



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART III

#### CONTROL OVER DEVELOPMENT

*[<sup>F1</sup>England: option to make application directly to Secretary of State]*

#### Textual Amendments

- F1** S. 62A cross-heading 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. 4](#); S.I. 2016/52, art. 3(e)

#### **[<sup>F2</sup>62A When application may be made directly to Secretary of State**

(1) A relevant application that would otherwise have to be made to the local planning authority may (if the applicant so chooses) be made instead to the Secretary of State if the following conditions are met at the time it is made—

- [<sup>F3</sup>(a) the local planning authority concerned is designated by the Secretary of State for applications of a description specified in the designation; and  
(b) the application falls within that description.]

[ Only prescribed descriptions of application may be specified in a designation under <sup>F4</sup>(1A) subsection (1).]

[<sup>F5</sup>(2) In this section “relevant application” means—

- (a) an application for planning permission, or permission in principle, for the development of land in England, or  
(b) an application for approval of a matter that, as defined by section 92, is a reserved matter in the case of an outline planning permission for the development of land in England,

but does not include an application of the kind described in section 73(1) or an application of a description excluded by regulations.]

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- (3) Where a relevant application is made to the Secretary of State under this section, an application under the planning Acts—
- (a) that is—
    - (i) an application for listed building consent <sup>F6</sup>... under the Planning (Listed Buildings and Conservation Areas) Act 1990, <sup>F7</sup>...  
[ an application for hazardous substances consent under the Planning <sup>F8</sup>(ia) (Hazardous Substances) Act 1990, or]
    - (ii) an application of a description prescribed by the Secretary of State,
  - (b) that is considered by the person making the application to be connected with the relevant application,
  - (c) that would otherwise have to be made to the local planning authority or hazardous substances authority,
  - (d) that is neither a relevant application nor an application of the kind described in section 73(1), and
  - (e) that relates to land in England,
- may (if the person so chooses) be made instead to the Secretary of State.
- (4) If an application (“the connected application”) is made to the Secretary of State under subsection (3) but the Secretary of State considers that it is not connected with the relevant application concerned, the Secretary of State may—
- (a) refer the connected application to the local planning authority, or hazardous substances authority, to whom it would otherwise have been made; and
  - (b) direct that the connected application—
    - (i) is to be treated as having been made to that authority (and not to the Secretary of State under this section), and
    - (ii) is to be determined by that authority accordingly.
- (5) The decision of the Secretary of State on an application made to the Secretary of State under this section shall be final.
- (6) The Secretary of State may give directions requiring a local planning authority or hazardous substances authority to do things in relation to an application made to the Secretary of State under this section that would otherwise have been made to the authority; and directions under this subsection—
- (a) may relate to a particular application or to applications more generally; and
  - (b) may be given to a particular authority or to authorities more generally.

#### Textual Amendments

- F2** Ss. 62A-62C inserted (9.5.2013 for E. for specified purposes, 1.10.2013 except in relation to s. 62A(3) (4), 25.4.2013, 1.10.2014 in so far as not already in force) by [Growth and Infrastructure Act 2013](#) (c. 27), **ss. 1(1), 35(2)**; S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2
- F3** S. 62A(1)(a)(b) substituted (12.7.2016) by [Housing and Planning Act 2016](#) (c. 22), **ss. 153(1)**, 216(2)(c)
- F4** S. 62A(1A) inserted (12.7.2016) by [Housing and Planning Act 2016](#) (c. 22), **ss. 153(2)**, 216(2)(c)
- F5** S. 62A(2) substituted (12.7.2016) by [Housing and Planning Act 2016](#) (c. 22), **ss. 153(3)**, 216(2)(c)
- F6** Words in s. 62A(3)(a)(i) omitted (12.7.2016) by virtue of [Housing and Planning Act 2016](#) (c. 22), **ss. 153(4)**, 216(2)(c)
- F7** Word in s. 62A(3)(a)(i) omitted (31.1.2024) by virtue of [Levelling-up and Regeneration Act 2023](#) (c. 55), **ss. 129(a)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 2(g)

