SCHEDULE 8

Local enquiries

PART 1

General

Interpretation

1.—(1) In this Schedule—

"adoption" and "adopted" relate to an agreement made under section 38 of the Highways Act 1980(**1**);

"bond" means an indemnity or guarantee which is sought by a local authority as to the financial security of a developer;

"bond waiver" means an agreement that a local authority will not seek a bond from a developer;

"breach of condition notice" means a notice served under section 187A of the Town and Country Planning Act 1990(**2**);

"building preservation notice" means a notice served under section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990(**3**);

"building regulations approvals" means—

(a) plans passed under section 16 of the Building Act 1984(**4**); or

(b) a certificate given under regulation 21(6) of the Building Regulations 2000(**5**) (regularisation certificates);

"building regulations completion certificate" means a certificate given under regulation 17(1) of the Building Regulations 2000(**6**);

"building regulations" has the same meaning as in section 122 of the Building Act 1984;

"certificate of lawfulness of existing use or development" means a certificate issued under section 191(4) of the Town and Country Planning Act 1990(**7**);

"certificate of lawfulness of proposed use or development" means a certificate issued under section 191(2) of the Town and Country Planning Act 1990(**8**);

"competent person self-certification scheme" means a scheme under whose provisions building work which consists only of work of a type described in column 1 of the Table in Schedule 2A to the Building Regulations 2000(**9**) is carried out by a person who is described in the corresponding entry in column 2 of that Table;

"compulsory purchase order with a direction for minimum compensation" means an order confirmed or made under section 50(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990(**10**);

(**1**) Amended by section 22(1) of the New Roads and Street Works Act 1991 (c. 22).
(**2**) Inserted by section 2 of the Planning and Compensation Act 1991 (c. 34).
(**3**) Amended by section 20(4) of and paragraph 25(2) of Schedule 6 to the Local Government (Wales) Act 1994 (c. 19).
(**4**) There are amendments to section 16 which are not relevant to these Regulations.
(**5**) S.I. 2000/2531. Under this provision, an applicant may apply to a local authority for a regularisation certificate in respect of unauthorised building work.
(**6**) Regulation 17 is amended by S.I. 2005/1541.
(**7**) Substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34).
(**8**) Substituted by section 10(1) of the Planning and Compensation Act 1991.
(**9**) Substituted by S.I. 2006/652.
(**10**) Amended by section 109(1), paragraph 345 of Schedule 8 to and Schedule 10 to the Courts Act 2003 (c. 39).

"conservation area" means either or both of the following—

(a) an area designated under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990; or

(b) an area so designated before 31st August 1974 by other means;

"contaminated land notice" means a notice given under section 78B(3) of the Environmental Protection Act 1990(**11**);

"cycle track" means a way constituting or comprised in a highway, being a way over which the public have the following, but no other, rights of way, that is to say, a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988(**12**)) with or without a right of way on foot;

"development plan" must be construed in accordance with section 38 of the Planning and Compulsory Purchase Act 2004(**13**);

"direction restricting permitted development" means a direction given under article 4 of the Town and Country Planning (General Permitted Development) Order 1995(**14**);

"drainage agreement" means an agreement made under section 22(2) of the Building Act 1984;

"enforcement notice" means a notice issued under section 172 of the Town and Country Planning Act 1990(**15**);

"footpath" means a highway over which the public have a right of way on foot only, not being a footway;

"footway" means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only;

"frontager" means the owner or occupier of premises that abut a road, footway or footpath;

"highway maintainable at public expense" means a highway which by virtue of section 36 of the Highways Act 1980(**16**), or any other enactment, is a highway which for the purposes of that Act, is a highway maintainable at the public expense;

"improvement" means the doing of any act under powers conferred by Part 5 of the Highways Act 1980 and includes the erection, maintenance, alteration and removal of traffic signs, and the freeing of a highway or road-ferry from tolls;

"land required for public purposes" means land to which paragraphs 5 and 6 of Schedule 13 to the Town and Country Planning Act 1990 relate(**17**);

"land to be acquired for road works" means land to be acquired by a public authority under any of sections 239 to 246 of the Highways Act 1980(**18**);

