

*Changes to legislation:* Town and Country Planning Act 1990, Cross Heading: Planning and special control is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 1

#### LOCAL PLANNING AUTHORITIES: DISTRIBUTION OF FUNCTIONS

##### *Planning and special control*

- 3 (1) The functions of a local planning authority of determining—
- (a) applications for planning permission [<sup>F1</sup>or permission in principle];
    - [<sup>F2</sup>(aza) applications under section 74B;]
    - [<sup>F3</sup>(azb) applications for additional environmental approvals under section 93B;]
    - [<sup>F4</sup>(azc) applications for additional environmental approvals under section 93F;]
    - [<sup>F5</sup>(aa) applications for non-material changes to planning permission under section 96A;]
  - [<sup>F6</sup>(b) applications for a certificate under section 191 or 192]
- shall, subject to sub-paragraph (2), be exercised by the district planning authority.
- (2) The functions of a local planning authority of determining any such application as is mentioned in sub-paragraph (1) which [<sup>F7</sup>relates] to a county matter shall be exercised by the county planning authority.
- [<sup>F8</sup>(3) . . . . .
- [<sup>F8</sup>(4) . . . . .
- [<sup>F8</sup>(5) . . . . .
- [<sup>F8</sup>(6) . . . . .
- (7) The previous provisions of this paragraph shall not apply to applications relating to land in a National Park [<sup>F9</sup> . . . .

#### Textual Amendments

- F1** Words in Sch. 1 para. 3(1)(a) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 41\(2\)](#); S.I. 2016/733, reg. 3(d)
- F2** Sch. 1 para. 3(1)(aza) inserted (temp.) (28.7.2020) by virtue of [Business and Planning Act 2020 \(c. 16\)](#), [ss. 16\(4\)](#), 25(3)(a) (with s. 16(6))
- F3** Sch. 1 para. 3(1)(azb) inserted (temp.) (19.8.2020) by virtue of [Business and Planning Act 2020 \(c. 16\)](#), [ss. 17\(4\)](#), 25(3)(b) (with s. 17(6))
- F4** Sch. 1 para. 3(1)(azc) inserted (temp.) (19.8.2020) by virtue of [Business and Planning Act 2020 \(c. 16\)](#), [ss. 18\(4\)](#), 25(3)(b) (with s. 18(6))
- F5** Sch. 1 para. 3(1)(aa) inserted (1.10.2009) by [Planning Act 2008 \(c. 29\)](#), [ss. 190\(6\)](#), 241 (with s. 226); S.I. 2009/2260, [art. 3](#)
- F6** Sch. 1 para. 3(1)(b) substituted (27.7.1992) for para. 3(1)(b)(c) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 53\(2\)](#)(with s. 84(5)); S.I. 1992/1630, art. 2, [Sch. 1](#) (with art. 3(1))

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- F7** Word in Sch. 1 para. 3(2) substituted (25.11.1991 for certain purposes and otherwise 2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **ss. 19(2)(a), 84(2)-(4)**(with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1991/2905, **art. 3** (subject to art. 4)
- F8** Sch. 1 para. 3(3)-(6) omitted (25.11.1991 for certain purposes and otherwise 2.1.1992) by virtue of Planning and Compensation Act 1991 (c. 34, SIF 123:1), **ss. 19(2)(b), 84(2)-(4)(6)**, Sch. 19 Pt. I (with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1991/2905, **art. 3** (subject to art. 4)
- F9** Words in Sch. 1 para. 3(7) repealed (6.8.2004 for certain purposes, otherwise prosp .) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 120, 121, Sch. 6 para. 16(3), **Sch. 9** (with s. 111); S.I. 2004/2097, **art. 2**

4 <sup>F10</sup>(1) . . . . .

(2) Where any [<sup>F11</sup>application for planning permission [<sup>F12</sup>or permission in principle], for a certificate under section 191 or 192 or for consent to the display of advertisements under section 220, relating in each case] to land in a National Park or an application so relating for approval of a matter reserved under an outline planning permission within the meaning of section 92 falls to be determined by a [<sup>F13</sup>National Park authority]. . . , that authority shall before determining it consult with [<sup>F14</sup>any authority which (but for section 4A) would be <sup>F15</sup>. . . ] the district planning authority for the area in which the land to which the application relates is situated.

