



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART XV

#### MISCELLANEOUS AND GENERAL PROVISIONS

#### *[<sup>F1</sup>Determination of procedure*

##### Textual Amendments

- F1** S. 319A and preceding cross-heading inserted (6.4.2009 for certain purposes) by [Planning Act 2008](#) (c. 29), [ss. 196\(1\), 241](#) (with s. 226); [S.I. 2009/400](#), [art. 3](#) (with [art. 6\(2\)](#))

#### **319A** [<sup>F2</sup>Determination of procedure for certain proceedings: England]

- (1) The Secretary of State must make a determination as to the procedure by which proceedings to which this section applies are to be considered.
- (2) A determination under subsection (1) must provide for the proceedings to be considered in [<sup>F3</sup>such one or more of the following ways as appear] to the Secretary of State to be <sup>F4</sup>... appropriate—
  - (a) at a local inquiry;
  - (b) at a hearing;
  - (c) on the basis of representations in writing.
- (3) The Secretary of State must make a determination under subsection (1) in respect of proceedings to which this section applies before the end of the prescribed period.
- (4) A determination under subsection (1) may be varied by a subsequent determination under that subsection at any time before the proceedings are determined.
- (5) The Secretary of State must notify the appellant or applicant (as the case may be) and the local planning authority of any determination made under subsection (1).

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- (6) The Secretary of State must publish the criteria that are to be applied in making determinations under subsection (1).
- (7) This section applies to—
- <sup>F5</sup>(za) [ an application made to the Secretary of State under section 62A;]
  - (a) an application referred to the Secretary of State under section 77 instead of being dealt with by a local planning authority in England;
  - (b) an appeal under section 78 against a decision of a local planning authority in England;
  - <sup>F6</sup>(bza) [ an appeal under section 93I against a completion notice;]
  - <sup>F7</sup>(ba) [ an appeal under section 106BC (appeals in relation to applications for modification or discharge of affordable housing requirements);]
  - (c) an appeal under section 174 against an enforcement notice issued by a local planning authority in England;
  - (d) an appeal under section 195 against a decision of a local planning authority in England; [<sup>F8</sup>and]
  - (e) an appeal under section 208 against a notice under section 207(1) issued by a local planning authority in England [<sup>F9</sup>; and
  - (f) an application made to the Secretary of State under section 293D or 293E.]
- (8) But this section does not apply to proceedings if they are referred to a Planning Inquiry Commission under section 101; and on proceedings being so referred, any determination made in relation to the proceedings under subsection (1) of this section ceases to have effect.
- (9) The Secretary of State may by order amend subsection (7) to—
- (a) add proceedings to, or remove proceedings from, the list of proceedings to which this section applies, or
  - (b) otherwise modify the descriptions of proceedings to which this section applies.
- (10) An order under subsection (9) may—
- <sup>F10</sup>(a) .....
  - (b) amend, repeal or revoke any provision made by or under this Act or by or under any other Act.]

#### Textual Amendments

- F2** S. 319A title substituted (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), arts. 1(2), **2(1)**
- F3** Words in s. 319A(2) substituted (22.7.2020) by [Business and Planning Act 2020 \(c. 16\)](#), **ss. 20(1)(a), 25(4)**
- F4** Word in s. 319A(2) omitted (22.7.2020) by virtue of [Business and Planning Act 2020 \(c. 16\)](#), **ss. 20(1)(b), 25(4)**
- F5** S. 319A(7)(za) inserted (9.5.2013 for E. for specified purposes, 1.10.2013 for specified purposes, 1.10.2014 in so far as not already in force) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), s. 35(1), **Sch. 1 para. 11**; S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2
- F6** S. 319A(7)(bza) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(3), **Sch. 11 para. 11** (with s. 247)

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- F7** S. 319A(7)(ba) inserted (25.4.2013) by [Growth and Infrastructure Act 2013 \(c. 27\), s. 35\(2\), Sch. 2 para. 7](#)
- F8** Word in s. 319A(7)(d) omitted (26.12.2023 for specified purposes) by virtue of [Levelling-up and Regeneration Act 2023 \(c. 55\), s. 255\(3\), Sch. 10 para. 9\(a\)](#) (with s. 247)
- F9** S. 319A(7)(f) and word inserted (26.12.2023 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\), s. 255\(3\), Sch. 10 para. 9\(b\)\(c\)](#) (with s. 247)
- F10** S. 319A(10)(a) omitted (26.12.2023) by virtue of [Levelling-up and Regeneration Act 2023 \(c. 55\), ss. 130\(3\)\(g\), 255\(3\)\(a\)](#) (with s. 247)

### [<sup>F11</sup>319B] **Determination of procedure for certain proceedings: Wales**

- (1) The Welsh Ministers must make a determination as to the procedure by which proceedings to which this section applies are to be considered.
- (2) A determination under subsection (1) must provide for the proceedings to be considered in such one or more of the following ways as appear to the Welsh Ministers to be appropriate—
  - (a) at a local inquiry;
  - (b) at a hearing;
  - (c) on the basis of representations in writing.
- (3) The Welsh Ministers must make a determination under subsection (1) in respect of proceedings to which this section applies before the end of the prescribed period.
- (4) A determination under subsection (1) may be varied by a subsequent determination under that subsection at any time before the proceedings are determined.
- (5) The Welsh Ministers must notify the appellant or applicant (as the case may be) and the local planning authority of any determination made under subsection (1).

