



Town and Country Planning Act 1990

1990 CHAPTER 8

PART XV

MISCELLANEOUS AND GENERAL PROVISIONS

Application of Act in special cases

315 Power to modify Act in relation to minerals.

- (1) In relation to development consisting of the winning and working of minerals [^{F1}or involving the depositing of mineral waste], the provisions specified in Parts I and II of Schedule 16 shall have effect subject to such adaptations and modifications as may be prescribed.
- (2) In relation to interests in land consisting of or comprising minerals (being either the fee simple or tenancies of such land) ^{F2}. . . , the provisions specified in Part III of Schedule 16 shall have effect subject to such adaptations and modifications as may be prescribed.
- (3) Regulations made for the purposes of this section may only be made with the consent of the Treasury and shall be of no effect unless they are approved by resolution of each House of Parliament.
- (4) Any regulations made by virtue of subsection (1) shall not apply—
 - (a) to the winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use, including the fertilisation of the land so used and the maintenance, improvement or alteration of buildings or works on it which are occupied or used for those purposes; ^{F3} . . .
 - ^{F3}(b)
- (5) Nothing in subsection (1) or (4) shall be construed as affecting the prerogative right of Her Majesty (whether in right of the Crown or of the Duchy of Lancaster) or of the Duke of Cornwall to any gold or silver mine.

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Changes to legislation: Town and Country Planning Act 1990, Part XV is up to date with all changes known to be in force on or before 04 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** Words in s. 315(1) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 21, 84(2)-(4), [Sch. 1 para. 11](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to [art. 4](#))
- F2** Words in s. 315(2) repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31, 84(6), [Sch. 6 para. 32](#), [Sch. 19](#), Pt. II (with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to [art. 4](#))
- F3** S. 315(4)(b) and word “or” immediately preceding it repealed (1.11.1994) by [1994 c. 21, s. 67, Sch. 9 para. 39\(2\)](#), [Sch. 11 Pt. III](#) (with s. 40(7)); S.I. 1994/2552, [art. 3](#), [Sch. 2](#)

[^{F4}316 Land of interested planning authorities and development by them.

- (1) The provisions of Parts III, VII and VIII of this Act shall apply in relation to—
 - (a) land of interested planning authorities; and
 - (b) the development of any land by interested planning authorities or by such authorities jointly with any other persons,
 subject to regulations made by virtue of this section.
- (2) The regulations may, in relation to such land or such development—
 - (a) provide for any of those provisions to apply subject to prescribed exceptions or modifications or not to apply;
 - (b) make new provision as to any matter dealt with in any of those provisions;
 - (c) make different provision in relation to different classes of land or development.
- (3) Without prejudice to subsection (2), the regulations may provide—
 - (a) subject to subsection (5), for applications for planning permission to develop such land, or for such development, to be determined by the authority concerned, by another interested planning authority or by the Secretary of State; and
 - (b) for the procedure to be followed on such applications,
 and, in the case of applications falling to be determined by an interested planning authority, they may regulate the authority’s arrangements for the discharge of their functions, notwithstanding [^{F5}any provision made by or under sections 319ZA to 319ZC or] anything in section 101 of the ^{M1}Local Government Act 1972.
- (4) The regulations shall—
 - (a) provide for section 71(3), and any provision made by virtue of section 65 or 71 by a development order, to apply to applications for planning permission to develop [^{F6}such land, or for such development,][^{F6}land of an interested planning authority other than the Welsh Ministers, or for the development of land by an interested planning authority other than the Welsh Ministers,] subject to prescribed exceptions or modifications, or
 - (b) make corresponding provision.
- (5) In the case of any application for planning permission to develop land of an interested planning authority [^{F7}other than the Welsh Ministers] where—
 - (a) the authority do not intend to develop the land themselves or jointly with any other person; and
 - (b) if it were not such land, the application would fall to be determined by another body,

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the regulations shall provide for the application to be determined by that other body, unless the application is referred to the Secretary of State under section 77.

(6) In this section “interested planning authority”, in relation to any land, means any body which exercises any of the functions of a local planning authority in relation to that land [^{F8}or the Welsh Ministers]; and for the purposes of this section land is land of an authority if the authority have any interest in it.

[^{F9}(7) This section applies—

- (a) to permission in principle to develop any land, and
 - (b) to any consent required in respect of any land,
- as it applies to planning permission to develop land.]

(8) Subsection (1) does not apply to sections 76, 90(2) and (5) and 223.]

[^{F10}(9) The power to make regulations under this section relating to land of the Welsh Ministers or to the development of land by the Welsh Ministers is exercisable by the Welsh Ministers.]

Textual Amendments

- F4** S. 316 substituted (25.11.1991 for certain purposes and otherwise 17.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [s.20](#), (with s. 84(5)); [S.I. 1991/2728](#), [art.2](#); [S.I. 1992/1491](#), [art. 2](#)
- F5** Words in s. 316(3) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 39\(2\)](#), [58\(2\)\(b\)\(4\)\(b\)](#); [S.I. 2017/546](#), [art. 3\(a\)](#)
- F6** Words in s. 316(4) substituted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [s. 58\(2\)\(b\)\(4\)\(b\)](#), [Sch. 4 para. 19\(2\)](#); [S.I. 2016/52](#), [art. 3\(e\)](#)
- F7** Words in s. 316(5) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [s. 58\(2\)\(b\)\(4\)\(b\)](#), [Sch. 4 para. 19\(3\)](#); [S.I. 2016/52](#), [art. 3\(e\)](#)
- F8** Words in s. 316(6) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [s. 58\(2\)\(b\)\(4\)\(b\)](#), [Sch. 4 para. 19\(4\)](#); [S.I. 2016/52](#), [art. 3\(e\)](#)
- F9** S. 316(7) substituted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), [s. 216\(3\)](#), [Sch. 12 para. 37](#); [S.I. 2016/733](#), [reg. 3\(d\)](#)
- F10** S. 316(9) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [s. 58\(2\)\(b\)\(4\)\(b\)](#), [Sch. 4 para. 19\(5\)](#); [S.I. 2016/52](#), [art. 3\(e\)](#)

Modifications etc. (not altering text)

- C1** S. 316: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1](#)

Marginal Citations

- M1** 1972 c. 70.

[^{F11}316A] Local planning authorities as statutory undertakers.

In relation to statutory undertakers who are local planning authorities, section 283 and the provisions specified in that section shall have effect subject to such exceptions and modifications as may be prescribed.]

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Textual Amendments

- F11** S. 316A inserted (25.11.1991 for certain purposes and otherwise 17.7.1992) by **Planning and Compensation Act 1991 (c. 34, SIF 123:1)**, s. 32, **Sch. 7 para. 48** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/1491, art. 2, **Sch. 1**

F12 **317**

Textual Amendments

- F12** S. 317 repealed (1.11.1994) by 1994 c. 21, s. 67, **Sch. 9 para. 39(2)**, **Sch. 11 Pt. III** (with s. 40(7)); S.I. 1994/2552, art. 3, **Sch. 2**

318 Ecclesiastical property.

- (1) Without prejudice to the provisions of the ^{M2}Acquisition of Land Act 1981 with respect to notices served under that Act, where under any of the provisions of this Act a notice or copy of a notice is required to be served on an owner of land, and the land is ecclesiastical property, a similar notice or copy of a notice shall be served on the [^{F13}Diocesan Board of Finance for the diocese in which the land is situated].
- (2) [^{F14}Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant]—
 - (a) if the property is situated elsewhere than in Wales, then for the purposes of the provisions specified in Part VI of Schedule 16 [^{F15}it] shall be treated as being vested in the [^{F16}Diocesan Board of Finance for the diocese in which the land is situated];
 - (b) in any case, [^{F15}it] shall, for the purposes of a compulsory acquisition of the property under Part IX, be treated as being vested in the [^{F16}Diocesan Board of Finance for the diocese in which the land is situated], and any notice to treat shall be served, or be deemed to have been served, accordingly.
- (3) Any compensation payable under Part IV, section 186, Part VIII (except section 204) or section 250 in respect of land which is ecclesiastical property [^{F17}shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated], and shall ^{F18} . . . be applied by [^{F19}it] for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising or disposing of the proceeds of such a sale.
- (4) Any sum which under any of the provisions specified in Part III of Schedule 16 is payable in relation to land which is, or on 1st July 1948 was, ecclesiastical property, and apart from this subsection would be payable to an incumbent—
 - (a) shall be paid to the [^{F20}Diocesan Board of Finance for the diocese in which the land is situated], and
 - (b) shall be applied by [^{F19}it] for the purposes mentioned in subsection [^{F21}(3)].
- (5) Where any sum is recoverable under section 111, [^{F22}or 112] in respect of any such land, the [^{F23}Diocesan Board of Finance for the diocese in which the land is situated] may apply any money or securities held by [^{F19}it] in the payment of that sum.

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- (6) In this section “ecclesiastical property” means land belonging to an ecclesiastical benefice [^{F24}of the Church of England], or being or forming part of a church subject to the jurisdiction of a bishop of any diocese [^{F25}of the Church of England] or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction

Textual Amendments

- F13** Words in s. 318(1) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(a)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}
- F14** Words in s. 318(2) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(b)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}
- F15** Word in s. 318(5) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(b)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}
- F16** Words in s. 318(2) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(a)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}
- F17** Words in s. 318(3) substituted for s. 318(3)(a)(b) (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(c)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}
- F18** Words in s. 318(3)(b) omitted (E.) (1.10.2006) by virtue of Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(c)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}
- F19** Word in s. 318(3)(4)(5) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(d)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}
- F20** Words in s. 318(4) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(a)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}
- F21** Word in s. 318(4)(b) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 70, **Sch. 15 Pt. II para. 30(2)** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)
- F22** Words in s. 318(5) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 31, **Sch. 6 para. 33** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)
- F23** Words in s. 318(5) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(a)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}
- F24** Words in s. 318(6) inserted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(e)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}
- F25** Words in s. 318(6) inserted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(e)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}
- F26** Words in s. 318(6) omitted (E.) (1.10.2006) by virtue of Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(e)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}

Modifications etc. (not altering text)

- C2** S. 318(1)(3)(6) applied (with modifications) (1.6.1997) by S.I. 1997/1160, **reg. 16(1)**

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Marginal Citations

M2 1981 c. 67.

[^{F27} 319 The Isles of Scilly.

- (1) This Act applies to the Isles of Scilly subject to such exceptions, adaptations and modifications as the Secretary of State may by order direct.
- (2) An order under this section may in particular provide for the exercise by the Council of the Isles of Scilly of any functions exercisable by a local planning authority or mineral planning authority.
- (3) Before making an order under this section the Secretary of State shall consult with that Council.]

Textual Amendments

F27 S. 319 substituted (25.11.1991 for certain purposes and otherwise 27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para.49](#) (with s. 84(5)); S.I. 1991/2728, [art.2](#); S.I. 1992/1630, [art. 2](#), [Sch. 1](#) (with [art. 3\(1\)](#))

[^{F28} Wales: discharge of functions of local planning authority relating to applications

Textual Amendments

F28 [Ss. 319ZA-319ZD](#) and cross-heading inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 39\(1\)](#), [58\(2\)\(b\)\(4\)\(b\)](#); S.I. 2017/546, [art. 3\(a\)](#)

319ZA Requirement for functions to be discharged by committee, sub-committee or officer

- (1) The Welsh Ministers may by regulations require a relevant local planning authority to make arrangements under section 101 of the 1972 Act for a relevant function to be discharged by a committee, sub-committee or officer of the authority.
- (2) The regulations may prescribe the terms of the arrangements (which may include exceptions) and any permitted variations in those terms.
- (3) Where arrangements required by the regulations are in force in relation to a relevant function, the function may only be exercised in accordance with the arrangements (and section 101(4) of the 1972 Act does not apply).

319ZB Size and composition of committee discharging functions

- (1) The Welsh Ministers may by regulations prescribe requirements relating to the size and composition of a committee or sub-committee by which a relevant function is to be discharged.

Status: Point in time view as at 08/05/2018.

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- (2) A relevant local planning authority may not arrange for a relevant function to be discharged by a committee or sub-committee of the authority which fails to satisfy a requirement of regulations under this section.
- (3) If a committee or sub-committee discharging a relevant function fails to satisfy such a requirement, paragraph 43 of Schedule 12 to the 1972 Act (validity of proceedings) does not apply in relation to the failure.

319ZC Sections 319ZA and 319ZB: supplementary

- (1) Sections 101 and 102 of the 1972 Act have effect subject to sections 319ZA and 319ZB and any regulations made under them.
- (2) Where arrangements are in force under section 101(5) of the 1972 Act for two or more relevant local planning authorities to discharge any of their relevant functions jointly, sections 319ZA and 319ZB apply in relation to those functions as if—
 - (a) references to a committee or sub-committee of a relevant local planning authority were references to a joint committee or sub-committee of those authorities;
 - (b) references to an officer of a relevant local planning authority were references to an officer of any of those authorities.
- (3) Regulations under sections 319ZA and 319ZB may—
 - (a) make different provision for different local planning authorities;
 - (b) make special provision for cases where two or more authorities have made arrangements under section 101(1)(b) or (5) of the 1972 Act for the discharge of any of their relevant functions.

319ZD Interpretation of sections 319ZA to 319ZC

In sections 319ZA to 319ZC—

“the 1972 Act” means the Local Government Act 1972;

“relevant function” means a function exercisable by a relevant local planning authority in relation to an application under this Act;

“relevant local planning authority” means a local planning authority in Wales which is—

- (a) a county council or county borough council,
- (b) a joint planning board, or
- (c) a National Park authority.]