- Textual Amendments**
- F10** Sch. 1 para. 4(1) repealed (25.11.1991 for certain purposes, 2.1.1992 for other purposes and 6.4.1992 so far as not yet in force) by virtue of Planning and Compensation Act 1991 (c. 34, SIF 123:1), **ss. 19(2)(b), 84(6), Sch. 19 Pt. I** (with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1991/2905, **art. 3** (subject to art. 5); S.I. 1992/665, **art. 2**
  - F11** Words in Sch. 1 para. 4(2) substituted (2.1.1992 for certain purposes and 6.4.1992 otherwise) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 53(3)** (with s. 84(5)); S.I. 1991/2905, **art. 3, Sch. 1** (subject to art. 5); S.I. 1992/665, **art. 2**
  - F12** Words in Sch. 1 para. 4(2) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 41(3)**; S.I. 2016/733, **reg. 3(d)**
  - F13** Words in Sch. 1 para. 4(2) inserted (1.4.1997) by 1995 c. 25, s. 78, **Sch. 10 para. 23(14)(a)(i)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**); S.I. 1996/2560, **art. 2**
  - F14** Words in Sch. 1 para. 4(2) inserted (1.4.1997) by 1995 c. 25, s. 78, **Sch. 10 para. 32(14)(a)(ii)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**); S.I. 1996/2560, **art. 2**
  - F15** Words in Sch. 1 para. 4(2) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, **art. 2, Sch.**

5 (1) The Secretary of State may include in a development order such provisions as he thinks fit enabling a local highway authority to impose restrictions on the grant by the local planning authority of planning permission for the following descriptions of development relating to land in the area of the local highway authority—

- (a) the formation, laying out or alteration of any means of access to a road classified under section 12(3) of the <sup>M1</sup>Highways Act 1980 or section 27 of the <sup>M2</sup>Local Government Act 1966 or to a proposed road the route of which has been adopted by resolution of the local highway authority and notified as such to the local planning authority;
- (b) any other operations or use of land which appear to the local highway authority to be likely to result in a material increase in the volume of traffic entering or leaving such a classified or proposed road, to prejudice the

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improvement or construction of such a road or to result in a material change in the character of traffic entering, leaving or using such a road.

[<sup>F16</sup>(2) The reference to a local planning authority in sub-paragraph (1) is to be construed as including neither—

- (a) a reference to an urban development corporation who are the local planning authority by virtue of an order under section 149 of the Local Government, Planning and Land Act 1980, nor
- (b) a reference to a Mayoral development corporation which is the local planning authority by virtue of an order under section 198(2) of the Localism Act 2011,

and no provision of a development order which is included in it by virtue of that sub-paragraph is to be construed as applying to such a corporation.]

(3) The Secretary of State may include in a development order provision enabling a local highway authority to impose restrictions on the grant by an urban development corporation who are the local planning authority [<sup>F17</sup>, or by a Mayoral development corporation which is the local planning authority,] of planning permission for such descriptions of development as may be specified in the order.

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**Textual Amendments**

**F16** Sch. 1 para. 5(2) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), [Sch. 22 para. 36\(2\)](#)

**F17** Words in Sch. 1 para. 5(3) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), [Sch. 22 para. 36\(3\)](#)

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**Marginal Citations**

**M1** 1980 c. 66.

**M2** 1966 c. 42.

6 (1) A development order may also include provision requiring a county planning authority who are determining any application mentioned in paragraph 3 and relating to a county matter, or an application for approval of a matter reserved under an outline planning permission within the meaning of section 92 and so relating, to give the district planning authority for the area in which the land to which the application relates is situated an opportunity to make recommendations to the county planning authority as to the manner in which the application is determined, and to take into account any such recommendations.

(2) It may also include provision requiring a county or district planning authority who have received any application so mentioned or any application for such approval [<sup>F18</sup> . . .) to notify the district or, as the case may be, county planning authority 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.

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**Textual Amendments**

**F18** Words in Sch. 1 para. 6(2) repealed (1.4.1997) by [1995 c. 25](#), s. 120(3), [Sch. 24](#) (with ss. 7(6), 115, 117); [S.I. 1996/2560](#), art. 3, [Sch.](#)

[<sup>F19</sup>6A (1) This paragraph applies to the functions of local planning authorities under any of sections 61E to 61Q and Schedules 4B and 4C (neighbourhood development orders).

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- (2) Those functions are to be exercised by a district planning authority in any area of a non-metropolitan county.]

