
STATUTORY INSTRUMENTS

2006 No. 1282

The Town and Country Planning (Application of Subordinate Legislation to the Crown) Order 2006

Citation and commencement

1. This Order may be cited as the Town and Country Planning (Application of Subordinate Legislation to the Crown) Order 2006 and shall come into force on 7th June 2006.

Town and Country Planning (Ironstone Areas Special Development) Order 1950

2. The Town and Country Planning (Ironstone Areas Special Development) Order 1950(1) applies to the Crown.

Town and Country Planning (Construction and Improvement of Private Streets) Regulations 1951

3. The Town and Country Planning (Construction and Improvement of Private Streets) Regulations 1951(2) apply to the Crown.

Local Land Charges Rules 1977

4. The Local Land Charges Rules 1977(3) apply to the Crown insofar as they relate to planning charges.

Town and Country Planning (Use Classes) Order 1987

5.—(1) The Town and Country Planning (Use Classes) Order 1987(4) applies to the Crown with, in relation to England, the following modifications.

(2) In Part C of the Schedule, after class C2 (residential institutions) insert—

“Secure residential institutions

Class C2A. Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.”.

(3) In Part D of the Schedule, in class D1 (non-residential institutions) after sub-paragraph (h) insert—

“(i) as a law court.”.

(1) S.I.1950/1177.

(2) S.I. 1951/2224 amended by S.I. 1965/654.

(3) S.I. 1977/985 amended by S.I. 1978/1638, 1995/260 and 2003/2502. See, in particular, Part 3 of Schedule 2 to the Rules which concerns planning charges.

(4) S.I. 1987/764 amended by S.I. 1991/1567, 1992/610, 1992/657, 1994/724, 1995/297, 1999/293, 2002/1875 (W.184), 2005/84 and 2006/220.

Town and Country Planning (Simplified Planning Zones) (Excluded Development) Order 1987

6. The Town and Country Planning (Simplified Planning Zones) (Excluded Development) Order 1987(5) applies to the Crown.

Town and Country Planning (Applications) Regulations 1988

7. The Town and Country Planning (Applications) Regulations 1988(6) apply to the Crown.

Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989

8. The Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989(7) apply to the Crown.

Planning (Listed Buildings and Conservation Areas) Regulations 1990

9.—(1) The Planning (Listed Buildings and Conservation Areas) Regulations 1990(8) apply to the Crown with the following modifications.

(2) In regulation 6 (certificate to accompany applications and appeals) after paragraph (5) insert—

“(5A) The provisions of this regulation, except paragraph (3), shall apply where an application for listed building consent is made to the Secretary of State under section 82B(2) of the Act, as they apply in relation to an application which falls to be determined by the local planning authority with the following modifications—

(a) in paragraph (1) for “A local planning authority shall not entertain any application under regulation 3 or 4” substitute “The Secretary of State shall not entertain any application under section 82B(2) of the Act”;

(b) omit paragraph (3).”.

(3) In regulation 8A(6) (use of electronic communications) after sub-paragraph (a) insert—

“(aa) making an application under section 82B(2) of the Act for consent”.

(4) For regulation 15 (application for listed building or conservation area consent in anticipation of disposal of Crown land) substitute—

“Application for listed building or conservation area consent in respect of Crown land

15. The following provisions of these Regulations shall, in their application to the making and determination of applications for listed building consent and conservation area consent in respect of Crown land, have effect subject to the following modifications—

(a) in regulation 3(2), for “a certificate under regulation 6” substitute “the certificate or other document required by regulation 6 below”;

(b) in regulation 6—

(i) in paragraph (1) after “accompanied by” insert “the documents described in paragraph (1A) below or,” and

(ii) after paragraph (1) insert—

(5) S.I. 1987/1849 amended by S.I. 1996/396.

(6) S.I. 1988/1812 amended by S.I. 2003/956 and 2006/1063.

(7) S.I. 1989/193 amended by S.I. 1991/2735, 1992/1817, 1992/3052, 1996/396, 1997/37, 2001/2719, 2002/768, 2002/1876, 2002/2258, 2004/2736 (W. 243), 2005/843 and 2006/994.

