



Town and Country Planning Act 1990

1990 CHAPTER 8

PART XI

STATUTORY UNDERTAKERS

Preliminary

264 Cases in which land is to be treated as not being operational land.

- (1) This section applies where an interest in land is held by statutory undertakers for the purpose of carrying on their undertaking and—
 - (a) the interest was acquired by them on or after 6th December 1968; or
 - (b) it was held by them immediately before that date but the circumstances were then such that the land did not fall to be treated as operational land for the purposes of the 1962 Act.
- (2) Where this section applies in respect of any land then, notwithstanding the provisions of section 263, the land shall not be treated as operational land for the purposes of this Act unless it falls within subsection (3) or (4).
- (3) Land falls within this subsection if—
 - (a) there is, or at some time has been, in force with respect to it a specific planning permission for its development; and
 - (b) that development, if carried out, would involve or have involved its use for the purpose of the carrying on of the statutory undertakers' undertaking.
- (4) Land falls within this subsection if—
 - (a) the undertakers' interest in the land was acquired by them as the result of a transfer under the provisions of the ^{M1}Transport Act 1968, the ^{M2}Transport (London) Act 1969, the ^{M3}Gas Act 1986, the ^{M4}Airports Act 1986 [^{F1}the Water Act 1989 or the Water Industry Act 1991]^{F2} or, in the case of land held by Canal & River Trust, the Public Bodies Act 2011] from other statutory undertakers; and

Changes to legislation: Town and Country Planning Act 1990, Section 264 is up to date with all changes known to be in force on or before 08 May 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) View outstanding changes

- (b) immediately before transfer the land was operational land of those other undertakers.
- [^{F3}(4A) For the purposes of this section an interest in land acquired by Transport for London or any of its subsidiaries (within the meaning of the Greater London Authority Act 1999) under or by virtue of that Act shall be taken to have been acquired by Transport for London or that subsidiary at the time and in the manner in which it was acquired by the relevant predecessor.
- (4B) In subsection (4A) “relevant predecessor” means London Regional Transport or such other predecessor in title of Transport for London or the subsidiary of Transport for London as last acquired the interest in question—
- (a) as the result of such a transfer as is mentioned in paragraph (a) of subsection (4); and
 - (b) in such circumstances as are mentioned in paragraph (b) of that subsection.]
- (5) A specific planning permission for the purpose of subsection (3)(a) is a planning permission—
- (a) granted on an application in that behalf made under Part III; or
 - (b) granted by provisions of a development order ^{F4}... granting planning permission generally for development which has received specific parliamentary approval; or
 - (c) granted by a special development order in respect of development specifically described in the order;
- [^{F5}(ca) granted by a local development order or a neighbourhood development order;] or
- (d) deemed to be granted by virtue of a direction of a government department under section 90(1).
- (6) In subsection (5)—
- (a) the reference in paragraph (a) to Part III includes a reference to Part III of the 1971 Act and the enactments in force before the commencement of that Act and replaced by Part III of it; and
 - (b) the reference in paragraph (b) to development which has received specific parliamentary approval is a reference to development authorised—
 - (i) by a local or private Act of Parliament,
 - (ii) by an order approved by both Houses of Parliament; or
 - (iii) by an order which has been brought into operation in accordance with the provisions of the ^{M5}Statutory Orders (Special Procedure) Act 1945,
being an Act or order which designates specifically both the nature of the development authorised by it and the land upon which it may be carried out;
 - (c) the reference in paragraph (d) to section 90(1) includes a reference to section 40 of the 1971 Act, section 41 of the 1962 Act and section 35 of the 1947 Act.
- (7) This section shall not apply to land in the case of which an interest of the Postmaster General’s vested in the Post Office by virtue of section 16 of the ^{M6}Post Office Act 1969.
- (8) Where an interest in land is held by [^{F6}—
- (a) the Civil Aviation Authority, or

Changes to legislation: Town and Country Planning Act 1990, Section 264 is up to date with all changes known to be in force on or before 08 May 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) View outstanding changes

- (b) a person who holds a licence under Chapter I of Part I of the Transport Act 2000 or a company associated with that person,]

this section shall not apply for the purpose of determining whether the land is operational land in relation to the Authority [^{F7}or the licence holder] for the purposes of this act.

