

*This Statutory Instrument has been printed in substitution of the SI of the same number and is being issued free of charge to all known recipients of that Statutory Instrument.*

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STATUTORY INSTRUMENTS

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**2010 No. 2184**

**TOWN AND COUNTRY PLANNING, ENGLAND**

The  
Town and Country  
Planning (Development  
Management Procedure)  
(England) Order  
2010

<i>Made</i> - - - - -	<i>8th September 2010</i>
<i>Laid before Parliament</i> -	<i>9th September 2010</i>
<i>Coming into force</i> - -	<i>1st October 2010</i>



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The Secretary of State, in exercise of the powers conferred by sections 55(2A) and (2B), 59, 61(1), 61A(5), 62, 65, 69, 71, 74, 76A, 77(4), 78, 79(4), 188, 193, 196(4), 293A and 333(7) of, and paragraphs 5, 6, 7(7) and 8(6) of Schedule 1, and Schedule 4A, to the Town and Country Planning Act 1990(a) and sections 54, 88 and 122(3) of the Planning and Compulsory Purchase Act 2004(b) makes the following Order:

## PART 1

### Preliminary

#### Citation, commencement and application

1.—(1) This Order may be cited as the Town and Country Planning (Development Management Procedure) (England) Order 2010 and shall come into force on 1st October 2010.

(2) This Order applies in relation to England only.

(3) This Order applies to all land in England, but where land is the subject of a special development order, whether made before or after the commencement of this Order, this Order shall apply to that land only to such extent and subject to such modifications as may be specified in the special development order.

(4) Nothing in this Order shall apply to any permission which is deemed to be granted under section 222 of the 1990 Act (planning permission not needed for advertisements complying with regulations).

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(a) 1990 c. 8; subsections (2A) and (2B) of section 55 were inserted by section 49(1) of the Planning and Compulsory Purchase Act 2004 (c. 5) (“the 2004 Act”), section 61A(5) was inserted by section 40(1) of the 2004 Act, section 62 was substituted by section 42(1) of the 2004 Act, section 65 was substituted by section 16(1) of the Planning and Compensation Act 1991 (c. 34) (“the 1991 Act”) and amended by paragraph 35 of the Schedule to the Agricultural Tenancies Act 1995 (c. 8), section 69 was substituted by paragraphs 1 and 3 of Schedule 6 to the 2004 Act and amended by section 190 of the Planning Act 2008 (c. 29) (“the 2008 Act”) (*see* section 69(9) for definition of “prescribed”), section 71 was amended by section 16(2) of, and paragraph 15 of Schedule 7 to, the 1991 Act (*see* section 71(4) for the definition of “prescribed”), section 74 was amended by sections 19(1) and 84(6) of, and paragraph 17 of Schedule 7 and Part I of Schedule 19 to, the 1991 Act, section 76A was inserted by section 44 of the 2004 Act, section 77(4) was amended by paragraph 18 of Schedule 7 to the 1991 Act, section 78 was amended by section 17(2) of the 1991 Act, sections 40(2)(e) and 43(2) of the 2004 Act and paragraphs 1 and 3 of Schedule 10 to the 2008 Act (amendments in force for certain purposes and to come into force for remaining purposes on a date to be appointed, *see* S.I. 2009/400) and paragraphs 1 and 2 of Schedule 11 to the 2008 Act, section 79(4) was amended by paragraph 19 of Schedule 7 to the 1991 Act, section 188 was amended by section 84 of, and paragraph 30 of Schedule 7 and Part I of Schedule 19 to, the 1991 Act, section 193 was substituted by section 10(1) of the 1991 Act, section 196(4) was amended by paragraph 33 of Schedule 7 to the 1991 Act, section 293A was inserted by section 82(1) of the 2004 Act, paragraph 6 of Schedule 1 was amended by section 120 of, and Schedule 24 to, the Environment Act 1995 (c. 25), paragraph 7 of Schedule 1 was substituted by paragraphs 1 and 16 of Schedule 6 to the 2004 Act, paragraph 8 of Schedule 1 was substituted by paragraph 53 of Schedule 7 to the 1991 Act, and Schedule 4A was inserted by section 40(4) of and Schedule 1 to the 2004 Act. These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); *see* the entry in Schedule 1 for the Town and Country Planning Act 1990 and *see* section 118(3) of the 2004 Act. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32), they were transferred to the Welsh Ministers.

(b) 2004 c. 5.

## Interpretation

2.—(1) In this Order, unless the context otherwise requires—

“the 1990 Act” means the Town and Country Planning Act 1990;

“the 2004 Act” means the Planning and Compulsory Purchase Act 2004;

“access”, in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

“appearance” means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

“building” includes any structure or erection, and any part of a building, as defined in this article, but does not include plant or machinery or any structure in the nature of plant or machinery;

“dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building;

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000 (general interpretation)(a);

“EIA development”, “environmental information” and “environmental statement” have the same meanings respectively as in regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (interpretation)(b);

“erection”, in relation to buildings as defined in this article, includes extension, alteration or re-erection;

“flat” means a separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

“floor space” means the total floor space in a building or buildings;

“householder application” means—

- (a) an application for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse; or
- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development,

but does not include an application for change of use or an application to change the number of dwellings in a building;

“landscaping”, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;

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(a) 2000 c. 7; section 15(1) was amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).

(b) S.I. 1999/293, amended by S.I. 2006/3295; there are other amending instruments but none are relevant.

(d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and

(e) the provision of other amenity features;

“layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

“listed building” has the same meaning as in section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (listing of buildings of special architectural or historic interest)(a);

“major development” means development involving any one or more of the following—

(a) the winning and working of minerals or the use of land for mineral-working deposits;

(b) waste development;

(c) the provision of dwellinghouses where —

(i) the number of dwellinghouses to be provided is 10 or more; or

(ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);

(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or

(e) development carried out on a site having an area of 1 hectare or more;

“mining operations” means the winning and working of minerals in, on or under land, whether by surface or underground working;

“outline planning permission” means a planning permission for the erection of a building, which is granted subject to a condition requiring the subsequent approval of the local planning authority with respect to one or more reserved matters;

“planning obligation” means an obligation entered into by agreement or otherwise by any person interested in land pursuant to section 106 of the 1990 Act (planning obligations)(b);

“proposed highway” has the same meaning as in section 329 of the Highways Act 1980 (further provision as to interpretation)(c);

“reserved matters” in relation to an outline planning permission, or an application for such permission, means any of the following matters in respect of which details have not been given in the application—

(a) access;

(b) appearance;

(c) landscaping;

(d) layout; and

(e) scale, within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 4(4);

“scale” means the height, width and length of each building proposed within the development in relation to its surroundings;

“section 278 agreement” means an agreement entered into pursuant to section 278 of the Highways Act 1980 (agreements as to execution of works)(d);

“by site display” means by the posting of the notice by firm affixture to some object, sited and displayed in such a way as to be easily visible and legible by members of the public;

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(a) 1990 c. 9.

(b) Section 106 was amended by section 12(1) of the Planning and Compensation Act 1991 (c. 34), section 33 of the Greater London Authority Act 2007 (c. 24) and section 174 of the Planning Act 2008 (c. 29). There is no intention at present to bring into force the repeal of section 106 by section 120 of, and Schedule 9 to, the 2004 Act.

(c) 1980 c. 66.

(d) Section 278 was substituted by section 23 of the New Roads and Street Works Act 1991 (c. 22).

“special road” means a highway or proposed highway which is a special road in accordance with section 16 of the Highways Act 1980 (general provision as to special roads)(a);

“trunk road” means a highway or proposed highway which is a trunk road by virtue of sections 10(1) (general provision as to trunk roads) or 19 (certain special roads and other highways to become trunk roads) of the Highways Act 1980(b) or any other enactment or any instrument made under any enactment; and

“waste development” means any operational development designed to be used wholly or mainly for the purpose of, or material change of use to, treating, storing, processing or disposing of refuse or waste materials.

(2) In this Order and in relation to the use of electronic communications or electronic storage for any purpose of this Order which is capable of being carried out electronically—

- (a) the expression “address” includes any number or address used for the purpose of such communications or storage, except that where this Order imposes any obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address; and
- (b) references to documents, maps, plans, drawings, certificates or other documents, or to copies of such things, include references to such documents or copies of them in electronic form.

(3) Paragraphs (4) to (7) apply where an electronic communication is used by a person for the following purposes—

- (a) fulfilling any requirement in this Order to give or send any application, notice or other document to any other person; or
- (b) lodging an application, certificate or other document referred to in article 29(3) with an authority mentioned in that article,

and in those paragraphs, “the recipient” means the person mentioned in sub-paragraph (a) of this paragraph, or the authority mentioned in sub-paragraph (b), as the case may be.

(4) The requirement shall not be taken to be fulfilled, or (as the case may be) the application or other document shall not be taken to have been lodged, unless the document transmitted by the electronic communication is—

- (a) capable of being accessed by the recipient;
- (b) legible in all material respects; and
- (c) sufficiently permanent to be used for subsequent reference.

(5) In paragraph (4), “legible in all material respects” means that the information contained in the notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(6) Where the electronic communication is received by the recipient outside the recipient’s business hours, it shall be taken to have been received on the next working day; and for this purpose “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

(7) A requirement in this Order that any application, notice or other document should be in writing is fulfilled where the document meets the criteria in paragraph (4), and “written” and cognate expressions are to be construed accordingly.

### **Development to include certain internal operations**

3.—(1) The amount specified under section 55(2A) of the 1990 Act (meaning of “development” and “new development”)(c) is 200 square metres.

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(a) Section 16 was amended by section 36 of, and paragraphs 21 and 24 of Schedule 2 to, the Planning Act 2008 (c. 29).

(b) Section 19 was amended by section 21 of the New Roads and Street Works Act 1991.

(c) Subsection (2A) of section 55 was inserted by section 49(1) of the 2004 Act.

(2) The circumstances in which subsection (2) of section 55 of the 1990 Act does not apply to operations mentioned in paragraph (a) of that subsection which have the effect of increasing the gross floor space of the building by more than 200 square metres are that the building is used for the retail sale of goods other than hot food.

(3) In paragraph (2), the reference to a building used for the retail sale of goods includes a building used as a retail warehouse club, being a retail club where goods are sold, or displayed for sale, only to persons who are members of that club.

## PART 2

### Applications

#### **Applications for outline planning permission**

4.—(1) Where an application is made to the local planning authority for outline planning permission, the authority may grant permission subject to a condition specifying reserved matters for the authority's subsequent approval.

(2) Where the authority who are to determine an application for outline planning permission are of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, they shall within the period of 1 month beginning with the receipt of the application notify the applicant that they are unable to determine it unless further details are submitted, specifying the further details they require.

(3) Where layout is a reserved matter, the application for outline planning permission shall state the approximate location of buildings, routes and open spaces included in the development proposed.

(4) Where scale is a reserved matter, the application for outline planning permission shall state the upper and lower limit for the height, width and length of each building included in the development proposed.

(5) Where access is a reserved matter, the application for outline planning permission shall state the area or areas where access points to the development proposed will be situated.

#### **Applications for approval of reserved matters**

5. An application for approval of reserved matters—

- (a) shall be made in writing to the local planning authority and shall give sufficient information to enable the authority to identify the outline planning permission in respect of which it is made;
- (b) shall include such particulars, and be accompanied by such plans and drawings, as are necessary to deal with the matters reserved in the outline planning permission; and
- (c) except where the authority indicate that a lesser number is required, or where the application is made using electronic communications, shall be accompanied by 3 copies of the application and the plans and drawings submitted with it.

#### **Applications for planning permission**

6.—(1) Subject to the following provisions of this article, an application for planning permission shall—

- (a) be made in writing to the local planning authority on a form published by the Secretary of State (or a form to substantially the like effect);
- (b) include the particulars specified or referred to in the form;



(c) except where the application is made pursuant to section 73 (determination of applications to develop land without conditions previously attached) or section 73A(2)(c) (planning permission for development already carried out) of the 1990 Act<sup>(a)</sup> or is an application of a kind referred to in article 18(1)(b) or (c), be accompanied, whether electronically or otherwise, by—

- (i) a plan which identifies the land to which the application relates;
- (ii) any other plans, drawings and information necessary to describe the development which is the subject of the application;
- (iii) except where the application is made by electronic communications or the local planning authority indicate that a lesser number is required, 3 copies of the form; and
- (iv) except where they are submitted by electronic communications or the local planning authority indicate that a lesser number is required, 3 copies of any plans, drawings and information accompanying the application.

(2) Any plans or drawings required to be provided by paragraph (1)(c)(i) or (ii) shall be drawn to an identified scale and, in the case of plans, shall show the direction of North.

