b)
- Sch. 4B para. 5(5)(za) inserted by 2023 c. 55 Sch. 6 para. 12(a)
- Sch. 4B para. 8(2)(da) inserted by 2023 c. 55 Sch. 6 para. 12(b)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)

- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 9 para. 1(1A) inserted by 2023 c. 55 Sch. 6 para. 13(b)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)