(8) S.I. 1990/1519 amended by S.I. 2003/956, 2003/2048, 2004/2210 and 2006/1063.

“(1A) An application for listed building or conservation area consent in respect of Crown land shall be accompanied by—

- (a) a statement that the application is made in respect of Crown land; and
 - (b) where the application is made by a person authorised in writing by the appropriate authority, a copy of that authorisation.””.
- (5) In Part 2 of Schedule 2 (certificates under regulation 6)—
- (a) for “Council” substitute “[Council] [Secretary of State]*” in each place where the word occurs; and
 - (b) in note (f) after “council” insert “or the Secretary of State as appropriate”.

Planning (Hazardous Substances) Regulations 1992

10. The Planning (Hazardous Substances) Regulations 1992(9) apply to the Crown as if, in regulation 4 (exemptions), after paragraph (1) there were inserted—

“(1A) Hazardous substances consent is not required for the presence of a hazardous substance in, on, over or under land at military establishments, installations or storage facilities.”.

Town and Country Planning (Control of Advertisements) Regulations 1992

11. The Town and Country Planning (Control of Advertisements) Regulations 1992(10) except for regulation 27 (contravention of Regulations) apply to the Crown.

Town and Country Planning General Regulations 1992

12. Regulation 16 of, and Schedule 2 to, the Town and Country Planning General Regulations 1992(11) (notices and counter-notices relating to planning blight) apply to the Crown.

Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

13. The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992(12) apply to the Crown.

Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994

14. The Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994(13) applies to the Crown.

Conservation (Natural Habitats, &c.) Regulations 1994

15. Part 4 of the Conservation (Natural Habitats, &c.) Regulations 1994(14) (adaptation of planning and other controls) applies to the Crown as if, in regulation 54(1) (grant of planning permission), after sub-paragraph (a) there were inserted—

(9) S.I. 1992/656 amended by the Environment Act 1995 (c. 25), Schedule 22, paragraph 233 and S.I. 1994/2567, 1996/252 and 1999/981.

(10) S.I. 1992/666 amended by S.I. 1994/2351, 1996/396, 1999/1810, 2000/1149 and 2003/2155.

(11) S.I. 1992/1492. There are no amendments relevant to this instrument.

(12) S.I. 1992/2832.

(13) S.I. 1994/1771.

(14) S.I. 1994/2716. Relevant amendments were made by S.I. 1997/3055 and 2000/1973.

“(aa) granting planning permission on an application under section 293A(15) of that Act (urgent Crown development);”.

Town and Country Planning (General Permitted Development) Order 1995

16.—(1) The Town and Country Planning (General Permitted Development) Order 1995(16) applies to the Crown with, in relation to England, the following modifications.

(2) In article 1(2) (interpretation)—

(a) in the definition of “building” for “and Class A of Part 31” substitute “, Class A of Part 31 and Class C of Part 38”;

(b) after the definition of “classified road” insert—

““Crown land” has the meaning given by section 293(17) of the Act;”;

(c) after the definition of “Notification Regulations” insert—

““operational Crown building” means a building which is operational Crown land;

“operational Crown land” means—

(a) Crown land which is used for operational purposes; and

(b) Crown land which is held for those purposes,

but does not include—

(i) land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or held, for operational purposes;

(ii) Crown land—

(aa) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate;

(bb) in which there is an interest belonging to Her Majesty in right of Her private estates;

(cc) in which there is an interest belonging to Her Majesty in right of the Duchy of Lancaster; or

(dd) belonging to the Duchy of Cornwall;

“operational purposes” means the purposes of carrying on the functions of the Crown or of either House of Parliament;”;

(d) for the definition of “original” substitute—

““original” means—

(a) in relation to a building, other than a building which is Crown land, existing on 1st July 1948, as existing on that date and, in relation to a building, other than a building which is Crown land, built on or after 1st July 1948, as so built;

(b) in relation to a building which is Crown land on 7th June 2006, as existing on that date and, in relation to a building built on or after 7th June 2006 which is Crown land on the date of its completion, as so built;”.

(3) After paragraph (12) of article 1 insert—

“(13) For the purposes of this Order, development carried out by or on behalf of any person in whom control of accommodation in any part of the Palace of Westminster or

(15) Section 293A was inserted by the Planning and Compulsory Purchase Act 2005 (c. 5), section 82(1).

