

SCHEDULES

SCHEDULE 15

Section 90.

FURTHER PLANNING AMENDMENTS

General Planning Control

- 1 In section 24(3) of the Town and Country Planning Act 1971 (by virtue of which a development order may be made either as a general order applicable (subject to such exceptions as may be specified therein) to all land, or as a special order applicable only to such land as may be so specified) after the words " such land " there shall be inserted the words " or descriptions of land ".
- 2 The following paragraph shall be substituted for subsection (1)(a) of section 27 of that Act (notification of applications to owners and agricultural tenants): —
 - “(a) a certificate stating that, at the beginning of the period of twenty-one 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;”.
- 3 In subsection (7) of that section (definition of "owner") for the words from " entitled " to " in the land " there shall be substituted the words " who is for the time being the estate owner in respect of the fee simple in the land or is entitled to a tenancy of the land granted or extended for a term of years certain of which not less than seven years remain unexpired ".
- 4 (1) The following paragraph shall be inserted after subsection (1)(d) of section 31 of that Act (directions etc. as to method of dealing with applications): —
 - “(dd) for requiring the local planning authority to give any applicant .for any consent, agreement or approval required by a condition imposed on a grant of planning permission notice of their decision on his application, within such time as may be so prescribed ;”.(2) In section 36(1) of that Act (appeal against planning decisions) for the words from " for planning " to " permission ", in the second place where it occurs, there shall be substituted the words—
 - “(a) for planning permission to develop land;
 - (b) for any consent, agreement or approval of that authority required by a condition imposed on a grant of planning permission; or
 - (c) for any approval of that authority required under a development order, and that permission, consent, agreement”.(3) In section 37 of that Act (appeal in default of planning decision) for the words from " an application " to " order ", in the first place where it occurs, there shall be substituted the words " any such application as is mentioned in section 36(1) of this Act is made to a local planning authority ".

Status: This is the original version (as it was originally enacted).

Listed buildings

5 The following section shall be inserted after section 54 of that Act: —

“54A Issue of certificate that building is not intended to be listed.

(1) Where—

- (a) application has been made for planning permission for any development involving the alteration, extension or demolition of a building; or
- (b) any such planning permission has been granted.

the issue by the Secretary of State, on the application of any person of a certificate stating that he does not intend to list the building shall have the effect specified in subsection (2) of this section.

(2) The effect of the issue under subsection (1) of this section of a certificate stating that the Secretary of State does not intend to list a building is to preclude him for a period of 5 years from the date of issue of the certificate, from exercising in relation to that building any of the powers conferred on him by section 54 of this Act, and to preclude the local planning authority from serving a notice in relation to it under section 58 of this Act.

(3) Notice of an application made under subsection (1) above shall be given to the local planning authority within whose area the building is situated at the same time that the application is submitted to the Secretary of State.

(4) In subsection (3) of this section "local planning authority" shall, in relation to a building in Greater London, include the Greater London Council.”

6 (1) In subsection (1) of section 55 of that Act (control of works for demolition, alteration or extension of listed buildings) for the words " this Part of this Act", in the second place where they occur, there shall be substituted the words " subsection (2) of this section ".

(2) The following subsection shall be inserted after subsection (2) of that section: —

“(2A) If written consent is granted by the local planning authority or the Secretary of State for the retention of works for the demolition of a listed building, or for its alteration or extension, which have been executed without consent under subsection (2) of this section, the works are authorised under this Part of this Act from the grant of the consent under this subsection.”.

(3) The following subsection shall be inserted after subsection (3) of that section: —

“(3A) Consent under subsection (2) or (2A) of this section is referred to in this Part of this Act as ' listed building consent.’”

7 Subsection (2) of section 56 of that Act (by virtue of which planning permission operates as listed building consent in certain cases) shall cease to have effect.

8 In subsection (3) of that section-

- (a) for the words " consists in or includes works for the alteration or extension of a listed building", there shall be substituted the words " affects a listed building or its setting " ;and
- (b) after the word " building ", in the third place where it occurs, there shall be inserted the words " or its setting ".

9 The following shall be substituted for the words in subsection (4) of that section (which specifies conditions that may be attached to a grant of planning permission which operates as listed building consent) from the beginning of the subsection to " subsection (2) of this section " : —

“(4) Listed building consent may be granted subject to conditions.