#### Textual Amendments

**F19** Sch. 1 para. 6A inserted (15.11.2011 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\), s. 240\(5\)\(j\)](#), [Sch. 9 para. 4](#); [S.I. 2012/628, art. 8\(a\)](#) (with [arts. 9, 12, 13, 16, 18-20](#)) (as amended (3.8.2012) by [S.I. 2012/2029, arts. 2, 4](#)); [S.I. 2012/2029, arts. 2, 3\(a\)](#) (with [art. 5](#)) (as amended (6.4.2013) by [S.I. 2013/797, art. 4](#)); [S.I. 2013/797, arts. 1\(2\), 2](#)

<sup>F207</sup> (1) A local planning authority must not determine an application for planning permission [<sup>F21</sup>or permission in principle] to which the consultation requirements apply unless it complies with sub-paragraph (7).

(2) The consultation requirements are—

- <sup>F22</sup>(a) .....
- (b) consultation by a district planning authority with the county planning authority for their area if the development is one to which sub-paragraph (4) applies.

<sup>F23</sup>(3) .....

(4) This sub-paragraph applies to—

- (a) a development which would materially conflict with or prejudice the implementation of a relevant county policy,
- (b) a development in an area in relation to which the county planning authority have given notice in writing to the district planning authority that development is likely to affect or be affected by the winning and working of minerals, other than coal,
- (c) a development of land in respect of which the county planning authority have given notice in writing to the district planning authority that they propose to carry out development,
- (d) a development which would prejudice a proposed development mentioned in paragraph (c) in respect of which notice has been given as so mentioned,
- (e) a development of land in relation to which the county planning authority have given notice in writing to the district planning authority that it is proposed to use the land for waste disposal, or
- (f) a development which would prejudice a proposed use mentioned in paragraph (e) in respect of which notice has been given as so mentioned.

(5) The consultation requirements do not apply—

- <sup>F24</sup>(a) .....
- (b) in respect of a development to which sub-paragraph (4) applies if the county planning authority gives a direction authorising the determination of the application without compliance with the requirements.

(6) A direction under sub-paragraph (5) may be given in respect of a particular application or a description of application.

(7) If the consultation requirements apply the local planning authority—

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- (a) must give notice to <sup>F25</sup>[<sup>F26</sup>the county planning authority] that they propose to consider the application,
  - (b) must send a copy of the application to <sup>F27</sup>[the county planning authority] , and
  - (c) must not determine the application until the end of such period as is prescribed by development order beginning with the date of the giving of notice under paragraph (a).
- (8) Sub-paragraph (7)(c) does not apply if before the end of the period mentioned in that sub-paragraph—
- (a) the local planning authority have received representations concerning the application from <sup>F28</sup>[the county planning authority] , or
  - (b) <sup>F28</sup>[the county planning authority] gives notice that it does not intend to make representations.
- <sup>F29</sup>(9) .....
- (10) A relevant county policy is—
- (a) a policy contained in a local development document which has been prepared in accordance with a minerals and waste scheme and submitted to the Secretary of State in pursuance of section 20(1) of the 2004 Act or adopted by the county planning authority in pursuance of section 23 of that Act, <sup>F30</sup> ...
  - <sup>F31</sup>(b) .....
- <sup>F32</sup>[<sup>F33</sup>(11)] .....
- (12) The 2004 Act is the Planning and Compulsory Purchase Act 2004.]]

#### Textual Amendments

- F20** Sch. 1 para. 7 substituted (6.8.2004 for certain purposes and 24.8.2005 for E. and otherwise prosp.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 120, 121, **Sch. 6 para. 16(4)** (with s. 111); [S.I. 2004/2097, art. 2](#); [S.I. 2005/2081, art. 2](#) (subject to savings in art. 4)
- F21** Words in Sch. 1 para. 7(1) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 12 para. 41(4)**; [S.I. 2016/733, reg. 3\(d\)](#)
- F22** Sch. 1 para. 7(2)(a) repealed (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), Sch. 8 para. 1(a), **Sch. 25 Pt. 15**
- F23** Sch. 1 para. 7(3) repealed (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), Sch. 8 para. 1(a), **Sch. 25 Pt. 15**
- F24** Sch. 1 para. 7(5)(a) repealed (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), Sch. 8 para. 1(a), **Sch. 25 Pt. 15**
- F25** Words in Sch. 1 para. 7(7)(a) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 85, 148, 149, **Sch. 5 para. 3(5)**; [S.I. 2009/3318, art. 4](#)
- F26** Words in Sch. 1 para. 7(7)(a) substituted (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), **Sch. 8 para. 1(b)**
- F27** Words in Sch. 1 para. 7(7)(b) substituted (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), **Sch. 8 para. 1(c)**
- F28** Words in Sch. 1 para. 7(8) substituted (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), **Sch. 8 para. 1(c)**
- F29** Sch. 1 para. 7(9) repealed (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), Sch. 8 para. 1(d), **Sch. 25 Pt. 15**
- F30** Word in Sch. 1 para. 7(10) repealed (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(q), **Sch. 25 Pt. 15**

