

EXTRACT - Planning and Compulsory Purchase Act 2004, Schedule 6: Amendments of the planning Acts

The Town and Country Planning Act 1990 is amended as follows:

16 (4) For paragraph 7 there is substituted the following paragraph—

- “7 (1) A local planning authority must not determine an application for planning permission to which the consultation requirements apply unless it complies with sub-paragraph (7).
- (2) The consultation requirements are—
- (a) consultation with the RPB for the region in which the authority’s area is situated if the development is one to which sub-paragraph (3) applies;
 - (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.
- (3) This sub-paragraph applies to—
- (a) a development which would by reason of its scale or nature or the location of the land be of major importance for the implementation of the RSS or a relevant regional policy, or
 - (b) a development of a description in relation to which the RPB has given notice in writing to the local planning authority that it wishes to be consulted.
- (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—
- (a) in respect of a development to which sub-paragraph (3) applies if the RPB gives a direction authorising the determination of the application without compliance with the requirements;

- (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—
 - (a) must give notice to the RPB or county planning authority (as the case may be) (the consulted body) that they propose to consider the application,
 - (b) must send a copy of the application to the consulted body, 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 the consulted body, or
 - (b) the consulted body gives notice that it does not intend to make representations.
- (9) A relevant regional policy is—
 - (a) a policy contained in a draft revision of the RSS which has been submitted to the Secretary of State in pursuance of section 5(8) of the 2004 Act, or
 - (b) a policy contained in a structure plan which has effect by virtue of paragraph 1 of Schedule 8 to the 2004 Act.
- (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, or
 - (b) a policy contained in a structure plan which has effect by virtue of paragraph 1 of Schedule 8 to the 2004 Act.
- (11) RPB and RSS must be construed in accordance with Part 1 of the 2004 Act.
- (12) The 2004 Act is the Planning and Compulsory Purchase Act 2004.”