
STATUTORY INSTRUMENTS

1992 No. 1492

The Town and Country Planning General Regulations 1992

Land of interested planning authorities and development by them

Application of provisions of the 1990 Act

2.—(1) Subject to paragraph (2), in relation to—

(a) land of an interested planning authority other than—

(i) land any part of which is within a National Park and which is land of a planning authority which is a non-metropolitan district council, and

(ii) land in respect of which an urban development corporation is a local planning authority and which is vested in another local planning authority, and

(b) development of any land by an interested planning authority or such authority jointly with any person other than development (whether or not jointly with any person)—

(i) by an interested planning authority which is a non-metropolitan district council of land any part of which is in a National Park, and

(ii) another local planning authority of land in respect of which an urban development corporation is a local planning authority,

the provisions of Parts III VII and VIII of the 1990 Act, other than sections 76, 90(2), (5) and 223, shall apply subject to regulations 3 to 11 below.

(2) In the case of land falling within paragraph (1)(a)(i) the provisions of Part VIII of the 1990 Act apply subject to regulation 11.

Applications for planning permission

3. Subject to regulation 4, an application for planning permission by an interested planning authority to develop any land of that authority, or for development of any land by an interested planning authority or by an interested planning authority jointly with any other person, shall be determined by the authority concerned, unless the application is referred to the Secretary of State under section 77 of the 1990 Act for determination by him.

4.—(1) Regulation 3 does not apply in the case of an application for planning permission to develop land of an interested planning authority where—

(a) the authority do not intend to develop the land themselves or jointly with any person, and

(b) if it were not such land the application would fall to be determined by another body.

(2) In the case of an application to which paragraph (1) applies the application shall be determined by that other body unless the application is referred to the Secretary of State under section 77 of the 1990 Act for determination by him.

Modifications and exceptions to Part III of the 1990 Act

5.—(1) In the case of applications for planning permission for development to which regulation 3 applies—

- (a) sections 70A, 78 and 79 shall not apply;
- (b) sections 94 and 95 shall not apply except to the extent that they apply to a completion notice served under section 96 by the Secretary of State; and
- (c) the provisions of Part III of the 1990 Act listed in the first column of Schedule 1 to these Regulations shall have effect subject to the modifications in the second column of that Schedule.

(2) If an application for planning permission for development to which regulation 3 applies is referred to the Secretary of State under section 77 of the 1990 Act for determination by him that section shall have effect subject to the modification that, in subsection (5), for the words “if either the applicant or the local planning authority wish, give each of them an opportunity” substitute the words “if the interested planning authority wish, give them the opportunity”.

6. In Part III of the 1990 Act any reference to “local planning authority”, in relation to development to which regulation 3 applies, is a reference to the interested planning authority concerned, and references to “the authority” (except in section 71(3)) shall be construed accordingly.

Publicity

7.—(1) Any provision made by virtue of section 65 or 71 of the 1990 Act⁽¹⁾ by a development order shall apply to applications for planning permission for development to which regulation 3 applies subject to the modifications prescribed in paragraph (2).

(2) Any reference in such a development order to “local planning authority” is a reference to the interested planning authority concerned, and references to “the authority” shall be construed accordingly.

Consultation

8. An urban development corporation in Greater London shall, before determining an application for planning permission falling within regulation 3, consult the council of the London borough for the area in which the land which is the subject of the application, or any part of it, is situated.

Effect of planning permission

9. Any grant of planning permission by an interested planning authority for development falling within regulation 3 shall enure only for the benefit of the applicant interested planning authority, except in the case of development of any land by an interested planning authority jointly with any other person where that person is specified in the application for planning permission as a joint developer, in which case the permission shall enure for the benefit of the applicant interested planning authority and that other person.

Arrangements for discharge of functions

10. Notwithstanding anything in section 101 of the Local Government Act 1972⁽²⁾ (arrangements for the discharge of functions by local authorities) no application for planning permission for development to which regulation 3 applies may be determined—

(1) Section 65 is substituted by section 16(1) of the Planning and Compensation Act 1991 (c. 34); section 71 is amended by section 16(2) of that Act.

(2) 1972 c. 70.

- (a) by a committee or sub-committee of the interested planning authority concerned if that committee or sub-committee is responsible (wholly or partly) for the management of any land or buildings to which the application relates; or
- (b) by an officer of the interested planning authority concerned if his responsibilities include any aspect of the management of any land or buildings to which the application relates.

Other consents

11. Where an interested planning authority are seeking a consent of a local planning authority under Part III, VII or VIII of the 1990 Act other than planning permission to develop land or a consent under section 90(2) and that authority are themselves the local planning authority by whom such consent would be given, they shall make an application for such consent to the Secretary of State.