(4A) Without prejudice to the generality of subsection (4) of this section, the conditions subject to which listed building consent may be granted”.

10 The following subsection shall be substituted for subsection (5) of that section :—

“(5) Listed building consent for the demolition of a listed building may be granted subject to a condition that the building shall not be demolished before a contract for the carrying out of works of redevelopment of the site has been made, and planning permission has been granted for the redevelopment for which the contract provides.”

11 The following section shall be inserted after section 56 of that Act.

“56A Limit of duration of listed building consent.

(1) Subject to the provisions of this section, every listed building consent shall be granted subject to the condition that the works to which it relates must be begun not later than the expiration of—

- (a) five years beginning with the date on which the consent is granted; or
- (b) such other period (whether longer or shorter) beginning with the said date as the authority granting the consent may direct, being a period which the authority considers appropriate having regard to any material considerations.

(2) If listed building consent is granted without the condition required by subsection (1) of this section, it shall be deemed to have been granted subject to the condition that the works to which it relates must be begun not later than the expiration of five years beginning with the date of the grant.

(3) If listed building consent was granted before 1st January 1978 and without the condition required by subsection (1) of this section, it shall be deemed to have been granted subject to the condition that the works to which it relates must be begun not later than the expiration of three years beginning with the date on which paragraph 11 of Schedule 15 to the Local Government, Planning and Land Act 1980 came into force.

(4) If listed building consent was granted on or after 1st January 1978 but before the date on which paragraph 11 of Schedule 15 to the Local Government, Planning and Land Act 1980 came into force, and was granted without the condition required by subsection (1) of this section, it shall be deemed to have been granted subject to the condition that the works to which it relates must be begun not later than the expiration of five years beginning with the date on which the said paragraph 11 came into force.

(5) Nothing in this section applies to any consent to the retention of works granted under section 55(2A) of this Act.”.

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Building Preservation Notices

- 12 In section 58 of that Act (building preservation notice in respect of building not listed) the word " district" shall be substituted for the word " local " in subsections (1), (3), (5) and (6).

Tree Preservation Orders

- 13 (1) In section 60 of that Act (power of local planning authority to make tree preservation orders)—
- (a) in subsection (1), for the word "If" there shall be substituted the words " Subject to subsection (1A) below, if ";
 - (b) the following subsection shall be inserted after that subsection : —
 - “(1A) A county planning authority may only make an order under subsection (1) of this section—
 - (a) if they make it in pursuance of section 59(b) of this Act;
 - (b) if it relates to land which does not lie wholly within the area of a single district planning authority;
 - (c) if it relates to land in which the county planning authority hold an interest; or
 - (d) if it relates to land in a National Park.”;
 - (c) the following subsection shall be substituted for subsection (4):-
 - “(4) A tree preservation order shall not take effect until it is confirmed by the local planning authority and the local planning authority may confirm any such order either without modification or subject to such modifications as they consider expedient.”; and
 - (d) in subsection (5)—
 - (i) in paragraph (a), for the words "submitted to the Secretary of State for confirmation " there shall be substituted the words " confirmed by the local planning authority " ; and
 - (ii) in paragraph (b), for the words " the Secretary of State" there shall be substituted the words " the local planning authority ".
- (2) Nothing in sub-paragraph (1) above shall affect any order submitted to the Secretary of State for confirmation before the passing of this Act.

- 14 Section 61(3) of that Act (which gives the Secretary of State power to make regulations about provisional tree preservation orders) shall cease to have effect.

Advertisements

- 15 Sub-paragraph (2) of paragraph 25 of Schedule 16 to the Local Government Act 1972 (by virtue of which the power conferred by section 63 of the Town and Country Planning Act 1971 of defining areas of special control for the purpose of restricting or regulating the display of advertisements is exercisable both by county planning authorities and by district planning authorities) shall cease to have effect.

Notices as to Waste Land

- 16 In section 65(1) of the Town and Country Planning Act 1971 (under which a local planning authority may serve on the owner and occupier of a garden, vacant site or

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other open land a notice requiring the taking of steps for abating injury to amenity)

- (a) the words " district planning authority or the council of a London borough " shall be substituted for the words " local planning authority " ; and
- (b) the word "they" shall be substituted for the words " the authority ".