(3) Subject to paragraphs (3) to (5) of article 4, in the case of an application for outline planning permission, details need not be given of any reserved matters.

(4) An application for planning permission for development consisting of mining operations or the use of land for mineral-working deposits shall—

- (a) be made on a form provided by the local planning authority (or a form to substantially the like effect);
- (b) include the particulars specified or referred to in the form; and
- (c) comply with the requirements of paragraph (1)(c).

(5) Where an application is made using electronic communications to transmit a form to the local planning authority, the applicant shall be taken to have agreed—

- (a) to the use of such communications by the local planning authority for the purposes of the application;
- (b) that the applicant's address for those purposes is the address incorporated into, or otherwise logically associated with, the application; and
- (c) that the applicant's deemed agreement under this paragraph shall subsist until the applicant gives notice in writing of the withdrawal of consent to the use of electronic communications under article 40.

### **Applications in respect of Crown land**

7. An application for planning permission in respect of Crown land shall be accompanied by—

- (a) a statement that the application is made in respect of Crown land; and
- (b) where the application is made by a person authorised in writing by the appropriate authority, a copy of that authorisation.

### **Design and access statements**

8.—(1) This article applies to an application for planning permission which is not for—

- (a) permission to develop land without compliance with conditions previously attached, made pursuant to section 73 of the Act;
- (b) engineering or mining operations;
- (c) a material change in the use of land or buildings;

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(a) Section 73 was amended by sections 42(2), 51(3) and 120 of, and Schedule 9 to, the 2004 Act and section 73A was inserted by paragraph 16 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34).

- (d) development of an existing dwellinghouse or flat, or development within the curtilage of such a dwellinghouse or flat for any purpose incidental to the enjoyment of the dwellinghouse or flat as such, where no part of that dwellinghouse, flat or curtilage is within a designated area;
- (e) the extension of an existing building used for non-domestic purposes where the floor space created by the development does not exceed 100 square metres and where no part of the building or the development is within a designated area;
- (f) the erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure where—
  - (i) as a result of the development, the height of the gate, fence, wall or means of enclosure does not exceed its former height, or 2 metres above ground level, whichever is the greater; and
  - (ii) it does not involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building;
 and where no part of the development is within a designated area;
- (g) development on operational land consisting of the erection of a building where—
  - (i) the cubic content of the development does not exceed 100 cubic metres; and
  - (ii) as a result of the development, the height of the building does not exceed 15 metres above ground level, or its former height, whichever is the greater;
 and where no part of the development is within a designated area;
- (h) the alteration of an existing building where the alteration does not increase the size of the building and where no part of the building is within a designated area;
- (i) the erection, alteration or replacement of plant or machinery where, as a result of the development, the height of the plant or machinery does not exceed 15 metres above ground level, or its former height, whichever is the greater, and where no part of the development is within a designated area; or
- (j) development that is the subject of an application of a kind referred to in article 18(1)(b) or (c).

(2) An application for planning permission to which this article applies shall be accompanied by a statement (“a design and access statement”) about—

- (a) the design principles and concepts that have been applied to the development; and
- (b) how issues relating to access to the development have been dealt with.

(3) A design and access statement shall—

- (a) explain the design principles and concepts that have been applied to the following aspects of the development—
  - (i) amount;
  - (ii) layout;
  - (iii) scale;
  - (iv) landscaping; and
  - (v) appearance; and
- (b) demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account in relation to its proposed use.

(4) A design and access statement shall also—

- (a) explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account;
- (b) state what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and

- (c) explain—
  - (i) how any specific issues which might affect access to the development have been addressed;
  - (ii) how prospective users will be able to gain access to the development from the existing transport network;
  - (iii) why the main points of access to the site and the layout of access routes within the site have been chosen; and
  - (iv) how features which ensure access to the development will be maintained.

(5) In this article—

“amount” means—

- (a) in relation to residential development, the number of proposed units for residential use; and
- (b) in relation to all other forms of development, the proposed floor space for each proposed use forming part of the development;

“context” means the physical, social, economic and policy context of the development;

“cubic content” means the cubic content of a building measured externally; and

“designated area” means—

- (a) a conservation area;
- (b) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (a World Heritage Site)(a).

(6) In this article, any reference to the height of a building or to plant or machinery shall be construed as a reference to its height when measured from ground level; and “ground level” means the level of the surface of the ground immediately adjacent to the building or plant or machinery in question or, where the level of the surface of the ground on which it is situated or to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.

### **Applications for non-material changes to planning permission**

**9.**—(1) This article applies in relation to an application made under section 96A(4) of the 1990 Act (power to make non-material changes to planning permission)(b).

(2) An application in relation to which this article applies must be made in writing to the local planning authority on a form published by the Secretary of State (or a form substantially to the like effect).

(3) At the same time as making an application in relation to which this article applies the applicant must give notice to any person (other than the applicant) who is an owner of the land to which the application relates or a tenant of an agricultural holding any part of which is comprised in the land to which the application relates, stating—

- (a) what the application is for and where the person can view a copy of it; and
- (b) that any representations about the application must be made to the local planning authority within 14 days of the date when the notice is given.

(4) Where notice is given under paragraph (3), the local planning authority must, in determining an application, take into account any representations made within 14 days beginning with the date when the notice was given.

(5) Where a local planning authority receive an application made in accordance with paragraph (2) they must give the applicant notice in writing of their decision on the application within 28

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(a) See <http://whc.unesco.org/en/conventiontext>.

(b) Section 96A was inserted by section 190 of the Planning Act 2008 (c. 29).

days of receipt of the application or such longer period as may be agreed in writing between the applicant and the authority.

### General provisions relating to applications

- 10.—(1) An application made under article 5 or 6, shall be made—
- (a) where the application relates to land which is in a National Park, to the National Park authority;
  - (b) where the application relates to land in Greater London or a metropolitan county, which is not land in a National Park, to the local planning authority;
  - (c) where the application relates to land which is not in a National Park, Greater London or a metropolitan county, and the application relates to a county matter—
    - (i) to the county planning authority; or
    - (ii) where there is no county planning authority in relation to the land, to the district planning authority;
  - (d) in any other case—
    - (i) to the district planning authority; or
    - (ii) where there is no district planning authority in relation to the land, to the county planning authority.
- (2) When the local planning authority with whom the application has to be lodged receive—
- (a) in the case of an application made under article 5 or article 6, an application which complies with the requirements of article 5 or article 6, as the case may be;
  - (b) the certificate required by article 12;
  - (c) in a case to which article 8 applies, the design and access statement;
  - (d) subject to paragraph (3), the particulars or evidence required by the authority under section 62(3) of the 1990 Act (applications for planning permission)(a); and
  - (e) the fee required to be paid in respect of the application,
- the authority shall, as soon as is reasonably practicable, send to the applicant an acknowledgement of the application in the terms (or substantially in the terms) set out in Schedule 1.
- (3) Paragraph (2)(d) only applies if—
- (a) before the application is made the local planning authority publish, for the purposes of article 29(3), a list of requirements on their website; and
  - (b) the particulars or evidence that the authority require to be included in the application fall within that list.
- (4) Where an application is made to a county planning authority, in accordance with paragraph (1), that authority shall, as soon as reasonably practicable, send a copy of the application and of any accompanying plans, drawings and information to the district planning authority, if any.
- (5) Where, after sending an acknowledgement as required by paragraph (2), the local planning authority consider that the application is invalid, they shall as soon as reasonably practicable notify the applicant that the application is invalid.
- (6) In this article—
- (a) “county matter” has the meaning given to that expression in paragraph 1(1) of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions)(b); and
  - (b) an application is invalid if it is not a valid application within the meaning of article 29(3).

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(a) Section 62 was substituted by section 42(1) of the 2004 Act.

(b) Paragraph 1(1) of Schedule 1 was amended by paragraph 13 of Schedule 1 to the Planning and Compensation Act 1991 (c. 34). See also the Town and Country Planning (Prescription of County Matters) (England) Regulations 2003 (S.I. 2003/1033) which prescribes certain forms of waste development for the purposes of the definition of county matters.

## Notice of applications for planning permission

11.—(1) Subject to paragraph (2), an applicant for planning permission shall give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of the land to which the application relates, or a tenant,—

- (a) by serving the notice on every such person whose name and address is known to the applicant; and
- (b) where the applicant has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so, by publication of the notice after the prescribed date in a newspaper circulating in the locality in which the land to which the application relates is situated.

(2) In the case of an application for planning permission for development consisting of the winning and working of minerals by underground operations, instead of giving notice in the manner provided for by paragraph (1), the applicant shall give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of any of the land to which the application relates, or a tenant,—

- (a) by serving the notice on every such person whom the applicant knows to be such a person and whose name and address is known to the applicant;
- (b) by publication of the notice after the prescribed date in a newspaper circulating in the locality in which the land to which the application relates is situated; and
- (c) by site display in at least one place in every parish within which there is situated any part of the land to which the application relates, leaving the notice in position for not less than 7 days in the period of 21 days immediately preceding the making of the application to the local planning authority.

(3) The notice required by paragraph (2)(c) shall (in addition to any other matters required to be contained in it) name a place within the area of the local planning authority to whom the application is made where a copy of the application for planning permission, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during such period as may be specified in the notice.

(4) Where a local planning authority maintain a website for the purpose of advertisement of applications for planning permission, the notice required by paragraph (2)(c) shall (in addition to any other matters required to be contained in it) state the address of the website where a copy of the application, and of all plans and other documents submitted with it, will be published.

(5) Where the notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 7 days referred to in paragraph (2)(c) has elapsed, the applicant shall be treated as having complied with the requirements of that paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement.

(6) The date prescribed for the purposes of section 65(2) of the 1990 Act (notice etc of applications for planning permission)(a), and the “prescribed date” for the purposes of this article, is the day 21 days before the date of the application.

(7) The applications prescribed for the purposes of paragraph (c) of the definition of “owner” in section 65(8) of the 1990 Act are minerals applications, and the minerals prescribed for the purposes of that paragraph are any minerals other than oil, gas, coal, gold or silver.

(8) In this article—

“minerals applications” mean applications for planning permission for development consisting of the winning and working of minerals;

“requisite notice” means notice in the appropriate form set out in Schedule 2 or in a form substantially to the like effect, but shall not include notice served using electronic communications; and

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(a) Section 65 was substituted by section 16(1) of the Planning and Compensation Act 1991 and amended by paragraph 35 of the Schedule to the Agricultural Tenancies Act 1995 (c. 8).

“tenant” means the tenant of an agricultural holding any part of which is comprised in the land to which an application relates.

### **Certificates in relation to notice of applications for planning permission**

12.—(1) Where an application for planning permission is made, the applicant shall certify, in a form published by the Secretary of State or in a form substantially to the like effect, that the requirements of article 11 have been satisfied.

(2) If an applicant has cause to rely on paragraph (5) of article 11, the certificate must state the relevant circumstances.

### **Publicity for applications for planning permission**

13.—(1) An application for planning permission shall be publicised by the local planning authority to which the application is made in the manner prescribed by this article.

(2) In the case of an application for planning permission for development which—

- (a) is an EIA application accompanied by an environmental statement;
- (b) does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated; or
- (c) would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 (public rights of way)(a) applies,

the application shall be publicised in the manner specified in paragraph (3).

(3) An application falling within paragraph (2) (“a paragraph (2) application”) shall be publicised in accordance with the requirements in paragraph (7) and by giving requisite notice—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; and
- (b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

(4) In the case of an application for planning permission which is not a paragraph (2) application, if the development proposed is major development the application shall be publicised in accordance with the requirements in paragraph (7) and by giving requisite notice—

- (a) (i) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or
- (ii) by serving the notice on any adjoining owner or occupier; and
- (b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

(5) In a case to which neither paragraph (2) nor paragraph (4) applies, the application shall be publicised in accordance with the requirements in paragraph (7) and by giving requisite notice—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or
- (b) by serving the notice on any adjoining owner or occupier.

(6) Where the notice is, without any fault or intention of the local planning authority, removed, obscured or defaced before the period of 21 days referred to in paragraph (3)(a), (4)(a)(i) or (5)(a) has elapsed, the authority shall be treated as having complied with the requirements of the relevant paragraph if they have taken reasonable steps for protection of the notice and, if need be, its replacement.

(7) The following information shall be published on a website maintained by the local planning authority—

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(a) 1981 c. 69; *see* section 66. There are amendments to Part 3 which are not relevant to this Order.

