

PLANNING ACT 2008

EXPLANATORY NOTES

COMMENTARY

Part 5, Chapter 3 – Assistance for applicants and others

Section 51: Advice for potential applicants and others

121. The section provides that the Commission may give advice to an applicant, a potential applicant or others about applying for an order granting development consent or making representations about an application or proposed application. Any such advice cannot relate to the merits of any particular application or proposed application. The Secretary of State may make regulations about giving advice for the purpose of securing propriety. In particular, these regulations may provide for the disclosure of requests for advice and any advice by the Commission.

Section 52: Obtaining information about interests in land

122. This section provides that the Commission may authorise an applicant or proposed applicant to serve a notice on a person falling within one of the categories specified in subsection (3), requiring the person to give to the applicant the names and addresses of people who have an interest in the land to which the application relates. If the person fails to comply with such a notice, or wilfully gives misleading information, the person will commit an offence, and be liable to pay a fine up to level 5 on the standard scale (currently £5,000).

Sections 53 and 54: Rights of entry and Crown land

123. **Section 53** provides that the Commission may authorise a person to enter a particular piece of land, in order to survey or take levels in connection with:
- an application for an order granting development consent, which has been accepted by the Commission; or
 - an order granting development consent that includes authorisation for the compulsory purchase of land, or an interest in or right over land.
124. The Commission may also authorise a person to enter a particular piece of land in connection with a proposed application for an order granting development consent, but only if the proposed applicant:
- a) is considering a distinct project of real substance requiring entry onto the land;
 - b) is likely to seek authority to compulsorily acquire the land, or an interest in or right over land; and
 - c) has complied with the consultation requirements in section 42.
125. Subsection (5) of section 53 makes it an offence wilfully to obstruct an authorised person who is exercising a right of entry.

*These notes refer to the Planning Act 2008 (c.29)
which received Royal Assent on 26 November 2008*

126. Subsection (7) of section 53 provides that the person entering land under this section is liable to pay compensation for any damage caused.
127. [Section 54](#) modifies the rights of entry in relation to Crown land.