



Town and Country Planning Act 1971

1971 CHAPTER 78

PART XIV

APPLICATION OF ACT TO SPECIAL CASES

Crown land

266 Exercise of powers in relation to Crown land

- (1) Notwithstanding any interest of the Crown in Crown land, but subject to the following provisions of this section—
- (a) a plan approved, adopted or made under Part II of this Act or the Greater London development plan may include proposals relating to the use of Crown land, and any power to acquire land compulsorily under Part VI of this Act may be exercised in relation to any interest therein which is for the time being held otherwise than by or on behalf of the Crown;
 - (b) any restrictions or powers imposed or conferred by Part III, Part IV or Part V of this Act, by the provisions of Part IX of this Act relating to purchase notices and listed building purchase notices, or by any of the provisions of sections 225 to 228 of this Act, shall apply and be exercisable in relation to Crown land, to the extent of any interest therein for the time being held otherwise than by or on behalf of the Crown;
 - (c) a building which for the time being is Crown land may be included in a list compiled or approved by the Secretary of State under section 54 of this Act.
- (2) Except with the consent of the appropriate authority—
- (a) no order or notice shall be made or served under any of the provisions of sections 51, 60, 65, 87 or 96 of this Act or under any of those provisions as applied by any order or regulations made under Part IV of this Act, in relation to land which for the time being is Crown land;
 - (b) no interest in land which for the time being is Crown land shall be acquired compulsorily under Part VI of this Act.

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- (3) No enforcement notice shall be served under section 87 of this Act in respect of development carried out by or on behalf of the Crown after the appointed day on land which was Crown land at the time when the development was carried out.
- (4) No listed building enforcement notice shall be served in respect of works executed by or on behalf of the Crown in respect of a building which was Crown land at the time when the works were executed.
- (5) No purchase notice or listed building purchase notice shall be served in relation to any interest in Crown land unless an offer has been previously made by the owner of that interest to dispose of it to the appropriate authority on terms that the price payable for it shall be equal to (and shall, in default of agreement, be determined in like manner as) the compensation which would be payable in respect of that interest if it were acquired in pursuance of a purchase notice, and that offer has been refused by the appropriate authority.
- (6) The rights conferred by the provisions of sections 192 to 207 of this Act shall be exercisable by a person who (within the meaning of those provisions) is an owner-occupier of a hereditament or agricultural unit which is Crown land, or is a resident owner-occupier of a hereditament which is Crown land, in the same way as they are exercisable in respect of a hereditament or agricultural unit which is not Crown land, and those provisions shall apply accordingly.
- (7) In this Part of this Act "Crown land" means land in which there is a Crown interest or a Duchy interest; "Crown interest" means an interest belonging to Her Majesty in right of the Crown, or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department; "Duchy interest" means an interest belonging to Her Majesty in right of the Duchy of Lancaster, or belonging to the Duchy of Cornwall; and for the purposes of this section and section 267 of this Act "the appropriate authority", in relation to any land—
 - (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners, and, in relation to any other land belonging to Her Majesty in right of the Crown, means the government department having the management of that land ;
 - (b) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy;
 - (c) in relation to land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;
 - (d) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that department;

and, if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

267 Agreements relating to Crown land

- (1) The appropriate authority and the local planning authority for the area in which any Crown land is situated may make agreements for securing the use of the land, so far as may be prescribed by any such agreement, in conformity with the provisions of the development plan applicable thereto; and any such agreement may contain such

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consequential provisions, including provisions of a financial character, as may appear to be necessary or expedient having regard to the purposes of the agreement.

- (2) An agreement made under this section by a government department shall not have effect unless it is approved by the Treasury.
- (3) In considering whether to make or approve an agreement under this section relating to land belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, the department and the Treasury shall have regard to the purposes for which the land is held by or for the department.

268 Supplementary provisions as to Crown and Duchy interests

- (1) Subject to the following provisions of this section—
 - (a) where there is a Crown, interest in any land, the provisions of Part VII of this Act and of sections 166 to 168 thereof, and the provisions of Schedules 15, 16 and 17 to this Act and the provisions of Schedule 24 to this Act in so far as they relate to Part VII or to sections 166 to 168 of this Act, shall have effect in relation to any private interest or Duchy interest as if the Crown interest were a private interest; and
 - (b) where there is a Duchy interest in any land, those provisions shall have effect in relation to that interest, and to any private interest, as if the Duchy interest were a private interest.
- (2) References in this Act to claims established under Part VI of the Act of 1947 include references to claims so established in accordance with arrangements made under section 88(2) of that Act (which provided for the application of Part VI of that Act to Duchy interests and for the payment of sums in lieu of development charges in respect of such interests); references to development charges include references to sums determined in accordance with such arrangements to be appropriate in substitution for development charges; and references to the amount of an established claim or of a development charge shall be construed accordingly.
- (3) Where, in accordance with an agreement under section 267 of this Act, the approval of a local planning authority is required in respect of any development of land in which there is a Duchy interest, the provisions of this Act referred to in subsection (1)(a) of this section shall have effect in relation to the withholding of that approval, or the giving thereof subject to conditions, as if it were a refusal of planning permission, or a grant of planning permission subject to conditions, as the case may be.
- (4) In this section "private interest" means an interest which is neither a Crown interest nor a Duchy interest.