- (a) the address or location of the proposed development;
- (b) a description of the proposed development;
- (c) the date by which any representations about the application must be made, which shall not be before the last day of the period of 14 days beginning with the date on which the information is published;
- (d) where and when the application may be inspected;
- (e) how representations may be made about the application; and
- (f) that, in the case of a householder application, in the event of an appeal that proceeds by way of the expedited procedure, any representations made about the application will be passed to the Secretary of State and there will be no opportunity to make further representations.

(8) Subject to paragraph (9), if the local planning authority have failed to satisfy the requirements of this article in respect of an application for planning permission at the time the application is referred to the Secretary of State under section 76A (major infrastructure projects) or 77 (reference of applications to Secretary of State) of the 1990 Act<sup>(a)</sup>, or any appeal to the Secretary of State is made under section 78 of the 1990 Act, this article shall continue to apply, as if such referral or appeal to the Secretary of State had not been made.

(9) Where paragraph (8) applies, when the local planning authority have satisfied the requirements of this article, they shall inform the Secretary of State that they have done so.

(10) In this article—

“adjoining owner or occupier” means any owner or occupier of any land adjoining the land to which the application relates;

“EIA application” has the meaning given in regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (interpretation)<sup>(b)</sup>, and “environmental statement” means a statement which the applicant refers to as an environmental statement for the purposes of those Regulations; and

“requisite notice” means notice in the appropriate form set out in Schedule 3 or in a form substantially to the like effect.

(11) Paragraphs (1) to (6) apply to applications made to the Secretary of State under section 293A of the 1990 Act (urgent Crown development: application)<sup>(c)</sup> as if the references to a local planning authority were references to the Secretary of State.

### **Notice of reference of applications to the Secretary of State**

**14.** On referring any application to the Secretary of State under section 76A (major infrastructure projects) or 77 (reference of applications to Secretary of State) of the 1990 Act<sup>(d)</sup> pursuant to a direction in that behalf, a local planning authority shall serve on the applicant a notice—

- (a) setting out the terms of the direction and any reasons given by the Secretary of State for issuing it;
- (b) stating that the application has been referred to the Secretary of State; and
- (c) containing a statement that the Secretary of State will, if the applicant so desires, afford to the applicant an opportunity of appearing before and being heard by a person appointed

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(a) Section 76A was inserted by section 44 of the 2004 Act and section 77 was amended by paragraph 18 of Schedule 7 to the Planning and Compensation Act 1991, section 40(2)(d) of the 2004 Act and is to be amended by paragraphs 1 and 2 of Schedule 10 to the Planning Act 2008 on a date to be appointed.

(b) S.I. 1999/293, amended by S.I. 2008/2093; there are other amending instruments but none are relevant.

(c) Section 293A was inserted by section 82(1) of the 2004 Act.

(d) Do you need this in the light of (a)? Section 76A was inserted by section 44 of the 2004 Act and section 77 was amended by paragraph 18 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34), section 40(2)(d) of the 2004 Act and is to be amended by paragraphs 1 and 2 of Schedule 10 to the Planning Act 2008 (c. 29) on a date to be appointed.

by the Secretary of State for the purpose, and that the decision of the Secretary of State on the application will be final.

### **Major infrastructure projects: economic impact report**

**15.**—(1) This article only applies in relation to major infrastructure projects where the Secretary of State has given a direction under section 76A(2) of the 1990 Act (major infrastructure projects).

(2) An economic impact report (“the report”) prepared by an applicant in accordance with section 76A(5) of the 1990 Act shall be in the form set out in Schedule 4 to this Order (or in a form substantially to the like effect).

(3) Subject to paragraph (5), the report shall contain the applicant’s estimates of the overall economic impact at—

- (a) local level;
- (b) regional level; and
- (c) national level,

of the project for which planning permission or approval, as the case may be, is sought.

(4) Without prejudice to the generality of paragraphs (2) and (3), each estimate shall—

- (a) include estimates specific to employment, investment and economic output; and
- (b) separately identify the costs and benefits falling on or accruing to the local, regional or national community as the case may be.

(5) The estimates shall exclude factors which would lead to benefits being counted more than once.

(6) The report shall—

- (a) state the assumptions made in preparing the estimates;
- (b) state the sources of information used to produce the estimates; and
- (c) where there is uncertainty as to any matter relevant to the estimates, explain that uncertainty.

(7) The report shall be submitted to the Secretary of State not later than 15 weeks after the date on which the applicant received from the Secretary of State a written request for its submission.

(8) The applicant shall, on submitting the report to the Secretary of State, publish in a local newspaper circulating in the locality in which the land to which the application relates is situated a notice stating—

- (a) the applicant’s name and that the applicant is the applicant for planning permission or approval, as the case may be;
- (b) the name and address of the local planning authority;
- (c) the date on which the application was made and that it has been referred to the Secretary of State for determination as a major infrastructure project;
- (d) the location and nature of the proposed development;
- (e) an address in the locality at which the report may be inspected, and the latest day on which it will be available for inspection (being a date not less than 21 days from the date on which the notice is published);
- (f) an address in the locality (whether or not the same as that given under sub-paragraph (e)) at which copies of the report may be obtained, on payment of a reasonable charge;
- (g) the address of any website maintained by the applicant where a copy of the report may be viewed; and
- (h) that any person wishing to make representations about the report should make them in writing, before the date stated in accordance with sub-paragraph (e), to the Secretary of State and the address to which such representations should be sent.



(9) The applicant shall afford to any person who so requests a reasonable opportunity to inspect and, where practicable and on payment of a reasonable charge, take copies of the report.

(10) In this article—

“economic output” means the estimate of changes to either Gross Domestic Product or Gross Value Added as a result of the project;

“local” for the purposes of paragraphs (3)(a) and (4)(b) means within the area of the relevant local planning authority; and

“regional” means relating to a region specified in Schedule 1 to the Regional Development Agencies Act 1998 (regions)(a).

## PART 3

### Consultation

#### Consultations before the grant of permission

**16.**—(1) Before granting planning permission for development which, in their opinion, falls within a category set out in the Table in Schedule 5, a local planning authority shall consult the authority or person mentioned in relation to that category, except where—

- (a) the local planning authority are the authority so mentioned;
- (b) the local planning authority are required to consult the authority so mentioned under paragraph 7 of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions)(b) or article 22;
- (c) the authority or person so mentioned has advised the local planning authority that they do not wish to be consulted;
- (d) the development is subject to any standing advice provided by the authority or person so mentioned to the local planning authority in relation to the category of development; or
- (e) the development is not EIA development and is the subject of an application in relation to which article 18 applies.

(2) The exception in paragraph (1)(c) shall not apply where, in the opinion of the local planning authority, development falls within paragraph (zc) of the table in Schedule 5.

(3) The exception in paragraph (1)(d) shall not apply where—

- (a) the development is an EIA development; or
- (b) the standing advice was issued more than 2 years before the date of the application for planning permission for the development and the guidance has not been amended or confirmed as being extant by the authority or person within that period.

(4) The Secretary of State may give directions to a local planning authority requiring that authority to consult any person or body named in the directions, in any case or class of case specified in the directions.

(5) Where, by or under this article or article 18, a local planning authority are required to consult any person or body (“the consultee”) before granting planning permission—

- (a) they shall, unless an applicant has served a copy of an application for planning permission on the consultee, give notice of the application to the consultee; and

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(a) 1998 c. 45; Schedule 1 was amended by S.I. 2009/837.

(b) Paragraph 7 of Schedule 1 was substituted by section 118(1) of, and paragraphs 1 and 16 of Schedule 6 to, the 2004 Act, and was amended by paragraph 3 of Schedule 5 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20).

- (b) subject to paragraph (6), they shall not determine the application until at least 21 days after the date on which notice is given under sub-paragraph (a) or, if earlier, 21 days after the date of service of a copy of the application on the consultee by the applicant.

(6) Sub-paragraph (b) of paragraph (5) does not apply if before the end of the period referred to in that sub-paragraph—

- (a) the local planning authority have received representations concerning the application from the consultee; or
- (b) the consultee gives notice that it does not intend to make representations.

(7) The local planning authority shall, in determining the application, take into account any representations received from a consultee.

### **Consultations before the grant of planning permission: urgent Crown development**

**17.—**(1) This article applies in relation to applications made to the Secretary of State under section 293A of the 1990 Act (urgent Crown development: application).

(2) Before granting planning permission for development which, in the opinion of the Secretary of State, falls within a category set out in the Table in Schedule 5, the Secretary of State shall consult the authority or person mentioned in relation to that category, except where—

- (a) the Secretary of State is required to consult the authority so mentioned under section 293A(9)(a) of the 1990 Act;
- (b) the authority or person so mentioned has advised the Secretary of State that they do not wish to be consulted; or
- (c) the development is subject to any standing advice provided by the authority or person so mentioned to the Secretary of State in relation to the category of development.

(3) The exception in paragraph (2)(b) shall not apply where, in the opinion of the Secretary of State, development falls within paragraph (zc) of the table in Schedule 5.

(4) The exception in paragraph (2)(c) shall not apply where—

- (a) the development is an EIA development; or
- (b) the standing advice was issued more than 2 years before the date of the application for planning permission for the development and the guidance has not been amended or confirmed as being extant by the authority or person within that period.

(5) Where, by or under this article, the Secretary of State is required to consult any person or body (“the consultee”) before granting planning permission—

- (a) the Secretary of State shall, unless an applicant has served a copy of an application for planning permission on the consultee, give notice of the application to the consultee; and
- (b) subject to paragraph (6), the Secretary of State shall not determine the application until at least 21 days after the date on which notice is given under sub-paragraph (a) or, if earlier, 21 days after the date of service of a copy of the application on the consultee by the applicant.

(6) Sub-paragraph (b) of paragraph (5) does not apply if before the end of the period referred to in that sub-paragraph—

- (a) the Secretary of State has received representations concerning the application from the consultee; or
- (b) the consultee gives notice that it does not intend to make representations.

(7) The Secretary of State shall, in determining the application, take into account any representations received from a consultee.

### **Consultations before the grant of planning permission pursuant to section 73 or the grant of a replacement planning permission subject to a new time limit**

**18.—**(1) This article applies in relation to—

- (a) an application made pursuant to section 73 of the 1990 Act (determination of applications to develop land without conditions previously attached);
- (b) an application for planning permission where the development that is the subject of the application—
  - (i) has not yet begun; and
  - (ii) was granted planning permission on or before 1st October 2009 subject to a time limit imposed by or under section 91 (general condition limiting duration of planning permission) or 92 (outline planning permission) of the 1990 Act<sup>(a)</sup> which has not expired; or
- (c) an application for outline planning permission where the development that is the subject of the application—
  - (i) has begun in accordance with the terms of, and any reserved matters approved under, an outline planning permission which is required or expressly permitted to be implemented in phases, other than a permission granted on an application made under paragraph (b); and
  - (ii) was granted that outline planning permission on or before 1st October 2009 subject to a time limit imposed by or under section 91 or 92 of the 1990 Act which has not expired.

(2) Before granting planning permission on an application in relation to which this article applies, the local planning authority must consult such authorities or persons falling within a category set out in the table in Schedule 5 as the local planning authority consider appropriate.

### **Consultation with county planning authority**

**19.** The period prescribed for the purposes of paragraph 7(7)(c) of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions) is 21 days.

### **Duty to respond to consultation**

**20.—**(1) The requirements to consult which are prescribed for the purposes of section 54(2)(b) of the 2004 Act (duty to respond to consultation) are those contained in—

- (a) articles 16 and 17 and Schedule 5;
- (b) article 18;
- (c) article 22;
- (d) paragraph (5)(a) of condition A.3 in Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (development by electronic communications code operators)<sup>(b)</sup>;
- (e) section 71(3) of the 1990 Act (consultations in connection with determinations under section 70);
- (f) paragraph 4(2) of Schedule 1 to the 1990 Act<sup>(c)</sup>;
- (g) paragraph 7 of Schedule 1 to the 1990 Act; and
- (h) paragraph 3(b) of Schedule 4 to the Planning (Listed Buildings and Conservation Areas) Act 1990 (further provisions as to exercise of functions by different authorities)<sup>(d)</sup>.

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(a) Section 91 was amended by section 51(1) of the 2004 Act and there have been other amendments not relevant to this instrument.

(b) S.I. 1995/418; Part 24 of Schedule 2 was substituted by S.I. 2001/2718.

(c) Paragraph 4(2) of Schedule 1 was amended by sections 19(2) and 84 of, and paragraph 53 of Schedule 7 and Part I of Schedule 19 to, the Planning and Compensation Act 1991 (c. 34).

(d) 1990 c. 9; paragraph 3 of Schedule 4 was substituted by paragraph 61 of Schedule 7 to the Planning and Compensation Act 1991 and amended by sections 78 and 120 of, and paragraph 33(7) of Schedule 10 and Schedule 24 to, the Environment Act 1995 (c. 25).

