

## SCHEDULE 20

### Further provision relating to waste

#### **Interpretation: specified functions**

- 2.—(1) In this Schedule, “specified functions” means—
- (a) in the case of an appropriate authority, its functions—
    - (i) under Part II of the Food and Environment Protection Act 1985(1), and
    - (ii) in relation to the determination of appeals against decisions of the Environment Agency in the exercise of its specified functions;
  - (b) in the case of the Environment Agency, its functions in relation to—
    - (i) consents under Chapter II of Part III of the Water Resources Act 1991(2) for a discharge of waste in liquid form other than waste waters,
    - (ii) authorisations under regulation 18 of the Groundwater Regulations 1998(3), and
    - (iii) notices under regulation 19 of the Groundwater Regulations 1998;
  - (c) in the case of a person appointed under section 114(1)(a) of the 1995 Act, his functions in relation to the determination of appeals against decisions of the Environment Agency in the exercise of its specified functions;
  - (d) in the case of a planning authority—
    - (i) determining an application for planning permission or an appeal made under section 78 of the Town and Country Planning Act 1990(4) relating to such a determination,
    - (ii) deciding whether to take action under section 141(2) or (3) or 177(1)(a) or (b) of the Town and Country Planning Act 1990(5), or under section 35(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990,
    - (iii) deciding whether to direct under section 90(1), (2) or (2A) of the Town and Country Planning Act 1990(6) that planning permission must be deemed to be granted,
    - (iv) deciding whether—
      - (aa) in making or confirming a discontinuance order, to include in the order any grant of planning permission, or
      - (bb) to confirm (with or without modifications) a discontinuance order insofar as it grants planning permission,and for the purposes of this sub-paragraph, “discontinuance order” means an order under section 102 of the Town and Country Planning Act 1990 (including an order made under that section by virtue of section 104 of that Act), or under paragraph 1 of Schedule 9 to that Act (including an order made under that paragraph by virtue of paragraph 11 of that Schedule)(7),

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(1) 1985, c. 48.

(2) 1991, c. 57.

(3) S.I.1998/2746.

(4) Section 78 was amended by the Planning and Compensation Act 1991 (c. 34), section 17(2) and the Planning and Compulsory Purchase Act 2004 (c. 5), sections 40(2)(e) and 43(2).

(5) Section 177 was amended by the Planning and Compensation Act 1991 (c. 34), section 32 and Schedule 7.

(6) Section 90(1) was amended by the Environment Act 1995, c. 25, section 78 and Schedule 10; Section 90(2A) was inserted by the Transport and Works Act 1992, c. 42, section 16(1).

(7) Section 102 was amended by the Planning and Compensation Act 1991 (c. 34), section 32 and Schedule 7; Section 102 and Paragraph 1 of Schedule 9 were amended by section 21 and Schedule 1 of that Act.

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

- (v) making a local development order under section 61A of the Town and Country Planning Act 1990<sup>(8)</sup>, and
  - (vi) discharging functions under Part II of the Town and Country Planning Act 1990, under parts 1 and 2 of and Schedule 8 to the Planning and Compulsory Purchase Act 2004 in relation to England or under part 6 of and Schedule 8 to the Planning and Compulsory Purchase Act 2004 in relation to Wales.
- (2) But a function which must be discharged by statutory instrument is not a specified function.

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<sup>(8)</sup> Section 61A was inserted by the Planning and Compulsory Purchase Act 2004 (c. 5), section 40(1).