1992 No. 1492

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning General Regulations 1992

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Made	24th June 1992
Laid before Parliament	26th June 1992
Coming into force	17th July 1992

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 99(2), 107(1), 114(2), 115(2), 137(2), 144(2), 150(1), 151(1), 161(2), 162(1), 178(3), (5), 186(3), 209(3), 219(3), 250(3), 255, 316, 329(2), 333(1) and 336(1) of the Town and Country Planning Act 1990¹ and of all other powers enabling them in that behalf, hereby make the following Regulations:

Notes

section 114 was repealed in relation to applications for planning permission made on or after 16th November 1991 by section 31(2) and (7) of the Planning and Compensation Act 1991 (c.34); sections 150(1), 161(2) and 162(1) were amended by paragraph 13 of Schedule 15 to the 1991 Act (c.34); section 316 was substituted by section 20 of that Act; in section 336(1) see the definition of "prescribed".

Extent

Preamble: England, Wales

🔽 Law In Force

1.— Citation, commencement and interpretation

(1) These Regulations may be cited as the Town and Country Planning General Regulations 1992 and shall come into force on 17th July 1992.

(2) In these Regulations-

"the 1990 Act" means the Town and Country Planning Act 1990;and "planning permission", except in regulations 7 to 9, includes any consent of a local planning authority required under a development order.



Commencement

reg. 1(1)-(2) definition of "planning permission": July 17, 1992 (SI 1992/1492 reg. 1(1))

Extent

reg. 1(1)-(2) definition of "planning permission": England, Wales

Land of interested planning authorities and development by them

🗹 Law In Force

2.— Application of provisions of the 1990 Act

(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 11A]¹ 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 11A]².

Notes

- ¹ Words substituted by Town and Country Planning (Trees) Regulations 1999/1892 Pt V reg.17(a)(i) (August 2, 1999)
- ² Words substituted by Town and Country Planning (Trees) Regulations 1999/1892 Pt V reg.17(a)(ii) (August 2, 1999)

Commencement

reg. 2(1)-(2): July 17, 1992 (SI 1992/1492 reg. 1(1))

Extent

reg. 2(1)-(2): England, Wales



🔽 Law In Force

3. Applications for planning permission

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.

Commencement

reg. 3: July 17, 1992 (SI 1992/1492 reg. 1(1))

Extent

reg. 3: England, Wales

🔽 Law In Force

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.

Commencement

reg. 4(1)-(2): July 17, 1992 (SI 1992/1492 reg. 1(1))

Extent

reg. 4(1)-(2): England, Wales

🔽 Law In Force

5.— Modifications and exceptions to Part III of the 1990 Act

(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".

Commencement

reg. 5(1)-(2): July 17, 1992 (SI 1992/1492 reg. 1(1))

Extent

reg. 5(1)-(2): England, Wales

🔽 Law In Force

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.

Commencement

reg. 6: July 17, 1992 (SI 1992/1492 reg. 1(1))

Extent

reg. 6: England, Wales

🔽 Law In Force

7.— Publicity

(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.

Notes

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.

Commencement

reg. 7(1)-(2): July 17, 1992 (SI 1992/1492 reg. 1(1))

Extent

reg. 7(1)-(2): England, Wales



🔽 Law In Force

8. Consultation

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.

Commencement

reg. 8: July 17, 1992 (SI 1992/1492 reg. 1(1))

Extent

reg. 8: England, Wales

🔽 Law In Force

9. Effect of planning permission

Any grant of planning permission by an interested planning authority for development [of any land by that interested planning authority]¹ shall ensure 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 ensure for the benefit of the applicant interested planning authority and that other person.