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- F31** Sch. 1 para. 7(10)(b) repealed (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), Sch. 8 para. 1(d), [Sch. 25 Pt. 15](#)
- F32** Sch. 1 para. 7(11) repealed (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), Sch. 8 para. 1(d), [Sch. 25 Pt. 15](#)
- F33** Sch. 1 para. 7(11) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 85, 148, 149, [Sch. 5 para. 3\(7\)](#); S.I. 2009/3318, [art. 4](#)

- <sup>F34</sup> 8 (1) A local planning authority who have the function of determining applications for planning permission [<sup>F35</sup>or permission in principle] shall, if requested to do so by the council of any parish <sup>F36</sup> . . . 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 <sup>F36</sup> . . . ; and
  - (b) is an application for—
    - (i) planning permission [<sup>F37</sup>or permission in principle]; 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.
- [ Sub-paragraph (3B) applies to a local planning authority who have the function of
- <sup>F38</sup>(3A) determining applications for planning permission or permission in principle if—
- (a) there is a relevant neighbourhood development plan for a neighbourhood area all or part of which falls within the authority's area, and
  - (b) a parish council are authorised to act in relation to the neighbourhood area as a result of section 61F.
- (3B) The local planning authority must notify the parish council of—
- (a) any relevant planning application, and
  - (b) any alteration to that application accepted by the authority.
- (3C) Sub-paragraph (3B) does not apply if the parish council have notified the local planning authority in writing that they do not wish to be notified of any such application.
- (3D) If the parish council have notified the local planning authority in writing that they only wish to be notified under sub-paragraph (3B) of applications of a particular description, that sub-paragraph only requires the authority to notify the council of applications of that description.
- (3E) For the purposes of sub-paragraphs (3A) to (3D)—
- “neighbourhood area” means an area designated as such under section 61G;
- “relevant neighbourhood development plan” means—
- (a) a post-examination draft neighbourhood development plan as defined by section 70(3B) to (3F), or

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- (b) a neighbourhood development plan which forms part of a development plan by virtue of section 38(3) or (3A) of the Planning and Compulsory Purchase Act 2004 (plans which have been made or approved in a referendum);
- “relevant planning application” means an application which relates to land in the neighbourhood area and is an application for—
- (a) planning permission or permission in principle, or
- (b) approval of a matter reserved under an outline planning permission within the meaning of section 92.]
- (4) An authority shall comply with [<sup>F39</sup>a duty under this paragraph] 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.
- (5) An authority shall comply with [<sup>F40</sup>a duty under this paragraph] 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.]

#### Textual Amendments

- F34** Sch. 1 para. 8 substituted (2.1.1992 for certain purposes and otherwise 9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 53\(5\)](#)(with s. 84(5)); S.I. 1991/2905, art. 3, [Sch. 1](#) (subject to art. 5); S.I. 1992/2831, [art. 2](#) (with art. 3)
- F35** Words in Sch. 1 para. 8(1) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 41\(4\)](#); S.I. 2016/733, [reg. 3\(d\)](#)
- F36** Words in Sch. 1 para. 8(1)(2)(a) repealed (1.4.1996) by 1994 c. 19, ss. 20(4), 66(8), Sch. 6 Pt. II para. 24(15), [Sch. 18](#) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, [Sch. 1](#)
- F37** Words in Sch. 1 para. 8(2)(b)(i) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 41\(4\)](#); S.I. 2016/733, [reg. 3\(d\)](#)
- F38** Sch. 1 para. 8(3A)-(3E) 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\(3\)](#), 46(3); S.I. 2018/38, [reg. 3\(a\)](#)
- F39** Words in Sch. 1 para. 8(4) substituted (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\(4\)](#), 46(3); S.I. 2018/38, [reg. 3\(a\)](#)
- F40** Words in Sch. 1 para. 8(5) substituted (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\(5\)](#), 46(3); S.I. 2018/38, [reg. 3\(a\)](#)

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[<sup>F41</sup>8A (1) A local planning authority who have the function of determining applications for planning permission or permission in principle shall, if requested to do so by a neighbourhood forum for an area which (or any part of which) is situated in the authority's area, notify the neighbourhood forum of—

- (a) any relevant planning application; and
- (b) any alteration to that application accepted by the authority.

