



Town and Country Planning Act 1971

1971 CHAPTER 78

PART X

HIGHWAYS

Procedure for making and confirming orders

216 Procedure in anticipation of planning permission, etc.

- (1) Where the Secretary of State would, if planning permission for any development had been granted under Part III of this Act, have power to make an order under section 209 or 211 of this Act authorising the stopping-up or diversion of a highway in order to enable that development to be carried out, then, notwithstanding that such permission has not been granted, the Secretary of State may, in the circumstances specified in subsections (2) to (4) of this section, publish notice of the draft of such an order in accordance with section 215 of this Act.
- (2) The Secretary of State may publish such a notice as aforesaid where the relevant development is the subject of an application for planning permission and either—
 - (a) that application is made by a local authority or statutory undertakers or the National Coal Board; or
 - (b) that application stands referred to the Secretary of State in pursuance of a direction under section 35 of this Act; or
 - (c) the applicant has appealed to the Secretary of State under section 36 of this Act against a refusal of planning permission or of approval required under a development order, or against a condition of any such permission or approval.
- (3) The Secretary of State may publish such a notice as aforesaid where—
 - (a) the relevant development is to be carried out by a local authority, statutory undertakers or the National Coal Board and requires, by virtue of an enactment, the authorisation of a government department; and
 - (b) the developers have made application to the department for that authorisation and also requested a direction under section 40 of this Act or, in the case of

Status: This is the original version (as it was originally enacted).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

the National Coal Board, under section 2 of the Opencast Coal Act 1958, that planning permission be deemed to be granted for that development.

- (4) The Secretary of State may publish such a notice as aforesaid where the council of a county or county borough, the Greater London Council, the council of a London borough, a joint planning board, or the Inner London Education Authority certify that they have begun to take such steps, in accordance with regulations made by virtue of section 270 of this Act, as are requisite in order to enable them to obtain planning permission for the relevant development.
- (5) Section 215(5) of this Act shall not be construed as authorising the Secretary of State to make an order under section 209 or 211 of this Act of which notice has been published by virtue of subsection (1) of this section until planning permission is granted for the development which occasions the making of the order.