Notes

1

Words substituted by Town and Country Planning General (Amendment) Regulations 1992/1982 reg.2 (August 19, 1992)

Commencement

reg. 9: July 17, 1992 (SI 1992/1492 reg. 1(1))

Extent

reg. 9: England, Wales

🔽 Law In Force

[9A. Exclusion of certain authorities from regulation 9—England

Regulation 9 shall not apply where, in England, the interested planning authority is-

- (a) the council of a district for which there is no county council;
- (b) the council of a county in which there are no district councils; or
- (c) the council of a London borough.
- $]^1$

Notes

¹ Added by Town and Country Planning General (Amendment) Regulations 1998/2800 reg.2 (December 15, 1998)



Extent

reg. 9A(a)-(c): England, Wales

🔽 Law In Force

[9B. Exclusion of certain authorities from regulation 9—Wales

Regulation 9 shall not apply where, in Wales, the interested planning authority is-

- (a) the council of a county; or
- (b) the council of a county borough.
-]1

Notes

¹ Added by Town and Country Planning General (Amendment) Regulations 1998/2800 reg.2 (December 15, 1998)

Extent

reg. 9B(a)-(b): England, Wales

🔽 Law In Force

10. Arrangements for discharge of functions

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

(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.

Commencement

reg. 10(a)-(b): July 17, 1992 (SI 1992/1492 reg. 1(1))

Extent

reg. 10(a)-(b): England, Wales

🔽 Law In Force

[11. Other consents

(1) 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) or a consent to display an advertisement pursuant to regulations under section 220 and that authority are themselves the local planning authority by whom such consent would be given, they shall, subject to paragraph (2) and regulation 11A, make an application for such consent to the Secretary of State.



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(2) Where the consent sought under Part VIII is under a tree preservation order, the application shall be determined by the interested planning authority.

(3) Notwithstanding anything in section 101 (arrangements for the discharge of functions by local authorities) of the Local Government Act 1972^2 , no application may be determined under paragraph (2)—

(a) by a committee or sub-committee of the interested planning authority if that committee or sub-committee is responsible (wholly or partly) for the management of any land to which the application relates; or

(b) by an officer of the interested planning authority if his responsibilities include any aspect of the management of any land to which the application relates.

]¹

Notes

- Existing text renumbered as reg.11(1) by Town and Country Planning (Trees) Regulations 1999/1892 Pt V reg.17(b)(ii) (August 2, 1999)
- ² 1972 c.70.

Commencement

reg. 11: July 17, 1992 (SI 1992/1492 reg. 1(1))

Extent

reg. 11: England, Wales

🔽 Law In Force

[11A.— Applications by interested planning authorities under tree preservation orders

(1) Before determining an application under regulation 11(2) the interested planning authority shall publicise it by posting a notice in at least one place on or near the land to which the application relates for not less than 21 days.

(2) A notice under paragraph (1) shall —

(a) identify the tree or trees to which the application relates (if necessary by reference to a plan);

- (b) specify the work for which consent is sought;
- (c) state the interested planning authority's reasons for making the application;
- (d) state the place at which a copy of the application may be inspected;
- (e) state the address to which representations may be sent; and
- (f) state the date (being not less than 21 days from the date on which the notice is first displayed) by which representations shall be made,

and shall be sited and displayed in such a way as to be easily visible and legible by members of the public.

(3) Where a notice under paragraph (1) is, without any fault or intention of the interested planning authority, removed, obscured or defaced before the date referred to in paragraph (2)(f), the authority shall be treated as having complied with the requirements of paragraph (1) if they have taken reasonable steps to preserve the notice and, if necessary, replace it.



(4) In determining an application under regulation 11(2), the interested planning authority shall take into account any representations made by the date specified in the notice under paragraph (1) of this regulation.

(5) The interested planning authority shall give notice of their decision to every person who made representations which the authority were required to take into account. 1^{1}

Notes

¹ Added by Town and Country Planning (Trees) Regulations 1999/1892 Pt V reg.17(c) (August 2, 1999)

Extent

reg. 11A(1)-(5): England, Wales

General

🔽 Law In Force

12.— Claims for compensation and purchase notices

(1) A claim for compensation made to a local planning authority under section 107 (including section 107 as applied by section 108), 114, 115, 144, 186 or 250 of the 1990 Act, or a purchase notice served on the council of a district or London borough [or National Park authority]¹ under section 137 of that Act, shall be in writing and shall be served on that authority or council by delivering it at the offices of the authority or council, or by sending it by pre-paid post.

