



Town and Country Planning Act 1990

1990 CHAPTER 8

PART XIV

FINANCIAL PROVISIONS

303 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 a local planning authority in respect of an application made to them under the planning Acts or any order or regulations made under them for any permission, consent, approval, determination or certificate.
- (2) Regulations under subsection (1) may provide for the transfer of prescribed fees received in respect of any description of application by an authority to whom applications fall to be made to any other authority by whom applications of that description fall to be dealt with.
- (3) The Secretary of State may by regulations make such provision as he thinks fit for the payment to him of a fee of the prescribed amount in respect of an application for planning permission which is deemed to be made to him under this Act or any order or regulations made under it.
- (4) Regulations under subsection (1) or (3) may provide for the remission or refunding of a prescribed fee (in whole or in part) in prescribed circumstances.
- (5) No such regulations shall be made unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament.
- (6) The reference to the planning Acts in subsection (1) does not include a reference to section 302 of this Act [^{F1}or the Planning (Hazardous Substances) Act 1990.]

Textual Amendments

F1 Words inserted (*prosp.*) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 144, [Sch. 13 para.](#)

10

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VALID FROM 01/10/2009

[^{F2}303ZA Fees for appeals

- (1) The appropriate authority may by regulations make provision for the payment of a fee to the appropriate authority in respect of an appeal to the appropriate authority under any provision made by or under—
 - (a) this Act;
 - (b) the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (2) The regulations may in particular—
 - (a) make provision as to when a fee payable under the regulations is to be paid;
 - (b) make provision as to how such a fee is to be calculated (including who is to make the calculation);
 - (c) prescribe circumstances in which such a fee is to be remitted or refunded (wholly or in part);
 - (d) prescribe circumstances in which no fee is to be paid;
 - (e) make provision as to the effect of paying or failing to pay a fee in accordance with the regulations.
- (3) A fee payable to the appropriate authority under regulations made under this section is payable—
 - (a) by the appellant;
 - (b) in addition to any fee payable to the appropriate authority under regulations made under section 303.
- (4) Regulations under this section may—
 - (a) contain incidental, supplementary, consequential, transitional and transitory provision and savings;
 - (b) in the case of regulations made by virtue of subsection (2)(e) or paragraph (a) of this subsection, amend, repeal or revoke any provision made by or under this Act or by or under any other Act.
- (5) In this section “the appropriate authority” means—
 - (a) the Secretary of State in relation to England;
 - (b) the Welsh Ministers in relation to Wales.
- (6) No regulations shall be made under this section unless a draft of the regulations has been laid before and approved by resolution of—
 - (a) each House of Parliament, in the case of regulations made by the Secretary of State;
 - (b) the National Assembly for Wales, in the case of regulations made by the Welsh Ministers.
- (7) Section 333(3) does not apply in relation to regulations made under this section by the Welsh Ministers.]

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Textual Amendments

- F2** S. 303ZA inserted (1.10.2009 for E. and otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), [ss. 200](#), [241](#) (with [s. 226](#)); [S.I. 2009/2260](#), [art. 4](#)

VALID FROM 08/11/1995

[^{F3}303A Responsibility of local planning authorities for costs of holding certain inquiries etc.

- (1) This section applies in any case where, at any time after its coming into force, the Secretary of State appoints any person to hold, or as one of the persons who are to hold, a qualifying inquiry, within the meaning of this section, that is to say—
 - (a) to hold a local inquiry or other hearing under section 16 or 42 or under paragraph 8(1)(a) of Schedule 7;
 - (b) to consider objections under paragraph 8(1)(b) of that Schedule; or
 - (c) to conduct an examination in public under section 35B(1);and the references in paragraphs (a) to (c) above to the enactments there mentioned include references to those enactments as from time to time amended, extended or applied by or under any other enactment whether before or after the coming into force of this section.
- (2) The Secretary of State may require the whole or any part of the costs borne by him in relation to the qualifying inquiry to be paid by the local planning authority causing the qualifying inquiry to be held.
- (3) The Secretary of State may cause the amount of any such costs to be certified; and any amount so certified and required by him to be paid by a local planning authority shall be recoverable from that authority as a civil debt.
- (4) What may be recovered under this section by the Secretary of State is the entire administrative cost of, or incidental to, the qualifying inquiry, so far as borne by him, including, in particular, such reasonable amount or element as he may determine in respect of the general staff costs and overheads of his department.
- (5) For the purposes of subsection (4), the Secretary of State may by regulations prescribe a standard daily amount in relation to any description of qualifying inquiry and any description of person appointed to hold it, or appointed as one of the persons who are to hold it; and where, in relation to a qualifying inquiry of that description, a person of that description is or has been so appointed, what may be recovered in respect of that qualifying inquiry by virtue of the appointment of that person (in addition to what may be recovered by virtue of the appointment of any other person) is—
 - (a) the prescribed standard amount from time to time applicable in the case of that qualifying inquiry and that person in respect of each day, or an appropriate proportion of that amount in respect of a part of a day, on which that person is engaged in the holding of, or is otherwise engaged on work connected with, the qualifying inquiry;
 - (b) any costs actually incurred on travelling or subsistence allowances payable to that person in connection with the qualifying inquiry;