(16) S.I. 1995/418 amended by S.I. 1996/528, 1998/462, 1999/1661, 2001/2718, 2002/828, 2003/2155, 2005/85, 2005/2935, 2006/124 (W. 17) and 2006/221.

(17) Section 293 was amended by the Planning and Compulsory Purchase Act 2004 (c. 5), Schedule 3 paragraph 6.

its precincts is vested shall be treated (so far as it would not otherwise be treated) as development by or on behalf of the Crown.”.

- (4) In article 3(12) (permitted development) after sub-paragraph (f) insert—
- “(g) development for which permission is granted by Class B of Part 13.”.
- (5) In article 4(3) (directions restricting permitted development)—
- (a) after sub-paragraph (a) insert—
- “(aa) development permitted by Class B of Part 13;
- (ab) development permitted by Part 37 or Part 38;”;
- (b) in sub-paragraph (b) after “emergency” insert “other than development permitted by Part 37”.
- (6) In Schedule 2 (permitted development)—
- (a) for Part 13 (development by local highway authorities) substitute Part 13 as set out in Part 1 of Schedule 1 to this Order; and
- (b) after Part 33 (closed circuit television cameras) insert Parts 34 to 38 as set out in Part 2 of that Schedule.

Town and Country Planning (General Development Procedure) Order 1995

17.—(1) The Town and Country Planning (General Development Procedure) Order 1995(**18**) applies to the Crown with, in relation to England, the following modifications.

- (2) For article 4A (applications in respect of Crown land) substitute—

“Applications in respect of Crown land

4A.—(1) An application for planning permission in respect of Crown land shall be accompanied by—

- (a) a statement that the application is made in respect of Crown land; and
- (b) where the application is made by a person authorised in writing by the appropriate authority, a copy of that authorisation.”.

- (3) In article 8 (publicity for applications for planning permission) after paragraph (7) insert—

“(7A) This article applies to applications made to the Secretary of State under section 293A of the Act (urgent Crown development) as if the references to a local planning authority were references to the Secretary of State.”.

- (4) After article 10 (consultations before the grant of planning permission) insert—

“Consultations before the grant of planning permission: urgent Crown development

10A.—(1) Article 10 applies in relation to applications made to the Secretary of State under section 293A of the Act with the following modifications.

- (2) For paragraphs (1), (1A), and (1B) substitute—

“(1) Before granting planning permission for development which, in his opinion, falls within a category set out in the table below, the Secretary of State shall consult the authority or person mentioned in relation to that category, except where—

(18) S.I. 1995/419 amended by the Environment Act 1995 (c. 25), Schedule 22, paragraph 233 and by S.I. 1995/1139, 1996/396, 1996/593, 1996/1817, 1997/858, 1999/293, 1999/981, 2002/768, 2002/1877 (W. 186), 2003/956, 2003/2047, 2004/1434 (W. 147), 2004/3340, 2005/2087 and 2006/1062.

- (a) the authority or person so mentioned has advised the Secretary of State that they do not wish to be consulted; or
- (b) the development is subject to any standing advice provided by the authority or person so mentioned to the Secretary of State in relation to the category of development.

(1A) The exception in paragraph (1)(a) shall not apply where, in the opinion of the Secretary of State, development falls within paragraph (zb) of the table below.

(1B) The exception in paragraph (1)(b) shall not apply where—

- (a) the development is an EIA development; or
- (b) the standing advice was issued more than two years before the date of the application for planning permission for the development and the guidance has not been amended or confirmed as being extant by the authority or person within that period.”.

(3) In the table after paragraph (b) insert—

“(ba)	Development likely to affect land in the area of a parish council	The parish council”
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(4) Omit paragraph (3).

(5) In paragraph (4)—

- (a) for “a local planning authority are” substitute “the Secretary of State is”;
- (b) in sub-paragraph (a) for “they” substitute “he”.

(6) In paragraph (5) for “local planning authority” substitute “Secretary of State”.

(5) In article 19(3) (representations to be taken into account) for “of the Act (reference of applications to the Secretary of State)” substitute “(reference of applications to the Secretary of State) and section 293A(2) (applications for urgent Crown development) of the Act”.

