

SCHEDULES

SCHEDULE 7

PLANNING IN ENGLAND AND WALES: MINOR AND CONSEQUENTIAL AMENDMENTS

Schedules

- 53 (1) Schedule 1 is amended as follows.
- (2) For paragraph 3(1)(b) and (c) there is substituted—
“*(b)* applications for a certificate under section 191 or 192”.
- (3) In paragraph 4(2) for “such application relating” there is substituted “application for planning permission, for a certificate under section 191 or 192 or for consent to the display of advertisements under section 220, relating in each case”.
- (4) In paragraph 7(1) for “sections 70 and 71” there is substituted “section 70”.
- (5) For paragraph 8 there is substituted—
- “8 (1) A local planning authority who have the function of determining applications for planning permission shall, if requested to do so by the council of any parish or community situated in their area, notify the council of—
- (a) any relevant planning application; and
- (b) any alteration to that application accepted by the authority.
- (2) In sub-paragraph (1) “a relevant planning application” means an application which—
- (a) relates to land in the parish or community; and
- (b) is an application for—
- (i) planning permission; or
- (ii) approval of a matter reserved under an outline planning permission within the meaning of section 92.
- (3) Any request made for the purposes of sub-paragraph (1) shall be in writing and state that the council wishes to be notified of all relevant applications or all applications of a description specified in the request.
- (4) An authority shall comply with the duty to notify a council of an application by—
- (a) sending the council a copy of the application; or
- (b) indicating to the council the nature of the development which is the subject of the application and identifying the land to which it relates,
- and any notification falling within paragraph (b) shall be in writing.
- ”

Status: This is the original version (as it was originally enacted).

- (5) An authority shall comply with their duty to notify a council of an alteration by—
- (a) sending a copy of the alteration to the council; or
 - (b) informing the council in writing of its general effect,
- but they need not notify a council of an alteration which in their opinion is trivial.
- (6) A development order may require a local planning authority which is dealing with an application of which a council is entitled to be notified—
- (a) to give the council an opportunity to make representations to them as to the manner in which the application should be determined;
 - (b) to take into account any such representations;
 - (c) to notify the council of the terms of their decision or, where the application is referred to the Secretary of State, the date when it was so referred and, when notified to them, the terms of his decision.”
- (6) In paragraph 11(1)(b), after “serving” there is inserted “planning contravention notices under section 171C or” and after “section 183” there is inserted “or breach of condition notices under section 187A”.
- (7) After paragraph 12 there is inserted—
- “12A The functions of a local planning authority under section 187B are exercisable by any body having the function of taking enforcement action in respect of the breach in question”.
- (8) In paragraph 20, in sub-paragraph (1), for “100(3), 104(3) or 202(1)” there is substituted “100(3), 104(3), 196A(3), 202(1) or 214B(6)”.
- (9) For sub-paragraph (3) of that paragraph there is substituted—
- “(3) In relation to land in the area of a joint planning board, a person entering into a planning obligation under section 106 or 299A may identify the council of the county in which the land is situated as the authority by whom the obligation is enforceable.”
- 54 (1) Schedule 6 is amended as follows.
- (2) In paragraph 1(1), after “78” there is inserted “106B”.
- (3) In paragraph 2—
- (a) in sub-paragraph (1)(a), for “subsections (1) and (4)” there is substituted “subsections (1), (4) and (6A)”,
 - (b) after that sub-paragraph there is inserted—
 - “(aa) in relation to an appeal under section 106B, as he has under that section”;
 - (c) in sub-paragraph (1)(b), after “(2)” there is inserted “to (2A)”;
 - (d) in sub-paragraph (1)(c) “and subsection (5) of section 196” is omitted;
 - (e) in sub-paragraph (1)(d) for “and (8)” there is substituted “to (8A)”;
 - (f) in sub-paragraph (2) after “79(2)” there is inserted “106B(4)”; and
 - (g) in sub-paragraph (8) “or 290” is omitted.

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

- (4) In paragraphs 3(2) and 4(2) after “under” there is inserted “any provision of a development order made by virtue of”.
- 55 In Schedule 8, in paragraphs 3(2) and 4(5)(a) for “section 71(1) or (2)” there is substituted “any provision of a development order made by virtue of section 71(2)(a)”.
- 56 In Schedule 13, in paragraph 5, for “functions of a government department, local authority or statutory undertakers” there is substituted “such functions as are mentioned in paragraph 1(a)(i) or (ii).”
- 57 (1) Schedule 16 is amended as follows.
- (2) In Part I—
- (a) in the entry relating to sections 61 to 64 for “to 64” there is substituted “and 62”,
- (b) after the entry for section 70 there is inserted—
- “Section 70A.”,
- (c) after the entry relating to section 72(1) to (4) there is inserted—
- “Section 73A.”,
- (d) in the entry relating to section 77, “(2) and (9), 66 and 67” is omitted,
- (e) in the entry relating to sections 78 and 79, the words from “with” to the end are omitted,
- (f) for the entry relating to section 106 there is substituted—
- “Sections 106 to 106B.”,
- (g) after the entry relating to section 190 there is inserted—
- “Section 192.
- Sections 196A to 196C.”,
- (h) after the entry relating to section 211(4) there is inserted—
- “Sections 214A to 214D.”,
- (i) in the entry relating to section 285, “except subsections (5) and (6)” is omitted,
- (j) in the entry relating to section 296, for “sections 65 to 68” there is substituted “section 65”, and
- (k) for the entry relating to section 316 there is substituted—
- “Sections 316 and 316A.”
- (3) In Part II—
- (a) for the entries relating to sections 65 and 68 there is substituted—
- “Section 65.”,
- (b) in the entry for section 79 for “and” there is substituted “to”,
- (c) after the entry relating to section 166 there is inserted—
- “Sections 171A to 171D.”,

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

(d) for the entry relating to section 187 there is substituted—

“Sections 187 to 187B.”

(4) In Part III—

(a) for the first three entries there is substituted—

“Sections 109 to 112.”,

(b) the entries relating to sections 312(2) and 324(4) are omitted, and

(c) for the entry relating to sections 327 and 328 there is substituted—

“Section 328.”

(5) Parts IV and V are omitted.

(6) In Part VI—

(a) for the entries relating to sections 65 to 68 there is substituted—

“Section 65.”,

(b) in the entry relating to section 71 for “and (2)” there is substituted “(2) and (2A)”,

(c) for the entry relating to sections 290 and 291 there is substituted—

“Section 291.”, and

(d) in the entry relating to section 296 for “sections 65 to 68” there is substituted “section 65”.