



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

The Chief Planning Officer:
County & County Borough Councils in Wales

Adran yr Amgylchedd, Cynllunio a Chefn Gwlad
Department for Environment, Planning and Countryside

The National Park Officer:
National Park Authorities in Wales

Eich cyf . Your ref:
Ein cyf . Our ref: APAA-08-10-072
Dyddiad . Date: 7 June 2006

Dear Colleague

CROWN APPLICATION OF THE PLANNING ACTS

INTRODUCTION

1. The Memorandum attached to this letter provides guidance to local planning authorities in Wales on the changes to the planning system caused by the implementation of Chapter 1 of Part 7 of the Planning and Compulsory Purchase Act 2004 (the "2004 Act") and the associated subordinate legislation. Part 7 applies the planning Acts to the Crown, which will, in general, have to apply for planning permission for development in a similar manner to other applicants from today.
2. There are some special arrangements, mainly concerned with national security and defence, urgency and enforcement, together with new permitted development rights and use classes.
3. The planning Acts (all as amended) are the Town and Country Planning Act 1990 (the "principal Act"), the Planning (Listed Buildings and Conservation Areas) Act 1990 (the "listed buildings Act") and the Planning (Hazardous Substances) Act 1990 (the "hazardous substances Act").
4. Appendix 1 to this letter contains a summary of Chapter 1 of Part 7 of the 2004 Act, together with the associated Schedules 3 and 4. Appendix 2 reproduces the Fees Protocol for urgent applications to the Crown.
5. This letter, together with all other relevant extant planning Circulars, is also commended to all Crown bodies that undertake development. In particular, Crown bodies should note that in planning proceedings to which WO Circular 23/93 *Awards of Costs Incurred in Planning and Other (Including Compulsory Purchase Order) Proceedings* applies, the statutory provisions for awards of costs to or against parties will apply to Crown bodies that are a party as well as local planning authorities and any other parties.

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STAFFING AND FINANCIAL IMPLICATIONS

6. Action in accordance with this letter and Memorandum will have no significant effect on central or local government staffing levels or expenditure. The non-statutory system under WO Circular 37/84 was designed to follow the statutory development control system, including advertisement of Notices of Proposed Development and their entry in the planning register. The inclusion of the Crown in the statutory system should therefore not add to the workload of local planning authorities. The Crown will now be required to pay fees for planning applications, so local planning authorities will receive income that was not received previously. The cost to the Crown of planning application fees is a negligible proportion of scheme costs.

CANCELLATIONS

7. The following are hereby cancelled:-

- Welsh Office Circular 37/84 *Crown Land and Crown Development*;
- paragraph 3 of Annex 4 (Application of costs Policy to Third Parties in Proceedings) to Welsh Office Circular 23/93 *Awards of Costs Incurred in Planning and Other (Including Compulsory Purchase Order) Proceedings*;
- Annex 7 (Control of Development on Crown Land) to Welsh Office Circular 24/97 *Enforcing Planning Control: Legislative Provisions and Procedural Requirements*¹;
- paragraph 157 of Welsh Office Circular 11/99 *Environmental Impact Assessment*; and
- paragraphs 2.4 to 2.7 of the Department of the Environment, Transport and Regions' guidance in *Tree Preservation Orders: A Guide to the Law and Good Practice* (March 2000).

Yours faithfully

Rosemary Thomas
Head of Planning Division
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¹ WO Circular 24/97 was in part superseded by NAW Circular 08/2003 *Enforcement Appeals Procedures*, but Annex 7 was not explicitly carried forward. Notwithstanding the effect of WO Circular 08/2003, the latest guidance on special enforcement notices under sections 294 and 295 of the principal Act has been in Annex 7 to WO Circular 24/97.