[ Sub-paragraph (1B) applies to a local planning authority who have the function of  
<sup>F42</sup>(1A) determining applications for planning permission or permission in principle if—

- (a) there is a relevant neighbourhood development plan for a neighbourhood area all or part of which falls within the authority's area, and
- (b) a neighbourhood forum are authorised to act in relation to the neighbourhood area as a result of section 61F.

(1B) The local planning authority must notify the neighbourhood forum of—

- (a) any relevant planning application, and
- (b) any alteration to that application accepted by the authority.

(1C) Sub-paragraph (1B) does not apply if the neighbourhood forum has notified the local planning authority in writing that it does not wish to be notified of any such application.

(1D) If the neighbourhood forum has notified the local planning authority in writing that it only wishes to be notified under sub-paragraph (1B) of applications of a particular description, that sub-paragraph only requires the authority to notify the forum of applications of that description.]

(2) In this paragraph—

[<sup>F43</sup>“neighbourhood area” means an area designated as such under section 61G;]

“neighbourhood forum” means an organisation or body designated as such under section 61F;

[<sup>F44</sup>“relevant neighbourhood development plan” means—

- (a) a post-examination draft neighbourhood development plan as defined by section 70(3B) to (3F), or
- (b) a neighbourhood development plan which forms part of a development plan by virtue of section 38(3) or (3A) of the Planning and Compulsory Purchase Act 2004 (development plans which have been approved in a referendum or made);]

“relevant planning application” means an application which—

- (a) relates to land in the area for which the neighbourhood forum is designated; and
- (b) is an application for—
  - (i) planning permission or permission in principle; or
  - (ii) approval of a matter reserved under an outline planning permission within the meaning of section 92.

(3) Sub-paragraphs [<sup>F45</sup>(3) and (4) to (6)] of paragraph 8 have effect for the purposes of this paragraph, any reference to a parish council being read as a reference to a neighbourhood forum.]



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**Textual Amendments**

- F41** Sch. 1 para. 8A inserted (1.10.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 142**, 216(3); S.I. 2016/733, reg. 4(1)(b)
- F42** Sch. 1 para. 8A(1A)-(1D) 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(7)**, 46(3); S.I. 2018/38, reg. 3(a)
- F43** Words in Sch. 1 para. 8A(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(8)(a)**, 46(3); S.I. 2018/38, reg. 3(a)
- F44** Words in Sch. 1 para. 8A(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(8)(b)**, 46(3); S.I. 2018/38, reg. 3(a)
- F45** Words in Sch. 1 para. 8A(3) substituted (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(9)**, 46(3); S.I. 2018/38, reg. 3(a)

9 (1) The functions of local planning authorities under the provisions of this Act relating to simplified planning zone schemes shall be exercised in non-metropolitan counties by the district planning authorities.

<sup>F46</sup>(2) .....

<sup>F46</sup>(3) .....

**Textual Amendments**

- F46** Sch. 1 para. 9(2)(3) repealed (25.11.1991 for certain purposes and otherwise 9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 28, 84(6), Sch. 5 Pt. II para.3, **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/2413, **art. 2** (with art. 3); S.I. 1992/2831, art. 2, **Sch.**

10 Elsewhere than in a National Park, the functions of a local planning authority under section [<sup>F47</sup>93H or] 94 shall be exercisable by the district planning authority, except that where the relevant planning permission was granted by the county planning authority, those functions, so far as relating to that permission, shall be exercisable by the county planning authority and also by the district planning authority after consulting the county planning authority.