(2) The period prescribed for the purposes of section 54(4)(a) of the 2004 Act is the period of 21 days beginning with the day on which—

- (a) the document on which the views of consultees are sought; or
- (b) where there is more than one such document and they are sent on different days, the last of those documents,

is received by the consultee, or such other period as may be agreed in writing between the consultee and the consultor.

(3) The information to be provided to the consultee for the purposes of the consultation, pursuant to section 54(5)(b) of the 2004 Act, is such information as will enable that person to provide a substantive response.

(4) For the purposes of this article and article 21, and pursuant to section 54(5)(c) of the 2004 Act, a substantive response is one which—

- (a) states that the consultee has no comment to make;
- (b) states that, on the basis of the information available, the consultee is content with the development proposed;
- (c) refers the consultor to current standing advice by the consultee on the subject of the consultation; or
- (d) provides advice to the consultor.

#### **Duty to respond to consultation: annual reports**

**21.**—(1) Each consultee who is, by virtue of section 54 of the 2004 Act and article 20, under a duty to respond to consultation shall give to the Secretary of State, not later than 1st July in each year, a report as to that consultee's compliance with section 54(4) of the 2004 Act.

(2) The report shall relate to the period of 12 months commencing on 1st April in the preceding year ("the report year").

(3) The report shall contain, in respect of the relevant report year—

- (a) a statement as to the number of occasions on which the consultee was consulted by a person other than a local planning authority;
- (b) a statement as to the number of occasions on which a substantive response was given to a person other than a local planning authority within the period referred to in section 54(4) of the 2004 Act;
- (c) a statement as to the number of occasions on which the consultee was consulted by a local planning authority;
- (d) a statement as to the number of occasions on which a substantive response was given to a local planning authority within the period referred to in section 54(4) of the 2004 Act; and
- (e) in relation to occasions on which the consultee has given a substantive response outside the period referred to in section 54(4) of the 2004 Act, a summary of the reasons why the consultee failed to comply with the duty to respond within that period.

#### **Recommendations by district planning authority before determination of county matters application**

**22.**—(1) Subject to paragraph (2), a county planning authority shall, before determining—

- (a) an application for planning permission under Part 3 of the 1990 Act (control over development);

- (b) an application for a certificate of lawful use or development under section 191 or 192 of the 1990 Act (certificates of lawfulness of existing or proposed use or development)(a);  
or

- (c) an application for approval of reserved matters,

give the district planning authority, if any, for the area in which the relevant land lies a period of at least 21 days, from the date of receipt of the application by the district authority, within which to make recommendations about the manner in which the application shall be determined; and shall take any such recommendations into account.

(2) Paragraph (1) does not prevent a county planning authority determining an application if before the end of the period referred to in that paragraph—

- (a) the authority have received recommendations concerning the application from the district planning authority; or
- (b) the district planning authority give notice that they do not intend to make recommendations.

(3) A county planning authority shall—

- (a) on determining an application of a kind mentioned in paragraph (1), as soon as reasonably practicable notify the district planning authority, if any, of the terms of their decision; or
- (b) if any such application is referred to the Secretary of State, inform the district planning authority, if any, of the date when it was so referred and, when notified to them, of the terms of the decision.

### **Representations by parish council before determination of application**

**23.**—(1) Where the council of a parish are given information in relation to an application pursuant to paragraph 8(1) of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions)(b), they shall, as soon as practicable, notify the local planning authority who are determining the application whether they propose to make any representations about the manner in which the application should be determined, and shall make any representations to that authority within 21 days of the notification to them of the application.

(2) A local planning authority shall not determine any application in respect of which a parish are required to be given information before—

- (a) the council of the parish inform them that they do not propose to make any representations;
- (b) representations are made by that council; or
- (c) the period of 21 days mentioned in paragraph (1) has elapsed,

whichever shall first occur; and in determining the application the authority shall take into account any representations received from the council of the parish.

(3) The appropriate authority shall notify the council of the parish of—

- (a) the terms of the decision on any such application; or
- (b) where the application is referred to the Secretary of State—
  - (i) the date when it was so referred; and
  - (ii) when notified to the appropriate authority, the terms of the Secretary of State's decision.

(4) For the purposes of paragraph (3), the “appropriate authority” is—

- (a) where the parish is situated in a National Park, the National Park authority;

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(a) Sections 191 and 192 were substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34).

(b) Paragraph 8(1) of Schedule 1 was substituted by paragraph 53 of Schedule 7 to the Planning and Compensation Act 1991. There are amendments to paragraph 8 which are not relevant to this Order.

- (b) where the parish is situated in Greater London or a metropolitan county, and is not situated in a National Park, the local planning authority;
- (c) where the parish is situated in a district which has no district council, and is not situated in a National Park, the county planning authority;
- (d) in any other case, the district planning authority.

#### **Notification of mineral applications**

**24.**—(1) Where notice has been given for the purposes of this article to a mineral planning authority as respects land which is in their area and specified in the notice—

- (a) by the Coal Authority that the land contains coal;
- (b) by the Secretary of State for Energy and Climate Change that it contains gas or oil; or
- (c) by the Crown Estate Commissioners that it contains silver or gold,

the mineral planning authority shall not determine any application for planning permission to win and work any mineral on that land, without first notifying the body or person who gave the notice that an application has been made.

(2) In this article, “coal” means coal other than that—

- (a) won or worked during the course of operations which are carried on exclusively for the purpose of exploring for coal; or
- (b) which it is necessary to dig or carry away in the course of activities carried on for purposes which do not include the getting of coal or any product of coal.

## **PART 4**

### **Determination**

#### **Directions by the Secretary of State**

**25.**—(1) The Secretary of State may give directions restricting the grant of permission by a local planning authority, either indefinitely or during such a period as may be specified in the directions, in respect of any development or in respect of development of any class so specified.

(2) The Secretary of State may give directions that development which is both of a description set out in Column 1 of the table in Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (descriptions of development and applicable thresholds and criteria for the purposes of the definition of “Schedule 2 development”)(a) and of a class described in the direction is EIA development for the purposes of those Regulations.

(3) A local planning authority shall deal with applications for planning permission for development to which a direction given under this article applies in such manner as to give effect to the direction.

#### **Development affecting certain existing and proposed highways**

**26.**—(1) Where an application is made to a local planning authority for planning permission for development which consists of or includes—

- (a) the formation, laying out or alteration of any access to or from any part of a trunk road which is either a special road or, if not a special road, a road subject to a speed limit exceeding 40 miles per hour; or

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(a) S.I. 1999/293. Column 1 of the table in Schedule 2 was amended by S.I. 2006/3295 and 2007/1067.

- (b) any development of land within 67 metres (or such other distance as may be specified in a direction given by the Secretary of State under this article) from the middle of—
  - (i) any highway (other than a trunk road) which the Secretary of State has provided, or is authorised to provide, in pursuance of an order under Part 2 of the Highways Act 1980 (trunk roads, classified roads, metropolitan roads, special roads)(a) and which has not for the time being been transferred to any other highway authority;
  - (ii) any highway which the Secretary of State proposes to improve under Part 5 of that Act (improvement of highways) and in respect of which notice has been given to the local planning authority;
  - (iii) any highway to which the Secretary of State proposes to carry out improvements in pursuance of an order under Part 2 of that Act; or
  - (iv) any highway which the Secretary of State proposes to construct, the route of which is shown on the development plan or in respect of which the Secretary of State has given notice in writing to the relevant local planning authority together with maps or plans sufficient to identify the route of the highway,

the local planning authority shall notify the Secretary of State by sending to the Secretary of State a copy of the application and any accompanying plans and drawings.

(2) An application referred to in paragraph (1) shall not be determined unless—

- (a) the local planning authority receive a direction given under article 25 (and the authority must then determine the application in accordance with the terms of that direction);
- (b) they receive notification by or on behalf of the Secretary of State that the Secretary of State does not propose to give any such direction in respect of the development to which the application relates; or
- (c) a period of 28 days (or such longer period as may be agreed in writing between the local planning authority and the Secretary of State) from the date when notification was given to the Secretary of State has elapsed without receipt of such a direction.

(3) The Secretary of State may, in respect of any case or any class or description of cases, give a direction specifying a different distance for the purposes of paragraph (1)(b).

### **Development not in accordance with the development plan**

27. A local planning authority may in such cases and subject to such conditions as may be prescribed by directions given by the Secretary of State under this Order grant permission for development which does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated.

### **Representations to be taken into account**

28.—(1) A local planning authority shall, in determining an application for planning permission, take into account any representations made, where any notice of, or information about, the application has been—

- (a) given by site display under article 11 or 13, within 21 days beginning with the date when the notice was first displayed by site display;
- (b) served on—
  - (i) an owner of the land or a tenant of an agricultural holding under article 11; or
  - (ii) an adjoining owner or occupier under article 13,
 within 21 days beginning with the date when the notice was served on that person, provided that the representations are made by any person who they are satisfied is such an owner, tenant or occupier; or

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(a) 1980 c. 66.

- (c) published in a newspaper under article 11 or 13 or on a website under article 13, within the period of 14 days beginning with the date on which the notice or information was published,

and the representations and periods in this article are representations and periods prescribed for the purposes of section 71(2)(a) of the 1990 Act (consultations in connection with determinations under section 70)(a).

(2) A local planning authority shall give notice of their decision to every person who has made representations which they were required to take into account in accordance with paragraph (1)(b)(i), and such notice is notice prescribed for the purposes of section 71(2)(b) of the 1990 Act.

(3) Paragraphs (1) and (2) apply to applications referred to the Secretary of State under section 76A (major infrastructure projects) or 77 (reference of applications to Secretary of State) of the 1990 Act(b) and to applications made to the Secretary of State under section 293A(2) of the 1990 Act (applications for urgent Crown development)(c) and paragraphs (1)(b) and (2) apply to appeals to the Secretary of State made under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions)(d), as if the references to—

- (a) a local planning authority were to the Secretary of State; and
- (b) determining an application for planning permission were to determining such application or appeal, as the case may be.

### **Time periods for decision**

**29.**—(1) Subject to paragraph (7), where a valid application has been received by a local planning authority, they shall within the period specified or referred to in paragraph (2)(e) give the applicant notice of their decision or determination or notice that the application has been referred to the Secretary of State.

(2) The period specified or referred to in this paragraph is—

- (a) in relation to an application for major development, 13 weeks beginning with the day immediately following that on which the application is received by the local planning authority;
- (b) in relation to an application for development which is not major development, 8 weeks beginning with the day immediately following that on which the application is received by the local planning authority; or
- (c) in relation to any development, unless the applicant has already given notice of appeal to the Secretary of State, such extended period as may be agreed in writing between the applicant and the local planning authority.

(3) In this article “valid application” means an application which consists of—

- (a) an application which complies with the requirements of article 5 or article 6, as the case may be;
- (b) in a case to which article 8 applies, the design and access statement;
- (c) the certificate required by article 12;
- (d) subject to paragraph (4), the particulars or evidence required by the authority under section 62(3) of the 1990 Act (applications for planning permission)(f); and

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(a) Section 71 was amended by section 16(2) of, and paragraph 15 of Schedule 7 to, the Planning and Compensation Act 1991.  
(b) Section 76A was inserted by section 44 of the 2004 Act and section 77 was amended by paragraph 18 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34), section 40(2)(d) of the 2004 Act and is to be amended by paragraphs 1 and 2 of Schedule 10 to the Planning Act 2008 (c. 29) on a date to be appointed.  
(c) Section 293A was inserted by section 82(1) of the 2004 Act.  
(d) Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991, sections 40(2)(e) and 43(2) of the 2004 Act and paragraphs 1 and 3 of Schedule 10 (amendments in force for certain purposes and to come into force for remaining purposes on a date to be appointed, *see* S.I. 2009/400) and paragraphs 1 and 2 of Schedule 11 to the Planning Act 2008.  
(e) In relation to an application for EIA development, *see* S.I. 1999/293.  
(f) Section 62 was substituted by section 42(1) of the 2004 Act.



- (e) any fee required to be paid in respect of the application and, for this purpose, lodging a cheque for the amount of a fee is to be taken as payment,

and a valid application shall be taken to have been received when the application, and such of the documents, particulars or evidence referred to above as are required to be included in, or to accompany, the application have been lodged with the appropriate authority mentioned in article 10(1) and the fee required to be paid has been paid.

(4) Paragraph (3)(d) only applies if—

- (a) before the application is made the local planning authority publish, for the purposes of paragraph (3), a list of requirements on their website; and
- (b) the particulars or evidence that the authority require to be included in the application fall within that list.