[^{F29}Determination of procedure

Textual Amendments

- F29** S. 319A and preceding cross-heading inserted (6.4.2009 for certain purposes) by [Planning Act 2008](#) (c. 29), [ss. 196\(1\), 241](#) (with s. 226); [S.I. 2009/400](#), [art. 3](#) (with [art. 6\(2\)](#))

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319A [F30 **Determination of procedure for certain proceedings: England**]

- (1) The Secretary of State must make a determination as to the procedure by which proceedings to which this section applies are to be considered.
- (2) A determination under subsection (1) must provide for the proceedings to be considered in whichever of the following ways appears to the Secretary of State to be most appropriate—
 - (a) at a local inquiry;
 - (b) at a hearing;
 - (c) on the basis of representations in writing.
- (3) The Secretary of State must make a determination under subsection (1) in respect of proceedings to which this section applies before the end of the prescribed period.
- (4) A determination under subsection (1) may be varied by a subsequent determination under that subsection at any time before the proceedings are determined.
- (5) The Secretary of State must notify the appellant or applicant (as the case may be) and the local planning authority of any determination made under subsection (1).
- (6) The Secretary of State must publish the criteria that are to be applied in making determinations under subsection (1).
- (7) This section applies to—
 - [an application made to the Secretary of State under section 62A;]
 - ^{F31}(za)
 - (a) an application referred to the Secretary of State under section 77 instead of being dealt with by a local planning authority in England;
 - (b) an appeal under section 78 against a decision of a local planning authority in England;
 - [an appeal under section 106BC (appeals in relation to applications for modification or discharge of affordable housing requirements);]
 - ^{F32}(ba)
 - (c) an appeal under section 174 against an enforcement notice issued by a local planning authority in England;
 - (d) an appeal under section 195 against a decision of a local planning authority in England; and
 - (e) an appeal under section 208 against a notice under section 207(1) issued by a local planning authority in England.
- (8) But this section does not apply to proceedings if they are referred to a Planning Inquiry Commission under section 101; and on proceedings being so referred, any determination made in relation to the proceedings under subsection (1) of this section ceases to have effect.
- (9) The Secretary of State may by order amend subsection (7) to—
 - (a) add proceedings to, or remove proceedings from, the list of proceedings to which this section applies, or
 - (b) otherwise modify the descriptions of proceedings to which this section applies.
- (10) An order under subsection (9) may—
 - (a) contain incidental, supplementary, consequential, transitional and transitory provision and savings;

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- (b) amend, repeal or revoke any provision made by or under this Act or by or under any other Act.]

Textual Amendments

- F30** S. 319A title substituted (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), arts. 1(2), **2(1)**
- F31** S. 319A(7)(za) inserted (9.5.2013 for E. for specified purposes, 1.10.2013 for specified purposes, 1.10.2014 in so far as not already in force) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), s. 35(1), [Sch. 1 para. 11](#); [S.I. 2013/1124](#), art. 2; [S.I. 2013/2143](#), art. 2(1)(a); [S.I. 2014/1531](#), art. 2
- F32** S. 319A(7)(ba) inserted (25.4.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), s. 35(2), [Sch. 2 para. 7](#)

[^{F33}319BDetermination of procedure for certain proceedings: Wales

- (1) The Welsh Ministers must make a determination as to the procedure by which proceedings to which this section applies are to be considered.
- (2) A determination under subsection (1) must provide for the proceedings to be considered in such one or more of the following ways as appear to the Welsh Ministers to be appropriate—
 - (a) at a local inquiry;
 - (b) at a hearing;
 - (c) on the basis of representations in writing.
- (3) The Welsh Ministers must make a determination under subsection (1) in respect of proceedings to which this section applies before the end of the prescribed period.
- (4) A determination under subsection (1) may be varied by a subsequent determination under that subsection at any time before the proceedings are determined.
- (5) The Welsh Ministers must notify the appellant or applicant (as the case may be) and the local planning authority of any determination made under subsection (1).

[In a case where an application has been made to the Welsh Ministers under ^{F34}(5A) section 62D, 62M or 62O, they must also notify any representative persons they consider appropriate.]

- (6) The Welsh Ministers must publish the criteria which are to be applied in making determinations under subsection (1).
- (7) This section applies to—
 - [^{F35}(za) an application made to the Welsh Ministers under section 62D, including proceedings relating to any secondary consent in respect of which, by virtue of its connection to that application, section 62F(2) applies;
 - (zb) an application made to the Welsh Ministers under section 62M or 62O;
 - (a) an application referred to the Welsh Ministers under section 77;
 - (b) an appeal to the Welsh Ministers under section 78;
 - (c) an appeal to the Welsh Ministers under section 174;
 - (d) an appeal to the Welsh Ministers under section 195; and
 - (e) an appeal to the Welsh Ministers under section 208.

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- (8) But this section does not apply to proceedings if they are referred to a Planning Inquiry Commission under section 101; and on proceedings being so referred, any determination made in relation to the proceedings under subsection (1) ceases to have effect.
- [For the purposes of this section as it applies where an application has been made to ^{F36}(8A) the Welsh Ministers under section 62D, 62M or 62O—
- “the local planning authority” means the local planning authority to which, but for the section in question, the application would have been made;
- “representative persons” are prescribed persons, or persons of a prescribed description, who appear to the Welsh Ministers to be representative of interested persons;
- “interested persons” are persons, other than the applicant and the local planning authority, who appear to the Welsh Ministers to have an interest in the proceedings.]
- (9) The Welsh Ministers may by order amend subsection (7) to—
- (a) add proceedings to, or remove proceedings from, the list of proceedings to which this section applies, or
 - (b) otherwise modify the descriptions of proceedings to which this section applies.
- (10) An order under subsection (9) may—
- (a) contain incidental, supplementary, consequential, transitional and transitory provision and savings;
 - (b) amend, repeal or revoke any provision made by or under this Act or by or under any other Act.
- ^{F37}(11)]

Textual Amendments

- F33** S. 319B inserted (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), arts. 1(2), **2(1)**
- F34** S. 319B(5A) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 4 para. 20(2)**; S.I. 2016/52, art. 3(e)
- F35** S. 319B(7)(za)(zb) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 4 para. 20(3)**; S.I. 2016/52, art. 3(e)
- F36** S. 319B(8A) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 4 para. 20(4)**; S.I. 2016/52, art. 3(e)
- F37** S. 319B(11) omitted (6.9.2015) by virtue of [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(a), **Sch. 7 para. 7(5)**

Local inquiries and other hearings

320 Local inquiries.

- (1) The Secretary of State [^{F38}or the Welsh Ministers] may cause a local inquiry to be held for the purposes of the exercise of any of his [^{F39}or their] functions under any of the provisions of this Act.

Status: Point in time view as at 08/05/2018.

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(2) Subsections (2) to (5) of section 250 of the ^{M3}Local Government Act 1972 (local inquiries: evidence and costs) apply to an inquiry [^{F40}caused to be held under this section by the Secretary of State; and subsections (2) and (3) of that section apply to an inquiry caused to be held under this section by the Welsh Ministers].

[^{F41}(3) In its application by subsection (2) to an inquiry [^{F42}caused to be held by the Secretary of State], section 250(4) of that Act has effect as if—

- (a) after “the costs incurred by him in relation to the inquiry” there were inserted “, or such portion of those costs as he may direct, ”, and
- (b) after “the amount of the costs so incurred” there were inserted “ or, where he directs a portion of them to be paid, the amount of that portion ”.]

Textual Amendments

- F38** Words in s. 320(1) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 5 para. 12(2)(a)**; S.I. 2016/52, art. 4(a) (with art. 17)
- F39** Words in s. 320(1) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 5 para. 12(2)(b)**; S.I. 2016/52, art. 4(a) (with art. 17)
- F40** Words in s. 320(2) substituted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 5 para. 12(3)**; S.I. 2016/52, art. 4(a) (with art. 17)
- F41** S. 320(3) inserted (1.10.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 2(1)**, 35(1); S.I. 2013/2143, art. 2(b)
- F42** Words in s. 320(3) substituted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 5 para. 12(4)**; S.I. 2016/52, art. 4(a) (with art. 17)

Modifications etc. (not altering text)

- C3** S. 320 applied by [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c. 9, SIF 123:1\)](#), **s. 89(1)**
- C4** S. 320: power to apply conferred (10.11.1993) by [1993 c. 28](#), **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

Marginal Citations

- M3** 1972 c. 70.

321 Planning inquiries to be held in public subject to certain exceptions.

- (1) This section applies to any inquiry held under section 320(1), paragraph 6 of Schedule 6 or paragraph 5 of Schedule 8.
- (2) Subject to subsection (3), at any such inquiry oral evidence shall be heard in public and documentary evidence shall be open to public inspection.
- (3) If the Secretary of State is satisfied in the case of any such inquiry—
 - (a) that giving evidence of a particular description or, as the case may be, making it available for inspection would be likely to result in the disclosure of information as to any of the matters mentioned in subsection (4); and
 - (b) that the public disclosure of that information would be contrary to the national interest,

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he may direct that evidence of the description indicated in the direction shall only be heard or, as the case may be, open to inspection at that inquiry by such persons or persons of such descriptions as he may specify in the direction.

(4) The matters referred to in subsection (3)(a) are—

- (a) national security; and
- (b) the measures taken or to be taken to ensure the security of any premises or property.

[^{F43}(5) If the Secretary of State is considering giving a direction under subsection (3) the Attorney General may appoint a person to represent the interests of any person who will be prevented from hearing or inspecting any evidence at a local inquiry if the direction is given.

(6) If before the Secretary of State gives a direction under subsection (3) no person is appointed under subsection (5), the Attorney General may at any time appoint a person as mentioned in subsection (5) for the purposes of the inquiry.

(7) The Lord Chancellor may by rules make provision—

- (a) as to the procedure to be followed by the Secretary of State before he gives a direction under subsection (3) in a case where a person has been appointed under subsection (5);
- (b) as to the functions of a person appointed under subsection (5) or (6).

(8) Rules made under subsection (7) must be contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(9) If a person is appointed under subsection (5) or (6) (the appointed representative) the Secretary of State may direct any person who he thinks is interested in the inquiry in relation to a matter mentioned in subsection (4) (the responsible person) to pay the fees and expenses of the appointed representative.

(10) If the appointed representative and the responsible person are unable to agree the amount of the fees and expenses, the amount must be determined by the Secretary of State.

(11) The Secretary of State must cause the amount agreed between the appointed representative and the responsible person or determined by him to be certified.

(12) An amount so certified is recoverable from the responsible person as a civil debt.]

Textual Amendments

- F43** S. 321(5)-(12) inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. **80(1)**, **121** (with s. **111**); S.I. 2004/ 2097, {art. 2}; S.I. 2006/1281, **art. 2**

Modifications etc. (not altering text)

- C5** S. 321: power to apply conferred (10.11.1993) by [1993 c. 28](#), s. **171(4)(a)**; S.I. 1993/2762, **art. 3**
- C6** [S. 321](#) functions made exercisable concurrently or jointly with the Welsh Ministers by [2006 c. 32](#), Sch. 3A para. 1 (as inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. **71(4)**, **Sch. 4 para. 1** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(p))

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[^{F44}321A Appointed representative: no inquiry

- (1) This section applies if—
 - (a) a person is appointed under subsection (5) or (6) of section 321, but
 - (b) no inquiry is held as mentioned in subsection (1) of that section.
- (2) Subsections (9) to (12) of section 321 apply in respect of the fees and expenses of the person appointed as if the inquiry had been held.
- (3) For the purposes of subsection (2) the responsible person is the person to whom the Secretary of State thinks he would have given a direction under section 321(9) if an inquiry had been held.
- (4) This section does not affect section 322A.]

Textual Amendments

F44 S. 321A inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **ss. 80(2)**, 121 (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1281, **art. 2**

[^{F45}321B Special provision in relation to planning inquiries: Wales

- (1) This section applies if the matter in respect of which a local inquiry to which section 321 applies is to be held relates to Wales.
- (2) The references in section 321(5) and (6) to the Attorney General must be read as references to the Counsel General to the [^{F46}Welsh Assembly Government] .
- (3) The Assembly may by regulations make provision as mentioned in section 321(7) in connection with a local inquiry to which this section applies.
- (4) If the Assembly acts under subsection (3) rules made by the Lord Chancellor under section 321(7) do not have effect in relation to the inquiry.
- (5) ^{F47}
- ^{F48}(6)]

Textual Amendments

F45 S. 321B inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **ss. 81(1)**, 121 (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1281, **art. 2**

F46 Words in s. 321B(2) substituted by [Government of Wales Act 2006 \(c. 32\)](#), **ss. 160, 161, Sch. 10 para. 35(a)** (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see **ss. 46, 161(1)(4)(5)** of the amending Act.

F47 S. 321B(5) repealed by [Government of Wales Act 2006 \(c. 32\)](#), **ss. 160, 161, 163, Sch. 10 para. 35(b), Sch. 12** (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see **ss. 46, 161(1)(4)(5)** of the amending Act.

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F48 S. 321B(6) omitted (6.9.2015) by virtue of [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(a), [Sch. 7 para. 4\(7\)](#)

^{F49}322 Orders as to costs of parties where no local inquiry held.

(1) This section applies to proceedings under this Act where the Secretary of State is required, before reaching a decision, to give any person an opportunity of appearing before and being heard by a person appointed by him.

[^{F50}(1A) This section also applies to proceedings under this Act to which section 319A applies.]

^{F51}(1AA)

[^{F52}(1B) Section 250(4) of the Local Government Act 1972 applies to costs incurred by the Secretary of State, or a person appointed by the Secretary of State, in relation to proceedings in England to which this section applies which do not give rise to a local inquiry as it applies to costs incurred in relation to a local inquiry.

(1C) In its application for that purpose, section 250(4) of that Act has effect as if—

(a) after “the costs incurred by him in relation to the inquiry” there were inserted “, or such portion of those costs as he may direct, ”, and

(b) after “the amount of the costs so incurred” there were inserted “ or, where he directs a portion of them to be paid, the amount of that portion ”.

(1D) Section 42 of the Housing and Planning Act 1986 (recovery of Minister's costs) applies to costs incurred in relation to proceedings in England to which this section applies which do not give rise to a local inquiry as it applies to costs incurred in relation to an inquiry.]

(2) The Secretary of State has the same power to make orders under section 250(5) of the ^{M4}Local Government Act 1972 (orders with respect to the costs of the parties) in relation to proceedings [^{F53}in England] to which this section applies which do not give rise to a local inquiry as he has in relation to a local inquiry.