Textual Amendments

- F1** Words in s. 264(4)(a) substituted (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\), ss. 2\(1\), 4\(2\), Sch. 1 para. 54](#)
- F2** Words in s. 264(4)(a) inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\), art. 1\(2\), Sch. 3 para. 9](#) (with arts. 4-6)
- F3** S. 264(4A)(4B) inserted (15.7.2003) by [The Transport for London \(Consequential Provisions\) Order 2003 \(S.I. 2003/1615\), art. 2, Sch. 1 para. 14](#)
- F4** Words in s. 264(5)(b) repealed (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\), s. 240\(5\)\(j\), Sch. 12 para. 20\(a\), Sch. 25 Pt. 18](#); [S.I. 2012/57, art. 4\(1\)\(h\)](#) (with arts. 6, 7, 9-11); [S.I. 2012/628, art. 8\(a\)\(e\)](#) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by [S.I. 2012/2029, arts. 2, 4](#)); [S.I. 2013/797, arts. 1\(2\), 2](#)
- F5** S. 264(5)(ca) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\), s. 240\(5\)\(j\), Sch. 12 para. 20\(b\)](#); [S.I. 2012/57, art. 4\(1\)\(h\)](#) (with arts. 6, 7, 9-11); [S.I. 2012/628, art. 8\(a\)](#) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by [S.I. 2012/2029, arts. 2, 4](#)); [S.I. 2012/2029, arts. 2, 3\(a\)](#) (with art. 5) (as amended (6.4.2013) by [S.I. 2013/797, art. 4](#)); [S.I. 2013/797, arts. 1\(2\), 2](#)
- F6** S. 264(8)(a)(b) substituted for the words “the Civil Aviation Authority” (21.12.2001) by [S.I. 2001/4050, art. 2, Sch. Pt. III para. 13\(a\)\(i\)](#)
- F7** Words in s. 264(8) inserted (21.12.2001) by [S.I. 2001/4050, art. 2, Sch. Pt. III para. 13\(a\)\(ii\)](#)

Modifications etc. (not altering text)

- C1** S. 264(3) modified (15.8.2013) by [The North Blyth Biomass Power Station Order 2013 \(S.I. 2013/1873\), arts. 1, 26](#) (with art. 30)
- C2** S. 264(3) modified (18.9.2014) by [The A556 \(Knutsford to Bowdon Improvement\) Development Consent Order 2014 \(S.I. 2014/2269\), arts. 1, 31](#)
- C3** S. 264(3) modified (2.10.2014) by [The Clocaenog Forest Wind Farm Order 2014 \(S.I. 2014/2441\), arts. 1, 27](#) (with art. 33)
- C4** S. 264(3) modified (31.12.2014) by [The Hornsea One Offshore Wind Farm Order 2014 \(S.I. 2014/3331\), arts. 1, 29](#) (with arts. 37, 38)
- C5** S. 264(3) modified (25.2.2015) by [The A160/A180 \(Port of Immingham Improvement\) Development Consent Order 2015 \(S.I. 2015/129\), arts. 1, 35](#)
- C6** S. 264(3) modified (26.8.2015) by [The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 \(S.I. 2015/1592\), arts. 1, 37](#) (with arts. 40, 41)
- C7** S. 264(3) modified (12.2.2016) by [The Palm Paper Mill Generating Station Order 2016 \(S.I. 2016/166\), arts. 1, 12](#)
- C8** S. 264(3) modified (2.8.2016) by [The Midland Metro \(Wolverhampton City Centre Extension\) Order 2016 \(S.I. 2016/684\), arts. 1, 44](#) (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))
- C9** S. 264(3) modified (29.3.2017) by [The Glyn Rhonwy Pumped Storage Generating Station Order 2017 \(S.I. 2017/330\), arts. 1, 21](#) (with art. 31)
- C10** S. 264(3) modified (3.10.2018) by [The A19/A184 Testos Junction Alteration Development Consent Order 2018 \(S.I. 2018/994\), arts. 1, 37](#) (with arts. 3(3), 5)
- C11** S. 264(3) modified (4.3.2020) by [The Midland Metro \(Birmingham Eastside Extension\) Order 2020 \(S.I. 2020/141\), arts. 1, 45](#) (with arts. 47, 48, Sch. 10 para. 19)

Changes to legislation: Town and Country Planning Act 1990, Section 264 is up to date with all changes known to be in force on or before 08 May 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) View outstanding changes

