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Town and Country Planning Act 1990

1990 CHAPTER 8

PART XIII **E+W**

APPLICATION OF ACT TO CROWN LAND

Application of Act as respects Crown land

[^{F1}293A Urgent Crown development: application **E+W**

- (1) This section applies to a development if the appropriate authority certifies—
 - (a) that the development is of national importance, and
 - (b) that it is necessary that the development is carried out as a matter of urgency.
- (2) The appropriate authority may, instead of making an application for planning permission to the local planning authority in accordance with Part 3, make an application for planning permission to the Secretary of State under this section.
- (3) If the appropriate authority proposes to make the application to the Secretary of State it must publish in one or more newspapers circulating in the locality of the proposed development a notice—
 - (a) describing the proposed development, and
 - (b) stating that the authority proposes to make the application to the Secretary of State.
- (4) For the purposes of an application under this section the appropriate authority must provide to the Secretary of State—
 - (a) any matter required to be provided by an applicant for planning permission in pursuance of regulations made under section 71A;
 - (b) a statement of the authority's grounds for making the application.
- (5) If the appropriate authority makes an application under this section subsections (6) to (9) below apply.

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- (6) The Secretary of State may require the authority to provide him with such further information as he thinks necessary to enable him to determine the application.
- (7) As soon as practicable after he is provided with any document or other matter in pursuance of subsection (4) or (6) the Secretary of State must make a copy of the document or other matter available for inspection by the public in the locality of the proposed development.
- (8) The Secretary of State must in accordance with such requirements as are contained in a development order publish notice of the application and of the fact that such documents and other material are available for inspection.
- (9) The Secretary of State must consult—
 - (a) the local planning authority for the area to which the proposed development relates, and
 - (b) such other persons as are specified or described in a development order, about the application.
- (10) Subsection (7) does not apply to the extent that the document or other matter is subject to a direction under section 321(3)(matters related to national security).
- (11) Subsections (4) to (7) of section 77 apply to an application under this section as they apply to an application in respect of which a direction under section 77 has effect.]

Textual Amendments

F1 S. 293A inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\), ss. 82, 121](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2006/1281, [art. 2](#)

294 Control of development on Crown land: special enforcement notices. E+W

F2

Textual Amendments

F2 S. 294 repealed (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\), ss. 79, 120, 121, Sch. 3 para. 9\(1\), Sch. 9](#) (with s. 111, Sch. 3 para. 9(2)); S.I. 2006/1281, [art. 2](#)

295 Supplementary provisions as to special enforcement notices. E+W

F3

Textual Amendments

F3 S. 295 repealed (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\), ss. 79, 120, 121, Sch. 3 para. 9, Sch. 9](#) (with s. 111, Sch. 3 para. 9(2)); S.I. 2006/1281, [art. 2](#)

296 Exercise of powers in relation to Crown land. E+W

F4

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Textual Amendments

- F4** S. 296 repealed (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 84(1), 120, 121, [Sch. 9](#) (with s. 111); S.I. 2006/1281, [art. 2](#)

[^{F5}296A Enforcement in relation to the Crown **E+W**

- (1) No act or omission done or suffered by or on behalf of the Crown constitutes an offence under this Act.
- (2) A local planning authority must not take any step for the purposes of enforcement in relation to Crown land unless it has the consent of the appropriate authority.
- (3) The appropriate authority may give consent under subsection (2) subject to such conditions as it thinks appropriate.
- (4) A step taken for the purposes of enforcement is anything done in connection with the enforcement of anything required to be done or prohibited by or under this Act.
- (5) A step taken for the purposes of enforcement includes—
 - (a) entering land;
 - (b) bringing proceedings;
 - (c) the making of an application.
- (6) A step taken for the purposes of enforcement does not include—
 - (a) service of a notice;
 - (b) the making of an order (other than by a court).

Textual Amendments

- F5** Ss. 296A, 296B inserted (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 84(2), 121 (with s. 111); S.I. 2006/1281, [art. 2](#)

296B References to an interest in land **E+W**

- (1) Subsection (2) applies to the extent that an interest in land is a Crown interest or a Duchy interest.
- (2) Anything which requires or is permitted to be done by or in relation to the owner of the interest in land must be done by or in relation to the appropriate authority.
- (3) An interest in land includes an interest only as occupier of the land.]

Textual Amendments

- F5** Ss. 296A, 296B inserted (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 84(2), 121 (with s. 111); S.I. 2006/1281, [art. 2](#)

297 Agreements relating to Crown land. **E+W**

F6

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Textual Amendments

- F6** S. 297 repealed (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 120, 121, [Sch. 3 para. 23](#), [Sch. 9](#) (with s. 111); S.I. 2006/1281, [art. 2](#)

298 Supplementary provisions as to Crown and Duchy interests. **E+W**

- (1) ^{F7}
- (2) ^{F7}
- (3) Where, in accordance with an agreement under section 297, the approval of a local planning authority is required in respect of any development of land in which there is [^{F8}a Crown interest or] a Duchy interest, [^{F9}sections 109 to 112] shall have effect in relation to the withholding of that approval, or the giving of it subject to conditions, as if it were a refusal of planning permission or, as the case may be, a grant of planning permission subject to conditions.

Textual Amendments

- F7** S. 298(1)(2) repealed (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 120, 121, [Sch. 3 para. 24\(2\)](#), [Sch. 9](#) (with s. 111); S.I. 2006/1281, [art. 2](#)
- F8** Words in s. 298(3) inserted (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 120, 121, [Sch. 3 para. 24\(3\)](#) (with s. 111); S.I. 2006/1281, [art. 2](#)
- F9** Words in s. 298(3) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 31, [Sch. 6 para. 25](#) (2) (with saving in [Sch. 6 para. 25\(3\)](#) and with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to [art. 4](#))

[^{F10}298A Applications for planning permission by Crown **E+W**

- (1) This section applies to an application for planning permission or for a certificate under section 192 made by or on behalf of the Crown.
- (2) The Secretary of State may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.
- (3) A statutory provision is a provision contained in or having effect under any enactment.]

Textual Amendments

- F10** S. 298A inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 121, [Sch. 3 para. 10\(1\)](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2006/1281, [art. 2](#)

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