Textual Amendments

- F49** S. 322 omitted (temp.) by virtue of [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 6, [Sch. 4 paras. 1, 6](#) (which temp. omission falls (2.1.1992 and 6.4.2009) for specified purposes only by virtue of [S.I. 1991/2698, art. 3](#) and [S.I. 2009/849, art. 2](#) (with [art. 3](#)))
- F50** S. 322(1A) inserted (6.4.2009 for certain purposes and otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), ss. 196, 241, [Sch. 10 para. 10](#) (with s. 226); [S.I. 2009/400, art. 3](#)
- F51** S. 322(1AA) omitted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by virtue of [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 5 para. 13\(2\)](#); [S.I. 2016/52, art. 4\(a\)](#) (with [art. 17](#))
- F52** S. 322(1B)-(1D) inserted (1.10.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), ss. 2(2), 35(1); [S.I. 2013/2143, art. 2\(b\)](#)
- F53** Words in s. 322(2) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 5 para. 13\(3\)](#); [S.I. 2016/52, art. 4\(a\)](#) (with [art. 17](#))

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Modifications etc. (not altering text)

- C7** S. 322 amendment to earlier affecting provision 1990 c. 10, s. 37 (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), art. 1(2), [Sch. 1 para. 28](#)
- C8** S. 322 amendment to earlier affecting provision 1990 c. 9, s. 89(1) (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), art. 1(2), [Sch. 1 para. 21](#)
- C9** S. 322 applied by [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c. 9, SIF 123:1\)](#), [s. 89\(1\)](#); applied (11.3.1992 so far as to confer on the Secretary of State a power to impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far as not already in force) by [Planning \(Hazardous Substances\) Act 1990 \(c. 10, SIF 123:1\)](#), [s. 37\(2\)](#); [S.I. 1992/725](#), [arts. 2, 3](#)
S. 322 applied (27.7.1992) by [S.I. 1992/1562](#), reg. 2, [Sch.](#)
S. 322: power to apply conferred (10.11.1993) by [1993 c. 28, s. 171\(4\)\(a\)](#); [S.I. 1993/2762](#), [art. 3](#)

Commencement Information

- II** S. 322 omitted (temp.) by virtue of [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 6, [Sch. 4 paras. 1, 6](#) (which temp. omission falls (2.1.1992 and 6.4.2009) for specified purposes only by virtue of [S.I. 1991/2698](#), [art. 3](#) and [S.I. 2009/849](#), [art. 2](#) (with [art. 3](#)) thus bringing s. 322 partially into force)

Marginal Citations

- M4** [1972 c. 70](#).

^{F54} 322A **Orders as to costs: supplementary.**

- (1) This section applies where—
- (a) for the purposes of any proceedings [^{F55}in England] under this Act—
 - (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 ^{M5}Local Government Act 1972 requiring any party to pay any costs of any other party.

[This section also applies where—

- ^{F56}(1A) (a) arrangements are made for a local inquiry or a hearing to be held pursuant to a determination under section 319A;
- (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 the Secretary of State 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.]

^{F57}(1B)

- (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.]

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- [^{F58}(3) Where this section applies in the case of an inquiry or hearing which was to take place in England but did not, section 250(4) of that Act applies to costs incurred by the Secretary of State or a person appointed by the Secretary of State as if—
- (a) in the case of an inquiry, the inquiry had taken place;
 - (b) in the case of a hearing, the hearing were an inquiry which had taken place.
- (4) In its application for that purpose, section 250(4) of that Act has effect as if—
- (a) after “the costs incurred by him in relation to the inquiry” there were inserted “, or such portion of those costs as he may direct, ”, and
 - (b) after “the amount of the costs so incurred” there were inserted “ or, where he directs a portion of them to be paid, the amount of that portion ”.
- (5) Section 42 of the Housing and Planning Act 1986 (recovery of Minister's costs) applies to costs incurred in relation to a hearing of the kind referred to in subsection (1) or (1A) which was to take place in England but did not as it applies to costs incurred in relation to an inquiry which was to take place but did not.]

Textual Amendments

- F54** S. 322A inserted (2.1.1992 except for certain purposes which exception is *prosp.*) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **ss. 30(1)**, 84(2)-(4) (with s. 84(5)); S.I. 1991/2728, **art.3** (subject to **art. 4**)
- F55** Words in s. 322A(1)(a) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 5 para. 14(2)**; S.I. 2016/52, **art. 4(a)** (with **art. 17**)
- F56** S. 322A(1A) inserted (6.4.2009 for certain purposes and otherwise *prosp.*) by [Planning Act 2008 \(c. 29\)](#), **ss. 196, 241, Sch. 10 para. 11** (with s. 226); S.I. 2009/400, **art. 3**
- F57** S. 322A(1B) omitted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by virtue of [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 5 para. 14(3)**; S.I. 2016/52, **art. 4(a)** (with **art. 17**)
- F58** S. 322A(3)-(5) inserted (1.10.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 2(3)**, 35(1); S.I. 2013/2143, **art. 2(b)**

Modifications etc. (not altering text)

- C10** S. 322A amendment to earlier affecting provision 1990 c. 9, s. 89(1) (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), **art. 1(2)**, **Sch. 1 para. 21**
- C11** S. 322A amendment to earlier affecting provision 1990 c. 10, s. 37 (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), **art. 1(2)**, **Sch. 1 para. 28**
- C12** S. 322A applied (6.4.2011) by [The Marine Licensing \(Appeals Against Licensing Decisions\) \(Wales\) Regulations 2011 \(S.I. 2011/925\)](#), **regs. 1(2)**, **18(3)**
- C13** S. 322A applied (with application in accordance with reg. 2 11 of the amending S.I.) by [The Marine Licensing \(Licence Application Appeals\) Regulations 2011 \(S.I. 2011/934\)](#), **regs. 1(b)**, **18(3)**
- C14** S. 322A applied (27.7.1992) by S.I. 1992/1562, **reg. 2, Sch.**
S. 322A: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**
S. 322A applied (with modifications) (1.6.1997) by S.I. 1997/1160, **reg. 9(7)**
- C15** S. 322A applied (13.2.2004 for E. and 31.5.2005 for W.) by 1981 c. 69, **Sch. 15 para. 10A(3)** (as inserted by 2000 c. 37, **ss. 51, 103(3)-(5)**, **Sch. 5 Pt. I para. 11(8)**; S.I. 2004/292, **art. 2(d)(iii)** (with **art. 3(1)**; S.I. 2005/1314, **art. 2(a)(iii)**)
S. 322A applied (12.2.2003 for E. for certain purposes, 15.7.2005 for W. for certain purposes, 11.5.2006 for W. otherwise, and for E. otherwise *prosp.*) by 1980 c. 66, **Sch. 6 para. 2B(3)** (as inserted

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by 2000 c. 37, ss. 57, 103(3)-(5), Sch. 6 para. 23(8); S.I. 2003/272, **art. 2(p)**; S.I. 2005/1314, **art. 3(d)(viii)(gg)**; S.I. 2006/1279, **art. 2(l)(n)**)

S. 322A applied (30.1.2001) by 1981 c. 69, **ss. 28F(11), 28L(13)** (as substituted (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), **Sch. 9 para. 1**)

S. 322A applied (E.) (1.2.2002) by S.I. 2001/3966, **art. 15(10)**

C16 S. 322A applied (19.8.2002) by The Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas)(Wales) Regulations 2002 (S.I. 2002/2127), {reg. 15(10)} (with reg. 17)

S. 322A applied (E.) (1.10.2006) by The Environmental Impact Assessment (Agriculture)(England) Regulations 2006 (S.I. 2006/2362), {reg. 33(13)}

S. 322A applied (E.) (21.5.2007) by Wildlife and Countryside Act 1981 (c. 69), Sch. 15 para. 10A(3) (as inserted by Countryside and Rights of Way Act 2000 (c. 37), ss. 51, 103, **Sch. 5 para. 11**); S.I. 2007/1493, **art. 2**)

S. 322A applied (W.) (31.10.2007) by The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007 (S.I. 2007/2933), **reg. 31(11)**

Marginal Citations

M5 1972 c. 70.

[^{F59}322B Local inquiries in London: special provision as to costs in certain cases.

- (1) This section applies where—
 - (a) the local planning authority for a London borough refuse an application for planning permission [^{F60}or permission in principle],
 - (b) that refusal is in compliance with a direction made by the Mayor of London in accordance with provision made in a development order by virtue of section 74(1B)(a), and
 - (c) an appeal against the refusal is made to the Secretary of State under section 78.
- (2) If the Secretary of State causes a local inquiry to be held under section 320(1) to determine the appeal, in its application to the inquiry section 250 of the 1972 Act shall be treated as if—
 - (a) for subsection (4) there were substituted the subsection set out at subsection (5) below, and
 - (b) for subsection (5) there were substituted the subsection set out at subsection (6) below.
- (3) If the appeal does not give rise to a local inquiry under section 320, in the application of section 322(2) in relation to the appeal the reference to section 250(5) of the 1972 Act shall be treated as if it were a reference to that provision as modified by subsection (2)(b) above.
- (4) If arrangements are made for a local inquiry in relation to the appeal and the inquiry does not take place, in the application of section 322A in relation to the appeal the reference to section 250(5) of the 1972 Act shall be treated as if it were a reference to that provision as modified by subsection (2)(b) above.
- (5) The subsection referred to in subsection (2)(a) above is as follows—
- (“ Where this subsection applies to an inquiry, the costs incurred by the Secretary of State in relation to the inquiry [^{F61}, or such portion of those costs as he may direct,] shall be paid—
 - (a) by the Mayor of London, if he is not a party to the inquiry and if the Secretary of State decides that the Mayor acted unreasonably in making the direction

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in accordance with which the local planning authority refused the planning permission [^{F62}or permission in principle], or

- (b) if the Mayor is a party or if the Secretary of State does not so decide, by such local authority or party to the inquiry as he may direct;

and the Secretary of State may cause the amount of the costs so incurred [^{F63}or, where he directs a portion of them to be paid, the amount of that portion] to be certified, and any amount so certified and directed to be paid by the Mayor or by any authority or person shall be recoverable from the Mayor or from that authority or person by the Secretary of State summarily as a civil debt. ”

(6) The subsection referred to in subsection (2)(b) above is as follows—

(“ Where this subsection applies to an inquiry, or to costs incurred for the purposes of an inquiry, the Secretary of State may make orders as to the costs of the parties to the inquiry and as to the parties by whom the costs are to be paid; and—

- (a) the parties by whom the costs are ordered to be paid may include the Mayor of London if he is not a party to the inquiry and if the Secretary of State decides that the Mayor acted unreasonably in making the direction in accordance with which the local planning authority refused the planning permission [^{F64}or permission in principle];
- (b) every such order may be made a rule of the High Court on the application of any party named in the order. ”

(7) In this section “the 1972 Act” means the Local Government Act 1972.]

Textual Amendments

- F59** S. 322B inserted (3.7.2000) by 1999 c. 29, s. 345 (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), Sch.
- F60** Words in s. 322B(1)(a) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), Sch. 12 para. 38(a); S.I. 2016/733, reg. 3(d)
- F61** Words in s. 322B(5) inserted (1.10.2013) by Growth and Infrastructure Act 2013 (c. 27), ss. 2(4)(a), 35(1); S.I. 2013/2143, art. 2(b)
- F62** Words in s. 322B(5) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), Sch. 12 para. 38(b); S.I. 2016/733, reg. 3(d)
- F63** Words in s. 322B(5) inserted (1.10.2013) by Growth and Infrastructure Act 2013 (c. 27), ss. 2(4)(b), 35(1); S.I. 2013/2143, art. 2(b)
- F64** Words in s. 322B(6) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), Sch. 12 para. 38(c); S.I. 2016/733, reg. 3(d)

[^{F65}322C Costs: Wales

- (1) This section applies in relation to any application, appeal or reference under this Act to the Welsh Ministers (whether it is considered at an inquiry or hearing or on the basis of written representations).
- (2) The costs incurred by the Welsh Ministers in relation to the application, appeal or reference (or so much of them as the Welsh Ministers may direct) are to be paid by the applicant, appellant or person making the reference, or such local planning authority or other party to the application, appeal or reference, as the Welsh Ministers may direct.

Status: Point in time view as at 08/05/2018.

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- (3) Costs incurred by the Welsh Ministers in relation to an application, appeal or reference include the entire administrative cost incurred in connection with it so that, in particular, there shall be treated as costs incurred by the Welsh Ministers such reasonable sum as the Welsh Ministers may determine in respect of general staff costs and overheads of the Welsh Government.
- (4) The costs to which subsection (2) applies include costs in respect of an inquiry or hearing that does not in the event take place and costs incurred in reviewing planning obligations (within the meaning of section 106).
- (5) The Welsh Ministers may by regulations prescribe a standard daily amount for cases involving an inquiry or hearing of any description or cases of any description considered on the basis of representations in writing; and where an inquiry or hearing of that description takes place or a case of that description is considered on the basis of representations in writing, the costs incurred by the Welsh Ministers are to be taken to be—
 - (a) the prescribed standard amount in respect of each day (or an appropriate proportion of that amount in respect of a part of a day) on which a prescribed person is engaged in dealing with the case;
 - (b) costs actually incurred in connection with dealing with the case on travelling or subsistence allowances or the provision of accommodation or other facilities;
 - (c) any costs attributable to the appointment of prescribed persons to assist in dealing with the case;
 - (d) any legal costs or disbursements incurred or made by or on behalf of the Welsh Ministers in connection with the case.
- (6) The Welsh Ministers may make orders as to the costs of the applicant or appellant or any other party to the application, appeal or reference, and as to the person or persons by whom the costs are to be paid.]

Textual Amendments

- F65** S. 322C inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 49**, 58(2)(b)(4)(b); S.I. 2016/52, art. 2(b) (with art. 16)

Modifications etc. (not altering text)

- C17** S. 322C applied by 1980 c. 66, Sch. 6 para. 2B(4) (as inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 5 para. 3(c)**; S.I. 2016/52, art. 4(a) (with art. 17))
- C18** S. 322C applied by 1980 c. 66, s. 121(5F) (as inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 5 para. 2(4)**; S.I. 2016/52, art. 4(a) (with art. 17))
- C19** S. 322C applied by 1981 c. 69, Sch. 15 para. 10A(4) (as inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 5 para. 7(c)**; S.I. 2016/52, art. 4(a) (with art. 17))
- C20** S. 322C applied (W.) (16.5.2017) by [The Environmental Impact Assessment \(Agriculture\) \(Wales\) Regulations 2017 \(S.I. 2017/565\)](#), regs. 1(3), **31(12)** (with reg. 3)

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323 Procedure on certain appeals and applications^[F66]: England].

(1) The Secretary of State may by regulations prescribe the procedure to be followed in connection with proceedings ^[F67]in England] under this Act where he is required, before reaching a decision, to give any person an opportunity of appearing before and being heard by a person appointed by him and which are to be disposed of without an inquiry or hearing to which rules under ^[F68]section 9 of the Tribunals and Inquiries Act 1992] apply.