(5) Where a fee due in respect of an application has been paid by a cheque which is subsequently dishonoured—

- (a) sub-paragraph (a) or (b) of paragraph (2), as the case may be, shall have effect as if, for “the application is received by the local planning authority”, there were substituted “the local planning authority are satisfied that they have received the full amount of the fee”; and
- (b) sub-paragraph (c) of that paragraph shall have effect as if, at the end, there were added “once the authority are satisfied that they have received the full amount of the fee”.

(6) A local planning authority shall provide such information about applications made under article 5 or 6 (including information as to the manner in which any such application has been dealt with) as the Secretary of State may by direction require; and any such direction may include provision as to the persons to be informed and the manner in which the information is to be provided.

(7) Subject to paragraph (8), a local planning authority shall not determine an application for planning permission, where any notice of, or information about, the application has been—

- (a) given by site display under article 11 or 13, before the end of the period of 21 days beginning with the date when the notice was first displayed by site display;
- (b) served on—
  - (i) an owner of the land or a tenant of an agricultural holding under article 11; or
  - (ii) an adjoining owner or occupier under article 13,before the end of the period of 21 days beginning with the date when the notice was served on that person; or
- (c) published in a newspaper under article 11 or 13 or on a website under article 13, within the period of 14 days beginning with the date on which the notice or information was published,

and the periods in this paragraph are periods prescribed for the purposes of section 71(1) of the 1990 Act (consultations in connection with determinations under section 70)(a).

(8) Where, under paragraph (7), more than one of the prescribed periods applies, the local planning authority shall not determine the application before the end of the later or latest of such periods.

### **Applications made under planning condition**

**30.** Where an application has been made to a local planning authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission (other than an application for approval of reserved matters or an application for approval under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted

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(a) Section 71(1) was substituted by section 16(2) of the Planning and Compensation Act 1991.

Development) Order 1995 (development by electronic communications code operators)(a) the authority shall give notice to the applicant of their decision on the application within a period of 8 weeks beginning with the day immediately following that on which the application is received by the authority, or such longer period as may be agreed by the applicant and the authority in writing.

### **Written notice of decision or determination relating to a planning application**

**31.**—(1) When the local planning authority give notice of a decision or determination on an application for planning permission or for approval of reserved matters—

- (a) where planning permission is granted, the notice shall—
  - (i) include a summary of their reasons for the grant of permission;
  - (ii) include a summary of the policies and proposals in the development plan which are relevant to the decision to grant permission; and
  - (iii) where the permission is granted subject to conditions, state clearly and precisely their full reasons for each condition imposed, specifying all policies and proposals in the development plan which are relevant to the decision;
- (b) where planning permission is refused, the notice shall state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision;
- (c) where—
  - (i) the Secretary of State has given a direction restricting the grant of planning permission for the development for which application is made; or
  - (ii) the Secretary of State or a Government Department has expressed the view that the permission should not be granted (either wholly or in part) or should be granted subject to conditions,the notice shall give details of the direction or of the view expressed; and
- (d) where sub-paragraph (a)(iii), (b) or (c) applies the notice shall be accompanied by a notification in the terms (or substantially in the terms) set out in Schedule 6.

(2) Where—

- (a) the applicant for planning permission has submitted an environmental statement; and
- (b) the local planning authority have decided (having taken environmental information into consideration) to grant permission (whether unconditionally or subject to conditions),

the notice given to the applicant in accordance with article 29(1) shall include a statement that environmental information has been taken into consideration by the authority.

## **PART 5**

### **Appeals**

#### **Notice of appeal**

**32.**—(1) Articles 11 and 12 apply to any appeal to the Secretary of State under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions)(b) as they apply to applications for planning permission.

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(a) S.I. 1995/418; Part 24 of Schedule 2 was amended by S.I. 2001/2718, 2003/2155 and 2004/945.

(b) Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991 (c. 34), sections 40(2)(e) and 43(2) of the 2004 Act and paragraphs 1 and 3 of Schedule 10 (amendments in force for certain purposes and to come into force for remaining purposes on a date to be appointed, *see* S.I. 2009/400) and paragraphs 1 and 2 of Schedule 11 to the Planning Act 2008 (c. 29).

## Appeals

33.—(1) An applicant who wishes to appeal to the Secretary of State under section 78 of the 1990 Act shall give notice of appeal to the Secretary of State by—

- (a) serving on the Secretary of State, within—
  - (i) the time limit specified in paragraph (2); or
  - (ii) such longer period as the Secretary of State may, at any time, allow,a completed appeal form, obtained from the Secretary of State, together with such of the documents specified in paragraph (3) as are relevant to the appeal; and
- (b) serving on the local planning authority a copy of the completed appeal form mentioned in sub-paragraph (a), as soon as reasonably practicable, together with a copy of any relevant documents mentioned in paragraph (3)(a)(ii) or paragraph (3)(b)(v), as the case may be.

(2) The time limit mentioned in paragraph (1) is—

- (a) in the case of a householder appeal, other than a type A or a type B appeal, 12 weeks from the date of the notice of the decision or determination giving rise to the appeal;
- (b) in the case of a type A appeal, 28 days from—
  - (i) the date of the notice of the decision or determination giving rise to the appeal; or
  - (ii) the expiry of the specified period;
- (c) in the case of a type B appeal, 28 days from the date on which the enforcement notice is served;
- (d) in all other cases, 6 months from—
  - (i) the date of the notice of the decision or determination giving rise to the appeal;
  - (ii) in a case in which the authority have served a notice on the applicant in accordance with article 4(2) that they require further information, and the applicant has not provided the information, the date of service of that notice; or
  - (iii) in any other case, the expiry of the specified period.

(3) The documents mentioned in paragraph (1) are—

- (a) in the case of a householder appeal—
  - (i) a copy of the application which was sent to the local planning authority which has occasioned the appeal;
  - (ii) any other plans, documents or drawings relating to the application which were not sent to the authority, except any plans, documents or drawings relating to amendments to the application proposed after the authority have made their determination; and
  - (iii) the notice of the decision or determination;
- (b) in all other cases—
  - (i) a copy of the application which was sent to the local planning authority which has occasioned the appeal;
  - (ii) all plans, drawings and documents sent to the authority in connection with the application;
  - (iii) all correspondence with the authority relating to the application;
  - (iv) any certificate provided to the authority under article 12;
  - (v) any other plans, documents or drawings relating to the application which were not sent to the authority, except any plans, documents or drawings relating to amendments to the application proposed after the authority have made their determination;
  - (vi) the notice of the decision or determination, if any; and

- (vii) if the appeal relates to an application for approval of certain matters in accordance with a condition on a planning permission, the application for that permission, the plans submitted with that application and the planning permission granted.

(4) The Secretary of State may refuse to accept a notice of appeal from an applicant if the completed appeal form required under paragraph (1)(a) and the documents required under paragraph (3) are not served on the Secretary of State within the time limit specified in paragraph (2).

(5) The Secretary of State may provide, or arrange for the provision of, a website for use for such purposes as the Secretary of State thinks fit which—

- (a) relate to appeals under section 78 of the 1990 Act and this article; and
- (b) are capable of being carried out electronically.

(6) Where a person gives notice of appeal to the Secretary of State using electronic communications, the person shall be taken to have agreed—

- (a) to the use of such communications for all purposes relating to the appeal which are capable of being carried out electronically;
- (b) that the person's address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the person's notice of appeal; and
- (c) that the person's deemed agreement under this paragraph shall subsist until notice is given in accordance with article 40 that the person wishes to revoke the agreement.

(7) In this article—

“householder appeal” means an appeal under section 78(1) of the 1990 Act in respect of a householder application, except an appeal against the grant of any planning permission, consent, agreement or approval which is granted subject to conditions;

“specified period” means the period specified in article 29 or 30, as the case may be;

“type A appeal” means an appeal under section 78(1) or 78(2) of the 1990 Act in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

- (a) has been served no earlier than 2 years before the application is made;
- (b) has been served before—
  - (i) the date of the notice of the decision or determination giving rise to the appeal; or
  - (ii) the expiry of the specified period; and
- (c) is not withdrawn before the expiry of the period of 28 days from the date specified in subparagraph (b); and

“type B appeal” means an appeal under section 78(1) or 78(2) of the 1990 Act in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

- (a) is served on or after—
  - (i) the date of the notice of the decision or determination giving rise to the appeal, or
  - (ii) the expiry of the specified period;
- (b) is served earlier than 28 days before the expiry of the time limit specified—
  - (i) in the case of a householder appeal, in paragraph (2)(a); or
  - (ii) in any other case, in paragraph (2)(d); and
- (c) is not withdrawn before the expiry of the period of 28 days from the date on which the enforcement notice is served.

## PART 6

### Miscellaneous

#### Local development orders

**34.**—(1) Where a local planning authority propose to make a local development order they shall first prepare—

- (a) a draft of the order; and
- (b) a statement of their reasons for making the order.

(2) The statement of reasons shall contain—

- (a) a description of the development which the order would permit; and
- (b) a plan or statement identifying the land to which the order would relate.

(3) Where a local planning authority have prepared a draft local development order, they shall consult, in accordance with paragraph (5), such of the following persons whose interests they consider would be affected by the order if made—

- (a) if the local planning authority is a London borough council, the Mayor of London;
- (b) a local planning authority, county council or parish council any part of whose area is in or adjoins the area of the local planning authority;
- (c) Natural England<sup>(a)</sup>;
- (d) the Environment Agency<sup>(b)</sup>;
- (e) the Historic Buildings and Monuments Commission for England<sup>(c)</sup>;
- (f) the Secretary of State for Transport;
- (g) the Highways Agency;
- (h) a regional development agency<sup>(d)</sup> whose area is in or adjoins the area of the local planning authority;
- (i) any person—
  - (i) to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003 (application of the electronic communications code)<sup>(e)</sup>; and
  - (ii) who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority;
- (j) any of the following persons who exercise functions in any part of the area of the local planning authority—
  - (i) a Primary Care Trust<sup>(f)</sup>;
  - (ii) a person to whom a licence has been granted under section 6(1)(b) and (c) of the Electricity Act 1989 (licences authorising supply, etc)<sup>(g)</sup>;
  - (iii) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986 (licensing of gas transporters)<sup>(h)</sup>;
  - (iv) a sewerage undertaker;

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<sup>(a)</sup> See section 1 of the Natural Environment and Rural Communities Act 2006 (c. 16).

<sup>(b)</sup> See section 1(1) of the Environment Act 1995 (c. 25).

<sup>(c)</sup> See section 32 of the National Heritage Act 1983 (c. 47). This body is also known as English Heritage.

<sup>(d)</sup> See section 1 of the Regional Development Agencies Act 1998 (c. 45).

<sup>(e)</sup> 2003 c. 21.

<sup>(f)</sup> See section 18 of the National Health Service Act 2006 (c. 41).

<sup>(g)</sup> 1989 c. 29; section 6 was substituted by section 30 of the Utilities Act 2000 (c. 27), subsection (1)(b) was substituted by section 136(1) of the Energy Act 2004 (c. 20) and subsection (1)(c) was amended by section 197(9) of, and Part 1 of Schedule 23 to, the Energy Act 2004.

<sup>(h)</sup> 1986 c. 44; section 7 was substituted by section 5 of the Gas Act 1995 (c. 45) and subsection (2) was amended by sections 3(2) and 76 of, and paragraphs 1 and 4 of Part I of Schedule 6 to, the Utilities Act 2000.

- (v) a water undertaker;
- (k) voluntary bodies some or all of whose activities benefit any part of the local planning authority's area;
- (l) bodies which represent the interests of different racial, ethnic or national groups in the local planning authority's area;
- (m) bodies which represent the interests of different religious groups in the local planning authority's area;
- (n) bodies which represent the interests of disabled persons in the local planning authority's area;
- (o) bodies which represent the interests of persons carrying on business in the local planning authority's area.

(4) The local planning authority shall also consult any person with whom they would have been required to consult on an application for planning permission for the development proposed to be permitted by the order.

(5) In consulting in accordance with paragraphs (3) and (4) the local planning authority shall—

- (a) send a copy of the draft order and the statement of reasons to the consultees;
- (b) specify a consultation period of not less than 28 days; and
- (c) take account of all representations received by them during the period specified.

