

SCHEDULES

SCHEDULE 1

Article 21(3)

CROWN APPLICATION

Service of notices

1. In paragraph (1) of Article 2 of the principal Order (interpretation), at the beginning insert “Subject to Article 112E(2).”.

Hazardous substances consent

2. In Article 60 of the principal Order (effect of hazardous substances consent and change of control of land), after paragraph (3) insert—

“(3A) Paragraphs (2) and (3) do not apply if the control of land changes from one emanation of the Crown to another.”.

Rights of entry

3. After Article 84C of the principal Order (rights of entry for enforcement purposes: supplementary provisions) insert—

“Rights of entry for enforcement purposes: Crown land

84D.—(1) Article 84A applies to Crown land subject to the following modifications.

(2) In paragraph (1) of Article 84A, sub-paragraphs (b) and (c) are omitted.

(3) A person shall not enter Crown land unless he has the relevant permission.

(4) Relevant permission is the permission of—

(a) a person appearing to the person seeking entry to the land to be entitled to give it; or

(b) the appropriate authority.

(5) Articles 84B and 84C do not apply to anything done by virtue of this Article.

(6) “Appropriate authority” and “Crown land” shall be construed in accordance with Article 118(1).”.

4. After Article 122 of the principal Order (supplementary provisions as to rights of entry) insert—

“Supplementary provisions as to powers of entry: Crown land

122A.—(1) Article 121 applies to Crown land subject to the following modifications.

(2) A person shall not enter Crown land unless he has the relevant permission.

(3) Relevant permission is the permission of—

- (a) a person appearing to the person seeking entry to the land to be entitled to give it; or
 - (b) the appropriate authority.
- (4) In paragraph (4) the words from “, but a person” to the end of that paragraph shall be omitted.
- (5) Article 122 does not apply to anything done by virtue of this Article.
- (6) “Appropriate authority” and “Crown land” shall be construed in accordance with Article 118(1).”.

Compulsory acquisition

5.—(1) Article 87 of the principal Order (acquisition of land for planning purposes) is amended as follows.

- (2) At the beginning of paragraph (1), insert “Subject to paragraph (1A),”.
- (3) After paragraph (1) insert—
 - “(1A) The Department shall not acquire any estate in Crown land unless—
 - (a) it is an estate which is for the time being held otherwise than by or on behalf of the Crown; and
 - (b) the appropriate authority consents to the acquisition.”.
- (4) After paragraph (9) insert—
 - “(10) “Appropriate authority” and “Crown land” shall be construed in accordance with Article 118(1).”.

6. In Article 109 of the principal Order (compulsory acquisition of listed buildings) after paragraph (6) add—

- “(7) This Article does not permit the acquisition of any estate in Crown land unless—
 - (a) it is an estate which is for the time being held otherwise than by or on behalf of the Crown; and
 - (b) the appropriate authority consents to the acquisition.
- (8) “Appropriate authority” and “Crown land” shall be construed in accordance with Article 118(1).”.

Purchase notices

7. After Article 94 of the principal Order (service of purchase notice) insert—

“Purchase notices: Crown land

- 94A.**—(1) A purchase notice may be served in respect of Crown land only as mentioned in this Article.
- (2) The owner of a private estate in Crown land shall not serve a purchase notice unless—
 - (a) he first offers to dispose of his estate to the appropriate authority on equivalent terms; and
 - (b) the offer is refused by the appropriate authority.
 - (3) An offer is made on equivalent terms if the price payable for the estate is equal to (and, in default of agreement, determined in the same manner as) the compensation which would be payable if it were acquired in pursuance of a purchase notice.

(4) Expressions used in this Article and in Part XII shall be construed in accordance with that Part.”.

Application to Crown land and planning permission in anticipation of disposal of Crown land

8. Articles 113 and 114 of the principal Order are omitted.

Tree preservation orders

9.—(1) Article 115 of the principal Order (tree preservation orders in anticipation of disposal of Crown land) is omitted.

(2) But the repeal of Article 115 does not affect its operation in relation to a tree preservation order made by virtue of that Article before the coming into operation of this paragraph.

Special enforcement notices

10.—(1) Article 116 of the principal Order (control of development on Crown land) is omitted.

(2) But the repeal of Article 116 does not affect its operation in relation to development carried out before the coming into operation of this paragraph.

Requirement of planning permission for continuance of use instituted by Crown

11.—(1) Article 117 of the principal Order (requirement of planning permission for continuance of use instituted by Crown) is omitted.

(2) But the repeal of Article 117 does not affect its operation in relation to a direction made as mentioned in paragraph (1) of that Article before the coming into operation of this paragraph.

Definitions

12.—(1) Article 118 of the principal Order is amended as follows.

(2) In paragraph (1) for the definition of “Crown estate” substitute—

““Crown estate” means any of the following—

- (a) an estate belonging to Her Majesty in right of the Crown;
- (b) an estate belonging to a government department or held in trust for Her Majesty for the purposes of a government department;
- (c) such other estate as the Department may specify by order subject to affirmative resolution;”.

(3) After paragraph (1) insert—

“(1A) For the purposes of an application for planning permission made by or on behalf of the Crown in respect of land which does not belong to the Crown or in respect of which it has no estate a reference to the appropriate authority must be construed as a reference to the person who makes the application.”.

(4) Paragraph (3) is omitted.

Information as to estates in land

13. After Article 125 of the principal Order (information as to estates in land) insert—

“Information as to estates in Crown land

125A.—(1) This Article applies to an estate in Crown land which is not a private estate.

(2) Article 125 does not apply to an estate to which this Article applies.

(3) For a purpose mentioned in Article 125(1) the Department may request the appropriate authority to give it such information as to the matters mentioned in Article 125(2) as the Department specifies in the request.

(4) The appropriate authority shall comply with a request under paragraph (3) except to the extent—

(a) that the matter is not within the knowledge of the authority, or

(b) that to do so will disclose information as to any of the matters mentioned in Article 123A(3).

(5) Expressions used in this Article and in Part XII shall be construed in accordance with that Part.”.