^[F69](1A) The Secretary of State may by regulations prescribe the procedure to be followed in connection with proceedings under this Act which, pursuant to a determination under section 319A, are to be considered on the basis of representations in writing.]

^{F70}(1B)

(2) ^[F71]Regulations under this section may] in particular make provision as to the procedure to be followed—

- (a) where steps have been taken with a view to the holding of ^[F72]an inquiry or hearing to which rules under section 9 of the Tribunals and Inquiries Act 1992 would apply] which does not take place, or
- (b) where steps have been taken with a view to the determination of any matter by a person appointed by the Secretary of State and the proceedings are the subject of a direction that the matter shall instead be determined by the Secretary of State, or
- (c) where steps have been taken in pursuance of such a direction and a further direction is made revoking that direction,

and may provide that such steps shall be treated as compliance, in whole or in part, with the requirements of the regulations.

(3) ^[F71]Regulations under this section may] also—

- (a) provide for a time limit within which any party to the proceedings must submit representations in writing and any supporting documents;
- (b) prescribe the time limit (which may be different for different classes of proceedings) or enable the Secretary of State to give directions setting the time limit in a particular case or class of case;
- (c) empower the Secretary of State to proceed to a decision taking into account only such written representations and supporting documents as were submitted within the time limit; and
- (d) empower the Secretary of State, after giving the parties written notice of his intention to do so, to proceed to a decision notwithstanding that no written representations were made within the time limit, if it appears to him that he has sufficient material before him to enable him to reach a decision on the merits of the case.

^[F73](4) Regulations made by the Secretary of State under this section may include provision as to the circumstances in which, in proceedings in England such as are mentioned in subsection (1) or (1A)—

- (a) directions may be given under section 250(4) of the Local Government Act 1972 as applied by a prescribed provision of this Act;
- (b) orders for costs may be made under section 250(5) of that Act as so applied.]

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Textual Amendments

- F66** Word in s. 323 heading inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 5 para. 15\(4\)](#); S.I. 2017/546, art. 3(e)
- F67** Words in s. 323(1) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 5 para. 15\(2\)](#); S.I. 2017/546, art. 3(e)
- F68** Words in s. 323(1) substituted (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53\)](#), ss. 18(1), 19(2), [Sch. 3 para. 26](#)
- F69** S. 323(1A) inserted (6.4.2009 for certain purposes and otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), ss. 196, 241, [Sch. 10 para. 12\(2\)](#) (with s. 226); S.I. 2009/400, [art. 3](#)
- F70** S. 323(1B) omitted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by virtue of [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 5 para. 15\(3\)](#); S.I. 2017/546, art. 3(e)
- F71** Words in s. 323(2)(3) substituted (6.4.2009 for certain purposes) by [Planning Act 2008 \(c. 29\)](#), ss. 196, 241, [Sch. 10 para. 12\(3\)](#) (with s. 226); S.I. 2009/400, art. 3; and as amended (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), art. 1(2), [Sch. 1 para. 11\(3\)](#)
- F72** Words in s. 323(2)(a) substituted (6.4.2009 for certain purposes and otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), ss. 196, 241, [Sch. 10 para. 12\(4\)](#) (with s. 226); S.I. 2009/400, [art. 3](#)
- F73** S. 323(4) inserted (1.10.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), [ss. 2\(5\)](#), 35(1); S.I. 2013/2143, art. 2(b)

Modifications etc. (not altering text)

- C21** S. 323 applied by [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c. 9\)](#), SIF 123:1), [s. 89\(1\)](#); applied (11.3.1992 so far as to confer on the Secretary of State a power to impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far as not already in force) by [Planning \(Hazardous Substances\) Act 1990 \(c. 10\)](#), SIF 123:1), [s. 37\(2\)](#); S.I. 1992/725, [arts. 2, 3](#)
- C22** S. 323: power to apply conferred (10.11.1993) by 1993 c. 28, [s. 171\(4\)\(a\)](#); S.I. 1993/2762, [art. 3](#)
- C23** S. 323 amendment to earlier affecting provision 1990 c. 9, s. 89(1) (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), art. 1(2), [Sch. 1 para. 21](#)
- C24** S. 323 amendment to earlier affecting provision 1990 c. 10, s. 37 (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), art. 1(2), [Sch. 1 para. 28](#)

[^{F74}323A Procedure for certain proceedings: Wales

- (1) The Welsh Ministers may by regulations prescribe the procedure to be followed in connection with—
- (a) an inquiry or hearing held or to be held by or on behalf of the Welsh Ministers under or by virtue of any provision of this Act;
 - (b) proceedings on an application, appeal or reference that, under or by virtue of any provision of this Act, is to be considered by or on behalf of the Welsh Ministers on the basis of representations in writing.
- (2) The regulations may include provision—
- (a) about the procedure to be followed in connection with matters preparatory or subsequent to an inquiry or hearing or to the making of representations in writing;

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- (b) about the conduct of proceedings.
- (3) The regulations may include provision about the procedure to be followed—
- (a) where steps have been taken with a view to the holding of an inquiry or hearing which does not take place,
 - (b) where steps have been taken with a view to the determination of any matter by a person appointed by the Welsh Ministers and the proceedings are the subject of a direction that the matter must instead be determined by the Welsh Ministers, or
 - (c) where steps have been taken in pursuance of such a direction and a further direction is made revoking that direction,
- and may provide that such steps are to be treated as compliance, in whole or in part, with the requirements of the regulations.
- (4) The regulations may—
- (a) provide for a time limit within which any party to the proceedings must submit representations in writing and any supporting documents,
 - (b) prescribe the time limit (which may be different for different classes of proceedings) or enable the Welsh Ministers to give directions setting the time limit in a particular case or class of case,
 - (c) enable the Welsh Ministers to proceed to a decision taking into account only such written representations and supporting documents as were submitted within the time limit, and
 - (d) enable the Welsh Ministers, after giving the parties written notice of their intention to do so, to proceed to a decision even though no written representations were made within the time limit, if it appears to them that they have sufficient material before them to enable them to reach a decision on the merits of the case.
- (5) The regulations may also make provision as to the circumstances in which—
- (a) a direction under section 322C(2) may be given;
 - (b) an order for costs under section 322C(4) may be made.
- (6) The Welsh Ministers may by regulations provide that in prescribed circumstances a matter may not be raised in proceedings on an appeal made under or by virtue of this Act to the Welsh Ministers unless it has been previously raised before a prescribed time or it is shown that it could not have been raised before that time.]

Textual Amendments

F74 S. 323A inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes, 5.5.2017 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 50, 58(2)(b)(4)(b)**; [S.I. 2016/52](#), [art. 3\(c\)](#); [S.I. 2017/546](#), [art. 3\(c\)](#)

Rights of entry

324 Rights of entry.

- (1) Any person duly authorised in writing by the Secretary of State or by a local planning authority may at any reasonable time enter any land for the purpose of surveying it in connection with—

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- [^{F75}(a) the preparation, revision, adoption or approval of a local development document under Part 2 of the Planning and Compulsory Purchase Act 2004 or a local development plan under Part 6 of that Act;]
- [^{F76}(aa) the preparation, making, modification or revocation of a neighbourhood development plan under Part 3 of that Act;]

 - (b) any application under Part III or sections ^{F77} . . . , 220 or 221 or under any order or regulations made under any of those provisions, for any permission, consent or determination to be given or made in connection with that land or any other land under that Part or any of those sections or under any such order or regulations;
- [^{F78}(ba) any application made to the Welsh Ministers under section 62O;

 - (bb) any secondary consent in respect of which, by virtue of section 62F(2), a decision is to be made by the Welsh Ministers;]
 - (c) any proposal by the local planning authority or by the Secretary of State to make, issue or serve any order or notice under Part III (other than sections 94 and 96), ^{F79} . . . [^{F80} or Chapter 2 or 3 of Part VIII] or under any order or regulations made under any of those provisions.
- [^{F81}(1A) For the purposes of subsection (1)(c) the reference to a proposal by the local planning authority to make any order under Part 3 includes a reference to a proposal submitted (or to be submitted) to the authority for the making by them of a neighbourhood development order.]
- [^{F82}(1B) Any person duly authorised in writing by the Welsh Ministers or by a strategic planning panel may at any reasonable time enter any land for the purpose of surveying it in connection with the preparation, revision, adoption or approval of a strategic development plan under Part 6 of the Planning and Compulsory Purchase Act 2004.]
- ^{F83}(2)

 - (3) Any person duly authorised in writing by the local planning authority may at any reasonable time enter any land for the purpose of exercising a power conferred on the authority by section 225 [^{F84} , 225A(1), 225C(10)(a) or 225F(6)(a)] if—

 - (a) ^{F85}
 - (b) it would be impossible to exercise the power without entering the land.
- ^{F86}(4)

 - (5) Any person who is an officer of the Valuation Office or is duly authorised in writing by a local planning authority may at any reasonable time enter any land for the purpose of surveying it, or estimating its value, in connection with a claim for compensation in respect of that land or any other land which is payable by the local planning authority under Part IV, section 186, [^{F87} Chapter 2 or 3 of Part VIII], section 250(1) or Part XI (other than section 279(2) or (3) or 280(1)(c)).
- ^{F88}(6)

 - (7) Any person duly authorised in writing by the Secretary of State or by a local planning authority may at any reasonable time enter any land in respect of which an order or notice has been made or served as mentioned in subsection (1)(c) for the purpose of ascertaining whether the order or notice has been complied with.

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- (8) Subject to section 325, any power conferred by this section to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals in it.
- (9) In subsections (1)(c) and (7) references to a local planning authority include, in relation to a building situated in Greater London, a reference to the Historic Buildings and Monuments Commission for England.

Textual Amendments

- F75** S. 324(1)(a) substituted (28.9.2004 (E.), 15.10.2005 (W.)) by **Planning and Compulsory Purchase Act 2004** (c. 5), ss. 118, 121, **Sch. 6 para. 13** (with s. 111); S.I. 2004/2202, **art. 2** (subject to art. 4); S.I. 2005/2847, **art. 2** (subject to art. 3)
- F76** S. 324(1)(aa) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes) by **Localism Act 2011** (c. 20), s. 240(2)(5)(j), **Sch. 12 para. 21(2)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11)
- F77** Words in s. 324(1)(b) repealed (2.1.1992) by **Planning and Compensation Act 1991** (c. 34, SIF 123:1), ss. 23(8)(a), 84(6), **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 2** (subject to art. 4)
- F78** S. 324(1)(ba)(bb) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by **Planning (Wales) Act 2015** (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 21**; S.I. 2016/52, art. 3(e)
- F79** Words in s. 324(1)(c) repealed (2.1.1992) by **Planning and Compensation Act 1991** (c. 34, SIF 123:1), ss. 11(2), 84(6), **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1991/2905, **art. 3**, (subject to art. 5)
- F80** Words in s. 324(1)(c) expressed to be inserted (2.1.1992) for "or Part VIII" by **Planning and Compensation Act 1991** (c. 34, SIF 123:1), s. **23(8)(b)** (with s. 84(5)); S.I. 1991/2905, **art. 3** (subject to art. 5)
- F81** S. 324(1A) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes) by **Localism Act 2011** (c. 20), s. 240(2)(5)(j), **Sch. 12 para. 21(3)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11)
- F82** S. 324(1B) inserted (6.9.2015 for specified purposes) by **Planning (Wales) Act 2015** (anaw 4), s. 58(2)(b)(4)(b), **Sch. 2 para. 12**
- F83** S. 324(2) repealed (2.1.1992) by **Planning and Compensation Act 1991** (c. 34, SIF 123:1), ss. 23(8)(c), 84(6), **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 2** (subject to art. 5)
- F84** Words in s. 324(3) inserted (6.4.2012) by **Localism Act 2011** (c. 20), ss. **127(3)**, 240(2) (with s. 144); S.I. 2012/628, art. 8(b) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)
- F85** S. 324(3)(a) repealed (6.4.2006 for E. and 18.1.2008 for W.) by **Clean Neighbourhoods and Environment Act 2005** (c. 16), ss. 34(6), 107, 108, **Sch. 5 Pt. 3**; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 2(g)**; S. I. 2007/3371, **art. 2(b)**
- F86** S. 324(4) repealed (25.9.1991) by **Planning and Compensation Act 1991** (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 34, **Sch. 19 Pt. II** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)
- F87** Words in s. 324(5) substituted (2.1.1992) by **Planning and Compensation Act 1991** (c. 34, SIF 123:1), s. **23(8)(d)**, (with s. 84(5))
- F88** S. 324(6) omitted (13.7.2016) by virtue of **Housing and Planning Act 2016** (c. 22), s. 216(3), **Sch. 14 para. 19**; S.I. 2016/733, reg. 3(h) (with reg. 6)

Modifications etc. (not altering text)

- C25** S. 324: power to apply conferred (10.11.1993) by 1993 c. 28, s. **171(4)(a)**; S.I. 1993/2762, **art. 3**
- C26** S. 324(1)(a) applied (with modifications) (1.4.1996) by 1994 c. 19, s. 66(7), **Sch. 17 Pt. II para. 17(2)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 6(3), **Sch. 5**
- C27** S. 324(6) extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 2(3)(c)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C28** S. 324(8) applied (with modifications) (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by **Communications Act 2003** (c. 21), ss. 118, 411, **Sch. 4 para. 6(3)(4)** (with transitional

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provisions in [Sch. 18](#)); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), [Sch. 1](#) (with transitional provisions in [arts. 3-6](#)); S.I. 2003/3142, arts. 1(2), [3\(2\)](#) (with art. 11)

325 Supplementary provisions as to rights of entry.

- (1) A person authorised under section 324 to enter any land—
 - (a) shall, if so required, produce evidence of his authority [^{F89} and state the purpose of his entry] before so entering, and
 - (b) shall not demand admission as of right to any land which is occupied unless 24 hours' notice of the intended entry has been given to the occupier.
- (2) Any person who wilfully obstructs a person acting in the exercise of his powers under section 324 shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F90}level 3] on the standard scale.
- (3) If any person who, in compliance with the provisions of section 324, is admitted into a factory, workshop or workplace discloses to any person any information obtained by him in it as to any manufacturing process or trade secret, he shall be guilty of an offence.
- (4) Subsection (3) does not apply if the disclosure is made by a person in the course of performing his duty in connection with the purpose for which he was authorised to enter the [^{F91}land].
- (5) A person who is guilty of an offence under subsection (3) shall be liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.
- (6) Where any [^{F92}damage is caused to land or chattels]—
 - (a) in the exercise of a right of entry conferred under section 324, or
 - (b) in the making of any survey for the purpose of which any such right of entry has been so conferred,compensation [^{F92}may be recovered by any person suffering the damage] from the Secretary of State or authority on whose behalf the entry was effected.
- (7) The provisions of section 118 shall apply in relation to compensation under subsection (6) as they apply in relation to compensation under Part IV.
- (8) No person shall carry out under section 324 any works authorised by virtue of subsection (8) of that section unless notice of his intention to do so was included in the notice required by subsection (1).
- (9) The authority of the appropriate Minister shall be required for the carrying out under that section of works so authorised if the land in question is held by statutory undertakers, and they object to the proposed works on the ground that the execution of the works would be seriously detrimental to the carrying on of their undertaking.

