

PLANNING ACT 2008

EXPLANATORY NOTES

COMMENTARY

Part 5, Chapter 2 – Pre-application procedure

Section 41: Chapter applies before application is made

113. This section provides that Chapter 2 applies to a proposed application for an order granting development consent and defines some of the terms used in the Chapter.

Sections 42 to 44: Duty to consult etc.

114. These sections require the applicant to consult certain people and categories of people about the proposed application. The consultees are certain local authorities and persons with rights over land and other prescribed persons.

Section 45: Timetable for consultation under section 42

115. This section provides that the applicant must give each consultee a deadline for responding to the consultation, but this must not be earlier than 28 days after receipt of the consultation documents.

Section 46: Duty to notify Commission of proposed application

116. This section provides that the applicant must give the Commission a copy of the consultation documents on or before commencing consultation under section 42.

Section 47: Duty to consult local community

117. This section requires the applicant to prepare and publish a statement setting out how he proposes to consult local people about the proposed application. The applicant must consult with the relevant local authority before publishing such a statement, and the local authority must reply within 28 days. The consultation must be carried out in the manner set out in the statement.

Section 48: Duty to publicise

118. This section provides that the applicant must publicise the proposed application in the prescribed manner. Regulations must require publicity to specify a deadline for responses.

Section 49: Duty to take account of responses to consultation and publicity

119. This section provides that the applicant must consider any relevant responses he has received to the consultation and publicity, and take these into account before submitting an actual application to the Commission.

Section 50: Guidance about pre-application procedure

120. This section gives the Commission and the Secretary of State the power to give guidance on how to comply with the requirements of the pre-application procedures of Chapter 2 of Part 5.