



# Planning Act 2008

## 2008 CHAPTER 29

### PART 6

#### DECIDING APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

### CHAPTER 2

#### THE PANEL PROCEDURE

##### *Panels*

#### **64 Panel for each application to be handled under this Chapter**

- (1) This Chapter applies where—
- (a) the [<sup>F1</sup>Secretary of State] accepts an application for an order granting development consent, and
  - (b) under section 61(2) or 62(2), it is decided that the application is to be handled by a Panel under this Chapter.
- (2) There is to be a Panel (referred to in this Chapter as “the Panel”) to handle the application.

#### **Textual Amendments**

- F1** Words in s. 64(1)(a) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 21](#); [S.I. 2012/628](#), art. 7(a)

#### **Commencement Information**

- I1** S. 64 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(d\)](#) (with [art. 6](#))

*Changes to legislation: Planning Act 2008, Cross Heading: Panels is up to date with all changes known to be in force on or before 09 April 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*

## 65 Appointment of members, and lead member, of Panel

[<sup>F2</sup>(1) The Secretary of State must appoint—

- (a) [<sup>F3</sup>two,] three, four or five persons to be members of the Panel, and
- (b) one of those persons to chair the Panel.]

(2) In this Chapter “the lead member” means the person who for the time being is appointed to chair the Panel.

<sup>F4</sup>(3) .....

<sup>F4</sup>(4) .....

<sup>F4</sup>(5) .....

### Textual Amendments

- F2** S. 65(1) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 22\(2\)](#); [S.I. 2012/628](#), art. 7(a)
- F3** Word in [s. 65\(1\)\(a\)](#) inserted (5.4.2017) by [Infrastructure Act 2015 \(c. 7\)](#), [ss. 27\(1\)](#), 57(5)(a); [S.I. 2017/315](#), reg. 2
- F4** S. 65(3)-(5) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 22\(3\)](#), [Sch. 25 Pt. 20](#); [S.I. 2012/628](#), art. 7

### Commencement Information

- I2** S. 65 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(d\)](#) (with art. 6)

## 66 Ceasing to be member, or lead member, of Panel

<sup>F5</sup>(1) .....

(2) The person appointed to be the lead member ceases to hold that office if the person ceases to be a member of the Panel.

(3) A person may resign from membership of the Panel by giving notice in writing to the [<sup>F6</sup>Secretary of State].

(4) The lead member may resign that office, without also resigning from membership of the Panel, by giving notice in writing to the [<sup>F7</sup>Secretary of State].

(5) The [<sup>F8</sup>Secretary of State]—

- (a) may remove a person (“the Panel member”) from membership of the Panel if the [<sup>F9</sup>Secretary of State] is satisfied that the Panel member is unable, unwilling or unfit to perform the duties of Panel membership;
- (b) may remove the lead member from that office, without also removing the lead member from membership of the Panel, if the [<sup>F10</sup>Secretary of State] is satisfied that the lead member is unable, unwilling or unfit to perform the duties of the office.

### Textual Amendments

- F5** S. 66(1) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 23\(2\)](#), [Sch. 25 Pt. 20](#); [S.I. 2012/628](#), art. 7

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- F6** Words in s. 66(3) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 23(3)**; [S.I. 2012/628](#), art. 7(a)
- F7** Words in s. 66(4) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 23(3)**; [S.I. 2012/628](#), art. 7(a)
- F8** Words in s. 66(5) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 23(4)(a)**; [S.I. 2012/628](#), art. 7(a)
- F9** Words in s. 66(5)(a) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 23(4)(b)**; [S.I. 2012/628](#), art. 7(a)
- F10** Words in s. 66(5)(b) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 23(4)(b)**; [S.I. 2012/628](#), art. 7(a)

#### Commencement Information

- I3** S. 66 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(d)** (with **art. 6**)

### <sup>F11</sup>67 Panel member continuing though ceasing to be Commissioner

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#### Textual Amendments

- F11** S. 67 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 24**, **Sch. 25 Pt. 20**; [S.I. 2012/628](#), art. 7

### 68 Additional appointments to Panel

- (1) Subsections (2) and (3) apply at any time after the initial members of the Panel have been appointed under section 65(1)(a).
- [<sup>F12</sup>(2) The Secretary of State may appoint a person to be a member of the Panel, but this power may not be exercised so as to cause the Panel to have more than five members.]
- (3) If at any time the Panel has only <sup>F13</sup>... a single member, it is the duty of the [<sup>F14</sup>Secretary of State] to ensure that the power under subsection (2) is exercised so as to secure that the Panel again has at least [<sup>F15</sup>two] members.
- (4) A person appointed under subsection (2) becomes a member of the Panel in addition to any person who is otherwise a member of the Panel.
- <sup>F16</sup>(5) .....

