



Local Government, Planning and Land Act 1980

1980 CHAPTER 65

PART IX

TOWN AND COUNTRY PLANNING

Allocation of planning functions

86 Distribution of planning functions between planning authorities.

^{F1}(1)

^{F1}(2)

^{F2}(3)

^{F1}(4)

^{F2}(5)

^{F2}(6)

(7)

^{F3}(8) Subject to subsection (10) below, the provisions to which this subsection applies shall come into operation on the commencement date.

(9) The provisions to which subsection (8) above applies are—

(a) the general transfer provisions;

(b)

^{F4}(c) paragraph 4 of Schedule 15 below.

(10) A development order required to be made for the purposes of any of the provisions to which subsection (8) above applies may be made before the commencement date.

Status: Point in time view as at 01/05/1993.

Changes to legislation: Local Government, Planning and Land Act 1980, Part IX is up to date with all changes known to be in force on or before 17 May 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)

(11) In this section—

“the commencement date” means the date on which there expires the period of two months beginning with the day on which this Act is passed;

“the general transfer provisions” means—

- (a) subsections (1) to (4) above; and
- (b) paragraphs 12, 13, 15, 16 and 20 of Schedule 15 below;

^{F5}“transferred matter” means a matter which before the commencement date is a county matter, as defined in paragraph 32 of Schedule 16 to the ^{M1}Local Government Act 1972, but which ceases to be a county matter in consequence of the provisions of this Part of this Act.

Textual Amendments

- F1** Ss. 86(1)(2)(4), 89, 91(1) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**
- F2** S. 86(3)(5)(6) repealed (E.W.) by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**
- F3** Ss. 81, 86(7) repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**
- F4** S. 86(9)(b) repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**
- F5** Definition repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**

Marginal Citations

- M1** 1972 c. 70

Planning fees

[^{F6}87 Fees for planning applications etc.

- (1) The Secretary of State may by regulations make such provision as he thinks fit for the payment of a fee of the prescribed amount to ^{F7}. . . a planning authority in Scotland in respect of an application made to them under the planning enactments for any permission, consent, approval, determination or certificate.
- (2) Regulations under subsection (1) above may provide for the transfer—
 - (a)
 - ^{F8}(b) of prescribed fees received in respect of any application or class of applications by a district planning authority in Scotland to a regional planning authority where the regional planning authority have exercised the powers conferred upon them by section 179(1) of the ^{M2}Local Government (Scotland) Act 1973.
- (3) The Secretary of State may by regulations make such provision as he thinks fit for the payments
 - [^{F9}(a) of fees of prescribed amounts to him and to the planning authority in respect of any application for planning permission deemed to be made under subsection (7) of section 85 (appeals against enforcement notice) of the ^{M3}Town and Country Planning (Scotland) Act 1972; and

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- (b) of a fee of the prescribed amount to him in respect of any other]] application for planning permission which is deemed to be made to him under the planning enactments
- (4) Regulations under subsection (1) or (3) above may provide for the remission or refunding of a prescribed fee (in whole or in part) in prescribed circumstances.
- (5) Regulations under subsection (1) or (3) of this section shall be made by statutory instrument.
- (6) No such regulations shall be made unless a draft of the regulations has been laid before and approved by resolution of each House of Parliament.
- (7) Any sum paid to the Secretary of State under this section shall be paid into the Consolidated Fund.
- (8) In this section “the planning enactments” means—
- (a)
- ^{F8}(b) in Scotland, the ^{M4}Town and Country Planning (Scotland) Act 1972 and orders and regulations made under it,
- and “prescribed” means prescribed by regulations under subsection (1) or (3) of this section.
- ^{F10}(9) Without prejudice to the generality of subsection (1) above, the reference in that subsection to an application for any consent includes, in relation to a planning authority in Scotland, an application under section 56K(2) of the Town and Country Planning (Scotland) Act 1972 for the continuation of hazardous substances consent.]

Textual Amendments

- F6** S. 87 repealed (E.W.) by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, [Sch. 1 Pt. II](#)
- F7** Words repealed (S.) by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, [Sch. 1 Pt. III](#)
- F8** S. 87(2)(a), (8)(a) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, [Sch. 1 Pt. III](#)
- F9** S. 87(3)(a)(b) substituted (13.10.1991) for words in s. 87(3) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\)](#), s. 61, [Sch. 13](#), para. 45 (with s. 84(5)); S.I. 1991/2272, [art. 2\(b\)](#)
- F10** S. 87(9) inserted (1.5.1993) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 144, [Sch. 13 Pt. II para. 13](#); S.I. 1993/274, [art.3](#)

Marginal Citations

- M2** 1973 c. 65 (81:2)
- M3** 1972 c. 52.
- M4** 1972 c. 52 (123:1, 2).