- C12** S. 264(3) modified (30.4.2020) by The A585 Windy Harbour to Skippool Highway Development Consent Order 2020 (S.I. 2020/402), arts. 1, **38** (with arts. 5, 44)
- C13** S. 264(3) modified (11.6.2020) by The M42 Junction 6 Development Consent Order 2020 (S.I. 2020/528), arts. 1, **40** (with art. 37)
- C14** S. 264(3) modified (18.6.2020) by The A63 (Castle Street Improvement, Hull) Development Consent Order 2020 (S.I. 2020/556), arts. 1, **38** (with arts. 5, 44)
- C15** S. 264(3) modified (6.8.2020) by The A19 Downhill Lane Junction Development Consent Order 2020 (S.I. 2020/746), arts. 1, **38** (with art. 5)
- C16** S. 264(3)(a) modified (11.11.2020) by The West Burton C (Gas Fired Generating Station) Order 2020 (S.I. 2020/1148), **arts. 1, 13**
- C17** S. 264(3) modified (9.2.2021) by The A1 Birtley to Coal House Development Consent Order 2021 (S.I. 2021/74), arts. 1, **41** (with art. 5, Sch. 27 para. 36)
- C18** S. 264(3) modified (2.12.2021) by The South Humber Bank Energy Centre Order 2021 (S.I. 2021/1259), arts. 1, **23** (with Sch. 8 para. 48)
- C19** S. 264(3) modified (10.3.2022) by The Thurrock Flexible Generation Plant Development Consent Order 2022 (S.I. 2022/157), arts. 1, **37** (with Sch. 8 Pt. 6 para. 19)
- C20** S. 264(3) modified (2.6.2022) by The M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 (S.I. 2022/549), arts. 1, **42** (with arts. 6, 34)
- C21** S. 264(3) modified (8.9.2022) by The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (S.I. 2022/934), arts. 1, **45**
- C22** S. 264(3) modified (7.12.2022) by The A417 Missing Link Development Consent Order 2022 (S.I. 2022/1248), arts. 1, **48** (with art. 4)
- C23** S. 264(3) modified (29.12.2022) by The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 (S.I. 2022/1396), arts. 1, **38** (with art. 32, Sch. 10 paras. 26(2), 68)
- C24** S. 264(3) modified (27.7.2023) by The Boston Alternative Energy Facility Order 2023 (S.I. 2023/778), arts. 1, **42(2)** (with arts. 5, 53, Sch. 8 paras. 6, 64)
- C25** S. 264(3)(a) modified (18.12.1996) by 1996 c. 61, **s. 9(9)**
 S. 264(3)(a) modified (22.3.2001) by S.I. 2001/1451, **art. 7(1)**
 S. 264(3)(a) modified (29.3.2001) by S.I. 2001/1347, **art. 20(3)**
 S. 264(3)(a) modified (24.7.2001) by S.I. 2001/3627, **art. 31**
 S. 264(3)(a) modified (9.11.2001) by S.I. 2001/3682, **art. 17(3)**
 S. 264(3)(a) modified (18.7.2001) by S.I. 2001/2870, **art. 23(1)**
 S. 264(3)(a) modified (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), **art. 14(3)** (with art. 38)
 S. 264(3)(a) modified (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), **art. 14(3)**
 S. 264(3)(a) modified (12.8.2002) by The Channel Tunnel Rail Link (Thames Tunnel Approach) Order 2002 (S.I. 2002/1943), **art. 12**
 S. 264(3)(a) modified (28.4.2003) by The Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), **art. 36** (with art. 40)
 S. 264(3)(a) modified (4.3.2004) by The Network Rail (West Coast Main Line) Order 2004 (S.I. 2004/389), **art. 34** (with art. 38)
 S. 264(3)(a) modified (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), **art. 20(3)**
 S. 264(3)(a) modified (19.11.2004) by The Scarweather Sands Offshore Wind Farm Order 2004 (S.I. 2004/3054), **art. 29** (with art. 38)
 S. 264(3)(a) modified (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), **art. 24(1)** (with arts. 65, 66)
 S. 264(3)(a) modified (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), **art. 48(1)** (with art. 51)
 S. 264(3)(a) modified (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), **art. 25(1)** (with art. 30)

Changes to legislation: Town and Country Planning Act 1990, Section 264 is up to date with all changes known to be in force on or before 08 May 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) View outstanding changes