Listed building enforcement notices

17 The following section shall be inserted after section 99 of that Act: —

“99A Effect of listed building consent on listed building enforcement notice.

- (1) If, after the issue of a listed building enforcement notice, consent is granted under section 55(2A) of this Act for the retention of any work to which the listed building enforcement notice relates, the listed building enforcement notice shall cease to have effect in so far as it requires steps to be taken which would involve the works not being retained in accordance with the consent.
- (2) If the consent is granted so as to permit the retention of works without complying with some condition subject to which a previous listed building consent was granted, the listed building enforcement notice shall cease to have effect in so far as it requires steps to be taken for complying with that condition.
- (3) The preceding provisions of this section shall be without prejudice to the liability of any person for an offence in respect of a failure to comply with the listed building enforcement notice before the relevant provisions of that notice ceased to have effect.”.

Blight notices—objections

18 In section 194(2)(d) of that Act (grounds of objections to blight notice)—

- (a) after the word " that", in the first place where it occurs, there shall be inserted the words " (in the case of land falling within paragraph (a) or (c) but not (d), (e) or (f) of section 192(1) of this Act) " ; and
- (b) for the word "ten" there shall be substituted the word " fifteen ".

19 Paragraph 18 above applies (and applies only) to a counter-notice served under section 194 of the Town and Country Planning Act 1971 after the passing of this Act.

Footpaths and bridleways affected by development

20 The following subsection shall be inserted after subsection (4) of section 210 of that Act (footpaths and bridleways affected by development: orders by local planning authorities etc.): —

- “(5) Where the planning permission relates to a transferred matter, as defined in section 86(11) of the Local Government, Planning and Land Act 1980, but was granted by a county planning authority before the transfer date, as so defined, this section shall have effect in relation to it as if—
- (i) the words " the district planning " were substituted for the words " a competent " in subsections (1) and (2); and

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(ii) subsection (4) were omitted.”

Statutory undertakers

21 In section 224 of that Act (meaning of "the appropriate Minister" in relation to statutory undertakers) the following paragraph shall be inserted after subsection (1) (d): —

“(dd) in relation to statutory undertakers carrying on an undertaking for the supply of water, in the application of this Act to England, the Secretary of State for the Environment ;”.

Blight Notices—Advances

22 In section 256 of that Act (assistance for acquisition of property where objection made to blight notice in certain cases) for the words "as may be approved by the Secretary of State" there shall be substituted the words " as the council may think fit ".

Isles of Scilly

- 23 (1) Section 269 of that Act (application of Act to Isles of Scilly) shall apply to section 87 above as it applies to the provisions specified in Part I of Schedule 21 to that Act.
- (2) The reference to sections 6 to 21 of the Town and Country Planning Act 1971 in Part II of Schedule 21 to that Act shall include a reference to the sections inserted in that Act by section 88 of this Act.

Local planning authorities in Greater London

- 24 In Schedule 3 to that Act (local planning authorities in Greater London)—
- (a) in paragraph 4, the word " 58 " shall be omitted; and
- (b) the following paragraph shall be inserted after that paragraph:—
- “4A The Greater London Council shall, as respects any London borough, have concurrently with the council of that borough the functions of a district planning authority under section 58 of this Act.”.

Revocation of listed building consent

25 In paragraph 12(1) of Schedule 11 to that Act (which relates to orders revoking or modifying listed building consent) paragraph (b) and the word " and " immediately preceding it shall cease to have effect.

Conservation areas

- 26 (1) In section 277 of that Act (designation of conservation areas)—
- (a) in subsection (2) (which requires a local planning authority, within such period as the Secretary of State may from time to time direct, to review their past exercise of functions relating to the designation of conservation areas and to determine whether any further areas should be so designated) for the words " within such period as the Secretary of State may from time to time direct " there shall be substituted the words " from time to time " ; and

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- (b) subsection (5)(a) (by virtue of which a London borough is required to consult the Greater London Council before making a determination under the section) and subsection (5)(b) (by virtue of which a district planning authority are required to consult the county council before making a determination under the section) shall cease to have effect.
- (2) In section 277A of that Act (control of demolition in conservation areas) the following provisions namely—
- (a) subsection (3) (which requires an application for consent to the demolition of a building to which the section applies to be made as a separate application or as part of an application for planning permission to redevelop the site of the building, but provides that consent to demolition shall not be taken to have been given as part of planning permission for redevelopment of the site unless the appropriate authority states that it includes consent to demolish the building); and
- (b) in subsection (4) (which empowers the Secretary of State to direct that the section shall not apply to a description of buildings specified in the direction or to an individual building so specified), the words " or to an individual building so specified ",
- shall cease to have effect.
- (3) In section 277B(1) of that Act (which requires a local planning authority to formulate and publish, within such period as may from time to time be directed by the Secretary of State, proposals for the preservation and enhancement of any parts of their area which are conservation areas) for the words " within such period as may from time to time be directed by the Secretary of State " there shall be substituted the words " from time to time ".
- 27 The following subsections shall be substituted for section 10(1) of the Town and Country Planning (Amendment) Act 1972 (grants and loans for preservation or enhancement of character or appearance of conservation areas): —
- “(1) The Secretary of State may out of money provided by Parliament make grants or loans for the purpose of defraying in the whole or in part expenditure incurred or to be incurred in or in connection with, or with a view to the promotion of, the preservation or enhancement of the character or appearance of any conservation area or of any part of a conservation area, in any case where in his opinion the expenditure in question has made or will make a significant contribution towards preserving or enhancing the character or appearance of that area or part.
- (1A) In subsection (1) of this section "conservation area" means any area designated as a conservation area under section 277 of the Act of 1971 (areas of special architectural or historic interest).”.

Buildings in town schemes

- 28 The following section shall be inserted after section 10A of that Act: —

“10B Grants for repair of buildings in town schemes.

- (1) The Secretary of State may, out of money provided by Parliament, make grants for the purpose of defraying in whole or in part any expenditure incurred or to be incurred in the repair of a building which—

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- (a) is comprised in a town scheme; and
 - (b) appears to him to be of architectural or historic interest.
- (2) For the purposes of this section a building is comprised in a town scheme if—
 - (a) it is in an area designated as a conservation area under section 277 of the Act of 1971; and
 - (b) it is included in a town scheme list or shown on a town scheme map.
- (3) In subsection (2) above—
 - "town scheme list", means a list, compiled, after consultation with the appropriate advisory council, by the Secretary of State and one or more local authorities, of buildings which are to be the subject of a repair grant agreement; and
 - "town scheme map" means a map, prepared after such consultation by the Secretary of State and one or more local authorities, showing buildings which are to be the subject of such an agreement.
- (4) In subsection (3) above—
 - "repair grant agreement" means an agreement between the Secretary of State and any authority who have participated in the compilation of a town scheme list or the preparation of a town scheme map under which the Secretary of State and the authority or authorities who have so participated have agreed that a specified sum of money shall be set aside for a specified period of years for the purpose of making grants for the repair of the buildings included in the town scheme list or shown on the town scheme map..
- (5) A grant under this section may be made subject to conditions imposed by the Secretary of State for such purposes as he may think fit.
- (6) Subject to subsection (7) below, before making any grant under this section the Secretary of State may consult with the appropriate advisory Council, both as to the making of the grant and as to the conditions subject to which it should be made.
- (7) Subsection (6) above shall not apply where the making of a grant appears to the Secretary of State to be a matter of immediate urgency.
- (8) The Secretary of State may pay any grant under this section to an authority participating in a town scheme and may make arrangements with any such authority for the way in which the scheme is to be administered.
- (9) Arrangements under subsection (8) above may include such arrangements for the offer and payment of grants under this section as may be agreed between the Secretary of State and any authority or authorities participating in a town scheme.
- (10) Section 2 of the Local Authorities (Historic Buildings) Act 1962 (recovery of grants made by local authorities on disposal of property within three years) shall apply to a grant made by the Secretary of State under this section as it applies to a grant for the repair of property made by a local authority under that Act; and any reference to a local authority in that section shall accordingly be construed, in relation to a grant under this section, as a reference to the Secretary of State.

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(11) In this section—

" the appropriate advisory Council " means—

- (a) in relation to a building in England, the Historic Buildings Council for England ; and
- (b) in relation to a building in Wales, the Historic Buildings Council for Wales; and

" local authority " means—

- (a) a county council;
- (b) a district council;
- (c) a London borough council or the Common Council of the City of London;
- (d) the Greater London Council; and
- (e) the Council of the Isles of Scilly.”.