#### Textual Amendments

- F12** S. 68(2) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 25(2)**; [S.I. 2012/628](#), art. 7(a)
- F13** Words in s. 68(3) omitted (5.4.2017) by virtue of [Infrastructure Act 2015 \(c. 7\)](#), **ss. 27(2)(a)**, 57(5)(a); [S.I. 2017/315](#), reg. 2
- F14** Words in s. 68(3) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 25(3)**; [S.I. 2012/628](#), art. 7(a)
- F15** Word in s. 68(3) substituted (5.4.2017) by [Infrastructure Act 2015 \(c. 7\)](#), **ss. 27(2)(b)**, 57(5)(a); [S.I. 2017/315](#), reg. 2
- F16** S. 68(5) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 25(4)**, **Sch. 25 Pt. 20**; [S.I. 2012/628](#), art. 7

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#### Commencement Information

**I4** S. 68 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(d\)](#) (with [art. 6](#))

### 69 Replacement of lead member of Panel

- (1) Subsection (2) applies where a person ceases to hold the office of lead member.
- (2) The [<sup>F17</sup>Secretary of State] must appoint a member of the Panel to chair the Panel.
- (3) A person may be appointed under subsection (2) even though that person was not a member of the Panel when the vacancy arose.

<sup>F18</sup>(4) .....

#### Textual Amendments

**F17** Words in [s. 69\(2\)](#) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 13 para. 26\(2\)](#); [S.I. 2012/628](#), [art. 7\(a\)](#)

**F18** [S. 69\(4\)](#) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 13 para. 26\(3\)](#), [Sch. 25 Pt. 20](#); [S.I. 2012/628](#), [art. 7](#)

#### Commencement Information

**I5** S. 69 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(d\)](#) (with [art. 6](#))

### <sup>F19</sup>70 Membership of Panel where application relates to land in Wales

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#### Textual Amendments

**F19** [S. 70](#) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 13 para. 27](#), [Sch. 25 Pt. 20](#); [S.I. 2012/628](#), [art. 7](#)

### 71 Supplementary provision where Panel replaces single [<sup>F20</sup>appointed person]

- (1) Subsections (2) and (3) apply where this Chapter applies as the result of a decision under section 62(2).
- (2) [<sup>F21</sup>An appointed person] —
  - (a) may be appointed under section 65(1)(a) or 68(2) as a member of the Panel, and
  - (b) if a member of the Panel, may be appointed under section 65(1)(b) or 69(2) to chair the Panel.
- (3) The Panel may, so far as it thinks appropriate, decide to treat things done by or in relation to [<sup>F22</sup>an appointed person] in proceedings under Chapter 3 on the application as done by or in relation to the Panel.
- (4) Where the Panel makes a decision under subsection (3), the lead member is under a duty to ensure that the membership of the Panel has the necessary knowledge of the proceedings under Chapter 3 on the application.

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[<sup>F23</sup>(5) In this section “appointed person” means a person appointed to handle the application under Chapter 3.]

#### Textual Amendments

- F20** Words in s. 71 heading substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 28(5)**; [S.I. 2012/628](#), art. 7(a)
- F21** Words in s. 71(2) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 28(2)**; [S.I. 2012/628](#), art. 7(a)
- F22** Words in s. 71(3) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 28(3)**; [S.I. 2012/628](#), art. 7(a)
- F23** [S. 71\(5\)](#) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 28(4)**; [S.I. 2012/628](#), art. 7(a)

#### Commencement Information

- I6** S. 71 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(d)** (with [art. 6](#))

## 72 Panel ceasing to have any members

- (1) If the Panel ceases to have any members, a new Panel must be constituted under section 65(1).
- (2) At times after the new Panel has been constituted (but subject to the further application of this subsection in the event that the new Panel ceases to have any members), references in this Chapter to the Panel are to be read as references to the new Panel.
- (3) The new Panel may, so far as it thinks appropriate, decide to treat things—
  - (a) done by or in relation to a previous Panel appointed to handle the application, or
  - (b) treated under section 71(3) as done by or in relation to a previous Panel appointed to handle the application,as done by or in relation to the new Panel.
- (4) Where the Panel makes a decision under subsection (3), the lead member is under a duty to ensure that the membership of the Panel has the necessary knowledge of the proceedings on the application up until the reconstitution of the Panel.
- (5) The power under section 68(2) is not exercisable at times when the Panel has no members.

#### Commencement Information

- I7** S. 72 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(d)** (with [art. 6](#))

## 73 Consequences of changes in Panel

- (1) The Panel's continuing identity is to be taken not to be affected by—
  - (a) any change in the membership of the Panel;
  - (b) the Panel's coming to have only <sup>F24</sup>... a single member;
  - (c) any change in the lead member;

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- (d) a vacancy in that office.
- (2) When there is a change in the membership of the Panel, the lead member is under a duty to ensure that the membership of the Panel after the change has the necessary knowledge of the proceedings on the application up until the change.
- (3) Subsection (2) does not apply where the change occurs as a result of the Panel being reconstituted as required by section 72(1).

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#### Textual Amendments

- F24** Words in s. 73(1)(b) omitted (5.4.2017) by virtue of [Infrastructure Act 2015 \(c. 7\)](#), **ss. 27(3)**, 57(5)(a); [S.I. 2017/315](#), reg. 2
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#### Commencement Information

- I8** S. 73 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(d)** (with [art. 6](#))

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 10A inserted by [2023 c. 55 Sch. 12 para. 1](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 223(1)(za) inserted by [2023 c. 55 s. 139\(6\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)