



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART XI

#### STATUTORY UNDERTAKERS

##### *Extension or modification of statutory undertakers' functions*

#### **278 Objections to orders under ss. 275 and 277.**

- (1) For the purposes of sections 275 to 277, an objection to the making of an order shall not be treated as duly made unless—
  - (a) the objection is made within the time and in the manner specified in the notice required by section 276 or, as the case may be, section 277; and
  - (b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.
- (2) Where an objection to the making of such an order is duly made in accordance with subsection (1) and is not withdrawn, the following provisions of this section shall have effect in relation to it.
- (3) Unless the appropriate Minister decides without regard to the objection not to make the order, or decides to make a modification which is agreed to by the objector as meeting the objection, before he makes a final decision he—
  - (a) shall consider the grounds of the objection as set out in the statement; and
  - (b) may, if he thinks fit, require the objector to submit within a specified period a further statement in writing as to any of the matters to which the objection relates.
- (4) In so far as the appropriate Minister, after considering the grounds of the objection as set out in the original statement and in any such further statement, is satisfied that the objection relates to a matter which can be dealt with in the assessment of compensation, the appropriate Minister may treat the objection as irrelevant for the purpose of making a final decision.

*Status: Point in time view as at 09/12/2013. This version of this provision has been superseded.*

*Changes to legislation: Town and Country Planning Act 1990, Section 278 is up to date with all changes known to be in force on or before 05 June 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)*

- (5) If—
- (a) after considering the grounds of the objection as so set out, the appropriate Minister is satisfied that, for the purpose of making a final decision, he is sufficiently informed as to the matters to which the objection relates; or
  - (b) in a case where a further statement has been required, it is not submitted within the specified period,
- the appropriate Minister may make a final decision without further investigation as to those matters.
- (6) Subject to subsections (4) and (5), before making a final decision the appropriate Minister shall give the objector an opportunity of appearing before, and being heard by, a person appointed for the purpose by the appropriate Minister.
- (7) If the objector takes that opportunity, the appropriate Minister shall give an opportunity of appearing and being heard on the same occasion to the statutory undertakers, local authority or Minister on whose representation the order is proposed to be made, and to any other persons to whom it appears to him to be expedient to give such an opportunity.
- (8) Notwithstanding anything in the previous provisions of this section, if it appears to the appropriate Minister that the matters to which the objection relates are such as to require investigation by public local inquiry before he makes a final decision, he shall cause such an inquiry to be held.
- (9) Where the appropriate Minister determines to cause such an inquiry to be held, any of the requirements of subsections (3) to (7) to which effect has not been given at the time of that determination shall be dispensed with.
- (10) In this section any reference to making a final decision in relation to an order is a reference to deciding whether to make the order or what modification (if any) ought to be made.
- (11) In the application of this section to an order under section 275, any reference to the appropriate Minister shall be construed as a reference to the Secretary of State and the appropriate Minister.

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

- C1** Ss. 275-278, 279(2)-(4), 280, 282 modified (3.6.1999) by [S.I. 1999/1555](#), art. 11, [Sch. 2 para. 1](#)  
 Ss. 275-278, 279(2)-(4), 280, 282 modified (21.7.1999) by [S.I. 1999/2129](#), art. 20, [Sch. 3 para. 1](#)  
 Ss. 275-278, 279(2)-(4), 280, 282 modified (20.8.1999) by [S.I. 1999/2336](#), art. 25, [Sch. 6 para. 1](#)  
 Ss. 275-278, 279(2)-(4), 280, 282 modified (23.8.1999) by [S.I. 1999/2981](#), art. 29, [Sch. 11 para. 1](#)  
 Ss. 275-278 applied (with modifications) (18.7.2001) by [S.I. 2001/2870](#), art. 25, [Sch. 4](#)  
 Ss. 275-278 applied (24.7.2001) by [S.I. 2001/3627](#), arts. 63, 64, [Sch. 11 paras. 1, 2](#), [Sch. 12 para. 5\(3\)](#)

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