(6) In article 25 (register of applications)—

- (a) in paragraph (4)(d) after “whether on appeal” insert “, on an application under section 293A(2) of the Act (applications for urgent Crown development)”;
- (b) in paragraph (9) for “Every” substitute “Subject to paragraph (9A), every”; and
- (c) after paragraph (9) insert—

“(9A) A copy of any application made under section 293A(2) of the Act (applications for urgent Crown development) and of any plans and drawings submitted in relation to it shall be placed on the register within 14 days of the date on which the local planning authority is consulted on the application by the Secretary of State.”.

(7) In Part 1 of Schedule 2 (notices under articles 6 and 9)—

(a) in the first notice—

- (i) for “Council” substitute “[Council] [Secretary of State]†” in each place where the word occurs; and
- (ii) in note (05) after “Council” insert “or the Secretary of State as appropriate”;

(b) in the second notice—

- (i) for “Council” substitute “[Council] [Secretary of State]†” in each place where the word occurs; and
- (ii) in note (g) after “Council” insert “or the Secretary of State as appropriate”.

Town and Country Planning (Minerals) Regulations 1995

18. The Town and Country Planning (Minerals) Regulations 1995(19) apply to the Crown.

The Town and Country Planning (General Development Procedure) (Welsh Forms) Order 1995

19.—(1) The Town and Country Planning (General Development Procedure) (Welsh Forms) Order 1995(20) applies to the Crown and is modified as follows.

(2) In Part 1 of Schedule 2 (notices under articles 6 and 9)—

(a) in the first notice—

- (i) for “i Gyngor” substitute “[i Gyngor] [i Gynulliad Cenedlaethol Cymru]†”;
- (ii) for “i'r Gyngor” substitute “at[y Gyngor] [Gynulliad Cenedlaethol Cymru]†”;
- (iii) in footnote (c) after “Cyngor” insert “neu Gynulliad Cenedlaethol Cymru fel y bo'n briodol”; and
- (iv) in footnote (e) after “Cyngor” insert “neu Gynulliad Cenedlaethol Cymru fel y bo'n briodol”;

(b) in the second notice—

- (i) for “i Gyngor” substitute “[i Gyngor] [i Gynulliad Cenedlaethol Cymru]†”;
- (ii) for “y Gyngor” substitute “[y Gyngor] [Gynulliad Cenedlaethol Cymru]†”;
- (iii) in footnote (c) after “Cyngor” insert “neu Gynulliad Cenedlaethol Cymru fel y bo'n briodol” and
- (iv) in footnote (g) after “Cyngor” insert “neu Gynulliad Cenedlaethol Cymru fel y bo'n briodol”.

Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1997

20. The Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1997(21) apply to the Crown.

Town and Country Planning (Compensation for Restrictions on Mineral Working and Mineral Waste Depositing) Regulations 1997

21. The Town and Country Planning (Compensation for Restrictions on Mineral Working and Mineral Waste Depositing) Regulations 1997(22) apply to the Crown.

Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

22.—(1) The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999(23) apply to the Crown with the following modifications.

(2) In regulation 8 (application referred to the Secretary of State without an environmental statement)—

(a) in paragraph (1)—

(19) S.I. 1995/2863.

(20) S.I. 1995/3336.

(21) S.I. 1997/420.

(22) S.I. 1997/1111.

(23) S.I. 1999/293 amended by S.I. 2000/2867.

- (i) before “referred” insert “made or”; and
- (ii) before “referral” insert “making or the”; and
- (b) in paragraph (2) before “referred” insert “made or”.

Town and Country Planning (Trees) Regulations 1999

23.—(1) The Town and Country Planning (Trees) Regulations 1999⁽²⁴⁾ apply to the Crown with the following modifications.

- (2) In regulation 10(1) (trees in conservation areas-exemptions) after sub-paragraph (a) insert—
 - “(aa) the cutting down, uprooting, topping or lopping of a tree by, or on behalf of, the Forestry Commissioners on land placed at their disposal in pursuance of the Forestry Act 1967⁽²⁵⁾ or otherwise under their management or supervision;”.
- (3) In the Schedule (form of tree preservation order) in article 5(1) (exemptions) after paragraph (a) insert—
 - “(aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980⁽²⁶⁾ (procedures for making or confirming certain orders and schemes);
 - (ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;”.