[ In a case where an application has been made to the Welsh Ministers under <sup>F12</sup>(5A) section 62D, 62M or 62O, they must also notify any representative persons they consider appropriate.]

- (6) The Welsh Ministers must publish the criteria which are to be applied in making determinations under subsection (1).
- (7) This section applies to—
  - [ <sup>F13</sup>(za) an application made to the Welsh Ministers under section 62D, including proceedings relating to any secondary consent in respect of which, by virtue of its connection to that application, section 62F(2) applies;
  - (zb) an application made to the Welsh Ministers under section 62M or 62O;
    - (a) an application referred to the Welsh Ministers under section 77;
    - (b) an appeal to the Welsh Ministers under section 78;
    - (c) an appeal to the Welsh Ministers under section 174;
    - (d) an appeal to the Welsh Ministers under section 195; and
    - (e) an appeal to the Welsh Ministers under section 208.
- (8) But this section does not apply to proceedings if they are referred to a Planning Inquiry Commission under section 101; and on proceedings being so referred, any determination made in relation to the proceedings under subsection (1) ceases to have effect.

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[ For the purposes of this section as it applies where an application has been made to <sup>F14</sup>(8A) the Welsh Ministers under section 62D, 62M or 62O—

“the local planning authority” means the local planning authority to which, but for the section in question, the application would have been made;

“representative persons” are prescribed persons, or persons of a prescribed description, who appear to the Welsh Ministers to be representative of interested persons;

“interested persons” are persons, other than the applicant and the local planning authority, who appear to the Welsh Ministers to have an interest in the proceedings.]

(9) The Welsh Ministers may by order amend subsection (7) to—

- (a) add proceedings to, or remove proceedings from, the list of proceedings to which this section applies, or
- (b) otherwise modify the descriptions of proceedings to which this section applies.

(10) An order under subsection (9) may—

- <sup>F15</sup>(a) .....
- (b) amend, repeal or revoke any provision made by or under this Act or by or under any other Act.

<sup>F16</sup>(11) ..... ]

#### Textual Amendments

- F11** S. 319B inserted (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), arts. 1(2), **2(1)**
- F12** S. 319B(5A) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 4 para. 20(2)**; S.I. 2016/52, art. 3(e)
- F13** S. 319B(7)(za)(zb) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 4 para. 20(3)**; S.I. 2016/52, art. 3(e)
- F14** S. 319B(8A) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 4 para. 20(4)**; S.I. 2016/52, art. 3(e)
- F15** S. 319B(10)(a) omitted (26.12.2023) by virtue of [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 130(3)(h)**, 255(3)(a) (with s. 247)
- F16** S. 319B(11) omitted (6.9.2015) by virtue of [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(a), **Sch. 7 para. 7(5)**

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

- C1** S. 319B applied (with modifications) (7.1.2019) by [The Sustainable Drainage \(Enforcement\) \(Wales\) Order 2018 \(S.I. 2018/1182\)](#), regs. 1(2), **17(2)**
- C2** S. 319B applied (with modifications) (7.1.2019) by [The Sustainable Drainage \(Appeals\) \(Wales\) Regulations 2018 \(S.I. 2018/1181\)](#), regs. 1(2), **9**

**Changes to legislation:**

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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. 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. 62(2A)(za) inserted by [2023 c. 55 s. 124\(2\)](#)
- 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. 106A(9A) inserted by [2023 c. 55 s. 125](#)
- 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. 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. 170(8BA) inserted by [2017 c. 20 s. 26\(6\)](#)

- s. 171A(2)(za) inserted by 2023 c. 55 s. 117(2)(a)
- s. 171B(1)(a)(b) substituted for words by 2023 c. 55 s. 115(1)
- s. 171B(2)(a)(b) substituted for words by 2023 c. 55 s. 115(2)
- s. 171E(8) inserted by 2023 c. 55 s. 116(3)
- s. 172ZA inserted by 2023 c. 55 s. 117(3)
- s. 174(2AA)(b) words substituted by 2023 c. 55 s. 113(6)
- s. 176(6) inserted by 2023 c. 55 s. 119(2)
- s. 188(1)(zb) inserted by 2023 c. 55 s. 117(4)(a)
- s. 195(3A) inserted by 2023 c. 55 s. 119(3)
- s. 196(1A) inserted by 2008 c. 29 Sch. 10 para. 8(2)
- s. 208(5A) inserted by 2008 c. 29 Sch. 10 para. 9(2)
- s. 216(2)(a)(b) substituted for words by 2023 c. 55 s. 120(2)(a)
- s. 216(6A) inserted by 2023 c. 55 s. 120(2)(c)
- 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. 327ZA applied (with modifications) by 1990 c. 10, s. 37 (as amended) by 2023 c. 55 s. 124(7)(a)
- s. 327ZA applied by 1990 c. 9, s. 89(1) (as amended) by 2023 c. 55 s. 124(5)(a)
- s. 327ZA inserted by 2023 c. 55 s. 124(1)
- s. 327ZA modified by 1990 c. 9, s. 89(1ZC) (as inserted) by 2023 c. 55 s. 124(5)(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. 7A para. 14(4) inserted by 2023 c. 55 s. 124(3)
- 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. 24A inserted by 2017 c. 20 s. 26(7)