(2) The time within which any such claim or notice as is mentioned in paragraph (1) is served shall be 12 months from the date of the decision in respect of which the claim or notice is made or given, or such longer period as the Secretary of State may at any time in any particular case allow. $[^3]^2$

Notes

³ In relation to Wales:

12.— Claims for compensation and purchase notices

(1) A claim for compensation made to a local planning authority under section 107 (including section 107 as applied by section 108), 114, 115, 144, 186 or 250 of the 1990 Act, or a purchase notice served on the council of a district or London borough (or county or county borough in Wales) under section 137 of that Act, shall be in writing and shall be served on that authority or council by delivering it at the offices of the authority or council, or by sending it by pre-paid post.

(2) The time within which any such claim or notice as is mentioned in paragraph (1) is served shall be 12 months from the date of the decision in respect of which the claim or notice is made or given, or such longer period as the Secretary of State may at any time in any particular case allow.

Commencement

reg. 12(1)-(2): July 17, 1992 (SI 1992/1492 reg. 1(1))



¹ Words inserted by National Park Authorities (England) Order 1996/1243 Sch.5(II) para.15 (June 4, 1996)

² Words inserted by Local Government Reorganisation (Wales) (Consequential Amendments) Order 1996/525 Sch.1(III) para.15 (April 1, 1996)

Extent

reg. 12(1)-(2): England, Wales

🔽 Law In Force

13. Marking of certain notices and documents

The manner in which any notice or document referred to in subsection (2) of section 329 of the 1990 Act shall be marked in order that it shall be taken to be duly served under paragraph (b) of that subsection shall be by inscribing clearly and legibly upon the notice or document, and upon the envelope containing it, the words "Important - This Communication affects your Property".

Commencement

reg. 13: July 17, 1992 (SI 1992/1492 reg. 1(1))

Extent

reg. 13: England, Wales

🔽 Law In Force

14.— Application of the Public Health Act 1936 to certain notices

(1) The provisions of sections 276, 289 and 294 of the Public Health Act 1936 ("the 1936 Act") shall apply in relation to steps required to be taken by an enforcement notice, to requirements of a notice under section 207(1) of the 1990 Act, and to steps required to be taken by a notice under section 215 of that Act, as if-

(a) references to a local authority were references to a local planning authority;

(b) references (in whatever form) to the execution of works under the 1936 Act were references-

(i) in the case of an enforcement notice or a notice under section 215 of the 1990 Act, to the taking of steps required to be taken by the notice; and

(ii) in the case of a notice under section 207(1) of the 1990 Act, to the planting of trees of specified sizes and species;

(c) references in section 289 of the 1936 Act to the occupier were references to a person having an interest in the premises other than the owner; and

(d) the reference in section 294 of the 1936 Act to "expenses under this Act" were a reference

to expenses incurred in the taking of steps or the planting of trees, as the case may be.

(2) The expenses recoverable by a local planning authority under section 178(1) of the 1990 Act are, until recovered, a charge that is binding on successive owners of the land to which the enforcement notice relates and the charge shall take effect as from the date of the completion by the local planning authority of the steps required to be taken by the enforcement notice.

[(3) Where a notice is served under section 215 of the 1990 Act, any expenses recoverable by a local planning authority under section 219(1) of that Act are, until recovered, a charge that is binding on successive owners of the land to which the notice relates, and the charge shall take effect as from the date of the completion by that authority of the steps required to be taken by the notice.]¹



Notes

¹ Added by Town and Country Planning General (Amendment) Regulations 1997/3006 reg.2 (January 8, 1998)

Commencement

reg. 14(1)-(2): July 17, 1992 (SI 1992/1492 reg. 1(1))

Extent

reg. 14(1)-(2): England, Wales

🔽 Law In Force

15.— Concurrent procedure for acquisition of land and extinguishment of rights of way

(1) Where-

(a) under section 226 of the 1990 Act a compulsory purchase order for the acquisition of any land has been made by a local authority to whom that section applies and submitted to the Secretary of State in accordance with the provisions of the Acquisition of Land Act 1981, or

(b) any land has been acquired by a local authority under section 227 of the 1990 Act, the following provisions of this regulation shall have effect to secure that proceedings required to be taken for the purposes of orders under section 251 of the 1990 Act may be taken concurrently with any proceedings required to be taken for the purposes of the acquisition of the land over which the right of way is to be extinguished or for the purposes of the acquisition of any other land for the purpose of providing an alternative right of way.