Town and Country Planning (Inquiries Procedure) (England) Rules 2000

24.—(1) The Town and Country Planning (Inquiries Procedure) (England) Rules 2000⁽²⁷⁾ apply to the Crown with the following modifications.

- (2) After rule 23 (Mayor of London) insert—

“Modifications where national security direction given and for urgent Crown development or works

- 23A.**—(1) The modifications set out in Part 1 of the Schedule shall have effect where a direction is given by the Secretary of State under—
 - (a) section 321(3)⁽²⁸⁾ of the Planning Act⁽²⁹⁾ (planning inquiries to be held in public subject to certain exceptions); or
 - (b) paragraph 6(6) of Schedule 3 to the Listed Buildings Act⁽³⁰⁾ (determination of certain appeals by person appointed by the Secretary of State).
- (2) The modifications set out in Part 2 of the Schedule shall have effect where either section 293A of the Planning Act (urgent Crown development) or section 82B of the Listed Buildings Act (urgent works relating to Crown land), or both, apply.”.
- (3) At the end of the Rules add the Schedule set out in Schedule 2 to this Order.

⁽²⁴⁾ S.I. 1999/1892 amended by S.I. 2001/1149 and 2001/4050.

⁽²⁵⁾ 1967 c. 10. Relevant amendments were made by S.I. 1999/1747.

⁽²⁶⁾ 1980 c. 66.

⁽²⁷⁾ S.I. 2000/1624 amended by S.I. 2003/956.

⁽²⁸⁾ 1990 c. 8. Relevant amendments were made to section 321 by the Planning and Compulsory Purchase Act 2004 (c. 5) section 80(1).

⁽²⁹⁾ 1990 c. 8. Section 321 was amended by the Planning and Compulsory Purchase Act 2004 (c. 5) section 80(1).

⁽³⁰⁾ 1990 c. 9. Schedule 3 was amended by the Planning and Compulsory Purchase Act 2004, section 80(3).

Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000

25. The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000(31) apply to the Crown.

Town and Country Planning (Hearings Procedure) (England) Rules 2000

26. The Town and Country Planning (Hearings Procedure) (England) Rules 2000(32) apply to the Crown.

Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2000

27. The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2000(33) apply to the Crown.

Town and Country Planning (Major Infrastructure Project Inquiries Procedure) (England) Rules 2002

28.—(1) The Town and Country Planning (Major Infrastructure Project Inquiries Procedure) (England) Rules 2002(34) apply to the Crown with the following modifications.

(2) After rule 25 (Mayor of London) insert—

“Modifications where national security direction given

25A. The modifications set out in the Schedule shall have effect where a direction is given by the Secretary of State under—

- (a) section 321(3) of the Planning Act(35) (planning inquiries to be held in public subject to certain exceptions); or
- (b) paragraph 6(6) of Schedule 3 to the Listed Buildings Act(36) (determination of certain appeals by person appointed by the Secretary of State).”.

(3) At the end of the Rules add the Schedule set out in Schedule 3 to this Order.

Landfill (England and Wales) Regulations 2002

29. The Landfill (England and Wales) Regulations 2002(37) apply to the Crown insofar as they relate to planning permission for landfill.

(31) S.I. 2000/1625 amended by S.I. 2003/956.

(32) S.I. 2000/1626 amended by S.I. 2003/956.

(33) S.I. 2000/1628 amended by S.I. 2003/956.

(34) S.I. 2002/1223. These Rules have been revoked, subject to certain savings and transitional provisions by article 28 of the Town and Country Planning (Major Infrastructure Project Inquiries Procedure) (England) Rules 2005 (S.I. 2005/2115).

(35) 1990 c. 8. Section 321 was amended by the Planning and Compulsory Purchase Act 2004 (c. 5), section 80(1).

(36) 1990 c. 9. Schedule 3 was amended by the Planning and Compulsory Purchase Act 2004, section 80(3).