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- (c) any costs attributable to the appointment of an assessor to assist that person (or, in a case where that person is appointed as one of the persons who are to hold the qualifying inquiry, an appropriate proportion of any costs attributable to the appointment of an assessor to assist those persons); and
 - (d) any other costs attributable to the appointment of that person.
- (6) The cost of, or incidental to, a qualifying inquiry which does not take place may be recovered by the Secretary of State from the local planning authority from which it would have been recoverable, had the qualifying inquiry taken place, to the same extent, and in the same way, as the cost of, or incidental to, a qualifying inquiry which does take place.
- (7) In the application of subsections (2) to (6) in relation to an examination in public under section 35B(1), there shall be left out of account any person—
 - (a) who is appointed to conduct, or is appointed as one of the persons who are to conduct, the examination; and
 - (b) whose remuneration, and travelling or subsistence allowances (if any), in respect of that appointment are (whether by agreement or arrangement or otherwise) to be paid to him by the local planning authority causing the examination to be held.
- (8) The Secretary of State may by regulations prescribe a standard daily amount in relation to any description of person who is appointed to conduct, or is appointed as one of the persons who are to conduct, an examination in public under section 35B(1) and whose remuneration, and travelling or subsistence allowances (if any), in respect of that appointment are to be paid as mentioned in subsection (7)(b); and where—
 - (a) a standard daily amount is so prescribed in relation to any description of person,
 - (b) a person of that description is or has been appointed to conduct, or is or has been appointed as one of the persons who are to conduct, such an examination, and
 - (c) the remuneration, and travelling or subsistence allowances (if any), of that person in respect of that appointment are to be paid as mentioned in subsection (7)(b),the amount of the remuneration so payable to that person by the local planning authority in question in respect of the appointment shall be the prescribed standard amount from time to time applicable in the case of that person in respect of each day, or an appropriate proportion of that amount in respect of a part of a day, on which that person is engaged in the conduct of, or is otherwise engaged on work connected with, that examination (whether that examination does or does not take place).
- (9) The Secretary of State may also by regulations under subsection (8) prescribe, in relation to any description of person, the rates or amounts of any travelling or subsistence allowances payable as mentioned in subsection (7)(b) by a local planning authority causing an examination in public under section 35B(1) to be held to a person of that description appointed to conduct, or appointed as one of the persons who are to conduct, the examination.
- (10) In this section—
 - (a) any reference to costs borne by the Secretary of State includes a reference to costs which, apart from this section, would fall, or would have fallen, to be borne by him; and

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(b) any reference to any remuneration or allowance being paid or payable to a person includes a reference to its being paid or payable for him.

(11) This section applies in relation to costs arising before, as well as costs arising after, its coming into force.]

Textual Amendments

F3 S. 303A inserted (8.11.1995) by 1995 c. 49, s. 1(1)

Modifications etc. (not altering text)

C1 S. 303A modified (8.11.1995) by 1995 c. 49, s. 1(2)(3)(4)
S. 303A restricted (8.11.1995) by 1995 c. 49, s. 2(14)

304 Grants for research and education.

The Secretary of State may, with the consent of the Treasury, make grants for assisting establishments engaged in promoting or assisting research relating to, and education with respect to, the planning and design of the physical environment.

VALID FROM 13/05/2004

[^{F4}304A Grants for advice and assistance

- (1) The appropriate authority may make grants for the purpose of assisting any person to provide advice and assistance in connection with any matter which is related to—
 - (a) the planning Acts;
 - (b) the Planning and Compulsory Purchase Act 2004;
 - (c) the enactments mentioned in subsection (2).
- (2) The enactments are enactments which relate to planning contained in the following Acts—
 - (a) the Planning and Compensation Act 1991;
 - (b) the Transport and Works Act 1992;
 - (c) the Environment Act 1995.
- (3) The appropriate authority may make a grant subject to such terms and conditions as it thinks appropriate.
- (4) Person includes a body whether or not incorporated.
- (5) The appropriate authority is—
 - (a) the Secretary of State in relation to England;
 - (b) the National Assembly for Wales in relation to Wales.]

Textual Amendments

F4 S. 304A inserted (13.5.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 115, 121 (with s. 111)

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305 Contributions by Ministers towards compensation paid by local authorities.