- S. 264(3)(a) modified (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), **art. 44(1)** (with art. 47)
- S. 264(3)(a) modified (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), **art. 15** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)
- S. 264(3)(a) modified (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), **art. 21(3)** (with arts. 3(5), 15(3))
- S. 264(3)(a) modified (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), **art. 18(3)** (with art. 52)
- S. 264(3)(a) modified (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), **art. 49(2)** (with art. 52)
- S. 264(3)(a) modified (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), **art. 17(3)** (with art. 43)
- S. 264(3)(a) modified (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), **art. 44** (with arts. 34, 35(2))
- S. 264(3)(a) modified (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), **art. 18(3)**
- S. 264(3)(a) modified (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), **art. 17(3)** (with arts. 3(6), 12(3))
- S. 264(3)(a) modified (28.9.2007) by The London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), **art. 27(3)** (with art. 19, Sch. 3 para. 13(2))
- C26** S. 264(3)(a) modified (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 10(8)**
- C27** S. 264(3)(a) modified (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), **art. 34(3)** (with art. 36(3))
- C28** S. 264(3)(a) modified (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), **art. 15**
- C29** S. 264(3)(a) modified (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), **art. 28(3)**
- C30** S. 264(3)(a) modified (27.8.2010) by The Llangollen and Corwen Railway Order 2010 (S.I. 2010/2136), **art. 11(3)**
- C31** S. 264(3)(a) modified (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **47(3)** (with art. 51, Sch. 10 paras. 68, 85)
- C32** S. 264(3)(a) modified (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), arts. 1, **36(1)**
- C33** S. 264(3)(a) modified (26.9.2012) by The Network Rail (Ipswich Chord) Order 2012 (S.I. 2012/2284), arts. 1, **28** (with art. 26(2))
- C34** S. 264(3)(a) modified (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), arts. 1, **39** (with art. 42(2))
- C35** S. 264(3)(a) modified (13.3.2013) by The Brechfa Forest West Wind Farm Order 2013 (S.I. 2013/586), arts. 1, **14**
- C36** S. 264(3)(a) modified (9.4.2013) by The Hinkley Point C (Nuclear Generating Station) Order 2013 (S.I. 2013/648), arts. 1, **40** (with arts. 48, 68, 79)
- C37** S. 264(3)(a) modified (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **29** (with arts. 11, 12)
- C38** S. 264(3)(a) modified (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), arts. 1, **34**
- C39** S. 264(3)(a) modified (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **22** (with arts. 42, 43)
- C40** S. 264(3)(a) modified (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, **32**
- C41** S. 264(3)(a) modified (21.11.2013) by The Network Rail (Redditch Branch Enhancement) Order 2013 (S.I. 2013/2809), arts. 1, **29** (with arts. 27(2), 39, Sch. 10 para. 4)
- C42** S. 264(3)(a) modified (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **29**

Changes to legislation: Town and Country Planning Act 1990, Section 264 is up to date with all changes known to be in force on or before 08 May 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) View outstanding changes

- C43 S. 264(3)(a) modified (7.5.2014) by The National Grid (North London Reinforcement Project) Order 2014 (S.I. 2014/1052), arts. 1, **39**
- C44 S. 264(3)(a) modified (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **31** (with arts. 37, 38, Sch. 9 para. 19)
- C45 S. 264(3)(a) modified (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **36** (with arts. 12, 13, Sch. 12)
- C46 S. 264(3)(a) modified (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **30** (with art. 13, para. 6, 17, Sch. 8 paras. 4(3), 6, 9)
- C47 S. 264(3)(a) modified (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **35**
- C48 S. 264(3)(a) modified (23.10.2014) by The South Hook Combined Heat and Power Plant Order 2014 (S.I. 2014/2846), arts. 1, **13**
- C49 S. 264(3)(a) modified (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **31**
- C50 S. 264(3)(a) modified (21.4.2015) by The Network Rail (Ordsall Chord) Order 2015 (S.I. 2015/780), arts. 1, **37** (with art. 36(2))
- C51 S. 264(3)(a) modified (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **38**
- C52 S. 264(3)(a) modified (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **40** (with arts. 51, 53)
- C53 S. 264(3)(a) modified (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **36** (with art. 44)
- C54 S. 264(3)(a) modified (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **34**
- C55 S. 264(3)(a) modified (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **22**
- C56 S. 264(3)(a) modified (9.2.2016) by The National Grid (Hinkley Point C Connection Project) Order 2016 (S.I. 2016/49), arts. 1, **37** (with art. 32)
- C57 S. 264(3)(a) modified (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **34** (with art. 37)
- C58 S. 264(3)(a) modified (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **34** (with art. 39)
- C59 S. 264(3)(a) modified (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **38** (with arts. 4, 5(3))
- C60 S. 264(3)(a) modified (14.6.2016) by The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016 (S.I. 2016/545), arts. 1, **35** (with art. 39)
- C61 S. 264(3)(a) modified (7.9.2016) by The Hornsea Two Offshore Wind Farm Order 2016 (S.I. 2016/844), arts. 1(2), **32** (with arts. 37, 38)
- C62 S. 264(3)(a) modified (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **37**
- C63 S. 264(3)(a) modified (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **23** (with arts. 43, 44)
- C64 S. 264(3)(a) modified (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **51**(1)
- C65 S. 264(3)(a) modified (18.3.2017) by The North London Heat and Power Generating Station Order 2017 (S.I. 2017/215), arts. 1, **31**
- C66 S. 264(3)(a) modified (8.8.2017) by The Wrexham Gas Fired Generating Station Order 2017 (S.I. 2017/766), arts. 1, **33**
- C67 S. 264(3)(a) modified (24.8.2017) by The National Grid (Richborough Connection Project) Development Consent Order 2017 (S.I. 2017/817), arts. 1, **36** (with art. 22)
- C68 S. 264(3)(a) modified (29.8.2017) by The East Anglia THREE Offshore Wind Farm Order 2017 (S.I. 2017/826), arts. 1, **30** (with arts. 36, 37, Sch. 8 para. 34)

