



Planning and Compensation Act 1991

1991 CHAPTER 34

PART I

TOWN AND COUNTRY PLANNING: ENGLAND AND WALES

Miscellaneous

29 Functions of Historic Buildings and Monuments Commission

- (1) In section 33 of the National Heritage Act 1983 (general functions of Commission) after subsection (2) there is inserted—

“(2A) In relation to England, the Commission may—

- (a) prosecute any offence under Part I of the Ancient Monuments and Archaeological Areas Act 1979 or under the Planning (Listed Buildings and Conservation Areas) Act 1990, or
- (b) institute in their own name proceedings for an injunction to restrain any contravention of any provision of that Part or of that Act of 1990.”

- (2) In section 89 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (application of general provisions of principal Act, including power under section 330 to require information) after subsection (2) there is inserted—

“(3) In the application of section 330 by virtue of this section, references to a local authority include the Commission.”

30 Orders as to costs where inquiry or hearing does not take place

- (1) After section 322 of the principal Act there is inserted—

“322A Orders as to costs: supplementary

- (1) This section applies where—

- (a) for the purposes of any proceedings under this Act—

Status: This is the original version (as it was originally enacted).

- (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 Local Government Act 1972 requiring any party to pay any costs of any other party.
- (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.”
- (2) In section 89(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 37(2) of the Planning (Hazardous Substances) Act 1990 (application of provisions of the principal Act) before “323” there is inserted “322A (orders as to costs: supplementary)”.

31 Planning compensation repeals

- (1) Part V of the principal Act (compensation for restrictions on new development where land has an unexpended balance of development value) and Schedule 12 to that Act (unexpended balance of development value) are repealed.
- (2) Section 114 of that Act (compensation for planning decisions restricting development other than new development) is repealed.
- (3) Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (compensation for refusal of consent to alteration, etc. of listed building) is repealed.
- (4) Schedule 6 to this Act (compensation repeals: minor and consequential amendments) shall have effect.
- (5) Subsection (1) above shall have effect in relation to any compensation under Part V of the principal Act unless a claim for the compensation has been made in accordance with section 127 of that Act before the repeal of that section comes into force.
- (6) Any amount recoverable under section 133 of that Act which has not been paid, including any interest on any such amount, shall cease to be recoverable and any mortgage, covenant or other obligation by which the payment of any such amount, or interest on it, is secured is discharged.
- (7) The repeal of section 114 of that Act shall have effect, or be treated as having had effect, where the application for planning permission was made on or after 16th November 1990.
- (8) The repeal of section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990 shall have effect, or be treated as having had effect, where the application for listed building consent was made on or after 16th November 1990.

32 Planning: minor and consequential amendments

Schedule 7 to this Act (which makes minor and consequential amendments of the enactments relating to planning) shall have effect.