- (1) Where—
- (a) compensation is payable by a local authority under this Act in consequence of any decision or order to which this section applies, and
 - (b) that decision or order was given or made wholly or partly in the interest of a service which is provided by a government department and the cost of which is defrayed out of money provided by Parliament,
- the Minister responsible for the administration of that service may pay to that authority a contribution of such amount as he may with the consent of the Treasury determine.
- (2) This section applies to any decision or order given or made under Part III, the provisions of Part VI relating to purchase notices, Part VII, Part VIII or Schedule 5, 6 or 9.

306 Contributions by local authorities and statutory undertakers.

- (1) Without prejudice to section 274 of the ^{M1}Highways Act 1980 (contributions by local authorities to expenses of highway authorities), any local authority may contribute towards any expenses incurred by a local highway authority—
- (a) in the acquisition of land under Part IX of this Act or Chapter V of Part I of the ^{M2}Planning (Listed Buildings and Conservation Areas) Act 1990,
 - (b) in the construction or improvement of roads on land so acquired, or
 - (c) in connection with any development required in the interests of the proper planning of the area of the local authority.
- (2) Any local authority and any statutory undertakers may contribute towards—
- (a) any expenses incurred by a local planning authority in or in connection with the carrying out of a survey or the preparation of a unitary development plan or a local plan or the alteration, repeal or replacement of such a plan or a structure plan under Part II;
 - (b) any expenses incurred by a local planning authority or a mineral planning authority in or in connection with the performance of any of their functions under Part III, the provisions of Part VI relating to purchase notices, Part VII, Part VIII (except section 207), Part IX or Schedule 5 or 9.
- (3) Where any expenses are incurred by a local authority in the payment of compensation payable in consequence of anything done under Part III, the provisions of Part VI relating to purchase notices, Part VII, Part VIII, or Schedule 5 or 9, the Secretary of State may, if it appears to him to be expedient to do so, require any other local authority to contribute towards those expenses such sum as appears to him to be reasonable, having regard to any benefit accruing to that authority by reason of the proceeding giving rise to the compensation.
- (4) Subsection (3) shall apply in relation to payments made by a local authority to any statutory undertakers in accordance with financial arrangements to which effect is given under section 275(5)(c), as it applies in relation to compensation payable by such an authority in consequence of anything done under Part III, Part VIII or Schedule 5 or 9, and the reference in that subsection to the proceeding giving rise to the compensation shall be construed accordingly.
- (5) For the purposes of this section, contributions made by a local planning authority towards the expenditure of a joint advisory committee shall be deemed to be expenses

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incurred by that authority for the purposes for which that expenditure is incurred by the committee.

Marginal Citations

- M1 1980 c. 66.
M2 1990 c. 9.

307 Assistance for acquisition of property where objection made to blight notice in certain cases.

- (1) The council of a county, district or London borough may advance money to any person for the purposes of enabling him to acquire a hereditament or agricultural unit in respect of which a counter-notice has been served under section 151 specifying the grounds mentioned in subsection (4)(d) of that section as, or as one of, the grounds of objection.
- (2) No advance may be made under subsection (1) in the case of a hereditament if its annual value exceeds such amount as may be prescribed for the purposes of section 149(3)(a).
- (3) An advance under subsection (1) may be made subject to such conditions as the council may think fit.

308 Recovery from acquiring authorities of sums paid by way of compensation.

- (1) This section applies where—
 - (a) an interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers, and
 - (b) a notice is registered under section 110(2) or 132(1) in respect of any of the land acquired or sold (whether before or after the completion of the acquisition or sale) in consequence of a planning decision or order made before the service of the notice to treat, or the making of the contract, in pursuance of which the acquisition or sale is effected.
- (2) Where this section applies the Secretary of State shall, subject to the following provisions of this section, be entitled to recover from the acquiring authority a sum equal to so much of the amount of the compensation specified in the notice as (in accordance with section 110(5) or, as the case may be, section 132(4)) is to be treated as attributable to that land.
- (3) If, immediately after the completion of the acquisition or sale, there is outstanding some interest in the land acquired or sold to which a person other than the acquiring authority is entitled, the sum referred to in subsection (2) shall not accrue due until that interest either ceases to exist or becomes vested in the acquiring authority.
- (4) No sum shall be recoverable under this section in the case of a compulsory acquisition or sale where the Secretary of State is satisfied that the interest in question is being acquired for the purposes of the use of the land as a public open space.
- (5) Where the Secretary of State recovers a sum under this section in respect of any land by reason that it is land in respect of which a notice is registered under the provisions

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of section 110, section 112(11) to (13) shall have effect in relation to that sum as if it were a sum recovered as mentioned in section 112(11).