Changes to legislation: Town and Country Planning Act 1990, Section 264 is up to date with all changes known to be in force on or before 08 May 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) View outstanding changes

- C69** S. 264(3)(a) modified (5.9.2017) by The London Overground (Barking Riverside Extension) Order 2017 (S.I. 2017/830), arts. 1, **17** (with Sch. 8 para. 20)
- C70** S. 264(3)(a) modified (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), arts. 1, **30** (with art. 32(2))
- C71** S. 264(3)(a) modified (22.12.2017) by The M20 Junction 10a Development Consent Order 2017 (S.I. 2017/1202), arts. 1, **41** (with arts. 4, 37)
- C72** S. 264(3)(a) modified (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), arts. 1, **22** (with arts. 55-57, Sch. 8 para. 13)
- C73** S. 264(3)(a) modified (4.1.2018) by The Blackpool Tramway (Blackpool North Extension) Order 2017 (S.I. 2017/1214), arts. 1, **22(1)** (with arts. 58, 59)
- C74** S. 264(3)(a) modified (18.4.2018) by The Network Rail (Hope Valley Capacity) Order 2018 (S.I. 2018/446), arts. 1, **31** (with arts. 24(8), 33(2))
- C75** S. 264(3)(a) modified (31.5.2018) by The Silvertown Tunnel Order 2018 (S.I. 2018/574), arts. 1(2), **51**
- C76** S. 264(3)(a) modified (28.6.2018) by The High Speed Rail (London West Midlands) (Greatmoor Railway Sidings Etc.) Order 2018 (S.I. 2018/693), arts. 1, **16**
- C77** S. 264(3)(a) modified (24.8.2018) by The Network Rail (Werrington Grade Separation) Order 2018 (S.I. 2018/923), arts. 1, **32** (with art. 31(2))
- C78** S. 264(3)(a) modified (26.9.2018) by The Network Rail (Felixstowe Branch Line Improvements Level Crossings Closure) Order 2018 (S.I. 2018/937), arts. 1, **19**
- C79** S. 264(3)(a) modified (12.10.2018) by The Eggborough Gas Fired Generating Station Order 2018 (S.I. 2018/1020), arts. 1, **36** (with arts. 6, 42)
- C80** S. 264(3)(a) modified (13.3.2019) by The Port of Tilbury (Expansion) Order 2019 (S.I. 2019/359), arts. 1, **47(1)** (with arts. 55, 56)
- C81** S. 264(3)(a) modified (3.4.2019) by The Millbrook Gas Fired Generating Station Order 2019 (S.I. 2019/578), arts. 1, **34**
- C82** S. 264(3)(a) modified (26.4.2019) by The Tees Combined Cycle Power Plant Order 2019 (S.I. 2019/827), arts. 1, **11**
- C83** S. 264(3)(a) modified (26.7.2019) by The Kemsley Mill K4 Combined Heat and Power Generating Station Order 2019 (S.I. 2019/1091), arts. 1, **11**
- C84** S. 264(3)(a) modified (10.10.2019) by The Abergelli Power Gas Fired Generating Station Order 2019 (S.I. 2019/1268), arts. 1, **36**
- C85** S. 264(3)(a) modified (25.10.2019) by The Drax Power (Generating Stations) Order 2019 (S.I. 2019/1315), arts. 1, **38**
- C86** S. 264(3)(a) modified (30.10.2019) by The Northampton Gateway Rail Freight Interchange Order 2019 (S.I. 2019/1358), arts. 1, **39** (with Sch. 13 Pt. 1 para. 19)
- C87** S. 264(3)(a) modified (25.2.2020) by The Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020 (S.I. 2020/114), arts. 1, **38** (with art. 37(2))
- C88** S. 264(3)(a) modified (14.4.2020) by The Reinforcement to the North Shropshire Electricity Distribution Network Order 2020 (S.I. 2020/325), arts. 1, **33** (with art. 7)
- C89** S. 264(3)(a) modified (1.5.2020) by The Riverside Energy Park Order 2020 (S.I. 2020/419), arts. 1, **37** (with art. 7)
- C90** S. 264(3)(a) modified (25.5.2020) by The West Midlands Rail Freight Interchange Order 2020 (S.I. 2020/511), arts. 1, **39**
- C91** S. 264(3)(a) modified (19.6.2020) by The Cleve Hill Solar Park Order 2020 (S.I. 2020/547), arts. 1, **31** (with art. 37)
- C92** S. 264(3)(a) modified (22.7.2020) by The Norfolk Vanguard Offshore Wind Farm Order 2020 (S.I. 2020/706), arts. 1, **34** (with arts. 41, 42, Sch. 16 para. 66)
- C93** S. 264(3)(a) modified (1.9.2020) by The Immingham Open Cycle Gas Turbine Order 2020 (S.I. 2020/847), arts. 1, **35** (with Sch. 9 para. 144)
- C94** S. 264(3)(a) modified (15.10.2020) by The Great Yarmouth Third River Crossing Development Consent Order 2020 (S.I. 2020/1075), arts. 1, **58**
- C95** S. 264(3)(a) modified (29.10.2020) by The Southampton to London Pipeline Development Consent Order 2020 (S.I. 2020/1099), arts. 1, **39** (with art. 32, Sch. 9 para. 36)