(2) The Secretary of State may on or after such submission or acquisition as is mentioned in paragraph (1) publish in accordance with the provisions of section 252(1) of the 1990 Act notice of an order he proposes to make under section 251 of that Act relating to the extinguishment of any such right of way.

(3) On or after the publication of any such notice, the Secretary of State may prepare in draft, or a local highway authority may make, a compulsory purchase order under section 254(1)(b) of the 1990 Act for the acquisition of land for providing an alternative right of way.

(4) Subject to paragraph (5) any other proceedings required to be taken in connection with the making of an order under section 251 of the 1990 Act may be taken concurrently with the proceedings required to be taken in connection with such an order as is mentioned in paragraph (1)(a) and any other proceedings for the making or confirmation of such a compulsory purchase order as is referred to in paragraph (3) may be taken concurrently with either or both of the said proceedings.

(5) Until the land over which the right of way subsists has been acquired by the local authority-

(i) no order under section 251 of the 1990 Act shall be made, and

(ii) no such compulsory purchase order as is referred to in paragraph (3) shall be made by the Secretary of State or confirmed.



Commencement

reg. 15(1)-(5)(ii): July 17, 1992 (SI 1992/1492 reg. 1(1))

Extent

reg. 15(1)-(5)(ii): England, Wales

🔽 Law In Force

16. Notices and counter-notices relating to planning blight

The forms set out in Schedule 2 to these Regulations or forms substantially to the like effect are the prescribed forms for blight notices and counter-notices for the purposes of sections 150(1), 151(1), 161(2) and 162(1) of the 1990 Act.

Commencement

reg. 16: July 17, 1992 (SI 1992/1492 reg. 1(1))

Extent

reg. 16: England, Wales

🔽 Law In Force

17.— Advertisement and notice of unopposed order revoking or modifying planning permission

(1) A local planning authority shall advertise the fact that an order has been made to which section 99(2) of the 1990 Act applies by publishing an advertisement in the form set out in Part 1 of Schedule 3 to these Regulations or a form substantially to the like effect in a newspaper circulating in the locality.

(2) The notice a local planning authority is required to serve under section 99(3) of the 1990 Act shall be in the form contained in Part 2 of Schedule 3 to these Regulations or a form substantially to the like effect.

Commencement

reg. 17(1)-(2): July 17, 1992 (SI 1992/1492 reg. 1(1))

Extent

reg. 17(1)-(2): England, Wales

🔽 Law In Force

18. Revocations

The regulations listed in the first column of Schedule 4 to these Regulations are hereby revoked to the extent specified in the third column of that Schedule.



Commencement

reg. 18: July 17, 1992 (SI 1992/1492 reg. 1(1))

Extent

reg. 18: England, Wales

🔽 Law In Force

22nd June 1992

24th June 1992

Michael Howard Secretary of State for the Environment

> David Hunt Secretary of State for Wales

SCHEDULE 1

Regulation 5

🔽 Law In Force

Provision of the 1990 Act	Modification
Section 62	In paragraph (b) omit the words "or by directions given by the local planning authority under them".
Section 93	In subsection (2) omit paragraph (b) and the word "or" immediately preceding it. Omit subsection (3).
Section 95	In subsection (3) for the words "him and the local planning authority" substitute the words "that person".
Section 96	Omit subsection (3).
Section 98	In subsection (4) for the words "both to him and the local planning authority" substitute the words "to that person".
Section 100	Omit subsections (3) to (6).
Section 103	In subsection (5) for the words "both to him and the local planning authority" substitute the words "to that person".
Section 104	Omit subsections (3) to (7).
Schedule 5	Omit paragraph 1(6)(b).