(**11**) Inserted by section 57 of the Environment Act 1995.
(**12**) 1988 c. 52.
(**13**) 2004 c.5.
(**14**) S.I. 1995/418. Article 4 is amended by S.I. 1996/528.
(**15**) Substituted by section 5 of the Planning and Compensation Act 1991.
(**16**) 1980 c.66. Section 36 is amended by section 4(1) of and paragraph 47 of Schedule 2 to the Housing (Consequential Provisions) Act 1985 (c. 71), sections 64 and 68 of and Part 1 of Schedule 2 to the Transport and Works Act 1992 (c. 42), section 4 of and paragraph 45(3) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c.11), section 57 of, and Part 1 of Schedule 6 to the Countryside and Rights of Way Act 2000 (c. 37) and by S.I. 2006/1177. There are further amendments to section 36 which are not relevant to these Regulations.
(**17**) Paragraph 5 is amended by section 32 of and paragraph 56 of Schedule 7 to the Planning and Compensation Act 1991. Both paragraphs 5 and 6 were amended by section 118(1) of and paragraphs 1 and 18 of Schedule 6 to the Planning and Compulsory Purchase Act 2004.
(**18**) Section 241 is amended by section 190 of and paragraph 62 of Schedule 25 to the Water Act 1989 (c. 15). Section 245A was inserted by section 13 of the Traffic Management Act 2004 (c. 18). Section 246 is amended by sections 68(2) and 70 of, and paragraph 26 of Schedule 15 to the Planning and Compensation Act 1991 and section 34 of and paragraph 31 of Schedule 4 to the Acquisition of Land Act 1981 (c. 67).

"listed building enforcement notice" means a notice issued under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990(**19**);

"listed building repairs notice" means a notice served under section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990;

"mini-roundabout" means a roundabout consisting of a level or raised circular marking of a diameter of four metres or less;

"order requiring discontinuance of use or alteration or removal of buildings or works" means an order made under section 102 of the Town and Country Planning Act 1990(**20**);

"order revoking or modifying planning permission" means an order made under section 97 of the Town and Country Planning Act 1990(**21**);

"planning agreement" means an agreement made under section 106 of the Town and Country Planning Act 1990, as existing at any time before the enactment of the Planning and Compulsory Purchase Act 2004;

"planning contravention notice" means a notice served under section 171C of the Town and Country Planning Act 1990(**22**);

"planning contribution" means a contribution to be made pursuant to any regulations made under sections 46 to 48 of the Planning and Compulsory Purchase Act 2004;

"remediation notice" means a notice served under section 78E of the Environmental Protection Act 1990(**23**);

"railway" means a system of transport employing parallel rails which—

(a) provide support and guidance for vehicles carried on flanged wheels; and

(b) form a track which either is of a gauge of at least 350 millimetres or crosses a carriageway (whether or not on the same level),

but does not include a tramway;

"road hump" means an artificial hump in or on the surface of the highway which is designed to control the speed of vehicles, and references to a road hump include references to any other works (including signs or lighting) required in connection with such a hump;

"special road" means a highway, or a proposed highway, which is a special road in accordance with section 16 of the Highways Act 1980;

"stop notice" means a notice served under section 183 of the Town and Country Planning Act 1990(**24**);

"traffic calming works", in relation to a highway, means works affecting the movement of vehicular or other traffic for the purpose of—

(a) promoting safety (including avoiding or reducing, or reducing the likelihood of, danger connected with terrorism within the meaning of section 1 of the Terrorism Act 2000(**25**)); or

(b) preserving or improving the environment through which the highway runs;

"tramway" means a system of transport used wholly or mainly for the carriage of passengers and employing parallel rails which—

(**19**) Amended by sections 25 and 84 of and Schedule 3 to the Planning and Compensation Act 1991.
(**20**) Amended by sections 21 and 32 of, paragraph 6 of Schedule 1 to and paragraph 21 of Schedule 7 to the Planning and Compensation Act 1991.
(**21**) Amended by sections 21 and 84 of, paragraph 4 of Schedule 1 to, and Schedule 19 to the Planning and Compensation Act 1991.
(**22**) Inserted by section 1 of the Planning and Compensation Act 1991 and amended by S.I. 2003/956 and S.I. 2004/3156.
(**23**) Inserted by section 57 of the Environment Act 1995 and amended by sections 86 and 105 of the Water Act 2003.
(**24**) Substituted by section 9(1) of the Planning and Compensation Act 1991.
(**25**) 2000 c. 1.

(a) provide support and guidance for vehicles carried on flanged wheels; and

(b) are laid wholly or mainly along a street or in any other place to which the public has access (including a place to which the public has access only on making a payment);

"tree preservation order" means an order made under section 198 of the Town and Country Planning Act 1990(**26**); and

"trunk road" means a highway, or a proposed highway, which is a trunk road by virtue of section 10(1) or section 19 of the Highways Act 1980 or by virtue of an order or direction under section 10 of that Act(**27**) or under any other enactment.

(2) In paragraph 8 "private sewer", "drain" and "disposal main" have the same meaning as in Schedule 9(**28**).

(**26**) Amended by sections 31, 32 and 84 of, paragraph 20 of Schedule 6 to and paragraph 34 of Schedules 7 and 19 to the Planning and Compensation Act 1991. Also amended by section 42(3) of the Planning and Compulsory Purchase Act 2004.

(**27**) Section 10 is amended by section 22(2) of the New Roads and Street Works Act 1991 (c. 22) and section 19 is amended by section 21(1) of that Act.

(**28**) See paragraph 1(1) of that Schedule.