Changes to legislation: Town and Country Planning Act 1990, Section 264 is up to date with all changes known to be in force on or before 08 May 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) View outstanding changes

- C96** S. 264(3)(a) modified (22.1.2021) by The Hornsea Three Offshore Wind Farm Order 2020 (S.I. 2020/1656), arts. 1, **33** (with arts. 40, 41, Sch. 9 Pt. 5 para. 18)
- C97** S. 264(3)(a) modified (19.2.2021) by The A303 Sparkford to Ilchester Dualling Development Consent Order 2021 (S.I. 2021/125), arts. 1, **40** (with arts. 4, 47)
- C98** S. 264(3)(a) modified (15.3.2021) by The Wheelabrator Kemsley K3 Generating Station Order 2021 (S.I. 2021/173), arts. 1, **15**
- C99** S. 264(3)(a) modified (1.1.2022) by The Norfolk Boreas Offshore Wind Farm Order 2021 (S.I. 2021/1414), arts. 1, **34** (with arts. 41, 42, Sch. 17 para. 66)
- C100** S. 264(3)(a) modified (22.4.2022) by The East Anglia ONE North Offshore Wind Farm Order 2022 (S.I. 2022/432), arts. 1(2), **33** (with arts. 40, 41)
- C101** S. 264(3)(a) modified (22.4.2022) by The East Anglia TWO Offshore Wind Farm Order 2022 (S.I. 2022/433), arts. 1(2), **33** (with arts. 40, 41)
- C102** S. 264(3)(a) modified (27.4.2022) by The Little Crow Solar Park Order 2022 (S.I. 2022/436), arts. 1, **13**
- C103** S. 264(3)(a) modified (1.8.2022) by The Northumberland Line Order 2022 (S.I. 2022/820), arts. 1, **26** (with Sch. 10 paras. 21, 43)
- C104** S. 264(3)(a) modified (11.8.2022) by The Sizewell C (Nuclear Generating Station) Order 2022 (S.I. 2022/853), arts. 1, **80** (with arts. 62, 76, 87)
- C105** S. 264(3)(a) modified (2.9.2022) by The A47 North Tuddenham to Easton Development Consent Order 2022 (S.I. 2022/911), arts. 1, **42** (with arts. 4, 53)
- C106** S. 264(3)(a) modified (3.11.2022) by The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 (S.I. 2022/1067), arts. 1, **42**
- C107** S. 264(3)(a) modified (4.11.2022) by The A47/A11 Thickthorn Junction Development Consent Order 2022 (S.I. 2022/1070), arts. 1, **43** (with arts. 4, 52, Sch. 9 para. 82)
- C108** S. 264(3)(a) modified (5.12.2022) by The Portishead Branch Line (MetroWest Phase 1) Order 2022 (S.I. 2022/1194), arts. 1, **40** (with art. 51)
- C109** S. 264(3)(a) modified (11.1.2023) by The Network Rail (Cambridge South Infrastructure Enhancements) Order 2022 (S.I. 2022/1406), arts. 1, **35(1)** (with art. 34(2), Sch. 12 paras. 5, 47, 79)
- C110** S. 264(3)(a) modified (10.3.2023) by The A47 Wansford to Sutton Development Consent Order 2023 (S.I. 2023/218), arts. 1, **42** (with arts. 4, 50)
- C111** S. 264(3)(a) modified (18.7.2023) by The Longfield Solar Farm Order 2023 (S.I. 2023/734), arts. 1, **35** (with art. 19)
- C112** S. 264(3)(a) modified (3.8.2023) by The Hornsea Four Offshore Wind Farm Order 2023 (S.I. 2023/800), arts. 1, **35** (with arts. 42, 43, Sch. 9 Pt. 1 para. 4, Sch. 9 Pt. 3 para. 6(1), Sch. 9 Pt. 4 para. 20, Sch. 9 Pt. 9 para. 4)
- C113** S. 264(3)(a) modified (4.8.2023) by The A303 (Amesbury to Berwick Down) Development Consent Order 2023 (S.I. 2023/834), arts. 1, **52** (with arts. 6(2), 18, Sch. 11 paras. 5, 30)
- C114** S. 264(3)(a) modified (7.9.2023) by The A38 Derby Junctions Development Consent Order 2023 (S.I. 2023/923), arts. 1, **42** (with arts. 4, 45, Sch. 9 paras. 6, 46, 54(1))
- C115** S. 264(3)(a) modified (11.10.2023) by The Awel y Môr Offshore Wind Farm Order 2023 (S.I. 2023/1033), arts. 1, **39** (with arts. 36, 37, Sch. 9 paras. 14, 44(1), 76, 103)
- C116** S. 264(3)(a) modified (7.2.2024) by The Drax Power Station Bioenergy with Carbon Capture and Storage Extension Order 2024 (S.I. 2024/70), arts. 1, **35** (with art. 43, Sch. 12 paras. 5, 24)
- C117** S. 264(3)(a) modified (9.2.2024) by The A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024/60), arts. 1, **49** (with arts. 4, 52, Sch. 11 paras. 6, 24, 39(1), 55(1), 84)
- C118** S. 264(3)(a) modified (11.3.2024) by The Net Zero Teesside Order 2024 (S.I. 2024/174), arts. 1, **39** (with arts. 42, 43, Sch. 12 paras. 5, 51, 91, 129, 136, 234, 345, 356)
- C119** S. 264(3)(a) modified (13.3.2024) by The Medworth Energy from Waste Combined Heat and Power Facility Order 2024 (S.I. 2024/230), arts. 1, **39** (with Sch. 11 paras. 5, 22, 37, 47, 82, 110)
- C120** S. 264(3)(a) modified (28.3.2024) by The A66 Northern Trans-Pennine Development Consent Order 2024 (S.I. 2024/360), arts. 1, **46** (with arts. 18, 35, Sch. 9)
- C121** S. 264(3)(a) modified (5.4.2024) by The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 (S.I. 2024/393), arts. 1, **9(2)** (with art. 44, Sch. 15)

