
STATUTORY INSTRUMENTS

2009 No. 380

TOWN AND COUNTRY PLANNING, ENGLAND

**The Town and Country Planning (Determination
of Appeals by Appointed Persons) (Prescribed
Classes) (Amendment) (England) Regulations 2009**

<i>Made</i>	- - - -	<i>25th February 2009</i>
<i>Laid before Parliament</i>		<i>4th March 2009</i>
<i>Coming into force</i>	- -	<i>6th April 2009</i>

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by sections 333 of, and paragraph 1 of Schedule 6 to, the Town and Country Planning Act 1990(1), makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Amendment) (England) Regulations 2009 and shall come into force on 6th April 2009.

(2) These Regulations apply in relation to England only.

Amendment to the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1997

2.—(1) The Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1997(2) are amended as follows.

(2) In regulation 3 (classes of appeal for determination by appointed persons), after paragraph (e), add—

(1) 1990 c.8; paragraph 1 of Schedule 6 was amended by the Environment Act 1995 (c.25), Schedule 22, paragraph 44 and by section 198 of the Planning Act 2008 (c.29). The powers are now vested in Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672: see the entry in Schedule 1 for the Town and Country Planning Act 1990 as substituted by article 4 of, and Schedule 3 to the National Assembly for Wales (Transfer of Functions) Order 2000 (c.32) (S.I. 2000/253). By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32) they were transferred to the Welsh Ministers.

(2) S.I. 1997/420. Relevant amendments were made by S.I. 2006/2227, S.I. 2008/595 and S.I. 2008/2093.

“(f) appeals under paragraph 5 of Schedule 2 to the Planning and Compensation Act 1991(3) (appeals relating to old mining permissions).”.

(3) In regulation 4 (classes of appeal reserved for determination by the Secretary of State), at the end add—

“where the Secretary of State or the appropriate Minister has given a direction for section 266 of the Town and Country Planning Act 1990(4) to have effect in relation to the appeal (and the direction has not been revoked).”.

Saving

3. These Regulations do not apply to any appeal in respect of which notice of appeal was given to the Secretary of State before 6th April 2009.

Signed by authority of the Secretary of State

Iain Wright
Parliamentary Under Secretary of State
Department for Communities and Local
Government

25th February 2009

(3) 1991 (c.34).

(4) Section 266 of the Town and Country Planning Act 1990 was amended by section 195 of the Planning Act 2008 (c.29).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1997 (“the principal Regulations”). The principal Regulations prescribe the classes of appeal which are to be determined by persons appointed by the Secretary of State in accordance with the provisions of Schedule 6 to the Town and Country Planning Act 1990 (“the Act”).

Regulation 2(2) amends regulation 3 of the principal Regulations by prescribing appeals relating to old mining permissions, under paragraph 5 of Schedule 2 to the Planning and Compensation Act 1991, as appeals to be determined by an appointed person instead of by the Secretary of State.

Regulation 2(3) amends regulation 4 of the principal Regulations, as respects the classes of appeal reserved for determination by the Secretary of State. Unless a direction has been given by the Secretary of State or appropriate Minister that section 266 of the Act (applications for planning permission by statutory undertakers) applies, and the direction has not been revoked, appeals by statutory undertakers under sections 78 or 174 of the Act, relating to operational land or prospective operational land, will now be determined by a person appointed by the Secretary of State.

An impact assessment has been prepared in relation to these Regulations. It has been placed in the Library of each House of Parliament and is available for inspection on the internet at www.communities.gov.uk. Copies can be obtained by post from the Planning Central Casework Division, Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU.