



Town and Country Planning Act 1990

1990 CHAPTER 8

PART III

CONTROL OVER DEVELOPMENT

Deemed planning permission

90 Development with government authorisation.

- (1) Where the authorisation of a government department is required by virtue of an enactment in respect of development to be carried out by a local authority [^{F1}or National Park authority], or by statutory undertakers who are not a local authority [^{F1}or National Park authority], that department may, on granting that authorisation, direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.
- (2) On granting a consent under section 36 or 37 of the ^{M1}Electricity Act 1989 in respect of any operation or change of use that constitutes development, the Secretary of State may direct that planning permission for that development and any ancillary development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.

[^{F2}(2A) On making an order under section 1 or 3 of the Transport and Works Act 1992 which includes provision for development, the Secretary of State may direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.]

- (3) The provisions of this Act (except [^{F3}Part]XII) shall apply in relation to any planning permission deemed to be granted by virtue of a direction under this section as if it had been granted by the Secretary of State on an application referred to him under section 77.
- (4) For the purposes of this section development is authorised by a government department if—

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- (a) any consent, authority or approval to or for the development is granted by the department in pursuance of an enactment;
- (b) a compulsory purchase order is confirmed by the department authorising the purchase of land for the purpose of the development;
- (c) consent is granted by the department to the appropriation of land for the purpose of the development or the acquisition of land by agreement for that purpose;
- (d) authority is given by the department—
 - (i) for the borrowing of money for the purpose of the development, or
 - (ii) for the application for that purpose of any money not otherwise so applicable; or
- (e) any undertaking is given by the department to pay a grant in respect of the development in accordance with an enactment authorising the payment of such grants;

and references in this section to the authorisation of a government department shall be construed accordingly.

- (5) In subsection (2) “ancillary development”, in relation to development consisting of the extension of a generating station, does not include any development which is not directly related to the generation of electricity by that station; and in this subsection “extension” and “generating station” have the same meanings as in Part I of the ^{M2}Electricity Act 1989.

Annotations:

Marginal Citations

M1 1989 c. 29.

M2 1989 c. 29.

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Changes and effects yet to be applied to :

- s. 90(2) (2ZA) substituted for s. 90(2) by [2013 c. 27 s. 21\(2\)](#)
- s. 90(2A) modified by [S.I. 2013/1967 art. 32](#)
- s. 90(5) s. 90(6) (7) substituted for s. 90(5) by [2013 c. 27 s. 21\(3\)](#)
- 271-274 applied (with modifications) by [S.I. 2012/2679 Sch. 13 para. 1](#)

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

- Act applied (with modifications) by [S.I. 2012/2167 art. 7](#)
- Act applied in part (Isles of Scilly) (with modifications) by [S.I. 2013/2148 art. 3 Sch. 1](#) (Words “83, 84,” in 1990 c. 9, s. 92(2)(a) repealed (7.6.2006) by 2004 c. 5, Sch. 9; [S.I. 2006/1281, art. 2\(f\)\(iv\)](#))
- Act modified by [S.I. 2011/950 art. 22 Sch. para. 1\(2\) 2-6](#)
- Blanket amendment words substituted by [S.I. 2011/1043 art. 3 4](#)
- Blanket amendment words substituted by [S.I. 2011/1043 art. 3 6](#)

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

- s. 7A inserted by [2011 c. 20 Sch. 22 para. 32](#)
- s. 61E-61Q and cross-heading inserted by [2011 c. 20 Sch. 9 para. 2](#)
- s. 61F applied by 2004 c. 5 s. 38C(2)(a) (as inserted) by [2011 c. 20 Sch. 9 para. 7](#)
- s. 61I(2)(3) applied by 2004 c. 5 s. 38C(2)(b) (as inserted) by [2011 c. 20 Sch. 9 para. 7](#)
- s. 61K applied by 2004 c. 5 s. 38B(6) (as inserted) by [2011 c. 20 Sch. 9 para. 7](#)
- s. 61M applied (with modifications) by 2004 c. 5 s. 38C(2)(c)(3) (as inserted) by [2011 c. 20 Sch. 9 para. 7](#)
- s. 61N applied (with modifications) by 2004 c. 5 s. 38C(2)(d)(4) (as inserted) by [2011 c. 20 Sch. 9 para. 7](#)
- s. 61O applied by 2004 c. 5 s. 38C(2)(e) (as inserted) by [2011 c. 20 Sch. 9 para. 7](#)
- s. 61P applied by 2004 c. 5 s. 38C(2)(f) (as inserted) by [2011 c. 20 Sch. 9 para. 7](#)
- s. 61W-61Y and cross-heading inserted by [2011 c. 20 s. 122\(1\)](#)
- s. 62A-62C inserted by [2013 c. 27 s. 1\(1\)](#)
- s. 70C inserted by [2011 c. 20 s. 123\(2\)](#)
- s. 76C-76E inserted by [2013 c. 27 Sch. 1 para. 5](#)
- s. 106BA-106BC inserted by [2013 c. 27 s. 7\(1\)](#)
- s. 106BA repealed by [2013 c. 27 s. 7\(4\)](#)
- s. 106BB repealed by [2013 c. 27 s. 7\(4\)](#)
- s. 106BC repealed by [2013 c. 27 s. 7\(4\)](#)
- s. 165ZA inserted by [2011 c. 20 Sch. 22 para. 33](#)
- s. 171BA-171BC inserted by [2011 c. 20 s. 124\(1\)](#)
- s. 172A inserted by [2011 c. 20 s. 125](#)
- s. 196D and cross-heading transitional provisions for effects of 2003 c. 24 s. 63 Sch. 17 para. 1-6 by [S.I. 2013/2148 art. 5\(4\)\(b\)](#)
- s. 225-225E inserted by [2011 c. 20 s. 127\(1\)](#)
- s. 319B inserted by [S.I. 2014/2773 art. 2\(1\)](#)
- Sch. 4B applied (with modifications) by 2004 c. 5 s. 38A(3) 38C(5) (as inserted) by [2011 c. 20 Sch. 9 para. 7](#)
- Sch. 4B para. 16 functions made exercisable concurrently by [S.I. 2013/2597 art. 2\(a\)](#)
- Sch. 4B inserted by [2011 c. 20 s. 116\(2\) Sch. 10](#)
- Sch. 4B para. 16(5) words inserted by [S.I. 2013/2597 Sch. para. 5\(b\)](#)
- Sch. 4B para. 16(1) words substituted by [S.I. 2013/2597 Sch. para. 5\(a\)](#)

- Sch. 4C inserted by 2011 c. 20 s. 116(3) Sch. 11

Commencement Orders yet to be applied to the Town and Country Planning Act 1990

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2011/2329 art. 2 3 commences (2011 c. 5)
- S.I. 2011/3019 art. 3 Sch. 1 commences (2011 c. 13)