Changes to legislation: *Town and Country Planning Act 1990, Section 264 is up to date with all changes known to be in force on or before 08 May 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) View outstanding changes*

C122 S. 264(3)(a) modified (11.4.2024) by [The HyNet Carbon Dioxide Pipeline Order 2024 \(S.I. 2024/436\)](#), arts. 1(2), **43** (with arts. 21, 41, Sch. 10)

Marginal Citations

- M1** 1968 c. 73.
- M2** 1969 c. 35.
- M3** 1986 c. 44.
- M4** 1986 c. 31.
- M5** 1945 c. 18.
- M6** 1969 c. 49.

Changes to legislation:

Town and Country Planning Act 1990, Section 264 is up to date with all changes known to be in force on or before 08 May 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.

View outstanding changes

Changes and effects yet to be applied to :

- s. 264(3)(a) modified by [S.I. 2011/1829 art. 18](#)
- s. 264(3)(a) modified by [S.I. 2020/1297 art. 52](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- s. 264(3)(a) modified by [S.I. 2021/51 art. 42](#) (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)
- s. 264(3)(a) modified by [S.I. 2024/564 art. 32](#)
- s. 264(5)(ca) words inserted by [2015 c. 7 Sch. 4 para. 18](#)
- s. 264(5)(ca) words substituted by [2023 c. 55 Sch. 9 para. 1\(19\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [2023 asc 3 s. 79\(2\)](#)
- Act applied by [2023 asc 3 s. 83\(4\)](#)
- Act excluded by [2023 asc 3 s. 140\(4\)\(b\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(3) inserted by [2023 c. 55 Sch. 17 para. 2\(2\)](#)
- s. 7A(6) inserted by [2023 c. 55 Sch. 17 para. 2\(4\)](#)
- s. 7ZA inserted by [2023 c. 55 Sch. 17 para. 2\(3\)](#)
- s. 58B and cross-heading inserted by [2023 c. 55 s. 102\(1\)](#)
- s. 59A(3)(ba) inserted by [2023 c. 55 Sch. 8 para. 4\(b\)](#)
- s. 62B(5)(ca) inserted by [2023 c. 55 Sch. 17 para. 2\(5\)](#)
- s. 70(2)(azb) inserted by [2023 c. 55 Sch. 6 para. 3\(a\)](#)
- s. 70(3)(ca) inserted in earlier affecting provision [2016 c. 22, s. 5\(8\)](#) by [2023 asc 3 Sch. 13 para. 194](#)
- s. 70(3A) inserted by [2017 c. 20 Sch. 3 para. 2](#)
- s. 70A(5A) inserted by [2023 c. 55 Sch. 6 para. 4\(a\)](#)
- s. 70A(10)(11) inserted by [2023 c. 55 s. 110\(4\)\(b\)](#)
- s. 70B(5A)(5B) inserted by [2023 c. 55 s. 110\(5\)\(b\)](#)
- s. 73B inserted by [2023 c. 55 s. 110\(2\)](#)
- s. 74(1C)(aa) inserted by [2023 c. 55 Sch. 6 para. 5\(b\)](#)
- s. 75ZA and cross-heading inserted by [2016 c. 22 s. 155](#)
- s. 83(1A)-(1C) amendment to earlier affecting provision [2004 c. 5, s. 45\(2\)](#) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(1A)-(1C) inserted by [2004 c. 5 s. 45\(2\)](#)
- s. 83(2)-(2B) amendment to earlier affecting provision [2004 c. 5, s. 45\(3\)](#) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(2)-(2B) substituted for s. 83(2) by [2004 c. 5 s. 45\(3\)](#)
- s. 83(4) inserted by [2004 c. 5 s. 45\(4\)](#)
- s. 85(1A) inserted by [2004 c. 5 s. 45\(6\)](#)