- (6) In this section and in section 309 “interest” (where the reference is to an interest in land) means the fee simple or a tenancy of the land and does not include any other interest in it.

309 Recovery from acquiring authorities of sums paid in respect of war-damaged land.

- (1) Where an interest in land is compulsorily acquired by, or sold to, an authority possessing compulsory purchase powers, and a payment exceeding £20 has become or becomes payable under section 59 of the 1947 Act in respect of that interest, the Secretary of State shall, subject to the following provisions of this section, be entitled to recover the amount of the payment from the acquiring authority.
- (2) If, before 18th November 1952, operations were begun in, on, over or under the land, or a use of the land was instituted, and—
- (a) a development charge has at any time been determined to be payable in respect of the operations or use, or it has at any time been determined that no development charge was payable; or
 - (b) the operations or use were comprised in a scheme of development exempt from development charge,
- subsection (1) shall not apply to so much of any payment referred to in that subsection as was attributable to any land in relation to which the determination was made or, as the case may be, which is included in that scheme of development.
- (3) No amount shall be recoverable under this section in respect of any land in relation to which an amount has become recoverable by the Secretary of State under the provisions of section 133 as applied by section 327.
- (4) If the acquisition or sale in question does not extend to the whole of the land to which the payment under section 59 of the 1947 Act related, the amount recoverable under this section shall be so much of that payment as in accordance with subsection (5) is to be treated as apportioned to the land in which the interest acquired or sold subsists.
- (5) For the purposes of this section a payment under section 59 of the 1947 Act shall be treated as apportioned, as between different parts of the land to which it related, in the way in which it might reasonably be expected to have been so apportioned if, under the scheme made under that section, the authority determining the amount of the payment had been required (in accordance with the same principles as applied to the determination of that amount) to apportion it between different parts of that land.
- (6) In this section references to a scheme of development exempt from development charge are references to a scheme of development such that, if the operations and uses of land comprised in the scheme had all been begun or instituted before 18th November 1952, all those operations and uses would have been exempt from the provisions of Part VII of the 1947 Act by virtue of regulations made under it.
- (7) References in this section to the amount of a payment shall be construed as including any interest payable on the principal amount of the payment.

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310 Sums recoverable from acquiring authorities reckonable for purposes of grant.

Where—

- (a) a sum is recoverable from any authority under section 308 or 309 by reference to an acquisition or purchase of an interest in land, and
- (b) a grant became or becomes payable to that or some other authority under an enactment in respect of that acquisition or purchase or of a subsequent appropriation of the land,

the power conferred by that enactment to pay the grant shall include, and shall be deemed always to have included, power to pay a grant in respect of that sum as if it had been expenditure incurred by the acquiring authority in connection with the acquisition or purchase.

311 Expenses of government departments.

- (1) The following expenses of the Secretary of State shall be paid out of money provided by Parliament—

- (a) any expenses incurred by the Secretary of State under subsection (5) of section 220 or in the payment of expenses of any committee established under that section;
- (b) any sums necessary to enable the Secretary of State to make any payments becoming payable by him under Part IV or V;
- (c) any expenses incurred by the Secretary of State under Part X;
- (d) any expenses incurred by the Secretary of State in the making of grants under section 304;
- (e) any administrative expenses incurred by the Secretary of State for the purposes of this Act.

- (2) There shall be paid out of money provided by Parliament any expenses incurred by any government department (including the Secretary of State)—

- (a) in the acquisition of land under Part IX;
- (b) in the payment of compensation under section 236(4), 279(2) or 325;
- (c) under section 240(1)(b); or
- (d) under section 305.

312 Payments under s. 59 of 1947 Act and Parts I and V of 1954 Act.

- (1) The Secretary of State shall pay out of money provided by Parliament any payments falling to be made by him on or after 1st April 1968 under—

- (a) section 59 of the 1947 Act (war-damaged land); or
- (b) any provision of Part I or Part V of the 1954 Act.

- (2) Any sums received by the Secretary of State by virtue of—

- (a) the provisions of section 133, as applied by virtue of Schedule 24 to the 1971 Act and Schedule 3 to the ^{M3}Planning (Consequential Provisions) Act 1990 to compensation paid under Part V of the 1954 Act; or
- (b) the provisions of section 308 as so applied,

shall be paid into the Consolidated Fund.

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Marginal Citations

M3 1990 c. 9.

313 General provision as to receipts of Secretary of State.

Without prejudice to section 312, and subject to the provisions of section 112, any sums received by the Secretary of State under any provision of this Act shall be paid into the Consolidated Fund.

314 Expenses of county councils.

The council of a county may direct that any expenses incurred by them under the provisions specified in Parts I and II of Schedule 16 shall be treated as special expenses of a county council chargeable upon such part of the county as may be specified in the directions.

Status:

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