(6) A local planning authority shall, during any consultation under paragraphs (3) and (4)—

- (a) make a copy of the draft local development order and statement of reasons available for inspection—
  - (i) at their principal office during normal working hours; and
  - (ii) at such other places within their area as they consider appropriate;
- (b) publish on their website—
  - (i) the draft local development order and the statement of reasons;
  - (ii) a statement that those documents are available for inspection and the places where and times when they can be inspected; and
  - (iii) the date by which representations on the draft local development order must be received, which shall be not less than 28 days after the date of first publication on the website; and
- (c) give notice by local advertisement of—
  - (i) the draft local development order and the statement of reasons;
  - (ii) the availability of those documents for inspection, and the places where and times when they can be inspected; and
  - (iii) the date by which representations on the draft local development order must be received, which shall be not less than 28 days from the date on which the notice was first published.

(7) Where the draft local development order would grant planning permission for development specified in the order, the local planning authority shall also give notice of their proposal to make the order—

- (a) by displaying in at least one place on or near to the site to which the order relates a notice in the appropriate form set out in Schedule 7 or in a form substantially to the like effect, and, subject to paragraph (8), leaving the notice in position for a period of not less than 28 days beginning with the date on which it is first displayed; and
- (b) by serving a copy of that notice on every person whom the authority knows to be the owner or tenant of any part of the site whose name and address is known to the authority, and specifying in the notice a date by which representations on the draft local development order must be received, which shall be not less than 28 days from the date on which the notice was displayed or served, as the case may be.

(8) Where the notice referred to in paragraph (7)(a) is, without any fault or intention of the authority, removed, obscured or defaced before the period referred to in that paragraph has elapsed, the authority shall be treated as having complied with the requirements of that paragraph if they have taken reasonable steps for the protection of the notice, and, if necessary, its replacement.

(9) Where any notice of the proposal has been—

- (a) published on the authority's website or by local advertisement in accordance with paragraph (6);
- (b) given by site display under paragraph (7)(a); or
- (c) served on an owner of the land or a tenant under paragraph (7)(b),

a local planning authority shall, in considering what modifications should be made to the draft local development order or whether such an order should be adopted, take into account any representations made in relation to that order and received by the authority by the date specified on the website or in the notices, in accordance with paragraph (6) or (7) as the case may be, as the date by which representations should be made (or, if the dates on the website or in the notices differ from each other, the latest of such dates).

(10) A local planning authority shall send a copy of a draft local development order and the statement of reasons relating to that order, including any modifications made to the order or statement, to the Secretary of State at any time after they have complied with the requirements of paragraph (9).

(11) Subject to paragraph (12), a local planning authority shall not take any further step in connection with the adoption of a local development order until either—

- (a) the Secretary of State has notified the authority in writing that the Secretary of State does not intend to make a direction under section 61B(1) of the 1990 Act (intervention by Secretary of State)(a); or
- (b) a period of 21 days has elapsed from the date on which the draft was sent to the Secretary of State, and the Secretary of State has neither notified the authority that the Secretary of State—
  - (i) intends to make such a direction; or
  - (ii) requires more time to reach a decision.

(12) If, within the period of 21 days referred to in paragraph (11)(b), the Secretary of State has notified the authority that the Secretary of State requires more time to reach a decision, the authority shall not take any further step in connection with the adoption of the order unless the Secretary of State notifies the authority as referred to in paragraph (11)(a).

(13) A local development order must not be made so as to grant planning permission—

- (a) for development affecting a listed building; or
- (b) for development which is Schedule 1 development within the meaning of regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (interpretation)(b).

(14) Where a local planning authority revoke a local development order the authority shall—

- (a) publish on their website a statement that the local development order has been revoked;
- (b) give notice of the revocation by local advertisement; and
- (c) give written notice of the revocation to every person whom the local planning authority consulted under paragraphs (3) or (4) before the making of the order.

(15) In this article a requirement to give notice by local advertisement is a requirement to publish the notice in as many newspapers as will secure that the press coverage (taken as a whole) extends to the whole of the area to which the local development order relates.

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(a) Section 61B was inserted by section 40(1) of the 2004 Act.

(b) S.I. 1999/293, to which there are amendments not relevant to this article.

## Certificate of lawful use or development

35.—(1) An application for a certificate under section 191(1) or 192(1) of the 1990 Act (certificates of lawfulness of existing or proposed use or development)(a) shall be made on a form published by the Secretary of State (or a form substantially to the like effect) and shall, in addition to specifying the land and describing the use, operations or other matter in question in accordance with those sections, include the particulars specified or referred to in the form.

(2) An application to which paragraph (1) applies shall be accompanied by—

- (a) a plan identifying the land to which the application relates drawn to an identified scale and showing the direction of North;
- (b) such evidence verifying the information included in the application as the applicant can provide; and
- (c) a statement setting out the applicant's interest in the land, the name and address of any other person known to the applicant to have an interest in the land and whether any such other person has been notified of the application.

(3) Where an application for a certificate under section 192(1) of the 1990 Act is made in respect of Crown land, it shall, in addition to the documents required by paragraph (2), be accompanied by—

- (a) a statement that the application is made in respect of Crown land; and
- (b) where the application is made by a person authorised in writing by the appropriate authority, a copy of that authorisation.

(4) Where such an application specifies 2 or more uses, operations or other matters, the plan which accompanies the application shall indicate to which part of the land each such use, operation or matter relates.

(5) Where an application is made using electronic communications to transmit a form to the local planning authority, the applicant shall be taken to have agreed—

- (a) to the use of such communications by the local planning authority for the purposes of the application;
- (b) that the applicant's address for those purposes is the address incorporated into, or otherwise logically associated with, the application; and
- (c) that the applicant's deemed agreement under this paragraph shall subsist until notice is given in writing of the withdrawal of the applicant's consent to the use of electronic communications under article 40.

(6) Articles 10(1) and 29(6) shall apply to an application for a certificate to which paragraph (1) applies as they apply to an application for planning permission.

(7) When the local planning authority receive an application which complies with the requirements of paragraphs (1) to (4) and any fee required to be paid with respect to the application, they shall, as soon as reasonably practicable, send to the applicant an acknowledgement of the application in the terms (or substantially in the terms) set out in Schedule 1.

(8) Where, after sending an acknowledgement as required by paragraph (7), the local planning authority consider that the application is invalid they shall, as soon as reasonably practicable, notify the applicant that the application is invalid.

(9) The local planning authority may by notice in writing require the applicant to provide such further information as may be specified to enable them to deal with the application.

(10) Where a valid application has been received, the local planning authority shall give the applicant written notice of their decision within—

- (a) the period of 8 weeks beginning with the day immediately following that on which the application is received; or

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(a) Sections 191 and 192 were substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34).



(b) unless the applicant has already given notice of appeal to the Secretary of State, within such extended period as may be agreed in writing between the applicant and the authority.

(11) Where a fee due in respect of an application has been paid by a cheque which is subsequently dishonoured—

(a) sub-paragraph (a) of paragraph (10) shall have effect as if, for “the application is received”, there were substituted “the authority are satisfied that they have received the full amount of the fee”; and

(b) sub-paragraph (b) of that paragraph shall have effect as if, at the end, there were added “once the authority are satisfied that they have received the full amount of the fee”.

(12) In this article, “valid application” means an application which—

(a) complies with the requirements of paragraphs (1) to (4); and

(b) is accompanied by the appropriate fee,

and a valid application shall be taken to have been received when the application and all of the documents, particulars or evidence referred to in paragraphs (1) to (4) have been lodged with the appropriate authority mentioned in article 10(1) and the fee has been paid.

(13) Where an application is refused, in whole or in part (including a case in which the authority modify the description of the use, operations or other matter in the application or substitute an alternative description for that description), the notice of decision shall state clearly and precisely the authority’s full reasons for their decision and shall include a statement to the effect that if the applicant is aggrieved by the decision the applicant may appeal to the Secretary of State under section 195 of the 1990 Act (appeals against refusal or failure to give decision on application)(a).

(14) A certificate under section 191 or 192 of the 1990 Act shall be in the form set out in Schedule 8, or in a form substantially to the like effect.

(15) Where a local planning authority propose to revoke a certificate issued under section 191 or 192 of the 1990 Act in accordance with section 193(7) of the 1990 Act (certificates under sections 191 and 192: supplementary provisions)(b), they shall, before they revoke the certificate, give notice of that proposal to—

(a) the owner of the land affected;

(b) the occupier of the land affected;

(c) any other person who will in their opinion be affected by the revocation; and

(d) in the case of a certificate issued by the Secretary of State under section 195 of the 1990 Act, the Secretary of State.

(16) A notice issued under paragraph (15) shall invite the person on whom the notice is served to make representations on the proposal to the authority within 14 days of service of the notice and the authority shall not revoke the certificate until all such periods allowed for making representations have expired.

(17) An authority shall give written notice of any revocation under section 193(7) of the 1990 Act to every person on whom notice of the proposed revocation was served under paragraph (15).

## PART 7

### Monitoring

#### Register of applications

**36.—**(1) In this article and in articles 37 and 38, “the local planning register authority” means—

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(a) Section 195 was amended by paragraph 32 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34) and paragraphs 1 and 3 of Schedule 11 to the Planning Act 2008 (c. 29) and is to be amended by paragraphs 1 and 7 of Schedule 10 to the Planning Act 2008 on a date to be appointed.

(b) Section 193 was substituted by section 10(1) of the Planning and Compensation Act 1991.

- (a) in relation to land in a National Park, the National Park authority (and references to the area of the local planning register authority are, in this case, to the National Park);
- (b) in relation to land in Greater London or a metropolitan county, which is not land in a National Park, the local planning authority (and references to the area of the local planning register authority are, in this case, to the area of the local planning authority other than any part of their area within a National Park);
- (c) in relation to any other land—
  - (i) the district planning authority; or
  - (ii) where there is no district planning authority in relation to the land, the county planning authority,
 (and references to the area of the local planning register authority are, in this case, to the area of the district planning authority or the area of the county planning authority, as the case may be, other than any part of their area within a National Park).

(2) Each local planning register authority shall keep, in 2 parts, a register of every application for planning permission relating to their area.

(3) Part 1 of the register shall contain in respect of each such application and any application for approval of reserved matters made in respect of an outline planning permission granted on such an application, made or sent to the local planning register authority and not finally disposed of—

- (a) a copy (which may be photographic or in electronic form) of the application together with any accompanying plans and drawings;
- (b) a copy (which may be photographic or in electronic form) of any planning obligation or section 278 agreement proposed or entered into in connection with the application;
- (c) a copy (which may be photographic or in electronic form) of any other planning obligation or section 278 agreement entered into in respect of the land the subject of the application which the applicant considers relevant; and
- (d) particulars of any modification to any planning obligation or section 278 agreement included in Part I of the register in accordance with sub-paragraphs (b) and (c).

(4) Part 2 of the register shall contain, in respect of every application for planning permission relating to the local planning register authority's area—

- (a) a copy (which may be photographic or in electronic form) of the application and of plans and drawings submitted in relation thereto and of any accompanying design and access statement provided in accordance with article 8;
- (b) particulars of any direction given under the 1990 Act or this Order in respect of the application;
- (c) the decision, if any, of the local planning authority in respect of the application, including details of any conditions subject to which permission was granted, the date of such decision and the name of the local planning authority;
- (d) the reference number, the date and effect of any decision of the Secretary of State in respect of the application, whether on appeal, on an application under section 293A(2) of the 1990 Act (urgent Crown development: application)(a) or on a reference under section 76A or 77 of the 1990 Act (reference of applications to Secretary of State)(b);
- (e) the date of any subsequent approval (whether approval of reserved matters or any other approval required) given in relation to the application;
- (f) a copy (which may be photographic or in electronic form) of any planning obligation or section 278 agreement entered into in connection with any decision of the local planning authority or the Secretary of State in respect of the application;

---

(a) Section 293A was inserted by section 82(1) of the 2004 Act.

(b) Section 77 was amended by paragraph 18 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34), section 40(2)(d) of the 2004 Act and is to be amended by paragraphs 1 and 2 of Schedule 10 to the Planning Act 2008 (c. 29) on a date to be appointed.

- (g) a copy (which may be photographic or in electronic form) of any other planning obligation or section 278 agreement taken into account by the local planning authority or the Secretary of State when making the decision; and
- (h) particulars of any modification to or discharge of any planning obligation or section 278 agreement included in Part 2 of the register in accordance with sub-paragraphs (f) or (g) or paragraph (6).

(5) The register kept by the local planning register authority shall also contain the following information in respect of every application made under article 9 relating to their area—

- (a) a copy (which may be photographic or in electronic form) of the application together with any accompanying plans and drawings; and
- (b) the decision, if any, of the local planning authority in respect of the application, the date of such decision and the name of the local planning authority.