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**F8** S. 62A(3)(a)(ia) inserted (31.1.2024) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 129(b), 255(3)(b)** (with s. 247); S.I. 2024/92, reg. 2(g)

## **62B Designation for the purposes of section 62A**

- (1) An authority may be designated for the purposes of section 62A only if—
- (a) the criteria that are to be applied in deciding whether to designate the authority are set out in a document to which subsection (2) applies,
  - (b) by reference to those criteria, the Secretary of State considers that there are respects in which the authority are not adequately performing their function of determining applications under this Part, and
  - (c) the criteria that are to be applied in deciding whether to revoke a designation are set out in a document to which subsection (2) applies.

[ A document to which subsection (2) applies may set out different criteria for each <sup>F9</sup>(1A) description of application prescribed under section 62A(1A).]

- (2) This subsection applies to a document if—
- (a) the document has been laid before Parliament by the Secretary of State,
  - (b) the 40-day period for the document has ended without either House of Parliament having during that period resolved not to approve the document, and
  - (c) the document has been published (whether before, during or after the 40-day period for it) by the Secretary of State in such manner as the Secretary of State thinks fit.
- (3) In this section “the 40-day period” for a document is the period of 40 days beginning with the day on which the document is laid before Parliament (or, if it is not laid before each House of Parliament on the same day, the later of the two days on which it is laid).
- (4) In calculating the 40-day period for a document, no account is to be taken of any period during which—
- (a) Parliament is dissolved or prorogued, or
  - (b) both Houses of Parliament are adjourned for more than four days.
- (5) None of the following may be designated for the purposes of section 62A—
- (a) the Homes and Communities Agency;
  - (b) the Mayor of London;
  - (c) a Mayoral development corporation;
  - (d) an urban development corporation.
- (6) The Secretary of State must publish (in such manner as the Secretary of State thinks fit)—
- (a) any designation of an authority for the purposes of section 62A, and
  - (b) any revocation of such a designation.

### **Textual Amendments**

**F2** Ss. 62A-62C inserted (9.5.2013 for E. for specified purposes, 1.10.2013 except in relation to s. 62A(3)(4), 25.4.2013, 1.10.2014 in so far as not already in force) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 1(1), 35(2)**; S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2

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**F9** S. 62B(1A) inserted (12.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 153(5), 216(2)(c)**

## **62C Notifying parish councils of applications under section 62A(1)**

- (1) If an application is made to the Secretary of State under section 62A(1) and a parish council would be entitled under paragraph 8 of Schedule 1 to be notified of the application were it made to the local planning authority, the Secretary of State must notify the council of—
  - (a) the application, and
  - (b) any alteration to the application accepted by the Secretary of State.
- (2) Paragraph 8(4) and (5) of Schedule 1 apply in relation to duties of the Secretary of State under subsection (1) as they apply to duties of a local planning authority under paragraph 8(1) [<sup>F10</sup>or (3B)] of that Schedule.
- (3) An authority designated for the purposes of section 62A must comply with requests from the Secretary of State for details of requests received by the authority under paragraph 8(1) of Schedule 1 [<sup>F11</sup>or notifications received by the authority under paragraph 8(3C) or (3D) of that Schedule].

### **Textual Amendments**

- F2** Ss. 62A-62C inserted (9.5.2013 for E. for specified purposes, 1.10.2013 except in relation to s. 62A(3) (4), 25.4.2013, 1.10.2014 in so far as not already in force) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 1(1), 35(2)**; S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2
- F10** Words in s. 62C(2) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), **ss. 2(11), 46(3)**; S.I. 2018/38, reg. 3(a)
- F11** Words in s. 62C(3) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), **ss. 2(12), 46(3)**; S.I. 2018/38, reg. 3(a)

**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. 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. 174(2AA)(b) words substituted by [2023 c. 55 s. 113\(6\)](#)

- s. 208(5A) inserted by 2008 c. 29 Sch. 10 para. 9(2)
- 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. 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. 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)