Textual Amendments

- F89** Words in s. 325(1)(a) inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 50\(2\)](#)(with s. 84(5)); S.I. 1991/2905, art. 3, [Sch. 1](#) (subject to art. 5)
- F90** Words in s. 325(2) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 50\(3\)](#)(with s. 84(5)); S.I. 1991/2905, art. 3, [Sch.1](#) (subject to art. 5)

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- F91** Word in s. 325(4) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 50\(4\)](#)(with s. 84(5)); S.I. 1991/2905, art. 3, [Sch.1](#) (subject to art. 5)
- F92** Words in s. 325(6) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 11(3) (with s. 84(5)); S.I. 1991/2905, [art.3](#) (subject to art. 5)

Modifications etc. (not altering text)

- C29** S. 325 applied (with modifications) by [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c. 9, SIF 123:1\)](#), s. 88(7); applied (with modifications) (11.3.1992 so far as to confer on the Secretary of State a power to impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far as not already in force) by [Planning \(Hazardous Substances\) Act 1990 \(c. 10, SIF 123:1\)](#), s. 36(6); S.I. 1992/725, [arts. 2, 3](#)
- C30** S. 325: power to apply conferred (10.11.1993) by 1993 c. 28, s. 171(4)(a); S.I. 1993/2762, [art. 3](#)
- C31** S. 325(1)-(5)(8)(9) applied (with modifications) (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by 2003 c. 21, ss. 118, 411, [Sch. 4 para. 6\(3\)\(4\)](#) (with transitional provisions in [Sch. 18](#)); S.I. 2003/1900, [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with transitional provisions in [arts. 3-6](#)); S.I. 2003/3142, [arts. 1\(2\), 3\(2\)](#) (with [art. 11](#))
- C32** S. 325(9) applied (10.11.1993) by 1993 c. 28, s. 163(11); S.I. 1993/2762, [art. 3](#)

[^{F93}325A Rights of entry: Crown land

- (1) Section 324 applies to Crown land subject to the following modifications.
- (2) A person must not enter Crown land unless he has the relevant permission.
- (3) Relevant permission is the permission of—
 - (a) a person appearing to the person seeking entry to the land to be entitled to give it, or
 - (b) the appropriate authority.
- (4) In subsection (8) the words “Subject to section 325” must be ignored.
- (5) Section 325 does not apply to anything done by virtue of this section.
- (6) “Appropriate authority” must be construed in accordance with section 293(2).]

Textual Amendments

- F93** S. 325A inserted (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 121, [Sch. 3 para. 13](#) (with s. 111); S.I. 2006/1281, [art. 2](#)

Miscellaneous and general provisions

[^{F94}326

Textual Amendments

- F94** S. 326 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31, 84(6), [Sch. 6 para. 35](#), [Sch. 19 Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

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^{F95} 327

Textual Amendments

F95 S. 327 repealed (25.9.1991) by [Planning and Compensation Act 1991](#) (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 36, [Sch. 19 Pt.II](#)(with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

[^{F96}327A Applications: compliance with requirements

- (1) This section applies to any application in respect of which this Act or any provision made under it imposes a requirement as to—
 - (a) the form or manner in which the application must be made;
 - (b) the form or content of any document or other matter which accompanies the application.
- (2) The local planning authority must not entertain such an application if it fails to comply with the requirement.]

Textual Amendments

F96 S. 327A inserted (6.8.2004 for certain purposes, 10.8.2006 for E. and 30.6.2007 for W.) by [Planning and Compulsory Purchase Act 2004](#) (c. 5), ss. [42\(5\)](#), 121 (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2006/1061, [art. 3](#) (with art. 4) (as amended by S.I. 2010/321, [art. 3](#)); S.I. 2007/1369, [art. 2](#) (with art. 3) (as amended by S.I. 2010/321, [art. 4](#))

Modifications etc. (not altering text)

- C33** S. 327A(2) applied (with modifications) (W.) (1.3.2016) by [The Developments of National Significance \(Application of Enactments\) \(Wales\) Order 2016](#) (S.I. 2016/54), arts. 1, [3\(1\)\(m\)](#)
- C34** S. 327A(2) applied (with modifications) (W.) (1.3.2016) by [The Developments of National Significance \(Wales\) Regulations 2016](#) (S.I. 2016/56), reg. 1(2), [Sch. 7 para. 1\(1\)\(m\)](#) (with regs. 1(3), 47)

328 Settled land and land of universities and colleges.

- (1) The purposes authorised for the application of capital money—
 - (a) by section 73 of the ^{M6}Settled Land Act 1925 ^{F97}. . . ; and
 - (b) by section 26 of the ^{M7}Universities and College Estates Act 1925,shall include the payment of any sum recoverable under section 111, [^{F98}or 112].
- (2) The purposes authorised as purposes for which money may be raised by mortgage—
 - (a) by section 71 of the Settled Land Act 1925 ^{F99}. . . ; and
 - (b) by section 30 of the Universities and College Estates Act 1925,shall include the payment of any sum so recoverable.

Textual Amendments

F97 Words in s. 328(1)(a) repealed (1.1.1997) by [1996 c. 47, s. 25\(2\)](#), [Sch. 4](#) (with ss. 24(2), 25(4)); S.I. 1996/2974, [art. 2](#)

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F98 Words in s. 328(1) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 31, Sch. 6 para. 37](#)(with s. 84(5)); [S.I. 1991/2067, art. 3](#) (subject to art. 4)

F99 Words in s. 328(2)(a) repealed (1.1.1997) by [1996 c. 47, s. 25\(2\), Sch. 4](#) (with ss. 24(2), 25(4)); [S.I. 1996/2974, art. 2](#)

Modifications etc. (not altering text)

C35 S. 328: power to apply conferred (10.11.1993) by [1993 c. 28, s. 171\(4\)\(a\)](#); [S.I. 1993/2762, art. 3](#)

Marginal Citations

M6 [1925 c. 18.](#)

M7 [1925 c. 24.](#)

329 Service of notices.

- (1) Any notice or other document required or authorised to be served or given under this Act may be served or given either—
- (a) by delivering it to the person on whom it is to be served or to whom it is to be given; or
 - (b) by leaving it at the usual or last known place of abode of that person or, in a case where an address for service has been given by that person, at that address; or
 - (c) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode or, in a case where an address for service has been given by that person, at that address; or
 - ^[F100](cc) in a case where an address for service using electronic communications has been given by that person, by sending it using electronic communications, in accordance with the condition set out in subsection (3A), to that person at that address (subject to subsection (3B)); or]
 - (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.
- (2) Where the notice or document is required or authorised to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of premises, the notice or document shall be taken to be duly served if—
- (a) it is addressed to him either by name or by the description of “the owner” or, as the case may be, “the occupier” of the premises (describing them) and is delivered or sent in the manner specified in subsection (1)(a), (b) or (c); or
 - (b) it is so addressed and is marked in such a manner as may be prescribed for securing that it is plainly identifiable as a communication of importance and—
 - (i) it is sent to the premises in a prepaid registered letter or by the recorded delivery service and is not returned to the authority sending it, or
 - (ii) it is delivered to some person on those premises, or is affixed conspicuously to some object on those premises.
- (3) Where—

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- (a) the notice or other document is required to be served on or given to all persons who have interests in or are occupiers of premises comprised in any land, and
- (b) it appears to the authority required or authorised to serve or give the notice or other document that any part of that land is unoccupied,

the notice or document shall be taken to be duly served on all persons having interests in, and on any occupiers of, premises comprised in that part of the land (other than a person who has given to that authority an address for the service of the notice or document on him) if it is addressed to “the owners and any occupiers” of that part of the land (describing it) and is affixed conspicuously to some object on the land.

[^{F101}(3A) The condition mentioned in subsection (1)(cc) is that the notice or other document shall be—

- (a) capable of being accessed by the person mentioned in that provision;
- (b) legible in all material respects; and
- (c) in a form sufficiently permanent to be used for subsequent reference;

and for this purpose “legible in all material respects” means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served or given by means of a notice or document in printed form.

(3B) Subsection (1)(cc) shall not apply to—

- (a) service of a planning contravention notice;
- (b) service of a copy of an enforcement notice by a local planning authority;
- (c) giving of notice under section 173A of the exercise of powers conferred by subsection (1) of that section;
- (d) service under section 181(4) of notice of a local planning authority’s intention to take steps required by an enforcement notice;
- (e) service of an enforcement notice issued by the Secretary of State;
- (f) service of a stop notice, or of notice of withdrawal of a stop notice, by a local planning authority;
- (g) service of a stop notice by the Secretary of State;
- (h) service of a breach of condition notice or of notice of withdrawal of a breach of condition notice;
- (i) giving of notice of the making of a tree preservation order, or service of a copy of such an order, in accordance with [^{F102}regulations under section 199][^{F102}tree preservation regulations] ;
- (j) service of a notice under section 215 requiring steps to be taken to remedy the condition of any land;
- (k) service of a notice under section 330 requiring information as to interests in land.]

^{F103}[(4) This section is without prejudice to section 233 of the ^{M8}Local Government Act 1972 (general provisions as to service of notices by local authorities).]

Textual Amendments

F100 S. 329(1)(cc) inserted (E.) (31.3.2003) by [The Town and Country Planning \(Electronic Communications\) \(England\) Order 2003 \(S.I. 2003/956\)](#), **art. 4(2)**; (W.) (1.1.2005) by [The Town and Country Planning \(Electronic Communications\) \(Wales\) Order 2004 \(S.I. 2004/3156\)](#), **art. 4(2)** (with **art. 14**)

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- F101** S. 329(3A)(3B) inserted (E.) (31.3.2003) by [The Town and Country Planning \(Electronic Communications\) \(England\) Order 2003 \(S.I. 2003/956\)](#), [art. 4\(3\)](#), (W.) (1.1.2005) by [The Town and Country Planning \(Electronic Communications\) \(Wales\) Order 2004 \(S.I. 2004/3156\)](#), [art. 4\(3\)](#) (with [art. 14](#))
- F102** Words in s. 329(3B)(i) substituted (6.4.2012 for E.) by [Planning Act 2008 \(c. 29\)](#), s. 241(3)(4), [Sch. 8 para. 18](#) (with s. 226); S.I. 2012/601, [art. 2\(a\)](#)
- F103** S. 329(4) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para.51](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to [art. 4](#))

Modifications etc. (not altering text)

- C36** S. 329 applied by [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c. 9, SIF 123:1\)](#), [s. 89\(1\)](#); applied (11.3.1992 so far as to confer on the Secretary of State a power to impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far as not already in force) by [Planning \(Hazardous Substances\) Act 1990 \(c. 10, SIF 123:1\)](#), [s. 37\(2\)](#); S.I. 1992/725, [arts. 2, 3](#)
- S. 329 applied (E.) (1.10.2006) by [The Environmental Impact Assessment \(Agriculture\) \(England\) Regulations 2006 \(S.I. 2006/2362\)](#), [reg. 7\(6\)](#)
- S. 329 applied (E.) (10.10.2006) by [The Environmental Impact Assessment \(Agriculture\) \(England\) \(No. 2\) Regulations 2006 \(S.I. 2006/2362\)](#), [regs. 1\(2\), 6\(6\)](#)
- C37** S. 329: power to apply conferred (10.11.1993) by 1993 c. 28, [s. 171\(4\)\(a\)](#); S.I. 1993/2762, [art. 3](#)
- C38** S. 329 applied (30.10.1994) by [The Conservation \(Natural Habitats, &c.\) Regulations 1994 \(S.I. 1994/2716\)](#), [reg. 108](#)
- C39** S. 329 applied (E.) (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), [regs. 1\(1\), 65](#) (with [regs. 47, 70](#))
- C40** S. 329(1)(2)(4) applied (with modifications) (1.6.1997) by S.I. 1997/1160, [reg. 16\(2\)](#)

Marginal Citations

- M8** 1972 c. 70.

[^{F104}329] Service of notices on the Crown

- (1) Any notice or other document required under this Act to be served on the Crown must be served on the appropriate authority.
- (2) Section 329 does not apply for the purposes of the service of such a notice or document.
- (3) “Appropriate authority” must be construed in accordance with section 293(2).]

Textual Amendments

- F104** S. 329A inserted (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 79, 121](#), [Sch. 3 para. 16](#) (with s. 111); S.I. 2006/1281, [art. 2](#)

330 Power to require information as to interests in land.

- (1) For the purpose of enabling the Secretary of State or a local authority to make an order or issue or serve any notice or other document which, by any of the provisions of this Act, he or they are authorised or required to make, issue or serve, the Secretary of State or the local authority may by notice in writing require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises to give in writing such information as to the matters mentioned in subsection (2) as may be so specified.

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- (2) Those matters are—
- (a) the nature of the interest in the premises of the person on whom the notice is served;
 - (b) the name and [^{F105}postal] address of any other person known to him as having an interest in the premises;
 - (c) the purpose for which the premises are being used;
 - (d) the time when that use began;
 - (e) the name and [^{F105}postal] address of any person known to the person on whom the notice is served as having used the premises for that purpose;
 - (f) the time when any activities being carried out on the premises began.
- (3) A notice under subsection (1) may require information to be given within 21 days after the date on which it is served, or such longer time as may be specified in it, or as the Secretary of State or, as the case may be, the local authority may allow.
- (4) Any person who, without reasonable excuse, fails to comply with a notice served on him under subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) Any person who, having been required by a notice under subsection (1) to give any information, knowingly makes any misstatement in respect of it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine, or both.
- [^{F106}(6) This section shall have effect as if the references to a local authority included references to a National Park authority.]