**Textual Amendments**

- F47** Words in Sch. 1 para. 10 inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(3), **Sch. 11 para. 13** (with s. 247)

11 (1) The functions of a local planning authority of—  
(a) making orders under section 97 revoking or modifying planning permission [<sup>F48</sup>or permission in principle], or under section 102 requiring discontinuance of use, imposing conditions on continuance of use or requiring the alteration or removal of buildings or works, or  
(b) issuing enforcement notices under section 172 or serving [<sup>F49</sup>planning contravention notices under section 171C or] stop notices under section 183 [<sup>F50</sup>or breach of condition notices under section 187A],  
shall, subject to sub-paragraphs (2) to (4), be exercisable by the district planning authority.

*Changes to legislation: Town and Country Planning Act 1990, Cross Heading: Planning and special control is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (2) In a case where it appears to the district planning authority of a district in a non-metropolitan county that the functions mentioned in sub-paragraph (1) relate to county matters, they shall not exercise those functions without first consulting the county planning authority.
- (3) Subject to sub-paragraph (4), in a non-metropolitan county those functions shall also be exercisable by a county planning authority in a case where it appears to that authority that they relate to a matter which should properly be considered a county matter.
- (4) In relation to a matter which is a county matter by virtue of any of the provisions of paragraph 1(1)(a) to (h) the functions of a local planning authority specified in sub-paragraph (1)(b) shall only be exercisable by the county planning authority in their capacity as mineral planning authority.

**Textual Amendments**

**F48** Words in Sch. 1 para. 11(1)(a) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\), s. 216\(3\), Sch. 12 para. 41\(4\); S.I. 2016/733, reg. 3\(d\)](#)

**F49** Words in Sch. 1 para. 11(1)(b) inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 32, Sch. 7 para. 53\(6\)](#) (with s. 84(5)); S.I. 1991/2905, art. 3, [Sch. 1](#) (subject to art. 5)

**F50** Words in Sch. 1 para. 11(1)(b) inserted (27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 32, Sch. 7 para. 53\(6\)](#)(with s. 84(5)); S.I. 1992/1630, art. 2, [Sch. 1](#) (with art. 3(1))

- 12 In sections 178(1), 181(4)(b) and 190(2) to (5) any reference to the local planning authority shall be construed as a reference to the authority who issued the notice or made the order in question or, in the case of an notice issued or an order made by the Secretary of State, the authority named in the notice or order.
- <sup>F51</sup> [ 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]

**Textual Amendments**

**F51** Sch. 1 para. 12A inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 32, Sch. 7 para. 53\(7\)](#) (with s. 84(5)); S.I. 1991/2905, art. 3, [Sch.1](#) (subject to art. 5)

- 13 (1) [<sup>F52</sup>In the case of any area for which there is both a district planning authority and a county planning authority, the county planning authority] may only make a tree preservation order—
  - (a) if they make it in pursuance of section 197(b);
  - (b) if it relates to land which does not lie wholly within the area of a single district planning authority;
  - (c) if it relates to land in which the county planning authority hold an interest;  
<sup>F53</sup> . . .
  - (d) . . . . .
- (2) Where a local planning authority have made a tree preservation order under section 198 or the Secretary of State has made such an order by virtue of section 202, the powers of varying or revoking the order and the powers of dispensing with section 206 or serving, or appearing on an appeal relating to, a notice under

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section 207 shall be exercisable only by the authority who made the order or, in the case of an order made by the Secretary of State, the authority named in the order.

**Textual Amendments**

- F52** Words in Sch. 1 para. 13(1) substituted (1.4.1997) by 1995 c. 25, s. 78, **Sch. 10 para. 32(14)(b)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**); S.I. 1996/2560, **art. 2**
- F53** Sch. 1 para. 13(d) and word “or” preceding it repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, **art. 2, Sch.**

- 14 The functions of local planning authorities under sections 69, 211, 214, 220, 221, 224 and 225, and in non-metropolitan counties the functions under section 215, are exercisable by district planning authorities.
- 15 (1) The copy of the notice required to be served by paragraph 4(5) of Schedule 8 on a local planning authority shall, in the case of a proposal that a government department should give a direction under section 90(1) or that development should be carried out by or on behalf of a government department, be served on the local planning authority who, in the opinion of the Secretary of State, would have been responsible for dealing with an application for planning permission for the development in question if such an application had fallen to be made.
- (2) References in paragraphs 3(2) and 5(1) of that Schedule to the local planning authority shall be construed as references to the local planning authority on whom that copy is required to be served.

**Changes to legislation:**

Town and Country Planning Act 1990, Cross Heading: Planning and special control is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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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)