

July 2012

COPIES OF PLANNING DOCUMENTS

1. Under paragraph 8 of schedule 1 to the Town and Country Planning Act 1990 any local council which has so notified the local planning authority in writing, must be informed of planning applications relating to land in its area and be given information which indicates the nature of the proposed development and identifies the land concerned (see Legal Topic Note 59 - The Rights of Local Councils to be Notified of Planning Applications and Decisions).
2. Local councils will almost invariably need more information than the statutory minimum. Many local planning authorities (LPAs) provide a copy of the application (and plans) submitted by the applicant. Normally the copy is supplied free, but some LPAs levy an administrative and/or copying charge (which they are entitled to do).
3. The applicant can be required by the LPA to supply up to three additional copies of the application. Further copies can be requested but the applicant may decline to supply them. It may sometimes happen, therefore, that the applicant does not provide a sufficient number of copies of the application to enable the local council to receive one. In the past, some councils have queried whether the LPA can make an additional copy, or copies, without breaching the law of copyright. The answer is yes.
4. The relevant legislation is section 47 of the Copyright, Designs and Patents Act 1988. Section 69 of the Town and Country Planning Act 1990 requires all LPAs to keep a register of planning applications; that register is therefore a 'statutory register' within s. 47 of the 1988 Act. S.47(2) clearly applies to the making and supply of copies of planning applications to local councils. As at April 2007, no relevant regulations have been made under the section.
5. S.47 of the 1988 Act does not authorise a local council to make further copies of applications (e.g. for supply to council meetings). Such copying would amount to an infringement of copyright, entitling the copyright owner to take legal action against the council for damages and/or an injunction to prevent repetition. In reality, the making of

a small number of copies for internal use by the council would be extremely unlikely to result in legal action by the copyright owner, because the legal loss to him is so small.

Other Legal Topic Notes (LTNs) relevant to this subject:

LTN	Title	Relevance
39	Copyright	Sets out the law in respect of copyright in further detail.
40	Local councils' documents and records	Sets out length of time documents should be retained by local councils etc.
58	Planning	Sets out the appeal mechanisms most frequently of interest to local councils.
59	The Rights of Local Councils to be Notified of Planning Applications and Decisions	Sets out the relevant considerations.
83	Neighbourhood Planning	Sets out the procedure for obtaining a Neighbourhood Development Plan or Neighbourhood Development Order.

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