Textual Amendments

- F105** Word in s. 330(2)(b)(e) inserted (E.) (31.3.2003) by [The Town and Country Planning \(Electronic Communications\) \(England\) Order 2003 \(S.I. 2003/956\)](#), [art. 5\(b\)](#); (W.) (1.1.2005) by [The Town and Country Planning \(Electronic Communications\) \(Wales\) Order 2004 \(S.I. 2004/3156\)](#), [art. 5\(b\)](#) (with art. 14)
- F106** S. 330(6) inserted (23.11.1995) by [1995 c. 25, s. 78, Sch. 10 para. 32\(11\)](#) (with ss. 7(6), 115, 117, Sch. 8 para. 7); [S.I. 1995/2950](#), [art. 2\(1\)](#)

Modifications etc. (not altering text)

- C41** S. 330 applied by [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c. 9, SIF 123:1\)](#), [s. 89\(1\)](#); applied (11.3.1992 so far as to confer on the Secretary of State a power to impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far as not already in force) by [Planning \(Hazardous Substances\) Act 1990 \(c. 10, SIF 123:1\)](#), [s. 37\(2\)](#); [S.I. 1992/725](#), [arts. 2, 3](#); power to apply (with modifications) conferred by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 123:1\)](#), s. 149(3)(b), [Sch. 29 Pt. II para. 9](#) as substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 44\(13\)](#)
- C42** S. 330: power to apply conferred (10.11.1993) by [1993 c. 28, s. 171\(4\)\(a\)](#); [S.I. 1993/2762](#), [art. 3](#)
- C43** S. 330: functions of local authority may be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), reg. 3(1), [Sch. 2 para. 16](#)
- C44** S. 330 applied (with modifications) (7.6.2004) by [The Milton Keynes \(Urban Area and Planning Functions\) Order 2004 \(S.I. 2004/932\)](#), art. 5, [Sch. para. 9](#) (with arts. 6, 7)

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- S. 330 applied (with modifications) (12.10.2005) by [The Thurrock Development Corporation \(Planning Functions\) Order 2005 \(S.I. 2005/2572\)](#), **art. 5** (with arts. 6, 7)
- S. 330 applied (with modifications) (31.10.2005) by [The London Thames Gateway Development Corporation \(Planning Functions\) Order 2005 \(S.I. 2005/2721\)](#), **art. 6**
- S. 330 applied (with modifications) (6.4.2006) by [The West Northamptonshire Development Corporation \(Planning Functions\) Order 2006 \(S.I. 2006/616\)](#), {art. 6}
- S. 330 applied (with modifications) (7.9.2006) by [The Olympic Delivery Authority \(Planning Functions\) Order 2006 \(S.I. 2006/2185\)](#), **art. 6**
- C45** S. 330 applied (with modifications) (1.10.2012) by [The London Legacy Development Corporation \(Planning Functions\) Order 2012 \(S.I. 2012/2167\)](#), arts. 1, 7 (with Sch. 1, Sch. 2)
- C46** S. 330 applied (with modifications) (1.4.2015) by [The Old Oak and Park Royal Development Corporation \(Planning Functions\) Order 2015 \(S.I. 2015/442\)](#), arts. 1, 7 (with Sch.)
- C47** S. 330 applied (with modifications) (1.7.2015) by [The Ebbsfleet Development Corporation \(Planning Functions\) Order 2015 \(S.I. 2015/748\)](#), arts. 1, 5 (with Sch.)

[^{F107}330A] **Information as to interests in Crown land**

- (1) This section applies to an interest in Crown land which is not a private interest.
- (2) Section 330 does not apply to an interest to which this section applies.
- (3) For a purpose mentioned in section 330(1) the Secretary of State may request the appropriate authority to give him such information as to the matters mentioned in section 330(2) as he specifies in the request.
- (4) The appropriate authority must comply with a request under subsection (3) except to the extent—
 - (a) that the matter is not within the knowledge of the authority, or
 - (b) that to do so will disclose information as to any of the matters mentioned in section 321(4).
- (5) Expressions used in this section and in Part 13 must be construed in accordance with that Part.]

Textual Amendments

F107 S. 330A inserted (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 121, **Sch. 3 para. 17** (with s. 111); [S.I. 2006/1281](#), **art. 2**

331 Offences by corporations.

- (1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
 - (a) a director, manager, secretary or other similar officer of the body corporate, or
 - (b) any person who was purporting to act in any such capacity,
 he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against accordingly.
- (2) In subsection (1) “director”, in relation to any body corporate—

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- (a) which was established by or under an enactment for the purpose of carrying on under national ownership an industry or part of an industry or undertaking, and
 - (b) whose affairs are managed by its members,
- means a member of that body corporate.

Modifications etc. (not altering text)

- C48** S. 331 applied by [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c. 9, SIF 123:1\)](#), [s. 89\(1\)](#); excluded by [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c. 9, SIF 123:1\)](#), [s. 89\(2\)](#); applied (11.3.1992 so far as to confer on the Secretary of State a power to impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far as not already in force) by [Planning \(Hazardous Substances\) Act 1990 \(c. 10, SIF 123:1\)](#), [s. 37\(2\)](#); S.I. 1992/725, [arts. 2, 3](#)
- C49** S. 331: power to apply conferred (10.11.1993) by 1993 c. 28, [s. 171\(4\)\(a\)](#); S.I. 1993/2762, [art. 3](#)
S. 331 restricted (E.) (13.4.2001) by S.I. 2001/1478, [art. 3\(a\)](#)

332 Combined applications.

- (1) Regulations made under this Act may provide for the combination in a single document, made in such form and transmitted to such authority as may be prescribed, of—
 - (a) an application for planning permission^{F108}, or permission in principle,] in respect of any development; and
 - (b) an application required, under any enactment specified in the regulations, to be made to a local authority in respect of that development.
- (2) Before making any regulations under this section, the Secretary of State shall consult with such local authorities or associations of local authorities as appear to him to be concerned.
- (3) Different provision may be made by any such regulations in relation to areas in which different enactments are in force.
- (4) If an application required to be made to a local authority under an enactment specified in any such regulations is made in accordance with the provisions of the regulations, it shall be valid notwithstanding anything in that enactment prescribing, or enabling any authority to prescribe, the form in which, or the manner in which, such an application is to be made.
- (5) Subsection (4) shall have effect without prejudice to—
 - (a) the validity of any application made in accordance with the enactment in question; or
 - (b) any provision of that enactment enabling a local authority to require further particulars of the matters to which the application relates.
- (6) In this section “application” includes a submission.

Textual Amendments

- F108** Words in s. 332(1)(a) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), [s. 216\(3\)](#), [Sch. 12 para. 39](#); S.I. 2016/733, [reg. 3\(d\)](#)

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Modifications etc. (not altering text)

C50 S. 332: power to apply conferred (10.11.1993) by 1993 c. 28, s. 171(4)(a); S.I. 1993/2762, art. 3

333 Regulations and orders.

- (1) The Secretary of State may make regulations under this Act—
- (a) for prescribing the form of any notice, order or other document authorised or required by this Act to be served, made or issued by any local authority [^{F109}or National Park authority];
 - (b) for any purpose for which regulations are authorised or required to be made under this Act (other than a purpose for which regulations are authorised or required to be made by another Minister).
- (2) Any power conferred by this Act to make regulations shall be exercisable by statutory instrument.
- [^{F110}(2A) Regulations may make different provision for different purposes.]
- (3) Any statutory instrument containing regulations made under this Act (except regulations under section 88 [^{F111}or paragraph 15(5) or 16 of Schedule 4B] and regulations which by virtue of this Act are of no effect unless approved by a resolution of each House of Parliament) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [^{F112}(3ZA) No regulations may be made under section 59A(9) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.]
- [^{F113}(3ZAA) No regulations may be made under section 100ZA(1) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.]
- [^{F114}(3A) No regulations may be made under paragraph 15(5) or 16 of Schedule 4B unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.]
- [^{F115}(3B) Subsection (3) does not apply to a statutory instrument containing regulations made by the Welsh Ministers.
- (3C) A statutory instrument containing regulations made by the Welsh Ministers under this Act is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (3D) Subsection (3C) does not apply to a statutory instrument if—
- (a) it contains only regulations under section 88(7),
 - (b) it contains (whether alone or with other provision) regulations under section 315, or
 - (c) it is within subsection (3F).
- (3E) The Welsh Ministers may not make a statutory instrument within subsection (3F) unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.

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- (3F) A statutory instrument is within this subsection if it contains (whether alone or with other provision) regulations under—
- (a) section 9, if the regulations include provision amending an Act of Parliament or an Act or Measure of the National Assembly for Wales;
 - (b) section 62D(3);
 - (c) section 62H;
 - (d) section 116;
 - (e) section 303;
 - (f) section 303ZA;
 - (g) section 316, if the regulations relate to land of the Welsh Ministers or to the development of land by the Welsh Ministers;
 - (h) section 319ZB.]
- (4) The power [^{F116}of the Secretary of State] to make development orders and orders under sections 2, [^{F117}2A, 2F,] 28, 55(2)(f), [^{F118}61A(5)] 87, [^{F119}106BA(14),] 149(3)(a) [^{F120}, 319 and 319A(9)] shall be exercisable by statutory instrument.
- [^{F121}(4A) The power of the Welsh Ministers to make development orders and orders under sections 2(1B), 55(2)(f), 87(3), 149(3)(a), 293(1)(c) and 319B(9) is exercisable by statutory instrument.
- (4B) A development order made by the Welsh Ministers may make different provision for different purposes, for different cases (including different classes of development) and for different areas.]
- (5) Any statutory instrument—
- (a) which contains an order under [^{F122}subsection (1) of] section 2 which has been made after a local inquiry has been held in accordance with subsection (2) of that section; or
 - (b) which contains a development order [^{F123}made by the Secretary of State] or an order [^{F124}made by the Secretary of State] under section [^{F125}2A, 2F,] 28, [^{F126}61A(5) ^{F127} ...,] 87 or 149(3)(a),
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [^{F128}(5ZA) No order may be made under section 106BA(14) unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.]
- [^{F129}(5A) No order may be made under section 319A(9) unless a draft of the instrument containing the order has been laid before, and approved by resolution of, each House of Parliament.]
- [^{F130}(5B) A statutory instrument containing any of the following is subject to annulment in pursuance of a resolution of the National Assembly for Wales—
- (a) an order under subsection (1B) of section 2 which has been made after a local inquiry has been held in accordance with subsection (2) of that section,
 - (b) a development order made by the Welsh Ministers, or
 - (c) an order under section 87(3) or 149(3)(a) made by the Welsh Ministers.

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- (5C) The Welsh Ministers may not make a statutory instrument containing an order under section 62L(9), 293(1)(c) or 319B(9) unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.]
- (6) Without prejudice to subsection (5) [^{F131}or (5B)], where a development order makes provision for excluding or modifying any enactment contained in a public general Act (other than any of the enactments specified in Schedule 17) the order shall not have effect until that provision is approved by a resolution of each House of Parliament [^{F132}(in the case of an order made by the Secretary of State) or the National Assembly for Wales (in the case of an order made by the Welsh Ministers)].
- (7) Without prejudice to section 14 of the ^{M9}Interpretation Act 1978, any power conferred by any of the provisions of this Act to make an order, shall include power to vary or revoke any such order by a subsequent order.

Subordinate Legislation Made

- P1** S. 333: power previously exercised by [S.I. 1990/1562](#), 2032
- P2** S. 333(7): s. 59 (with ss. 60(1), 61(1) and 333(7)) power exercised by [S.I. 1991/1536](#),
- P3** S. 333(7): s. 55(2)(f) (with s. 333(7)) power exercised by [S.I. 1991/1567](#)

Textual Amendments

- F109** Words in s. 333(1) inserted (23.11.1995) by [1995 c. 25, s. 78, Sch. 10 para. 32\(12\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#)); [S.I. 1995/2950, art. 2\(1\)](#)
- F110** S. 333(2A) inserted (6.8.2004 for certain purposes, otherwise prosp.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\), ss. 118, 121, Sch. 6 para. 14\(2\)](#) (with s. 111); [S.I. 2004/2097, art. 2](#)
- F111** Words in s. 333(3) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes) by [Localism Act 2011 \(c. 20\), s. 240\(2\)\(5\)\(j\), Sch. 12 para. 22\(2\)](#); [S.I. 2012/57, art. 4\(1\)\(h\)](#) (with arts. 6, 7, 9-11)
- F112** S. 333(3ZA) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\), ss. 150\(4\), 216\(3\)](#); [S.I. 2016/733, reg. 3\(d\)](#)
- F113** S. 333(3ZAA) inserted (19.7.2017 for specified purposes) by [Neighbourhood Planning Act 2017 \(c. 20\), ss. 14\(2\), 46\(1\)](#); [S.I. 2017/767, reg. 2\(e\)](#)
- F114** S. 333(3A) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes) by [Localism Act 2011 \(c. 20\), s. 240\(2\)\(5\)\(j\), Sch. 12 para. 22\(3\)](#); [S.I. 2012/57, art. 4\(1\)\(h\)](#) (with arts. 6, 7, 9-11)
- F115** S. 333(3B)-(3F) inserted (6.9.2015) by [Planning \(Wales\) Act 2015 \(anaw 4\), s. 58\(2\)\(a\), Sch. 7 para. 3](#)
- F116** Words in s. 333(4) inserted (6.9.2015) by [Planning \(Wales\) Act 2015 \(anaw 4\), s. 58\(2\)\(a\), Sch. 7 para. 6\(2\)](#)
- F117** Words in s. 333(4) inserted (6.4.2008) by [Greater London Authority Act 2007 \(c. 24\), ss. 31\(3\)\(a\), 59](#); [S.I. 2008/582, art. 2\(a\)](#)
- F118** Word in s. 333(4) inserted (6.8.2004 for specified purposes, 10.5.2006 for E. so far as not already in force, 30.4.2012 for W. so far as not already in force) by [Planning and Compulsory Purchase Act 2004 \(c. 5\), s. 40\(3\)\(a\)](#) (with s. 111); [S.I. 2004/2097, art. 2](#); [S.I. 2006/1061, art. 2\(a\)](#); [S.I. 2012/1100, art. 2](#)
- F119** Word in s. 333(4) inserted (25.4.2013) by [Growth and Infrastructure Act 2013 \(c. 27\), s. 35\(2\), Sch. 2 para. 8\(2\)](#)
- F120** Words in s. 333(4) substituted (6.4.2009 for certain purposes and otherwise prosp.) by [Planning Act 2008 \(c. 29\), ss. 196, 241, Sch. 10 para. 13\(2\)](#) (with s. 226); [S.I. 2009/400, art. 3](#)
- F121** S. 333(4A)(4B) substituted for s. 333(4A) (6.9.2015) by [Planning \(Wales\) Act 2015 \(anaw 4\), s. 58\(2\)\(a\), Sch. 7 para. 6\(3\)](#)
- F122** Words in s. 333(5)(a) inserted (6.9.2015) by [Planning \(Wales\) Act 2015 \(anaw 4\), s. 58\(2\)\(a\), Sch. 7 para. 6\(4\)\(a\)](#)