Commencement

Sch. 1 para. 1: July 17, 1992 (SI 1992/1492 reg. 1(1))

Extent

Sch. 1 para. 1: England, Wales



SCHEDULE 2

Regulation 16

🔽 Law In Force

Blight Notice

Blight Notice

Blight Notice

Personal Representative's Blight Notice

Personal Representative's Blight Notice

Mortgagee's Blight Notice

Mortgagee's Blight Notice

Counter-Notice objecting to Blight Notice

Counter-Notice objecting to Blight Notice

[Forms not available in online format. Please see original printed copy.]

Commencement

Sch. 2 para. 1: July 17, 1992 (SI 1992/1492 reg. 1(1))

Extent

Sch. 2 para. 1: England, Wales

SCHEDULE 3

Regulation 17

PART 1

🔽 Law In Force

Advertisement under section 99(2) of the making of a revocation order or modification order [Form not available in online format. Please see original printed copy.]

Commencement

Sch. 3(1) para. 1: July 17, 1992 (SI 1992/1492 reg. 1(1))

Extent

Sch. 3(1) para. 1: England, Wales



PART 2

🔽 Law In Force

Notice under section 99(3) of the making of a revocation order or modification order Notice under section 99(3) of the making of a revocation order or modification order [Forms not available in online format. Please see original printed copy.]

Commencement

Sch. 3(2) para. 1: July 17, 1992 (SI 1992/1492 reg. 1(1))

Extent

Sch. 3(2) para. 1: England, Wales

SCHEDULE 4

Regulation 18

🔽 Law In Force

Regulations revoked	References	Extent of revocation
The Town and Country Planning General Regulations 1976.	S.I. 1976/1419.	The whole Regulations.
The Town and Country Planning General (Amendment) Regulations 1981.	S.I. 1981/558.	The whole Regulations.
The Town and Country Planning (Local Government Reorganisation) (Miscellaneous Amendments) Regulations 1986.	S.I. 1986/443.	Paragraphs 1 to 4 of Schedule 1.
The Town and Country Planning (Enforcement Notices and Appeals) Regulations 1991.	S.I. 1991/2804.	Regulation 10(1).

Commencement

Sch. 4 para. 1: July 17, 1992 (SI 1992/1492 reg. 1(1))

Extent

Sch. 4 para. 1: England, Wales



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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations supersede the Town and Country Planning General Regulations 1976.

Regulations 2 to 11 apply Parts III, VII and VIII of the Town and Country Planning Act 1990 with modifications to-

(a) land in which a local planning authority has any interest and in relation to which the authority exercises any of the functions of a local planning authority, and

(b) the development of any land by a local planning authority exercising any of the functions of a local planning authority in relation to that land, whether the development is by the authority alone, or jointly with any other person,

except in the situations mentioned in regulation 2(a)(i) and (ii) and (b)(i) and (ii) (regulation 2).

Regulation 12 prescribes the period during which, and the manner in which, claims for compensation under certain sections of the Town and Country Planning Act 1990 may be made.

Regulation 13 provides for the manner in which a notice or document referred to in section 329(2) of the Town and Country Planning Act 1990 should be marked in order that it may be taken to be duly served.

Regulation 14 applies (with modifications) certain provisions of the Public Health Act 1936 to enforcement notices and notices under section 207(1) or 215 of the 1990 Act, and provides that expenses recoverable by a local planning authority under section 178(1) of that Act are a charge on the land until recovered.

Regulation 15 makes provision in relation to the taking of proceedings for the purposes of section 251 of the Town and Country Planning Act 1990 (extinguishment of public rights of way over land held for planning purposes) concurrently with proceedings for the acquisition of land over which the right of way is to be extinguished, or the acquisition of any other land to provide an alternative right of way.

Regulation 16 and Schedule 2 set out the prescribed forms for blight notices and counter-notices under Chapter II of Part VI of the 1990 Act.

Regulation 17 and Schedule 3 set out the prescribed forms for notices and advertisements in relation to unopposed orders revoking or modifying a permission to develop land.



Modifications

reg. 12(1)	New Forest National Park Authority (Establishment) Order 2005/421, Sch. 3(2)
	para. 12
	South Downs National Park Authority (Establishment) Order 2010/497, Sch. 3(2)
	para. 10



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