- s. 93(5)(6) inserted by 2017 c. 20 Sch. 3 para. 6
- s. 94(1)(e) and word inserted by 2023 c. 55 Sch. 9 para. 1(15)
- s. 102(1A) inserted by 2023 c. 55 Sch. 6 para. 9(b)
- s. 106A(9A) inserted by 2023 c. 55 s. 125
- s. 106ZA inserted by 2016 c. 22 s. 158(1)
- s. 106ZB inserted by 2016 c. 22 s. 159(1)
- s. 106ZB(2)(a) omitted by 2023 c. 55 s. 130(3)(b)
- s. 108(1A)(1B) inserted by 2015 c. 7 Sch. 4 para. 15(4)
- s. 108(3A) inserted by 2004 c. 5 Sch. 6 para. 6
- s. 108(3B)(ba) inserted by 2015 c. 7 Sch. 4 para. 15(6)
- s. 108(3B)(ba) word omitted by 2023 c. 55 Sch. 9 para. 1(16)(d)(i)
- s. 108(3B)(bb) inserted by 2023 c. 55 Sch. 9 para. 1(16)(d)(ii)
- s. 108(3DA) inserted by 2015 c. 7 Sch. 4 para. 15(7)
- s. 108(3DB) inserted by 2023 c. 55 Sch. 9 para. 1(16)(e)
- s. 141(6) inserted by 2017 c. 20 Sch. 3 para. 7
- s. 169(1)(a) words renumbered as s. 169(1)(a) by 2017 c. 20 s. 26(5)(a)
- s. 169(1)(b) inserted by 2017 c. 20 s. 26(5)(b)
- s. 170(8BA) inserted by 2017 c. 20 s. 26(6)
- s. 174(2AA)(b) words substituted by 2023 c. 55 s. 113(6)
- s. 208(5A) inserted by 2008 c. 29 Sch. 10 para. 9(2)
- s. 303(1ZZA) inserted by 2023 asc 3 Sch. 13 para. 87
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
- s. 303(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
- s. 303A(1A)(za) inserted by 2023 c. 55 Sch. 8 para. 7(2)(a)
- s. 303A(9B) inserted by 2023 c. 55 Sch. 8 para. 7(4)
- s. 303A(10)(za) inserted by 2023 c. 55 Sch. 8 para. 7(5)
- s. 303A(12) inserted by 2023 c. 55 Sch. 8 para. 7(6)
- s. 303ZB inserted by 2023 c. 55 s. 134
- s. 314A inserted by 2023 asc 3 Sch. 13 para. 90
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by 2023 c. 55 Sch. 9 para. 1(20)(a)
- s. 324(1A)(b) and word inserted by 2023 c. 55 Sch. 9 para. 1(20)(b)
- s. 333(3ZZAA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(b)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(3ZZA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(a)
- Sch. 1 para. 5(4) inserted by 2023 c. 55 Sch. 17 para. 2(7)(c)
- Sch. 1 para. 7(10)(10A) substituted for Sch. 1 para. 7(10) by 2023 c. 55 Sch. 8 para. 11(2)
- Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
- Sch. 4B para. 8(2)(fa) inserted by 2023 c. 55 s. 99(1)(b)
- Sch. 4B para. 8(2)(ca) inserted by 2023 c. 55 s. 102(2)(a)(ii)
- Sch. 4B para. 8(4A)(4B) inserted by 2023 c. 55 s. 102(2)(b)
- Sch. 4B para. 5(5)(za) inserted by 2023 c. 55 Sch. 6 para. 12(a)
- Sch. 4B para. 8(2)(da) inserted by 2023 c. 55 Sch. 6 para. 12(b)
- Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) by 2023 c. 55 s. 99(1)(a)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 9 para. 1(1A) inserted by 2023 c. 55 Sch. 6 para. 13(b)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)