(6) Where, on any appeal to the Secretary of State under section 174 of the 1990 Act (appeal against enforcement notice)(a), the appellant is deemed to have made an application for planning permission and the Secretary of State has granted permission, the local planning register authority shall, on receipt of notification of the Secretary of State's decision, enter into Part 2 of the register referred to in paragraph (2) particulars of the development concerned, the land on which it was carried out, and the date and effect of the Secretary of State's decision together with a copy (which may be photographic or in electronic form) of—

- (a) any planning obligation or section 278 agreement entered into in connection with the decision; and
- (b) any other planning obligation or section 278 agreement taken into account by the Secretary of State when making the decision.

(7) The register kept by the local planning register authority shall also contain the following information in respect of every application for a certificate under section 191 or 192 of the 1990 Act (certificates of lawfulness of existing or proposed use or development)(b) relating to the authority's area—

- (a) the name and address of the applicant;
- (b) the date of the application;
- (c) the address or location of the land to which the application relates;
- (d) the description of the use, operations or other matter included in the application;
- (e) the decision, if any, of the local planning authority in respect of the application and the date of such decision; and
- (f) the reference number, date and effect of any decision of the Secretary of State on an appeal in respect of the application.

(8) The register shall contain the following information about simplified planning zone schemes in the area of the authority—

- (a) brief particulars of any action taken by the authority or the Secretary of State in accordance with section 83 of, or Schedule 7 to, the 1990 Act (making of simplified planning zone schemes etc)(c) to establish or approve any simplified planning zone scheme, including the date of adoption or approval, the date on which the scheme or alteration becomes operative and the date on which it ceases to be operative;

---

(a) Section 174 was amended by section 6(1) and 84(6) of, and paragraph 22 of Schedule 7 and Part I of Schedule 19 to, the Planning and Compensation Act 1991 and S.I. 2003/956.

(b) Sections 191 and 192 were substituted by section 10(1) of the Planning and Compensation Act 1991.

(c) Schedule 7 was amended by section 84(6) of, and Schedule 5 and Part I of Schedule 19 to, the Planning and Compensation Act 1991, section 18(1) of, and paragraph 29 of Schedule 3 to, the Tribunals and Inquiries Act 1992 (c. 53) and paragraphs 9 and 11 of Schedule 8 to the Tribunals, Courts and Enforcement Act 2007 (c. 15). Section 83 and Schedule 7 are to be amended by sections 45 and 120 of, and Schedule 9 to, the 2004 Act on a date to be appointed. Prospectively substituted paragraph 12(1A) was amended by paragraph 4 of Schedule 5 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20).

- (b) a copy of any simplified planning zone scheme, or alteration to an existing scheme, including any diagrams, illustrations, descriptive matter or any other prescribed material which has been made available for inspection under Schedule 7 to the 1990 Act; and
- (c) an index map showing the boundary of any operative or proposed simplified planning zone schemes, including alterations to existing schemes where appropriate, together with a reference to the entries in the register under sub-paragraphs (a) and (b).

(9) To enable any person to trace any entry in the register, every register shall include an index together with a separate index of applications for development involving mining operations or the creation of mineral working deposits.

(10) Subject to paragraph (11), every entry in the register shall be made within 14 days of the receipt of an application, or of the giving or making of the relevant direction, decision or approval as the case may be.

(11) A copy of any application made under section 293A(2) of the 1990 Act (urgent Crown development: application) and of any plans and drawings submitted in relation to it shall be placed on the register within 14 days of the date on which the local planning authority is consulted on the application by the Secretary of State.

(12) The register shall either be kept at the principal office of the local planning register authority or that part of the register which relates to land in part of that authority's area shall be kept at a place within or convenient to that part.

(13) For the purposes of paragraph (3), an application shall not be treated as finally disposed of unless—

- (a) it has been decided by the authority (or the appropriate period specified or referred to in article 29(2) has expired without their giving a decision) and the time limit specified in article 33(2) has expired without any appeal having been made to the Secretary of State;
- (b) if it has been referred to the Secretary of State under section 76A or 77 of the 1990 Act or an appeal has been made to the Secretary of State under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions)(a), the Secretary of State has issued a decision and the period of 6 weeks specified in section 288 of the 1990 Act (proceedings for questioning the validity of other orders, decisions and directions)(b) has expired without any application having been made to the High Court under that section;
- (c) an application has been made to the High Court under section 288 of the 1990 Act and the matter has been finally determined, either by final dismissal of the application by a court or by the quashing of the Secretary of State's decision and the issue of a fresh decision (without a further application under the said section 288); or
- (d) it has been withdrawn before being decided by the authority or the Secretary of State, as the case may be, or an appeal has been withdrawn before the Secretary of State has issued a decision.

(14) Where the register kept by a local planning register authority under this article is kept using electronic storage, the authority may make the register available for inspection by the public on a website maintained by the authority for that purpose.

### **Register of local development orders**

**37.—**(1) The register kept by each local planning register authority under article 36 shall include as Part 3 a Part relating to local development orders.

(2) Part 3 of the register shall consist of 2 sections—

---

(a) Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991, sections 40(2)(e) and 43(2) of the 2004 Act and paragraphs 1 and 3 of Schedule 10 (amendments in force for certain purposes and to come into force for remaining purposes on a date to be appointed, *see* S.I. 2009/400) and paragraphs 1 and 2 of Schedule 11 to the Planning Act 2008 (c. 29).

(b) Section 288 was amended by paragraph 25 of Schedule 3 to the Tribunals and Inquiries Act 1992.

- (a) the first (“Section 1”) shall contain copies of draft local development orders which have been prepared but not adopted by the authority; and
- (b) the second (“Section 2”) shall contain—
  - (i) copies of local development orders which have been adopted by the authority;
  - (ii) particulars of the revocation of any local development order made by the authority, including the date on which the revocation took effect; and
  - (iii) particulars of the revision of any local development order, including the date on which the revision took effect.

(3) A copy of each draft local development order must be placed on the register when the draft is sent for consultation in accordance with article 34(3).

(4) A copy of each local development order must be placed on the register within 14 days of the date of its adoption.

(5) A requirement under this article to place a copy of a draft order or order on the register includes a requirement to do the same with the statement of reasons for making that order.

### **Register of enforcement and stop notices**

**38.**—(1) Subject to paragraph (2), the register under section 188 of the 1990 Act (register of enforcement and stop notices)(a) shall contain the following information with respect to every enforcement notice issued in relation to land in the area of the authority maintaining the register—

- (a) the address of the land to which the notice relates or a plan by reference to which its situation can be ascertained;
- (b) the name of the issuing authority;
- (c) the date of issue of the notice;
- (d) the date of service of copies of the notice;
- (e) a statement or summary of the breach of planning control alleged and the requirements of the notice, including the period within which any required steps are to be taken;
- (f) the date specified in the notice as the date on which it is to take effect;
- (g) information on any postponement of the date specified as the date on which the notice will take effect by reason of section 175(4) of the 1990 Act (appeals: supplementary provisions)(b) and the date of the final determination or withdrawal of any appeal;
- (h) the date of service and, if applicable, of withdrawal of any stop notice referring to the enforcement notice, together with a statement or summary of the activity prohibited by any such stop notice; and
- (i) the date, if any, on which the local planning authority are satisfied that steps required by the notice for a purpose mentioned in section 173(4)(b) of the 1990 Act (contents and effect of notice: remedying any injury to amenity)(c) have been taken.

(2) That register shall also contain the following information with respect to every breach of condition notice served in relation to land in the area of the authority maintaining the register—

- (a) the address of the land to which the notice relates or a plan by reference to which its situation can be ascertained;
- (b) the name of the serving authority;
- (c) the date of service of the notice;
- (d) details of the relevant planning permission sufficient to enable it to be identified; and

---

(a) Section 188 was amended by section 84(6) of, and paragraph 30 of Schedule 7 and Part 1 of Schedule 19 to, the Planning and Compensation Act 1991. There are other amendments to section 188 which are not relevant to this Order.

(b) Section 175(4) was amended by section 6(2) of the Planning and Compensation Act 1991 (c. 34).

(c) Section 173 was substituted by section 5 of the Planning and Compensation Act 1991 (c. 34).

- (e) a statement or summary of the condition which has not been complied with and the requirements of the notice, including the period allowed for compliance.
- (3) All entries relating to an enforcement notice, stop notice or breach of condition notice shall be removed from the register if—
- (a) in the case of an enforcement notice or stop notice, the relevant enforcement notice is quashed by the Secretary of State;
  - (b) in the case of a breach of condition notice, the notice is quashed by a court;
  - (c) in any case, the relevant notice is withdrawn.
- (4) Every register shall include an index for enabling a person to trace any entry in the register by reference to the address of the land to which the notice relates.
- (5) Where a county planning authority issue an enforcement notice or serve a stop notice or a breach of condition notice, they shall supply the information specified in paragraph (1) or (2), as the case may be, in relation to the notice to the district planning authority (if any) in whose area the land to which the notice relates is situated and shall inform that authority if the notice is withdrawn or the relevant enforcement notice or breach of condition notice is quashed.
- (6) The information prescribed in paragraphs (1) and (2) shall be entered in the register as soon as practicable and in any event within 14 days of the occurrence to which it relates, and information shall be so supplied under paragraph (5) that entries may be made within that period of 14 days.
- (7) The register shall either be kept at the principal office of the local planning register authority or that part of the register which relates to land in part of that authority's area shall be kept at a place within or convenient to that part.

## PART 8

### General

#### **Directions**

39. Any power conferred by this Order to give a direction includes power to cancel or vary the direction by a subsequent direction.

#### **Withdrawal of consent to use of electronic communications**

40. Where a person is no longer willing to accept the use of electronic communications for any purpose of this Order which is capable of being carried out electronically, that person shall give notice in writing—

- (a) withdrawing any address notified to the Secretary of State or to a local planning authority for that purpose; or
- (b) revoking any agreement entered into or deemed to have been entered into with the Secretary of State or with a local planning authority for that purpose,

and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice but not less than 7 days after the date on which the notice is given.

#### **Revocations, transitional provisions and savings**

41.—(1) The statutory instruments specified in the first column of the table in Schedule 9 are revoked, in so far as they apply to England, to the extent specified in the corresponding row of the third column of the table.

(2) In respect of any application for planning permission, consent, agreement or approval made before 6th April 2010—

- (a) articles 33 (appeals) and 36 (register of applications) and Schedule 6 (notification where planning permission refused or granted subject to conditions) shall not apply; and
  - (b) articles 23 (appeals) and 25 (register of applications) of, and Part 2 of Schedule 1 (notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions) to, the Town and Country Planning (General Development Procedure) Order 1995(a) shall apply as those provisions applied immediately prior to 6th April 2010.
- (3) In respect of any application for planning permission made before 1st October 2010—
- (a) article 13 (publicity for applications for planning permission) shall not apply; and
  - (b) article 8 of the Town and Country Planning (General Development Procedure) Order 1995 (publicity for applications for planning permission)(b) shall apply as that provision applied immediately prior to 6th April 2010.

Signed by authority of the Secretary of State for Communities and Local Government

*Greg Clark*  
Minister of State

8th September 2010

Department for Communities and Local Government

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(a) S.I. 1995/419; relevant amendments were made by S.I. 2002/828, 2003/956, 2004/3340, 2005/2087, 2006/1062, 2006/1282 and 2009/453.

(b) Relevant amendments were made to article 8 by S.I. 1999/293, 2006/1062 and 2006/1282.

Letter to be sent to applicant on receipt of application

TOWN AND COUNTRY PLANNING ACT 1990

**Letter to be sent by a local planning authority when they receive an application for planning permission or for a certificate of lawful use or development**

Thank you for your application dated .....  
which I received on .....

I am still examining your application form and the accompanying plans and documents to see whether they comply with the law.\*

If I find that your application is invalid because it does not comply with the statutory requirements then I shall write to you again as soon as I can.\*

If, by (*insert date at end of period of, in the case of applications for major development, 13 weeks, or in all other cases, 8 weeks, beginning with the day immediately following the date when the application was received*) .....  
you have not been given a decision in writing and:

- you have not been told that your application is invalid; or
- \* you have not been told that your fee cheque has been dishonoured; or
- you have not agreed in writing to extend the period in which the decision may be given,

then you can appeal to the Secretary of State under section 78/section 195\* of the Town and Country Planning Act 1990. This does not apply if your application has already been referred to the Secretary of State. You must use a form which you can get online at [www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes) or from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. If you appeal:

- you should appeal within 6 months from [*insert date at end of period of, in the case of applications for major development, 13 weeks, or in all other cases, 8 weeks, beginning with the day immediately following the date when the application was received ("the relevant date")*] ....., or
- if an enforcement notice relating to the same or substantially the same land and development as in your application has been served before [*insert the relevant date*] (but no earlier than 2 years before your application) and has not been withdrawn, you should appeal within 28 days from [*insert the relevant date*], or
- if an enforcement notice relating to the same or substantially the same land and development as in your application is served on or after [*insert the relevant date*] but no later than [*insert date that is 28 days before expiry of 6 months from the relevant date*] and has not been withdrawn, you should appeal within 28 days from the date on which the enforcement notice is served

\*delete where inappropriate



Notices under articles 11 and 32

Town and Country Planning (Development Management Procedure) (England) Order 2010

NOTICE UNDER ARTICLE 11 OF APPLICATION FOR PLANNING PERMISSION

(to be published in a newspaper and, where relevant, on a website or to be served on an owner\* or a tenant\*\*)

Proposed development at (a) .....
I give notice that (b) .....
is applying to the [(c).....Council][Secretary of State]+
for planning permission to (d) .....
Any owner\* of the land or tenant\*\* who wishes to make representations about this application
should write to the [Council][Secretary of State]+ at (e) .....
by (f) .....