^{F11}88

Textual Amendments

- F11** S. 88 repealed by [Housing and Planning Act 1986 \(c. 63, SIF 123:1\)](#), s. 49, [Sch. 12 Pt. III](#)

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F12⁸⁹

Textual Amendments
F12 Ss. 86(1)(2)(4), 89, 91(1) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 3, Sch. 1 Pt. I](#)

F13⁹⁰

Textual Amendments
F13 S. 90 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 3, Sch. 1 Pt. I](#)

Compulsory acquisition

91 Amendments relating to compulsory acquisition.

[^{F14}(1).....]

- (2) Where a compulsory purchase order has been made, or a binding contract has been entered into to acquire land, before the passing of this Act, sections 112 and 119 of the ^{M5}Town and Country Planning Act 1971 shall apply as they applied immediately before the passing of this Act, which shall for this purpose be treated as not having been passed.

Textual Amendments
F14 Ss. 86(1)(2)(4), 89, 91(1) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 3, Sch. 1 Pt. I](#)

Marginal Citations
M5 1971 c. 78.

Amendments of Town and Country Planning (Scotland) Act 1972

92 Town and Country Planning – Scotland.

- (1) In section 24 of the ^{M6}Town and Country Planning (Scotland) Act 19872 (notification of applications to owners and agricultural tenants) the following paragraph shall be inserted in place of paragraph (a) of subsection (1) :—
 - “(a) a certificate stating that at the beginning of a period of 21 days ending with the date of the application, no person (other than the applicant) was the owner of any of the land to which the application relates;”.
- (2) In subsection (7) of the said section 24 (definition of “owner”) for the words from “entitled” to “in the land” there shall be substituted the words “ who under the Lands Clauses Acts would be enables to sell and convey the land to the promoters of the

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undertaking and any person entitled to possession of the land as lessee under a lease the unexpired period of which is not less than seven years ”.

(3) Subsections (1) and (2) above shall not apply to an application for planning permission made before the commencement of this Act.

(4) The following subsections shall be substituted for section 102(1) of the ^{M7}Town and Country Planning (Scotland) Act 1972 (compulsory acquisition by local authorities of land for development etc.):—

“(1) A local authority to whom this subsection applies shall, on being authorised to do so by the Secretary of State, have the power to acquire compulsorily—

(a) any land within their area which is suitable for and is required in order to secure the carrying out of one or more of the following activities, namely, development, re-development and improvement;

(b) any land which is in their area and which is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

(1A) A local authority and the Secretary of State in considering for the purposes of subsection (1)(a) above whether land is suitable for development, re-development or improvement shall have regard—

(a) to the provisions of the development plan, so far as material;

(b) to whether planning permission for any development on the land is in force; and

(c) to any other consideration which, on an application for planning permission for development of the land, would be material for the purpose of determining that application.

(1B) Where a local authority exercise their powers under subsection (1) above in relation to any land, they shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily—

(a) any land adjoining that land which is required for the purposes of executing works for facilitating its development of use; or

(b) where the land forms part of a common or open space, any land which is required for the purpose of being given in exchange for the land which is being acquired.

(1C) It is immaterial by whom the local authority propose any activity or purpose mentioned in subsection (1) or (1B)(a) above is to be undertaken or achieved (and in particular the local authority need not propose to undertake that activity or achieve that purpose themselves).”.

(5) Where a compulsory purchase order has been made or missives have been entered into for the acquisition of land before the passing of this Act, sections 102 and 109 of the Town and Country Planning (Scotland) Act 1972 shall continue to apply as they applied immediately before the passing of this Act which shall for this purpose be treated as not having been passed.

(6) In section 113(6) of that Act after the words “section 102(1)(a)”, the words “to (c)” shall be omitted.

(7) In section 183(2)(d) of that Act (grounds of objection to blight notice) after the words “that” (where it first appears) there shall be inserted the words “ (in the case of land

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falling within paragraph (a) or (c) but not (e), (f) or (h) of section 181(1) of this Act” and for “ten” there shall be substituted “fifteen”.

- (8) Subsection (7) above does not apply to a counter notice served under the said section 183 before the passing of this Act.
- (9) Section 87 above extends to Scotland, and this section extends to Scotland only but, subject to that, this Part of this Act does not extend to Scotland.

Modifications etc. (not altering text)

C1 The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M6 1972 c. 52.

M7 1972 c. 52.

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