



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART XV

#### MISCELLANEOUS AND GENERAL PROVISIONS

##### *Local inquiries and other hearings*

#### **323 Procedure on certain appeals and applications<sup>[F1]</sup>: England].**

(1) The Secretary of State may by regulations prescribe the procedure to be followed in connection with proceedings <sup>[F2]</sup>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 <sup>[F3]</sup>section 9 of the Tribunals and Inquiries Act 1992] apply.

<sup>[F4]</sup>(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.]

<sup>F5</sup>(1B) .....

(2) <sup>[F6]</sup>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 <sup>[F7]</sup>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,

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

- (3) [<sup>F6</sup>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.

[<sup>F8</sup>(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.]

#### Textual Amendments

- F1** 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)
- F2** 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)
- F3** 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](#)
- F4** S. 323(1A) inserted (6.4.2009 for E.W. for specified purposes, 25.4.2024 for specified purposes) by [Planning Act 2008](#) (c. 29), s. 241(8), [Sch. 10 para. 12\(2\)](#) (with s. 226); S.I. 2009/400, art. 3(j); S.I. 2024/452, reg. 2(b)
- F5** 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)
- F6** Words in s. 323(2)(3) substituted (6.4.2009 for E.W. for specified purposes, 25.4.2024 for specified purposes) by [Planning Act 2008](#) (c. 29), s. 241(8), [Sch. 10 para. 12\(3\)](#) (with s. 226) (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\(3\)](#)); S.I. 2009/400, art. 3(j); S.I. 2024/452, reg. 2(b)
- F7** Words in s. 323(2)(a) substituted (6.4.2009 for E.W. for specified purposes, 25.4.2024 for specified purposes) by [Planning Act 2008](#) (c. 29), s. 241(8), [Sch. 10 para. 12\(4\)](#) (with s. 226); S.I. 2009/400, art. 3(j); S.I. 2024/452, reg. 2(b)
- F8** 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)

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**Modifications etc. (not altering text)**

- C1** 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](#)
- C2** S. 323: power to apply conferred (10.11.1993) by [1993 c. 28, s. 171\(4\)\(a\)](#); S.I. 1993/2762, [art. 3](#)
- C3** 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](#)
- C4** 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](#)

**Changes to legislation:**

Town and Country Planning Act 1990, Section 323 is up to date with all changes known to be in force on or before 23 July 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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied by [2023 asc 3 s. 79\(2\)](#)
- Act applied by [2023 asc 3 s. 83\(4\)](#)
- Act excluded by [2023 asc 3 s. 140\(4\)\(b\)](#)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 165B inserted by [2024 asc 3 s. 99\(5\)](#)
- s. 7(3) inserted by [2023 c. 55 Sch. 17 para. 2\(2\)](#)
- s. 7A(6) inserted by [2023 c. 55 Sch. 17 para. 2\(4\)](#)
- s. 7ZA inserted by [2023 c. 55 Sch. 17 para. 2\(3\)](#)
- s. 58B and cross-heading inserted by [2023 c. 55 s. 102\(1\)](#)
- s. 59A(3)(ba) inserted by [2023 c. 55 Sch. 8 para. 4\(b\)](#)
- s. 62B(5)(ca) inserted by [2023 c. 55 Sch. 17 para. 2\(5\)](#)
- s. 70(2)(azb) inserted by [2023 c. 55 Sch. 6 para. 3\(a\)](#)
- s. 70(3)(ca) inserted in earlier affecting provision 2016 c. 22, s. 5(8) by [2023 asc 3 Sch. 13 para. 194](#)
- s. 70(3A) inserted by [2017 c. 20 Sch. 3 para. 2](#)
- s. 70A(5A) inserted by [2023 c. 55 Sch. 6 para. 4\(a\)](#)
- s. 70A(10)(11) inserted by [2023 c. 55 s. 110\(4\)\(b\)](#)
- s. 70B(5A)(5B) inserted by [2023 c. 55 s. 110\(5\)\(b\)](#)
- s. 73B inserted by [2023 c. 55 s. 110\(2\)](#)
- s. 74(1C)(aa) inserted by [2023 c. 55 Sch. 6 para. 5\(b\)](#)
- s. 75ZA and cross-heading inserted by [2016 c. 22 s. 155](#)
- s. 83(1A)-(1C) amendment to earlier affecting provision 2004 c. 5, s. 45(2) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(1A)-(1C) inserted by [2004 c. 5 s. 45\(2\)](#)
- s. 83(2)-(2B) amendment to earlier affecting provision 2004 c. 5, s. 45(3) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(2)-(2B) substituted for s. 83(2) by [2004 c. 5 s. 45\(3\)](#)
- s. 83(4) inserted by [2004 c. 5 s. 45\(4\)](#)
- s. 85(1A) inserted by [2004 c. 5 s. 45\(6\)](#)
- s. 93(5)(6) inserted by [2017 c. 20 Sch. 3 para. 6](#)
- s. 94(1)(e) and word inserted by [2023 c. 55 Sch. 9 para. 1\(15\)](#)
- s. 102(1A) inserted by [2023 c. 55 Sch. 6 para. 9\(b\)](#)
- s. 106(1B) inserted by [2024 asc 3 s. 98\(2\)\(a\)](#)
- s. 106(9)(ab) inserted by [2024 asc 3 s. 98\(2\)\(b\)](#)
- s. 106(15) inserted by [2024 asc 3 s. 98\(2\)\(c\)](#)
- s. 106A(9A) inserted by [2023 c. 55 s. 125](#)
- s. 106A(11)(zaa) inserted by [2024 asc 3 s. 98\(3\)](#)
- s. 106D inserted by [2024 asc 3 s. 98\(5\)](#)
- s. 106ZA inserted by [2016 c. 22 s. 158\(1\)](#)
- s. 106ZB inserted by [2016 c. 22 s. 159\(1\)](#)
- s. 106ZB(2)(a) omitted by [2023 c. 55 s. 130\(3\)\(b\)](#)
- s. 108(1A)(1B) inserted by [2015 c. 7 Sch. 4 para. 15\(4\)](#)
- s. 108(3A) inserted by [2004 c. 5 Sch. 6 para. 6](#)
- s. 108(3B)(ba) inserted by [2015 c. 7 Sch. 4 para. 15\(6\)](#)
- s. 108(3B)(ba) word omitted by [2023 c. 55 Sch. 9 para. 1\(16\)\(d\)\(i\)](#)
- s. 108(3B)(bb) inserted by [2023 c. 55 Sch. 9 para. 1\(16\)\(d\)\(ii\)](#)
- s. 108(3DA) inserted by [2015 c. 7 Sch. 4 para. 15\(7\)](#)
- s. 108(3DB) inserted by [2023 c. 55 Sch. 9 para. 1\(16\)\(e\)](#)