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- F123** Words in s. 333(5)(b) inserted (6.9.2015) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 6(4)(b)(i)**
- F124** Words in s. 333(5)(b) inserted (6.9.2015) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 6(4)(b)(ii)**
- F125** Words in s. 333(5)(b) inserted (6.4.2008) by Greater London Authority Act 2007 (c. 24), **ss. 31(3)(b), 59**; S.I. 2008/582, **art. 2(a)**
- F126** Words in s. 333(5)(b) inserted (6.8.2004 for specified purposes, 10.5.2006 for E. so far as not already in force, 30.4.2012 for W. so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 40(3)(b)** (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1061, **art. 2(a)**; S.I. 2012/1100, **art. 2**
- F127** Words in s. 333(5)(b) omitted (6.9.2015) by virtue of Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 6(4)(b)(iii)**
- F128** S. 333(5ZA) inserted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27), s. 35(2), **Sch. 2 para. 8(3)**
- F129** S. 333(5A) inserted (6.4.2009 for certain purposes and otherwise prosp.) by Planning Act 2008 (c. 29), **ss. 196, 241, Sch. 10 para. 13(3)** (with s. 226); S.I. 2009/400, **art. 3**
- F130** S. 333(5B)(5C) inserted (6.9.2015) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 6(5)**
- F131** Words in s. 333(6) inserted (6.9.2015) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 6(6)(a)**
- F132** Words in s. 333(6) inserted (6.9.2015) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 6(6)(b)**

Modifications etc. (not altering text)

- C51** S. 333: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**
- C52** S. 333 applied (8.5.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), **arts. 1(3), 5(4)**
- C53** S. 333 applied (8.5.2018) by The West of England Combined Authority Order 2017 (S.I. 2017/126), **arts. 1(5), 12(4)**

Marginal Citations

- M9** 1978 c. 30.

334 Licensing planning areas.

F133

Textual Amendments

- F133** S. 334 repealed (24.11.2005) by Licensing Act 2003 (c. 17), **ss. 198, 199, Sch. 6 para. 109, Sch. 7** (with **ss. 2(3), 15(2), 195**); S.I. 2005/3056, **art. 2**

Modifications etc. (not altering text)

- C54** S. 334: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

335 Act not excluded by special enactments.

For the avoidance of doubt it is hereby declared that the provisions of this Act, and any restrictions or powers imposed or conferred by it in relation to land, apply and may be exercised in relation to any land notwithstanding that provision is made by any enactment in force at the passing of the 1947 Act, or by any local Act passed at

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any time during the Session of Parliament held during the regnal years 10 & 11 Geo. 6, for authorising or regulating any development of the land.

Modifications etc. (not altering text)

C55 S. 335: power to apply conferred (10.11.1993) by 1993 c. 28, s. 171(4)(a); S.I. 1993/2762, art. 3

336 Interpretation.

(1) In this Act, except in so far as the context otherwise requires and subject to the following provisions of this section and to any transitional provision made by the Planning (Consequential Provisions) Act 1990—

“the 1944 Act” means the Town and Country Planning Act 1944;

“the 1947 Act” means the ^{M10}Town and Country Planning Act 1947;

“the 1954 Act” means the ^{M11}Town and Country Planning Act 1954;

“the 1959 Act” means the ^{M12}Town and Country Planning Act 1959;

“the 1962 Act” means the ^{M13}Town and Country Planning Act 1962;

“the 1968 Act” means the ^{M14}Town and Country Planning Act 1968;

“the 1971 Act” means the ^{M15}Town and Country Planning Act 1971;

“acquiring authority”, in relation to the acquisition of an interest in land (whether compulsorily or by agreement) or to a proposal so to acquire such an interest, means the government department, local authority or other body by whom the interest is, or is proposed to be, acquired;

^{F134} “ address ”, in relation to electronic communications, means any number or address used for the purposes of such communications;]

“advertisement” means any word, letter, model, sign, placard, board, notice ^{F135}awning, blind], device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used ^{F135}or designed], or adapted for use ^{F135}and anything else principally used, or designed or adapted principally for use,], for the display of advertisements, and references to the display of advertisements shall be construed accordingly;

“aftercare condition” has the meaning given in paragraph 2(2) of Schedule 5;

“aftercare scheme” has the meaning given in paragraph 2(3) of Schedule 5;

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;

“the appropriate Minister” has the meaning given in section 265;

“authority possessing compulsory purchase powers”, in relation to the compulsory acquisition of an interest in land, means the person or body of persons effecting the acquisition and, in relation to any other transaction relating to an interest in land, means any person or body of persons who could be or have been authorised to acquire that interest compulsorily for

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the purposes for which the transaction is or was effected or a body (being a parish council, community council or parish meeting) on whose behalf a district council or county council [^{F136}or county borough council] could be or have been so authorised;

“authority to whom Part II of the 1959 Act applies” means a body of any of the descriptions specified in Part I of Schedule 4 to the 1959 Act;

[^{F137} “breach of condition notice” has the meaning given in section 187A;

^{F138} [“breach of planning control” has the meaning given in section 171A]]

“bridleway” has the same meaning as in the ^{M16}Highways Act 1980;

“the Broads” has the same meaning as in the ^{M17}Norfolk and Suffolk Broads Act 1988;

“building” includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building;

“buildings or works” includes waste materials, refuse and other matters deposited on land, and references to the erection or construction of buildings or works shall be construed accordingly [^{F139}and references to the removal of buildings or works include demolition of buildings and filling in of trenches];

^{F140} [“building operations” has the meaning given by section 55]

“caravan site” has the meaning given in section 1(4) of the ^{M18}Caravan Sites and Control of Development Act 1960;

“clearing”, in relation to land, means the removal of buildings or materials from the land, the levelling of the surface of the land, and the carrying out of such other operations in relation to it as may be prescribed;

“common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green;

“compulsory acquisition” does not include the vesting in a person by an Act of Parliament of property previously vested in some other person;

“conservation area” means an area designated under section 69 of the Planning ^{M19}(Listed Buildings and Conservation Areas) Act 1990;

^{F141} [“depositing of mineral waste” means any process whereby a mineral-working deposit is created or enlarged and “depositing of refuse or waste materials” includes the depositing of mineral waste;]

“development” has the meaning given in section 55, and “develop” shall be construed accordingly;

[^{F142} “development consent” means development consent under the Planning Act 2008;]

^{F143}
. . .

“development order” has the meaning given in section 59;

[^{F144} “development plan” must be construed in accordance with section 38 of the Planning and Compulsory Purchase Act 2004;]

“disposal” means disposal by way of sale, exchange or lease, or by way of the creation of any easement, right or privilege, or in any other manner, except by way of appropriation, gift or mortgage, and “dispose of” shall be construed accordingly;

[^{F145} “electronic communication” has the same meaning as in the Electronic Communications Act 2000;]

“enactment” includes an enactment in any local or private Act of Parliament and an order, rule, regulation, byelaw or scheme made under an Act of Parliament;

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“enforcement notice” means a notice under section 172;

“engineering operations” includes the formation or laying out of means of access to highways;

“enterprise zone scheme” means a scheme or modified scheme having effect to grant planning permission in accordance with section 88;

“erection”, in relation to buildings as defined in this subsection, includes extension, alteration and re-erection;

^{F146} . . .

“footpath” has the same meaning as in the ^{M20}Highways Act 1980;

“fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;

“functions” includes powers and duties;

“government department” includes any Minister of the Crown;

“the Greater London Development Plan” means the development plan submitted to the Minister of Housing and Local Government under section 25 of the ^{M21}London Government Act 1963 and approved by the Secretary of State under section 5 of the 1962 Act or the corresponding provision of the 1971 Act;

“highway” has the same meaning as in the ^{M22}Highways Act 1980 ;

“improvement”, in relation to a highway, has the same meaning as in the Highways Act 1980;

“joint planning board” has the meaning given in section 2;

“land” means any corporeal hereditament, including a building, and, in relation to the acquisition of land under Part IX, includes any interest in or right over land;

“lease” includes an underlease and an agreement for a lease or underlease, but does not include an option to take a lease or a mortgage, and “leasehold interest” means the interest of the tenant under a lease as so defined;

“local authority” (except in section 252 and subject to subsection (10) [^{F147}below and section 71(7) of the Environment Act 1995]) means—

- (a) [^{F148}a billing authority or a precepting authority [^{F149}(except the Receiver for the Metropolitan Police District)], as defined in section 69 of the Local Government Finance Act 1992 [^{F150}or the [^{F151}Mayor's Office for Policing and Crime]] ;
- (aa) [^{F152}a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;]]
- (ab) [^{F153}the London Fire Commissioner;]
- (b) a levying body within the meaning of section 74 of [^{F154}the Local Government Finance Act 1988]; and
- (c) a body as regards which section 75 of that Act applies;

and includes any joint board or joint committee if all the constituent authorities are local authorities within paragraph (a), (b) or (c);

“local highway authority” means a highway authority other than the Secretary of State [^{F155}or a strategic highways company];

“local planning authority” shall be construed in accordance with Part I;

“London borough” includes the City of London, references to the council of a London borough or the clerk to such a council being construed, in relation

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to the City, as references to the Common Council of the City and the town clerk of the City respectively;

“means of access” includes any means of access, whether private or public, for vehicles or for foot passengers, and includes a street;

F143
...

“mineral planning authority” has the meaning given in section [F1561];

“mineral-working deposit” means any deposit of material remaining after minerals have been extracted from land or otherwise deriving from the carrying out of operations for the winning and working of minerals in, on or under land;

“minerals” includes all [F157 substances] of a kind ordinarily worked for removal by underground or surface working, except that it does not include peat cut for purposes other than sale;

“Minister” means any Minister of the Crown or other government department;

“mortgage” includes any charge or lien on any property for securing money or money’s worth;

F158
...

“open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground;

“operational land” has the meaning given in section 263;

“owner”, in relation to any land, means F159 . . . a person, other than a mortgagee not in possession, who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let;

[F160“permission in principle” means permission of the kind referred to in section 58A;]

“the planning Acts” means this Act, the M23 Planning (Listed Buildings and Conservation Areas) Act 1990, the M24 Planning (Hazardous Substances) Act 1990 and the Planning (Consequential Provisions) Act 1990;

F161 [“ planning contravention notice ” has the meaning given in section 171C]

“planning decision” means a decision made on an application under Part III [F162 or section 293A];

“planning permission” means permission under Part III [F162 or section 293A], F163 . . . [F164 but does not include permission in principle];

“planning permission granted for a limited period” has the meaning given in section 72(2);

“prescribed” (except in relation to matters expressly required or authorised by this Act to be prescribed in some other way) means prescribed by regulations under this Act;

F158
...

[F165 public gas transporter]” has the same meaning as in Part I of the M25 Gas Act 1986;

“purchase notice” has the meaning given in section 137;

F166
...

“replacement of open space”, in relation to any area, means the rendering of land available for use as an open space, or otherwise in an undeveloped state, in substitution for land in that area which is so used;

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“restoration condition” has the meaning given in paragraph 2(2) of Schedule 5;

[^{F167} “ restricted byway ” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000;]

^{F166}
 . . .

“simplified planning zone” and “simplified planning zone scheme” shall be construed in accordance with sections 82 and 83;

[^{F168} “ spatial development strategy ” shall be construed in accordance with Part VIII of the Greater London Authority Act 1999 (planning);]

^{F166}
 . . .

“statutory undertakers” and “statutory undertaking” have the meanings given in section 262;

“steps for the protection of the environment” has the meaning given in paragraph 5(4) of Schedule 9;

“stop notice” has the meaning given in section 183;

[^{F169}“strategic planning panel” means a strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004;]

[^{F170}“strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015;]

“suspension order” has the meaning given in paragraph 5 of Schedule 9; and

“supplementary suspension order” has the meaning given in paragraph 6 of Schedule 9;

“tenancy” has the same meaning as in the ^{M26}Landlord and Tenant Act 1954 ;

“tree preservation order” has the meaning given in section 198;

[^{F171}“tree preservation regulations” means regulations under section 202A(1);]

[^{F172}“universal postal service provider” means a universal service provider within the meaning of [^{F173}Part 3 of the Postal Services Act 2011]; and references to the provision of a universal postal service shall be construed in accordance with [^{F174}that Part];]

“urban development area” and “urban development corporation” have the same meanings as in Part XVI of the ^{M27}Local Government, Planning and Land Act 1980;

“use”, in relation to land, does not include the use of land for the carrying out of any building or other operations on it;

“Valuation Office” means the Valuation Office of the Inland Revenue Department;

“war damage” has the meaning given in the ^{M28}War Damage Act 1943.

[^{F175}“waste” includes anything that—

- (a) is waste within the meaning of Article 3(1) of Directive [2008/98/ EC](#) of the European Parliament and of the Council on waste, and
- (b) is not excluded from the scope of that definition by Article 2(1), (2) or (3);]

^{F141}[“ the winning and working of minerals ” includes the extraction of minerals from a mineral working deposit.]

[^{F176}(1A) In this Act—

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- (a) any reference to a county (other than one to a county planning authority) shall be construed, in relation to Wales, as including a reference to a county borough;
 - (b) any reference to a county council shall be construed, in relation to Wales, as including a reference to a county borough council; and
 - (c) section 17(4) and (5) of the Local Government (Wales) Act 1994 (references to counties and districts to be construed generally in relation to Wales as references to counties and county boroughs) shall not apply.]
- (2) If, in relation to anything required or authorised to be done under this Act, any question arises as to which Minister is or was the appropriate Minister in relation to any statutory undertakers, that question shall be determined by the Treasury.
- (3) If any question so arises whether land of statutory undertakers is operational land, that question shall be determined by the Minister who is the appropriate Minister in relation to those undertakers.
- (4) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of any enactment, is to be deemed to be served.

