STATUTORY INSTRUMENTS

1981 No. 804

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) Regulations 1981

Made - - - -	3*rd June* 1981
Laid before Parliament	10*th June* 1981
Coming into operation	1*st July* 1981

The Secretary of State for the Environment, in exercise of the powers conferred on him by section 287 of and paragraph 1 of Schedule 9 to the Town and Country Planning Act 1971(**a**) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Application, citation and commencement

1.—(1) These regulations may be cited as the Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) Regulations 1981 and shall come into operation on 1st July 1981.

(2) These regulations apply to appeals within the classes prescribed in regulation 3 of which notice is given on or after the date when they come into operation.

Interpretation

2. In these regulations, unless the context otherwise requires—

"the Act" means the Town and Country Planning Act 1971;

"local planning authority" means—

(*a*) a district planning authority or a London borough council;

(*b*) an urban development corporation which is the local planning authority for its area, for the purposes of determining applications for planning permission under Part III of the Act, by virtue of the provisions of an order made under section 149 of the Local Government, Planning and Land Act 1980(**b**); or

(*c*) an enterprise zone authority which is the local planning authority for an enterprise zone, for the purposes of determining applications for planning permission under Part III of the Act, by virtue of the provisions of an order made under paragraph 5 of Schedule 32 to the Local Government, Planning and Land Act 1980;

(**a**) 1971 c. 78. (**b**) 1980 c. 65.

"statutory undertakers" means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of electricity, gas, hydraulic power or water and includes the British Airports Authority, the Civil Aviation Authority, the Post Office and companies which are deemed to be statutory undertakers by virtue of section 141(2) of the Transport Act 1968(a).

Classes of appeal for determination by appointed persons

3. Subject to the provisions of regulation 4 of these regulations, the following classes of appeal are prescribed for the purposes of paragraph 1(1) of Schedule 9 to the Act as appeals to be determined by a person appointed by the Secretary of State instead of by the Secretary of State:—

(*a*) appeals under section 36 of the Act (appeals against planning decisions), including appeals under that section as applied by section 37 (appeals in default of planning decision) of the Act; and

(*b*) appeals under section 88 of the Act (appeals against enforcement notices).

Classes of appeal reserved for determination by the Secretary of State

4. The following classes of case are prescribed for the purposes of paragraph 1(1) of Schedule 9 to the Act as appeals which are not to be determined in the manner set out in that paragraph:—

(*a*) appeals under section 36 of the Act, or under that section as applied by section 37 of the Act, by statutory undertakers where the relevant application related to land to which section 225(1) of the Act applies; and

(*b*) appeals by statutory undertakers under section 88 of the Act where the breach of planning control alleged in the enforcement notice consists in the carrying out of development of land to which section 225(1) of the Act applies, or failure to comply with a condition or limitation on a grant of planning permission for development of any such land.

Publicity for directions under paragraph 1(1) of Schedule 9 to the Act

5. On the making by the Secretary of State of a direction under paragraph 1(1) of Schedule 9 to the Act he may by notice in writing enclosing a copy of the direction require the local planning authority for every area in respect of which the direction has effect to publish as soon as may be a notice in at least one newspaper circulating in the area; and such notice shall contain a concise statement of the effect of the direction and shall specify the place or places where a copy of the direction may be seen at all reasonable hours.

Revocation and saving

6. The Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) Regulations 1972(b), the Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) (Amendment) Regulations 1977(c) and the Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) (Amendment No.2) Regulations 1977(d) are hereby revoked but without prejudice to the validity of anything done thereunder, and any appeal to which those regulations applied and which has not been deter-

(a) 1968 c. 73. (b) S.I.1972/1652. (c) S.I.1977/477. (d) S.I.1977/1939.

mined before the coming into operation of these regulations shall be determined as if these regulations had not been made.

Michael R.D. Heseltine,
3rd June 1981. Secretary of State for the Environment.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which re-enact with amendments the provisions of the Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) Regulations 1972 to 1977, prescribe the classes of appeal which are to be determined by persons appointed for the purpose by the Secretary of State (in accordance with the provisions of Schedule 9 to the Town and Country Planning Act 1971) instead of being determined by the Secretary of State, prescribe certain classes of case within those prescribed classes of appeal which are to continue to be determined by the Secretary of State and provide for publication by local planning authorities of any direction made by the Secretary of State under paragraph 1 of Schedule 9 to the 1971 Act (directions specifying classes of case within the prescribed classes of appeal which are to continue to be determined by the Secretary of State).

The principal changes are as follows:—

(*a*) all appeals under sections 36 and 37 of the 1971 Act (appeals in respect of applications for planning permission) and all appeals under section 88 of that Act (appeals against enforcement notices) are prescribed by regulation 3 as appeals to be determined by a person appointed by the Secretary of State, in place of the more restricted classes of such appeals set out in the former regulations; and

(*b*) the classes of case which are excepted from the prescribed classes of appeal (regulation 4) are reduced to cover only appeals made by statutory undertakers which fall to be dealt with jointly by the Secretary of State and "the appropriate Minister" because they relate to the development of land to which section 225(1) of the 1971 Act applies (operational land or land which would become operational land if, in the decision on the appeal, planning permission were granted for its development).

There are also some drafting amendments to the provisions relating to publicity for directions by the Secretary of State (regulation 5) and to the definitions in regulation 2.

SI 1981/804
ISBN 0-11-016804-6