- s. 141(6) inserted by 2017 c. 20 Sch. 3 para. 7
- s. 151(7B) inserted by 2024 asc 3 s. 99(4)
- s. 169(1)(a) words renumbered as s. 169(1)(a) by 2017 c. 20 s. 26(5)(a)
- s. 169(1)(b) inserted by 2017 c. 20 s. 26(5)(b)
- s. 169(7A)(7B) inserted by 2024 asc 3 s. 99(6)(a)
- s. 170(8D)-(8F) inserted by 2024 asc 3 s. 99(7)
- s. 170(8BA) inserted by 2017 c. 20 s. 26(6)
- s. 174(2AA)(b) words substituted by 2023 c. 55 s. 113(6)
- s. 208(5A) inserted by 2008 c. 29 Sch. 10 para. 9(2)
- s. 303(1ZZA) inserted by 2023 asc 3 Sch. 13 para. 87
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
- s. 303(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
- s. 303A(1A)(za) inserted by 2023 c. 55 Sch. 8 para. 7(2)(a)
- s. 303A(9B) inserted by 2023 c. 55 Sch. 8 para. 7(4)
- s. 303A(10)(za) inserted by 2023 c. 55 Sch. 8 para. 7(5)
- s. 303A(12) inserted by 2023 c. 55 Sch. 8 para. 7(6)
- s. 303ZB inserted by 2023 c. 55 s. 134
- s. 314A inserted by 2023 asc 3 Sch. 13 para. 90
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by 2023 c. 55 Sch. 9 para. 1(20)(a)
- s. 324(1A)(b) and word inserted by 2023 c. 55 Sch. 9 para. 1(20)(b)
- s. 333(3ZZAA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(b)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(3ZZA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(a)
- Sch. 1 para. 5(4) inserted by 2023 c. 55 Sch. 17 para. 2(7)(c)
- Sch. 1 para. 7(10)(10A) substituted for Sch. 1 para. 7(10) by 2023 c. 55 Sch. 8 para. 11(2)
- Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
- Sch. 4B para. 8(2)(fa) inserted by 2023 c. 55 s. 99(1)(b)
- Sch. 4B para. 8(2)(ca) inserted by 2023 c. 55 s. 102(2)(a)(ii)
- Sch. 4B para. 8(4A)(4B) inserted by 2023 c. 55 s. 102(2)(b)
- Sch. 4B para. 5(5)(za) inserted by 2023 c. 55 Sch. 6 para. 12(a)
- Sch. 4B para. 8(2)(da) inserted by 2023 c. 55 Sch. 6 para. 12(b)
- Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) by 2023 c. 55 s. 99(1)(a)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 9 para. 1(1A) inserted by 2023 c. 55 Sch. 6 para. 13(b)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24ZA inserted by 2024 asc 3 s. 99(2)(a)
- Sch. 13 para. 26 and cross-heading inserted by 2024 asc 3 s. 99(2)(b)
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)