



Town and Country Planning Act 1990

1990 CHAPTER 8

PART XV

MISCELLANEOUS AND GENERAL PROVISIONS

Local inquiries and other hearings

[^{F1}322A Orders as to costs: supplementary.

(1) This section applies where—

- (a) for the purposes of any proceedings [^{F2}in England] under this Act—
 - (i) the Secretary of State is required, before a decision is reached, to give any person an opportunity, or ask any person whether he wishes, to appear before and be heard by a person appointed by him; and
 - (ii) arrangements are made for a local inquiry or hearing to be held;
- (b) the inquiry or hearing does not take place; and
- (c) if it had taken place, the Secretary of State or a person appointed by him would have had power to make an order under section 250(5) of the ^{M1}Local Government Act 1972 requiring any party to pay any costs of any other party.

[This section also applies where—

- ^{F3}(1A) (a) arrangements are made for a local inquiry or a hearing to be held pursuant to a determination under section 319A;
- (b) the inquiry or hearing does not take place; and
- (c) if it had taken place, the Secretary of State or a person appointed by the Secretary of State would have had power to make an order under section 250(5) of the Local Government Act 1972 requiring any party to pay any costs of any other party.]

[[^{F5}This section also applies where—

- ^{F4}(1B) (a) arrangements are made for a local inquiry or a hearing to be held pursuant to a determination of the Welsh Ministers under section 319B;
- (b) the inquiry or hearing does not take place; and

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- (c) if it had taken place, the Welsh Ministers or a person appointed by the Welsh Ministers would have had power to make an order under section 250(5) of the Local Government Act 1972 requiring any party to pay any costs of any other party.]]
- (2) Where this section applies the power to make such an order may be exercised, in relation to costs incurred for the purposes of the inquiry or hearing, as if it had taken place.]
- [^{F6}(3) Where this section applies in the case of an inquiry or hearing which was to take place in England but did not, section 250(4) of that Act applies to costs incurred by the Secretary of State or a person appointed by the Secretary of State as if—
- (a) in the case of an inquiry, the inquiry had taken place;
- (b) in the case of a hearing, the hearing were an inquiry which had taken place.
- (4) In its application for that purpose, section 250(4) of that Act has effect as if—
- (a) after “the costs incurred by him in relation to the inquiry” there were inserted “, or such portion of those costs as he may direct, ”, and
- (b) after “the amount of the costs so incurred” there were inserted “ or, where he directs a portion of them to be paid, the amount of that portion ”.
- (5) Section 42 of the Housing and Planning Act 1986 (recovery of Minister's costs) applies to costs incurred in relation to a hearing of the kind referred to in subsection (1) or (1A) which was to take place in England but did not as it applies to costs incurred in relation to an inquiry which was to take place but did not.]

Textual Amendments

- F1** S. 322A inserted (2.1.1992 except for certain purposes which exception is *prosp.*) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **ss. 30(1)**, 84(2)-(4) (with s. 84(5)); S.I. 1991/2728, **art.3** (subject to art. 4)
- F2** Words in s. 322A(1)(a) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 5 para. 14(2)**; S.I. 2016/52, art. 4(a) (with art. 17)
- F3** S. 322A(1A) inserted (6.4.2009 for certain purposes and otherwise *prosp.*) by [Planning Act 2008 \(c. 29\)](#), ss. 196, 241, **Sch. 10 para. 11** (with s. 226); S.I. 2009/400, **art. 3**
- F4** S. 322A(1B) inserted (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), art. 1(2), **Sch. 1 para. 10**
- F5** S. 322A(1B) omitted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by virtue of [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 5 para. 14(3)**; S.I. 2016/52, art. 4(a) (with art. 17)
- F6** S. 322A(3)-(5) inserted (1.10.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 2(3)**, 35(1); S.I. 2013/2143, art. 2(b)

Modifications etc. (not altering text)

- C1** S. 322A amendment to earlier affecting provision 1990 c. 9, s. 89(1) (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), art. 1(2), **Sch. 1 para. 21**
- C2** S. 322A amendment to earlier affecting provision 1990 c. 10, s. 37 (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), art. 1(2), **Sch. 1 para. 28**
- C3** S. 322A applied (6.4.2011) by [The Marine Licensing \(Appeals Against Licensing Decisions\) \(Wales\) Regulations 2011 \(S.I. 2011/925\)](#), regs. 1(2), **18(3)**

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- C4** S. 322A applied (with application in accordance with reg. 2 11 of the amending S.I.) by [The Marine Licensing \(Licence Application Appeals\) Regulations 2011 \(S.I. 2011/934\)](#), regs. 1(b), **18(3)**
- C5** S. 322A applied (27.7.1992) by [S.I. 1992/1562](#), reg. 2, **Sch.**
S. 322A: power to apply conferred (10.11.1993) by 1993 c. 28, s. **171(4)(a)**; [S.I. 1993/2762](#), **art. 3**
S. 322A applied (with modifications) (1.6.1997) by [S.I. 1997/1160](#), **reg. 9(7)**
- C6** S. 322A applied (13.2.2004 for E. and 31.5.2005 for W.) by 1981 c. 69, **Sch. 15 para. 10A(3)** (as inserted by 2000 c. 37, ss. 51, 103(3)-(5), **Sch. 5 Pt. 1 para. 11(8)**; [S.I. 2004/292](#), **art. 2(d)(iii)** (with [art. 3\(1\)](#); [S.I. 2005/1314](#), **art. 2(a)(iii)**)
S. 322A applied (12.2.2003 for E. for certain purposes, 15.7.2005 for W. for certain purposes, 11.5.2006 for W. otherwise, and for E. otherwise prosp.) by 1980 c. 66, **Sch. 6 para. 2B(3)** (as inserted by 2000 c. 37, ss. 57, 103(3)-(5), **Sch. 6 para. 23(8)**; [S.I. 2003/272](#), **art. 2(p)**; [S.I. 2005/1314](#), **art. 3(d)(viii)(gg)**; [S.I. 2006/1279](#), **art. 2(l)(n)**)
S. 322A applied (30.1.2001) by 1981 c. 69, ss. **28F(11)**, 28L(13) (as substituted (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), **Sch. 9 para. 1**)
S. 322A applied (E.) (1.2.2002) by [S.I. 2001/3966](#), **art. 15(10)**
- C7** S. 322A applied (19.8.2002) by [The Environmental Impact Assessment \(Uncultivated Land and Semi-Natural Areas\)\(Wales\) Regulations 2002 \(S.I. 2002/2127\)](#), {reg. 15(10)} (with reg. 17)
S. 322A applied (E.) (1.10.2006) by [The Environmental Impact Assessment \(Agriculture\)\(England\) Regulations 2006 \(S.I. 2006/2362\)](#), {reg. 33(13)}
S. 322A applied (E.) (21.5.2007) by [Wildlife and Countryside Act 1981 \(c. 69\)](#), **Sch. 15 para. 10A(3)** (as inserted by [Countryside and Rights of Way Act 2000 \(c. 37\)](#), ss. 51, 103, **Sch. 5 para. 11**); [S.I. 2007/1493](#), **art. 2**)
S. 322A applied (W.) (31.10.2007) by [The Environmental Impact Assessment \(Agriculture\) \(Wales\) Regulations 2007 \(S.I. 2007/2933\)](#), **reg. 31(11)**

Marginal Citations

- M1** 1972 c. 70.

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