(37) S.I. 2002/1559 to which there are amendments not relevant to this instrument. See regulation 5 and paragraph 1(1) of Schedule 2 which impose restrictions on the grant of planning permission for landfill.

Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002

30. The Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002(**38**) apply to the Crown subject to the modification that, for regulation 7 (notification of appeal to the local planning authority) there is substituted—

“Notification of appeal to the local planning authority

7.—(1) On receipt of the statement under regulation 6 the Secretary of State shall notify the local planning authority in writing that an appeal has been made and copy to them the appeal and, subject to paragraph (2), the statement made under regulation 6.

(2) Nothing in paragraph (1) shall require the Secretary of State to disclose information as to national security or the measures taken or to be taken to ensure the security of any premises or property where, in the Secretary of State’s opinion, public disclosure of that information would be contrary to the national interest.”.

Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002

31.—(1) The Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002(**39**) apply to the Crown with the following modifications.

(2) In regulation 7 (representations)—

- (a) in paragraph (6) after “and shall” insert “, subject to paragraph (7A),”;
- (b) in paragraph (7) after “receipt” insert “and subject to paragraph (7A),”;
- (c) after paragraph (7) insert—

“(7A) Nothing in paragraph (6) or (7) shall require the Secretary of State to disclose information as to national security or the measures taken or to be taken to ensure the security of any premises or property where, in the Secretary of State’s opinion, public disclosure of that information would be contrary to the national interest.”.

(3) In regulation 8 (third party representations)—

- (a) at the beginning of paragraph (2)(a) insert “subject to paragraph (2A),”;
- (b) after paragraph (2) insert—

“(2A) Nothing in paragraph (2)(a) shall require the Secretary of State to disclose information as to national security or the measures taken or to be taken to ensure the security of any premises or property where, in the Secretary of State’s opinion, public disclosure of that information would be contrary to the national interest.”.

Town and Country Planning (Enforcement) (Hearings Procedure) (England) Rules 2002

32.—(1) The Town and Country Planning (Enforcement) (Hearings Procedure) (England) Rules 2002(**40**) apply to the Crown with the following modifications.

(2) In rule 5 (hearing statements)—

- (a) in paragraph (5) for “The Secretary of State” substitute “Subject to paragraph (5A), the Secretary of State”;
- (b) after paragraph (5) insert—

(38) S.I. [2002/2682](#) amended by S.I. [2003/956](#).

(39) S.I. [2002/2683](#) amended by S.I. [2003/956](#).

(40) S.I. [2002/2684](#) amended by S.I. [2003/956](#).

“(5A) Nothing in paragraph (5) shall require the Secretary of State to disclose information as to national security or the measures taken or to be taken to ensure the security of any premises or property where, in the Secretary of State’s view, public disclosure of that information would be contrary to the national interest.”.

Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002

33. The Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002(41) apply to the Crown.

Town and Country Planning (Enforcement) (Inquiries Procedure) (England) Rules 2002

34.—(1) The Town and Country Planning (Enforcement) (Inquiries Procedure) (England) Rules 2002(42) apply to the Crown with the following modifications.

(2) After rule 25A (withdrawal of consent to use of electronic communications) insert—

“Modifications where national security direction given

25B. The modifications set out in the Schedule shall have effect where a direction is given by the Secretary of State under—

- (a) section 321(3) of the Planning Act(43) (planning inquiries to be held in public subject to certain exceptions); or
- (b) paragraph 6(6) of Schedule 3 to the Listed Buildings Act(44) (determination of certain appeals by person appointed by the Secretary of State).”.

(3) At the end of the Rules add the Schedule set out in Schedule 4 to this Order.

Town and Country Planning (Referrals and Appeals) (Written Representations Procedure) (Wales) Regulations 2003

35. The Town and Country Planning (Referrals and Appeals) (Written Representations Procedure) (Wales) Regulations 2003(45) apply to the Crown.

Town and Country Planning (Enforcement Notices and Appeals) (Wales) Regulations 2003

36. The Town and Country Planning (Enforcement Notices and Appeals) (Wales) Regulations 2003(46) apply to the Crown subject to the modification that, for regulation 6 (notification of appeal to the local planning authority) there is substituted—

“Notification of appeal to the local planning authority

6.—(1) Upon receipt of the statement under regulation 5, the National Assembly must notify the local planning authority in writing that an appeal has been made and copy to the local planning authority the appeal and the statement made under regulation 5.

