

ELIZABETH II

c. 8



Town and Country Planning Act 1990

1990 CHAPTER 8

PART III

CONTROL OVER DEVELOPMENT

Annotations:

Modifications etc. (not altering text)

- C4** Pt. III (ss. 55-106) except ss. 76, 90(2)(5) applied (with modifications) (17.7.1992) by S.I. 1992/1492, **regs. 2(1)(b)**, 3-11
- Pt. III (ss. 55-106): power to modify conferred (10.11.1993) by 1993 c. 28, **s. 171(1)(a)**; S.I. 1993/2762, **art. 3**
- Pt. III (ss. 55-106) applied (5.11.1993) by 1993 c. 42, **s. 24(1)** (with ss. 2, 30(1), Sch. 2 para.9)
- Pt. III (ss. 55-106) extended (1.11.1995) by 1995 c. 25, **s. 96(2)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**
- Pt. III (ss. 55-106) modified (1.4.1996) by 1994 c. 19, s. 20(3), Sch. 5 Pt. III paras. 15(1), **20** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 4, **Sch. 2**
- Pt. III (ss. 55-106) modified (18.12.1996) by 1996 c. 61, **s. 9(1)(2)**
- Pt. III (ss. 55-106) modified (18.12.1996) by 1996 c. 61, **s. 51**
- Pt. III (ss. 55-106) modified (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), **art. 20(1)**
- Pt. III (ss. 55-106) modified (31.10.2005) by The London Thames Gateway Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2721), **art. 4**
- Pt. III (ss. 55-106) modified (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), **art. 21(1)** (with arts. 3(5), 15(3))
- Pt. III (ss. 55-106) applied (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 89, 121, **Sch. 4 para. 3(2)** (with s. 111); S.I. 2006/1281, **art. 2**
- Pt. III (ss. 55-106) modified (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), **art. 17(1)** (with art. 43)
- Pt. III (ss. 55-106) modified (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), **art. 18(1)**

Status: Prospective version(s) available.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Town and Country Planning Act 1990. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- C5** Pt. III (ss. 55-106) modified (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), **art. 25(2)** (with art. 30)
 Pt. III modified (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), **art. 17(1)** (with arts. 3(6), 12(3))
- C6** Pt. III modified (28.9.2007) by The London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), **art. 27(1)** (with art. 19, Sch. 3 para. 13(2))
- C7** Pt. III modified (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 10(1)**
- C8** Pt. III modified (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), **art. 34(1)** (with art. 36(3))

Secretary of State's powers as respects planning applications and decisions

77 Reference of applications to Secretary of State.

- (1) The Secretary of State may give directions requiring applications for planning permission, or for the approval of any local planning authority required under a development order [^{F1}or a local development order], to be referred to him instead of being dealt with by local planning authorities.
- (2) A direction under this section—
 - (a) may be given either to a particular local planning authority or to local planning authorities generally; and
 - (b) may relate either to a particular application or to applications of a class specified in the direction.
- (3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.
- (4) Subject to subsection (5), where an application for planning permission is referred to the Secretary of State under this section, sections [^{F2}70, 72(1) and (5), 73 and 73A] shall apply, with any necessary modifications, as they apply to such an application which falls to be determined by the local planning authority [^{F3}and a development order may apply, with or without modifications, to an application so referred any requirements imposed by such an order by virtue of section 65 or 71].
- (5) Before determining an application referred to him under this section, the Secretary of State shall, if either the applicant or the local planning authority wish, give each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- (6) Subsection (5) does not apply to an application for planning permission referred to a Planning Inquiry Commission under section 101.
- (7) The decision of the Secretary of State on any application referred to him under this section shall be final.

Annotations:

Amendments (Textual)

- F1** Words in s. 77(1) inserted (6.8.2004 for certain purposes, 10.5.2006 for E. and otherwise prosp.) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 40(2)(d)**, 121 (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1061, **art. 2**

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- F2** Words in s. 77(4) substituted (2.1.1992 so far as relating to the inclusion of a reference to s. 73A otherwise 17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para.18** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch.1** (subject to art. 5) and S.I. 1992/1491, art.2, **Sch.1**
- F3** Words in s. 77(4) inserted (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 18** (with s. 84(5)); S.I. 1992/1491, art. 2, **Sch.1**

Modifications etc. (not altering text)

- C1** S. 77 extended (3.11.1994) by 1994 c. 33, **ss. 80(3)**, 172(4)
- C2** S. 77 applied (with modifications) (6.4.2007) by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (S.I. 2004/783), **reg. 10**
- C3** S. 77(5) excluded (27.5.1997) by 1997 c. 8, ss. 70(4), 278(2), **Sch. 7 para. 7** (with ss. 20, 64, 219)