



# Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

## PART III

### PLANNING CONTROL

*Special provisions as to local authorities and statutory undertakers*

#### 41 Deemed planning permission

- (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, or by statutory undertakers not being a local 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 directions.
- (2) The provisions of this Act (except Parts VI and XI thereof) shall apply in relation to any planning permission deemed to be granted by virtue of directions under this section as if it had been granted by the Minister on an application referred to him under section twenty-two of this Act.
- (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

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (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.

#### **42 Application of planning control to local planning authorities**

- (1) In relation to land of local planning authorities, and to the development by local authorities of land in respect of which they are the local planning authorities, the provisions of this Part of this Act, other than sections fifteen and sixteen, subsections (2) and (3) of section seventeen, and sections twenty-five and twenty-six thereof, shall have effect subject to such exceptions and modifications as may be prescribed by regulations made under this Act.
- (2) Subject to the provisions of the last preceding section, any such regulations may in particular provide for securing—
  - (a) that any application by such an authority for planning permission to develop such land, or for any other consent required in relation to such land under this Part of this Act, shall be made to the Minister and not to the local planning authority;
  - (b) that any order or notice authorised to be made or served under this Part of this Act in relation to such land shall be made or served by the Minister and not by that authority.
- (3) Sections fifteen and sixteen and subsections (2) and (3) of section seventeen of this Act shall apply, with the necessary modifications, in relation to applications made to the Minister in pursuance of regulations made for the purposes of subsection (1) of this section, as they apply in relation to applications for planning permission which fall to be determined by the local planning authority.