[^{F177}(4A) Where—

- (a) an electronic communication is used for the purpose of serving or giving a notice or other document on or to any person for the purposes of this Act, and
- (b) the communication is received by that person outside that person's business hours,

it shall be taken to have been received on the next working day, and in this subsection, “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.]

- (5) With respect to references in this Act to planning decisions—
- (a) in relation to a decision altered on appeal by the reversal or variation of the whole or part of it, such references shall be construed as references to the decision as so altered;
 - (b) in relation to a decision upheld on appeal, such references shall be construed as references to the decision of the local planning authority and not to the decision of the Secretary of State on the appeal;
 - (c) in relation to a decision given on an appeal in the circumstances mentioned in section 78(2), such references shall be construed as references to the decision so given;
 - (d) the time of a planning decision, in a case where there is or was an appeal, shall be taken to be or have been the time of the decision as made by the local planning authority (whether or not that decision is or was altered on that appeal) or, in the case of a decision given on an appeal in the circumstances mentioned in section 78(2), the end of the period there mentioned.
- (6) Section 56 shall apply for determining for the purposes of this Act when development of land shall be taken to be initiated.
- (7) In relation to the sale or acquisition of an interest in land—
- (a) in a case where the interest is or was conveyed or assigned without a preliminary contract, references in this Act to a contract are references to the conveyance or assignment; and

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- (b) references to the making of a contract are references to the execution of it.
- (8) In this Act—
- (a) references to a person from whom title is derived by another person include references to any predecessor in title of that other person;
 - (b) references to a person deriving title from another person include references to any successor in title of that other person;
 - (c) references to deriving title are references to deriving title either directly or indirectly.
- (9) References in the planning Acts to any of the provisions [^{F178}of Parts III, VII and VIII] include, except where the context otherwise requires, references to those provisions as modified under section 316 ^{F179} . . .
- (10) In section 90, Chapter I of Part VI, and [^{F180}section] 330 “local authority”, in relation to land in the Broads, includes the Broads Authority.

Textual Amendments

- F134** Definition in s. 336(1) inserted (E.) (31.3.2003) by [The Town and Country Planning \(Electronic Communications\) \(England\) Order 2003 \(S.I. 2003/956\)](#), **art. 6(2)**; (W.) (1.1.2005) by [The Town and Country Planning \(Electronic Communications\) \(Wales\) Order 2004 \(S.I. 2004/3156\)](#), **art. 6(2)** (with **art. 14**)
- F135** Words in s. 336(1) inserted (6.4.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **s. 24**(with s. 84(5)); [S.I. 1992/665](#), **art. 2**
- F136** Words in definition of "authority possessing compulsory purchase powers" in s. 336(1) inserted (1.4.1996) by [1994 c. 19, s. 20\(4\)](#), **Sch. 6 Pt. II para. 24(13)(a)** (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396](#), **art. 3, Sch. 1**
- F137** Definition in s. 336(1) inserted (27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **s. 32, Sch. 7 para. 52(2)(a)** (with s. 84(5)); [S.I. 1992/1630](#), **art. 2, Sch. 1**
- F138** Definition in s. 336(1) inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **s. 32, Sch. 7 para. 52(2)(a)** (with s. 84(5)); [S.I. 1991/2905](#), **art. 3, Sch. 1** (subject to **art. 5**)
- F139** Words in s. 336(1) inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **s. 32, Sch. 7 para. 52(2)(b)**(with s. 84(5)); [S.I. 1991/2905](#), **art. 3, Sch. 1** (subject to **art. 5**)
- F140** Definition in s. 336(1) substituted (27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **s. 32, Sch. 7 para. 52(2)(c)**(with s. 84(5)); [S.I. 1992/1279](#), **art. 2** (with **art. 3**)
- F141** Definitions in s. 336(1) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **s. 21, Sch. 1 para. 12(a)(e)**(with s. 84(5)); [S.I. 1991/2067](#), **art. 3** (subject to **art. 4**)
- F142** S. 336(1): definition of "development consent" inserted (1.3.2010) by [Planning Act 2008 \(c. 29\)](#), **ss. 36, 241, Sch. 2 para. 37** (with s. 226); [S.I. 2010/101](#), **art. 2** (with **art. 6**)
- F143** Definitions in s. 336(1) repealed (25.9.1991) by [Planning and compensation Act 1991 \(c. 34, SIF 123:1\)](#), **ss. 21, 84(6), Sch. 1 para. 12(b), Sch. 19 Pt. I** (with s. 84(5)); [S.I. 1991/2067](#), **art. 3, Sch. 1**
- F144** S.336(1): definition of "development plan" substituted (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **ss. 118, 121, Sch. 6 para. 15** (with s. 111); [S.I. 2004/2202](#), **art. 2** (subject to transitional provisions and savings in **art. 4**) ; [S.I. 2005/2847](#), **art. 2** (subject to transitional provisions and savings in **art. 3**)
- F145** Definition in s. 336(1) inserted (E.) (31.3.2003) by [The Town and Country Planning \(Electronic Communications\) \(England\) Order 2003 \(S.I. 2003/956\)](#), **art. 6(2)**; (W.) (1.1.2005) by [The Town and Country Planning \(Electronic Communications\) \(Wales\) Order 2004 \(S.I. 2004/3156\)](#), **art. 6(2)** (with **art. 14**)
- F146** Definition in s. 336(1) repealed (27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **ss. 32, 84(6), Sch. 7 para. 52(2)(d), Sch. 19 Pt. I** (with s. 84(5)); [S.I. 1992/1630](#), **art. 2, Schs. 1, 2**

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- F147** Words in definition of "local authority" in s. 336(1) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(13)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**); S.I. 1995/2950, **art. 2(1)**
- F148** Paras.(a)(aa) in definition of "local authority" in s. 336(1) substituted (2.11.1992) for para. (a) by **Local Government Finance Act 1992 (c. 14)**, s. 117(1), **Sch. 13 para. 91**; S.I. 1992/2454, **art. 2**
- F149** Words in para. (a) in the definition of "local authority" in s. 336(1) repealed (prosp.) by 1999 c. 29, ss. 325, 423, 425(2), **Sch. 27 para. 66(a)**, **Sch. 34 Pt. VII** (with **Sch. 12 para. 9(1)**)
- F150** Words in para. (a) in the definition of "local authority" in s. 336(1) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 66(b)**; S.I. 1999/3434, **art. 2**; S.I. 2000/1648, **art. 2**, **Sch.** (subject to transitional provisions in **Sch.**)
- F151** Words in s. 336(1) substituted (16.1.2012) by **Police Reform and Social Responsibility Act 2011 (c. 13)**, s. 157(1), **Sch. 16 para. 210**; S.I. 2011/3019, **art. 3**, **Sch. 1**
- F152** S. 336(1): words in definition of "local authority" substituted (1.10.2004 for E. and 10.11.2004 for W.) by **Fire and Rescue Services Act 2004 (c. 21)**, ss. 53, 61, **Sch. 1 para. 72(2)**; S.I. 2004/2304, **art. 2(2)** (subject to **art. 3**); S.I. 2004/2917, **art. 2**
- F153** Words in s. 336(1) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 2 para. 94**; S.I. 2018/227, **reg. 4(c)**
- F154** Words in s. 336(1) substituted (1.10.2004 for E. and 10.11.2004 for W.) by **Fire and Rescue Services Act 2004 (c. 21)**, ss. 53, 61, **Sch. 1 para. 72(3)**; S.I. 2004/2304, **art. 2(2)** (subject to **art. 3**); S.I. 2004/2917, **art. 2**
- F155** Words in s. 336(1) inserted (5.3.2015) by **Infrastructure Act 2015 (c. 7)**, s. 57(1), **Sch. 1 para. 108(a)**; S.I. 2015/481, **reg. 2(a)**
- F156** Words in definition of "mineral planning authority" in s. 336(1) substituted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(13)(c)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, **art. 3**, **Sch. 1**
- F157** Word in s. 336(1) substituted (25.9.1991) by **Planning and Compensation Act 1991 (c. 34, SIF 123:1)**, s. 21, **Sch. 1 para. 12(c)**(with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to **art. 4**)
- F158** Definitions repealed (25.9.1991) by **Planning and Compensation Act 1991 (c. 34, SIF 123:1)**, ss. 31(4), 84(6), **Sch. 6 para. 38**, **Sch. 19 Pt. II** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to **art. 4**)
- F159** Words in s. 336(1) repealed (17.7.1992) by **Planning and compensation Act 1991 (c. 34, SIF 123:1)**, ss. 32, 84(6), **Sch. 7 para. 52(2)(e)**, **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1992/1491, **art. 2**, **Schs. 1, 2**
- F160** Words in s. 336(1) inserted (13.7.2016) by **Housing and Planning Act 2016 (c. 22)**, s. 216(3), **Sch. 12 para. 40(2)**; S.I. 2016/733, **reg. 3(d)**
- F161** Definition in s. 336(1) inserted (2.1.1992) by **Planning and Compensation Act 1991 (c. 34, SIF 123:1)**, s. 32, **Sch. 7 para. 52(2)(f)**(with s. 84(5)); S.I. 1991/2905, **art. 3**, **Sch. 1** (subject to **art. 5**)
- F162** Words in s. 336(1) inserted (7.6.2006) by **The Planning and Compulsory Purchase Act 2004 (Commencement No. 9 and Consequential Provisions) Order 2006 (S.I. 2006/1281)**, **art. 5(d)**
- F163** Words in s. 336(1) repealed (2.1.1992) by **Planning and Compensation Act 1991 (c. 34, SIF 123:1)**, ss. 32, 84(6), **Sch. 7 para. 52(2)(g)**, **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1991/2905, **art. 3**, **Sch. 2** (subject to **art. 5**)
- F164** Words in s. 336(1) inserted (13.7.2016) by **Housing and Planning Act 2016 (c. 22)**, s. 216(3), **Sch. 12 para. 40(3)**; S.I. 2016/733, **reg. 3(d)**
- F165** Words in s. 336(1) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 18(4)**; S.I. 1996/218, **art. 2**
- F166** Definitions in s. 336(1) repealed (25.9.1991) by **Planning and Compensation Act 1991 (c. 34, SIF 123:1)**, ss. 21, 84(6), **Sch. 1 para. 12(d)**, **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1991/2067, **art. 3**, **Sch. 1**
- F167** Words in s. 336(1) inserted (2.5.2006 for E. and 11.5.2006 for W.) by **The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177)**, **Sch. 1 Pt. 1** (see S.I. 2006/1172, **art. 2(a)-(d)** (with **art. 3**) and S.I. 2006/1279, **art. 2(a)-(d)** (with **art. 3**))
- F168** Definition of "spatial development strategy" in s. 336(1) inserted (12.1.2000) by 1999 c. 29, s. 344(10) (with **Sch. 12 para. 9(1)**); S.I. 1999/3434, **art. 2**
- F169** Words in s. 336(1) inserted (6.9.2015 for specified purposes) by **Planning (Wales) Act 2015 (anaw 4)**, s. 58(2)(b)(4)(b), **Sch. 2 para. 13**

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- F170** Words in s. 336(1) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 108(b)**; S.I. 2015/481, reg. 2(a)
- F171** Words in s. 336(1) inserted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 8 para. 19** (with s. 226); S.I. 2012/601, art. 2(a)
- F172** Definition of "universal postal service provider" in s. 336(1) inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 83**
- F173** Words in s. 336(1) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 134(a)**; S.I. 2011/2329, art. 3
- F174** Words in s. 336(1) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 134(b)**; S.I. 2011/2329, art. 3
- F175** Words in s. 336(1) substituted (29.3.2011) by The Waste (England and Wales) Regulations 2011 (S.I. 2011/988), reg. 1(2), **Sch. 4 para. 2** (with regs. 2, 47(2))
- F176** S. 336(1A) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(14)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F177** S. 336(4A) inserted (E.) (31.3.2003) by The Town and Country Planning (Electronic Communications) (England) Order 2003 (S.I. 2003/956), **art. 6(3)**; (W.) (1.1.2005) by The Town and Country Planning (Electronic Communications) (Wales) Order 2004 (S.I. 2004/3156), **art. 6(3)** (with art. 14)
- F178** Words in s. 336(9) substituted (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 52(3)** (with s. 84(5)); S.I. 1992/1491, art. 2, **Sch. 1**
- F179** Words in s. 336(9) repealed (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), **Sch. 7 para. 52(3), Sch. 19 Pt. I** (with s. 84(5)); S.I. 1992/1491, art. 2, Schs. 1, 2
- F180** Words in s. 336(10) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 52(4)** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5)

Modifications etc. (not altering text)

- C56** S. 336: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**
- C57** S. 336(1) applied (1.12.1991) by Water Industry Act 1991 (c. 56, SIF 130), **ss. 209(3)(a), 223(2)**
S. 336(1) applied (1.12.1991) by Water Resources Act 1991 (c. 57, SIF 130), **ss. 208(3)(a), 225(2)**

Marginal Citations

- M10** 1947 c. 51.
M11 1954 c. 72.
M12 1959 c. 53.
M13 1962 c. 38.
M14 1968 c. 72.
M15 1971 c. 78.
M16 1980 c. 66.
M17 1988 c. 4.
M18 1960 c. 62.
M19 1990 c. 9.
M20 1980 c. 66.
M21 1963 c. 33.
M22 1980 c. 66.
M23 1990 c. 9.
M24 1990 c. 10.
M25 1986 c. 44.
M26 1954 c. 56.
M27 1980 c. 65.
M28 1943 c. 21.

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337 Short title, commencement and extent.

- (1) This Act may be cited as the Town and Country Planning Act 1990.
- (2) Except as provided in Part II and in Schedule 4 to the ^{M29}Planning (Consequential Provisions) Act 1990, this Act shall come into force at the end of the period of three months beginning with the day on which it is passed.
- (3) This Act extends to England and Wales only.

Marginal Citations

M29 1990 c. 11.

Status:

Point in time view as at 08/05/2018.

Changes to legislation:

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