STATUTORY INSTRUMENTS

2010 No. 655

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Compensation) (England) Regulations 2010

Made - - - -	*8th March 2010*
Laid before Parliament	*12th March 2010*
Coming into force - -	*6th April 2010*

The Secretary of State, in exercise of the powers conferred by section 108(3C), (3D), (5) and (6) of the Town and Country Planning Act 1990(**a**), makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Compensation) (England) Regulations 2010 and shall come into force on 6th April 2010.

(2) These Regulations apply in relation to England only.

(3) In these Regulations—

"the Act" means the Town and Country Planning Act 1990;

"the GPDO" means the Town and Country Planning (General Permitted Development) Order 1995(**b**); and

"Schedule 2" means Schedule 2 to the GPDO.

Prescribed development

2.—(1) For the purposes of paragraphs (2A)(a) and (3C)(a) of section 108 of the Act (compensation where development order or local development order withdrawn), development of the following description is prescribed—

(a) development permitted by Part 1 of Schedule 2 (development within the curtilage of a dwelling house);

(b) development permitted by Class A of Part 8 of Schedule 2 (erection, extension or alteration of an industrial building or warehouse);

(**a**) 1990 c. 8. Section 108 was amended by the Planning and Compensation Act 1991 (c. 34), section 13; the Planning and Compulsory Purchase Act 2004 (c. 5), sections 40(2) and 118(1), and Schedule 6, paragraphs 1 and 6; the Planning Act 2008 (c. 29), section 189 and S.I. 2006/1281. As to the powers to prescribe, see section 108(6). These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672; see the entry in Schedule 1 for the Town and Country Planning Act 1990 (c.8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/ 253). By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), these powers were transferred to the Welsh Ministers.

(**b**) S.I. 1995/418; relevant amendments were made by S.I. 2006/1062 and 2010/ 654.

(c) development permitted by Part 32 of Schedule 2 (schools, colleges, universities and hospitals);

(d) development permitted by Part 41 of Schedule 2 (office buildings); and

(e) development permitted by Part 42 of Schedule 2 (shops or catering, financial or professional services establishments).

Prescribed manner in which planning permission to be withdrawn

3. For the purposes of section 108(3C)(b) of the Act, the prescribed manner for withdrawing planning permission is by direction in accordance with articles 4, 5 and (as appropriate) 6 of the GPDO.

Notice of withdrawal – prescribed manner and period

4. For the purposes of section 108(3C)(c) of the Act—

(a) the prescribed manner in which notice of the withdrawal is to be published is in the manner described in paragraphs (1) to (5) of article 5 of the GPDO; and

(b) the prescribed period is 24 months.

Notice of withdrawal, revocation, amendment or directions – prescribed manner and period

5. For the purposes of section 108(3D)(c) of the Act—

(a) the prescribed manner for publication of notice of the revocation, amendment or directions is in the manner described in paragraphs (7) and (8) of article 2B of the GPDO; and

(b) the prescribed period is 24 months.

Signed by authority of the Secretary of State for Communities and Local Government

John Healey
Minister of State
Department for Communities and Local Government

8th March 2010

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 108 of the Town and Country Planning Act 1990 provides for the payment of compensation in certain cases where planning permission for development granted by a development order or a local development order is withdrawn and where on an application for planning permission for that development, the application is refused.

Section 108(2A) and (3B) to (3D) (inserted by section 189 of the Planning Act 2008) limits the circumstances in which compensation is payable. These Regulations prescribe types of development for the purposes of section 108(2A) and (3C) (regulation 2), prescribe the manner in which planning permission is to be withdrawn (regulation 3) and prescribe the manner, and maximum period, in which notice of withdrawal, revocation, amendment or directions is to be given (regulations 3 and 4).

An impact assessment has not been prepared for these Regulations as there is no additional impact on business, charities or the public sector beyond that examined in the impact assessment which accompanied the Planning Bill when it was introduced in Parliament on 27th November 2007. That impact assessment can be found on the Communities and Local Government website (http://www.communities.gov.uk).

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