(2) Nothing in paragraph (1) requires the National Assembly to disclose information as to national security or the measures taken or to be taken to ensure the security of any

(41) S.I. 2002/2685 amended by S.I. 2003/956.

(42) S.I. 2002/2686 amended by S.I. 2003/956.

(43) 1990 c. 8. Section 321 was amended by the Planning and Compulsory Purchase Act 2004 (c. 5), section 80(1).

(44) 1990 c. 9. Schedule 3 was amended by the Planning and Compulsory Purchase Act 2004, section 80(3).

(45) S.I. 2003/390 amended by S.I. 2004/3157.

(46) S.I. 2003/394 amended by S.I. 2004/3157.

premises or property where, in the opinion of either the National Assembly or the Secretary of State, public disclosure of that information would be contrary to the national interest.”.

Town and Country Planning (Enforcement) (Written Representations Procedure) (Wales) Regulations 2003

37.—(1) The Town and Country Planning (Enforcement) (Written Representations Procedure) (Wales) Regulations 2003⁽⁴⁷⁾ apply to the Crown with the following modifications.

(2) In regulation 7 (representations)—

- (a) in paragraph (6) after “and must” insert “, subject to paragraph (7A),”;
- (b) in paragraph (7) after “receipt” insert “and subject to paragraph (7A)”;
- (c) after paragraph (7) insert—

“(7A) Nothing in paragraph (6) or (7) requires the National Assembly to disclose information as to national security or the measures taken or to be taken to ensure the security of any premises or property where, in the opinion of either the National Assembly or the Secretary of State, public disclosure of that information would be contrary to the national interest.”.

(3) In regulation 8 (third party representations)—

- (a) at the beginning of paragraph (2)(a) insert “subject to paragraph (2A),”;
- (b) after paragraph (2) insert—

“(2A) Nothing in paragraph (2)(a) requires the National Assembly to disclose information as to national security or the measures taken or to be taken to ensure the security of any premises or property where, in the opinion of either the National Assembly or the Secretary of State, public disclosure of that information would be contrary to the national interest.”.

Town and Country Planning (Inquiries Procedure) (Wales) Rules 2003

38.—(1) The Town and Country Planning (Inquiries Procedure) (Wales) Rules 2003⁽⁴⁸⁾ apply to the Crown with the following modifications.

(2) After rule 22A (Withdrawal of consent to use of electronic communications) insert—

“Modifications where national security direction given and for urgent Crown development or works

22B.—(1) The modifications set out in Part 1 of the Schedule have effect where a direction is given by the National Assembly or the Secretary of State under—

- (a) section 321(3)⁽⁴⁹⁾ of the Planning Act⁽⁵⁰⁾ (planning inquiries to be held in public subject to certain exceptions); or
- (b) paragraph 6(6) of Schedule 3 to the Listed Buildings Act⁽⁵¹⁾ (determination of certain appeals by person appointed by the Secretary of State).

⁽⁴⁷⁾ S.I. 2003/395 amended by S.I. 2004/3157.

⁽⁴⁸⁾ S.I. 2003/1266 amended by S.I. 2004/3172.

⁽⁴⁹⁾ 1990 c. 8. Relevant amendments were made to section 321 by the Planning and Compulsory Purchase Act 2004 (c. 5) section 80(1).

⁽⁵⁰⁾ 1990 c. 8. Section 321 was amended by the Planning and Compulsory Purchase Act 2004 (c. 5) section 80(1).

⁽⁵¹⁾ 1990 c. 9. Schedule 3 was amended by the Planning and Compulsory Purchase Act 2004, section 80(3).

(2) The modifications set out in Part 2 of the Schedule have effect where either section 293A of the Planning Act (urgent Crown development) or section 82B of the Listed Buildings Act (urgent works relating to Crown land), or both, apply.”

(3) At the end of the Rules add the Schedule set out in Schedule 5 to this Order.

Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (Wales) Rules 2003

39. The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (Wales) Rules 2003(**52**) apply to the Crown.

Town and Country Planning (Enforcement) (Hearings Procedure) (Wales) Rules 2003

40.—(1) The Town and Country Planning (Enforcement) (Hearings Procedure) (Wales) Rules 2003(**53**) apply to the Crown with the following modifications.

(2) In rule 5 (hearing statements)—

- (a) in paragraph (5) for “The National Assembly” substitute “Subject to paragraph (5A), the National Assembly”; and
- (b) after paragraph (5) insert—

“(5A) Nothing in paragraph (5) requires the National Assembly to disclose information as to national security or the measures taken or to be taken to ensure the security of any premises or property where, in the view of the National Assembly or the Secretary of State, public disclosure of that information would be contrary to the national interest.”

Town and Country Planning (Enforcement) (Inquiries Procedure) (Wales) Rules 2003

41.—(1) The Town and Country Planning (Enforcement) (Inquiries Procedure) (Wales) Rules 2003(**54**) apply to the Crown with the following modifications.

(2) After rule 25A (withdrawal of consent to use of electronic communications) insert—

“Modifications where national security direction given

25B. The modifications set out in the Schedule have effect where a direction is given by the National Assembly or the Secretary of State under—

- (a) section 321(3) of the Planning Act(**55**) (planning inquiries to be held in public subject to certain exceptions); or
- (b) paragraph 6(6) of Schedule 3 to the Listed Buildings Act(**56**) (determination of certain appeals by person appointed by the National Assembly or the Secretary of State).”

(3) At the end of the Rules add the Schedule set out in Schedule 6 to this Order.

(52) S.I. 2003/1267 amended by S.I. 2004/3172.

(53) S.I. 2003/1268 amended by S.I. 2004/3172.

(54) S.I. 2003/1269 amended by S.I. 2004/3172.

(55) 1990 c. 8. Section 321 was amended by the Planning and Compulsory Purchase Act 2004 (c. 5), section 80(1).

(56) 1990 c. 9. Schedule 3 was amended by the Planning and Compulsory Purchase Act 2004, section 80(3).

Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (Wales) Rules 2003

42. The Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (Wales) Rules 2003(**57**) apply to the Crown.

Town and Country Planning (Hearings Procedure) (Wales) Rules 2003

43. The Town and Country Planning (Hearings Procedure) (Wales) Rules 2003(**58**) apply to the Crown.

Town and Country Planning (Timetable for Decisions) (England) Order 2005

44. The Town and Country Planning (Timetable for Decisions) (England) Order 2005(**59**) applies to the Crown.

Town and Country Planning (Temporary Stop Notice) (England) Regulations 2005

45. The Town and Country Planning (Temporary Stop Notice) (England) Regulations 2005(**60**) apply to the Crown.

Town and Country Planning (Major Infrastructure Project Inquiries Procedure) (England) Rules 2005

46.—(1) The Town and Country Planning (Major Infrastructure Project Inquiries Procedure) (England) Rules 2005(**61**) apply to the Crown with the following modifications.

(2) After rule 27 (Mayor of London) insert—

“Modifications where national security direction given

27A. The modifications set out in the Schedule shall have effect where a direction is given by the Secretary of State under—

- (a) section 321(3) of the Planning Act(**62**) (planning inquiries to be held in public subject to certain exceptions); or
- (b) paragraph 6(6) of Schedule 3 to the Listed Buildings Act(**63**) (determination of certain appeals by person appointed by the Secretary of State).”.

(3) At the end of the Rules add the Schedule set out in Schedule 7 to this Order.

(57) S.I. 2003/1270 amended by S.I. 2004/3172.

(58) S.I. 2003/1271 amended by S.I. 2004/3172.

(59) S.I. 2005/205.

(60) S.I. 2005/206.

(61) S.I. 2005/2115.

(62) 1990 c. 8. Section 321 was amended by the Planning and Compulsory Purchase Act 2004 (c. 5), section 80(1).

(63) 1990 c. 9. Schedule 3 was amended by the Planning and Compulsory Purchase Act 2004, section 80(3).

Signed by authority of the Secretary of State

10th May 2006

Kay Andrews
Parliamentary Under Secretary of State
Department for Communities and Local
Government