



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART III

#### CONTROL OVER DEVELOPMENT

##### *Publicity for applications*

#### [<sup>F1</sup>65 Notice etc. of applications for planning permission.

- (1) A development order may make provision requiring—
  - (a) notice to be given of any application for planning permission, and
  - (b) any applicant for such permission to issue a certificate as to the interests in the land to which the application relates or the purpose for which it is used, and provide for publicising such applications and for the form, content and service of such notices and certificates.
- (2) Provision shall be made by a development order for the purpose of securing that, in the case of any application for planning permission, any person (other than the applicant) who on such date as may be prescribed by the order is an owner of the land to which the application relates, or [<sup>F2</sup>an agricultural tenant of that land]], is given notice of the application in such manner as may be required by the order.
- (3) A development order may require an applicant for planning permission to certify, in such form as may be prescribed by the order, or to provide evidence, that any requirements of the order have been satisfied.
- (4) A development order making any provision by virtue of this section may make different provision for different cases or different classes of development.
- (5) A local planning authority shall not entertain an application for planning permission unless any requirements imposed by virtue of this section have been satisfied.
- (6) If any person—

*Status: Point in time view as at 10/05/2006.*

*Changes to legislation: Town and Country Planning Act 1990, Cross Heading: Publicity for applications is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) issues a certificate which purports to comply with any requirement imposed by virtue of this section and contains a statement which he knows to be false or misleading in a material particular; or
- (b) recklessly issues a certificate which purports to comply with any such requirement and contains a statement which is false or misleading in a material particular,
- he shall be guilty of an offence.
- (7) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (8) In this section—
- [<sup>F3</sup>“agricultural tenant”, in relation to any land, means any person who—
- (a) is the tenant, under a tenancy in relation to which the Agricultural Holdings Act 1986 applies, of an agricultural holding within the meaning of that Act any part of which is comprised in that land; or
- (b) is the tenant, under a farm business tenancy (within the meaning of the Agricultural Tenancies Act 1995), of land any part of which is comprised in that land;]
- “owner” in relation to any land means any person who—
- (a) is the estate owner in respect of the fee simple;
- (b) is entitled to a tenancy granted or extended for a term of years certain of which not less than seven years remain unexpired; or
- (c) in the case of such applications as may be prescribed by a development order, is entitled to an interest in any mineral so prescribed,
- and the reference to the interests in the land to which an application for planning permission relates includes any interest in any mineral in, on or under the land.
- (9) Notwithstanding section 127 of the <sup>M1</sup>Magistrates’ Courts Act 1980, a magistrates’ court may try an information in respect of an offence under this section whenever laid.

#### Textual Amendments

- F1** S. 65 substituted for ss. 65-68 (25.11.1991 for certain purposes and otherwise 17.7.1992) by [Planning and Compensation Act 1991 \(c. 34\), s. 16\(1\)](#) (with s. 84(5)); S.I. 1991/2728, [art. 2](#); S.I. 1992/1491, [art. 2](#)
- F2** Words in s. 65(2) substituted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), [Sch. para. 35\(2\)](#) (with s. 37)
- F3** Definition of "agricultural tenant" substituted (1.9.1995) for definition of "agricultural holding" in s. 65(8) by 1995 c. 8, ss. 40, 41(2), [Sch. para. 35\(3\)](#) (with s. 37)

