



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART I

#### PLANNING AUTHORITIES

#### **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,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.
- (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.
- (3) In England (exclusive of the metropolitan counties, Greater London and the Isles of Scilly) and in Wales 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.
- (5) This section has effect subject to any express provision to the contrary in the planning Acts and, in particular—
  - (a) subsections (1) to (4) have effect subject to sections 5 to 8 of this Act and Part I of Schedule 17 to the Local Government Act 1972 (National Parks);
  - (b) subsections (1) and (2) have effect subject to sections 2 and 9; and

- (c) subsection (3) has effect subject to section 4 and Schedule 1 (which contains provisions as to the exercise of certain functions under this Act by particular authorities and liaison between them).

## **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 (in this Act referred to as a “joint planning board”) as the county planning authority or, as the case may be, the district planning authority for that united district.
- (2) The Secretary of State shall not make such an order 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 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 or district as is not so included.
- (4) A joint planning board constituted by an order under subsection (1) 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 Local 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.
- (7) This section shall have effect subject to sections 5 to 9 of this Act and Part I of Schedule 17 to the Local Government Act 1972 (joint planning boards and special planning boards for National Parks).

### **3 Joint planning committee for Greater London**

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

### **4 National Parks**

- (1) As respects an area in a National Park outside a metropolitan county all functions conferred by or under the planning Acts on a local planning authority or district planning authority shall, subject to subsections (2) and (3), be functions of the county planning authority and no other authority, and references in those Acts in their application to a National Park outside a metropolitan county to a local planning authority or district planning authority shall be construed accordingly.
- (2) The functions conferred on a local planning authority by sections 198 to 201, 206 to 209 and 211 to 215 shall as respects any part of a National Park outside a metropolitan county be exercisable concurrently with the county planning authority by the district planning authority whose area includes that part of the Park.
- (3) Where an order is made under section 7 of the National Parks and Access to the Countryside Act 1949 designating or extending the area of a National Park, the functions exercisable by a local planning authority immediately before the coming into force of the order for any area which under the order becomes part of the Park shall continue to be exercisable by that authority as respects that area unless and until a joint planning board is constituted under section 2 or a National Park Committee is appointed under Part I of Schedule 17 to the Local Government Act 1972 for an area co-terminous with or including that area or, as the case may be, is authorised to exercise those functions.

- (4) Where a joint planning board for a National Park situated partly in one or more metropolitan counties is the local planning authority as respects the part of the Park situated in that county or those counties, it shall continue to be so.

## **5 The Broads**

- (1) For the purposes of Chapter I of Part VIII and sections 249, 250, 300 and 324(1)(b) and (c) and (7) 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 sections 36 to 49, 50(6) to (9), 51, 62, 64 to 72, 76 to 81, 91 to 95, 97 to 99, 102, 103, 106, 172, 173, 178, 183, 184, 188, 191 to 197, 211 to 215, 219 to 221, 224, 294, 295, 297, 299, 301, 316(1) to (3) and 324(1)(a).

## **6 Enterprise zones**

- (1) An order under paragraph 5 of Schedule 32 to the 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.
- (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.

## **7 Urban development areas**

- (1) Where an order is made under subsection (1) of section 149 of the 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.

## **8 Housing action areas**

- (1) Where an order is made under subsection (1) of section 67 of the 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.

## **9 Power to make consequential and supplementary provision about authorities**

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.