#### Modifications etc. (not altering text)

- C1** S. 65 applied (1.11.1995) by 1995 c. 25, s. 96(1), [Sch. 13 para. 7\(5\)\(a\)](#) (with ss. 7(6), 115, 117); S.I. 1995/2765, [art. 2](#)
- S. 65 applied (1.11.1995) by 1995 c. 25, s. 96(1), [Sch. 13 para. 9\(3\)\(a\)](#) (with ss. 7(6), 115, 117); S.I. 1995/2765, [art. 2](#)
- S. 65 extended (1.11.1995) by 1995 c. 25, s. 96(1), [Sch. 13 para. 9\(5\)](#) (with ss. 7(6), 115, 117); S.I. 1995/2765, [art. 2](#)
- S. 65 applied (1.11.1995) by 1995 c. 25, s. 96(1), [Sch. 14 para. 6\(3\)\(a\)](#) (with ss. 7(6), 115, 117); S.I. 1995/2765, [art. 2](#)
- C2** S. 65(6) extended (1.11.1995) by 1995 c. 25, s. 96(1), [Sch. 13 para. 7\(5\)](#) (with ss. 7(6), 115, 117); S.I. 1995/2765, [art. 2](#)

*Status: Point in time view as at 10/05/2006.*

*Changes to legislation: Town and Country Planning Act 1990, Cross Heading: Publicity for applications is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

S. 65(6) extended (1.11.1995) by 1995 c. 25, s. 96(1), **Sch. 13 para. 9(3)** (with ss. 54(5)(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/2765, **art. 2**

S. 65(6) extended (1.11.1995) by 1995 c. 25, s. 96(1), **Sch. 14 para. 6(3)** (with ss. 54(5)(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/2765, **art. 2**

#### **Marginal Citations**

**M1** 1980 c. 43.

### [<sup>F7</sup>69 Register of applications etc

- (1) The local planning authority must keep a register containing such information as is prescribed as to—
  - (a) applications for planning permission;
  - (b) requests for statements of development principles (within the meaning of section 61E);
  - (c) local development orders;
  - (d) simplified planning zone schemes.
- (2) The register must contain—
  - (a) information as to the manner in which applications mentioned in subsection (1)(a) and requests mentioned in subsection (1)(b) have been dealt with;
  - (b) such information as is prescribed with respect to any local development order or simplified planning zone scheme in relation to the authority's area.
- (3) A development order may require the register to be kept in two or more parts.
- (4) Each part must contain such information as is prescribed relating to the matters mentioned in subsection (1)(a) and (b).
- (5) A development order may also make provision—
  - (a) for a specified part of the register to contain copies of applications or requests and of any other documents or material submitted with them;
  - (b) for the entry relating to an application or request (and everything relating to it) to be removed from that part of the register when the application (including any appeal arising out of it) or the request (as the case may be) has been finally disposed of.
- (6) Provision made under subsection (5)(b) does not prevent the inclusion of a different entry relating to the application or request in another part of the register.
- (7) The register must be kept in such manner as is prescribed.
- (8) The register must be kept available for inspection by the public at all reasonable hours.
- (9) Anything prescribed under this section must be prescribed by development order.]

*Status: Point in time view as at 10/05/2006.*

*Changes to legislation: Town and Country Planning Act 1990, Cross Heading: Publicity for applications is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

- F7** S. 69 substituted (6.8.2004 for certain purposes and otherwise 22.2.2010) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 121, [Sch. 6 para. 3](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2010/321, [art. 2](#)

### Modifications etc. (not altering text)

- C3** S. 69 extended (with modifications) (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 22, [Sch. 2 para. 9\(1\)\(2\)](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to art. 4)  
S. 69 applied (with modifications) (2.8.1999) by S.I. 1999/1892, reg. 2(1), [Sch. art. 7](#), [Sch. 2 Pt. I](#)  
S. 69 applied (with modifications) (2.8.1999) by S.I. 1999/1892, reg. 2(1), [Sch. art. 7](#), [Sch. 2 Pt. II](#)
- C4** S. 69: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), [Sch. 1](#)
- C5** S. 69 applied (with modifications) (W.) (8.1.2010) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Undetermined Reviews of Old Mineral Permissions\) \(Wales\) Regulations 2009 \(S.I. 2009/3342\)](#), [reg. 47\(1\)](#)

**Status:**

Point in time view as at 10/05/2006.

**Changes to legislation:**

Town and Country Planning Act 1990, Cross Heading: Publicity for applications is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.