\* "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years, or, in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

\*\* "tenant" means a tenant of an agricultural holding any part of which is comprised in the land.

Signed.....
+On behalf of .....
Date .....

Statement of owners' rights

The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

Statement of agricultural tenants' rights

The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

+ delete where inappropriate

Insert:

- (a) address or location of the proposed development
(b) applicant's name
(c) name of the Council
(d) description of the proposed development
(e) address of the Council or the Secretary of State as appropriate
(f) date giving a period of 21 days beginning with the date of service, or 14 days beginning with the date of publication, of the notice (as the case may be)

Town and Country Planning (Development Management Procedure)  
(England) Order 2010

**NOTICE UNDER ARTICLE 11 OF APPLICATION FOR PLANNING  
PERMISSION FOR HOUSEHOLDER DEVELOPMENT**

*(to be published in a newspaper and, where relevant, on a website or to be served on  
an owner\* or a tenant\*\* in the case of an application for planning permission for  
householder development\*\*\*)*

Proposed householder development\*\*\* at (a) .....  
**I give notice that** (b) .....  
is applying to the (c) .....Council  
for planning permission to (d) .....

Any owner\* of the land or tenant\*\* who wishes to make representations about this application  
should write to the Council at (e) .....  
by (f) .....

In the event that an appeal is made against a decision of the Council to refuse to grant planning  
permission for the proposed development, and that appeal then proceeds by way of the expedited  
procedure under the written representations procedure+, any representations made by the owner\*  
or tenant\*\* to the Council about this application will be passed to the Secretary of State and there  
will be no opportunity to make further representations. Any owner or tenant wishing to make  
representations should do by the date given above.

\* “owner” means a person having a freehold interest or a leasehold interest the unexpired term of  
which is not less than 7 years.

\*\* “tenant” means a tenant of an agricultural holding any part of which is comprised in the land.

\*\*\* “householder development” means development of an existing dwellinghouse, or  
development within the curtilage of such a dwellinghouse for any purpose incidental to the  
enjoyment of the dwellinghouse. It does not include a change of use or a change to the number of  
dwellings in a building.

+ The expedited procedures in relation to written representations are set out in Part 1 of the Town  
and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009  
(S.I. 2009/452).

Signed.....  
On behalf of (delete if not applicable).....  
Date .....

*Statement of owners’ rights*

The grant of planning permission does not affect owners’ rights to retain or dispose of their  
property, unless there is some provision to the contrary in an agreement or in a lease.

*Statement of agricultural tenants’ rights*

The grant of planning permission for non-agricultural development may affect agricultural  
tenants’ security of tenure.

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Insert:

- (a) address or location of the proposed development
- (b) applicant’s name
- (c) name of the Council
- (d) description of the proposed development
- (e) address of the Council
- (f) date giving a period of 21 days beginning with the date of service, or 14 days beginning with  
the date of publication, of the notice (as the case may be)

Town and Country Planning (Development Management Procedure)  
(England) Order 2010

NOTICE UNDER ARTICLE 11 OF APPLICATION FOR PLANNING  
PERMISSION FOR THE WINNING AND WORKING OF MINERALS  
BY UNDERGROUND OPERATIONS

*(to be posted in the case of an application for planning permission for development consisting of the winning and working of minerals by underground operations (in addition to the service or publication of any other requisite notices in this Schedule))*

Proposed development at (a) .....

**I give notice that** (b) .....

is applying to the [(c) .....Council][Secretary of State]+

for planning permission to (d) .....

Members of the public may inspect copies of:

- the application
- the plans
- and other documents submitted with it

at (e) .....

during all reasonable hours until (f).....

Anyone who wishes to make representations about this application should write to the

[(Council)][Secretary of State]+ at (g) .....

by (f) .....

Signed.....

+ On behalf of .....

Date .....

+ delete where inappropriate

---

Insert:

(a) address or location of the proposed development

(b) applicant's name

(c) name of the Council

(d) description of the proposed development

(e) address at which the application may be inspected (the applicant is responsible for making the application available for inspection within the area of the local planning authority)

(f) date giving a period of 21 days beginning with the date when the notice is posted

(g) address of the Council or the Secretary of State as appropriate

Town and Country Planning (Development Management Procedure)  
(England) Order 2010

NOTICE UNDER ARTICLES 11 AND 32 OF APPEAL

(to be published in a newspaper and, where relevant, on a website or to be served on  
an owner\* or a tenant\*\*)

Proposed development at (a) .....  
**I give notice that** (b) .....  
having applied to the (c) .....Council  
to (d) .....  
is appealing to the Secretary of State

against the decision of the Council +  
on the failure of the Council to give notice of a decision +

Any owner\* of the land or tenant\*\* who wishes to make representations about this appeal should  
write to the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1  
6PN or using the website at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)

by (e) .....

\* “owner” means a person having a freehold interest or a leasehold interest the unexpired term of  
which is not less than 7 years, or, in the case of development consisting of the winning or working  
of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold  
or silver).

\*\* “tenant” means a tenant of an agricultural holding any part of which is comprised in the land.

Signed.....  
+On behalf of .....  
Date .....

*Statement of owners’ rights*

The grant of planning permission does not affect owners’ rights to retain or dispose of their  
property, unless there is some provision to the contrary in an agreement or in a lease.

*Statement of agricultural tenants’ rights*

The grant of planning permission for non-agricultural development may affect agricultural  
tenants’ security of tenure.

+ delete where inappropriate

---

Insert:

- (a) address or location of the proposed development
- (b) applicant’s name
- (c) name of the Council
- (d) description of the proposed development
- (e) date giving a period of 21 days beginning with the date of service, or 14 days beginning with  
the date of publication, of the notice (as the case may be)

Town and Country Planning (Development Management Procedure)  
(England) Order 2010

NOTICE UNDER ARTICLES 11 AND 32 OF APPEAL

*(to be published in a newspaper and, where relevant, on a website or to be served on an owner\* or a tenant\*\* in the case of an appeal against the refusal to grant planning permission for householder development\*\*\*)*

Proposed householder development\*\*\* at (a) .....  
**I give notice that** (b) .....  
having applied to the (c) .....Council  
to (d) .....  
is appealing to the Secretary of State against the refusal of the Council to grant planning permission for the proposed development.

In the event that the appeal is dealt with by the expedited procedure under the written representations procedure+, any representations made by the owner\* of the land or tenant\*\* to the Council about the application will be passed to the Secretary of State and there will be no opportunity to make further representations in relation to the appeal.

\* “owner” means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years.

\*\* “tenant” means a tenant of an agricultural holding any part of which is comprised in the land.

\*\*\* “householder development” means development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse. It does not include a change of use or a change to the number of dwellings in a building.

+ The expedited procedures in relation to written representations are set out in Part 1 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 (S.I. 2009/452).

Signed.....  
On behalf of (delete if not applicable).....  
Date .....

*Statement of owners’ rights*

The grant of planning permission does not affect owners’ rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

*Statement of agricultural tenants’ rights*

The grant of planning permission for non-agricultural development may affect agricultural tenants’ security of tenure.

---

Insert:

- (a) address or location of the proposed development
- (b) applicant’s name
- (c) name of the Council
- (d) description of the proposed development

Town and Country Planning (Development Management Procedure)  
(England) Order 2010

NOTICE UNDER ARTICLES 11 AND 32 OF APPEAL

*(to be posted in the case of an application for planning permission for development consisting of the winning and working of minerals by underground operations (in addition to the service or publication of any other requisite notices in this Schedule))*

Proposed development at (a) .....  
**I give notice that** (b) .....  
having applied to the (c) .....Council  
to (d) .....  
is appealing to the Secretary of State

against the decision of the Council +  
on the failure of the Council to give notice of a decision +

Members of the public may inspect copies of

- the application
- the plans
- and other documents submitted with it

at (e) .....  
during all reasonable hours until (f).....

Anyone who wishes to make representations about this appeal should write to the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

by (f) .....

Signed.....

+On behalf of .....

Date .....

+ delete where inappropriate

---

Insert:

- (a) address or location of the proposed development
- (b) applicant's name
- (c) name of the Council
- (d) description of the proposed development
- (e) address of the Council
- (f) date giving a period of 21 days beginning with the date when the notice is posted

Publicity for applications for planning permission

Town and Country Planning (Development Management Procedure) (England) Order 2010

NOTICE UNDER ARTICLE 13(4) or (5) OF APPLICATION FOR PLANNING PERMISSION

(to be published in a newspaper, displayed on or near the site, or served on owners and/or occupiers of adjoining land)

Proposed development at (a) .....
I give notice that (b) .....
is applying to the (c) .....Council
for planning permission to (d) .....
The proposed development does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated.\*

Members of the public may inspect copies of

- the application
• the plans
• and other documents submitted with it

at (e) .....
during all reasonable hours until (f).....

Anyone who wishes to make representations about this application should write to the Council at (g).....
by (f) .....

As this is a householder application, in the event of an appeal against a refusal of planning permission, which is to be dealt with on the basis of representations in writing, any representations made about this application will be sent to the Secretary of State and there will be no further opportunity to comment at the appeal stage.\*

Signed.....(Council’s authorised officer)
On behalf of .....Council
Date .....

\* delete where inappropriate

Insert:

- (a) address or location of the proposed development
(b) applicant’s name
(c) name of the Council
(d) description of the proposed development
(e) address at which the application may be inspected
(f) date giving a period of 21 days, beginning with the date when the notice is first displayed on or near the site or served on an owner and/or occupier of adjoining land, or a period of 14 days, beginning with the date when the notice is published in a newspaper (as the case may be)
(g) address of the Council

Town and Country Planning (Development Management Procedure)  
(England) Order 2010

NOTICE UNDER ARTICLE 13(3) OF APPLICATION FOR  
PLANNING PERMISSION ACCOMPANIED BY AN  
ENVIRONMENTAL STATEMENT

*(to be published in a newspaper and displayed on or near the site)*

Proposed development at (a) .....

**I give notice that** (b) .....

is applying to the (c) .....Council

for planning permission to (d) .....

and that the application is accompanied by an environmental statement.

The proposed development does not accord with the provisions of the development plan in force  
in the area in which the land to which the application relates is situated.\*

Members of the public may inspect copies of

- the application
- the plans
- the environmental statement
- and other documents submitted with the application

at (e) .....

during all reasonable hours until (f) .....

Members of the public may obtain copies of the environmental statement from (g) .....

.....

so long as stocks last, at a charge of (h) .....

Anyone who wishes to make representations about this application should write to the Council at

(i).....

by (f) .....

Signed.....(Council's authorised officer)

On behalf of .....Council

Date .....

\* delete where inappropriate

---

Insert:

(a) address or location of the proposed development

(b) applicant's name

(c) name of the Council

(d) description of the proposed development

(e) address at which the application may be inspected

(f) date giving a period of 21 days, beginning with the date when the notice is first displayed on or  
near the site, or a period of 14 days, beginning with the date when the notice is published in a  
newspaper (as the case may be)

(g) address from where copies of the environmental statement may be obtained (whether or not the  
same as (e))

(h) amount of charge, if any

(i) address of the Council



Major infrastructure projects: economic impact report

Town and Country Planning (Development Management Procedure) (England) Order 2010: article 15

MAJOR INFRASTRUCTURE PROJECT: ECONOMIC IMPACT REPORT

Name or description of project(a): .....
Location: .....
Contact details: .....

Summary of overall economic impact: .....

National level(a)

(1) Costs: .....

(2) Benefits: .....

Regional level(a)(b)

(1) Costs: .....

(2) Benefits: .....

Local level(a)(c)

(1) Costs: .....

(2) Benefits: .....

Notes:

- (a) The report must cover all economic impacts of the project at each level. In particular it must—
(i) include estimates specific to employment, investment and economic output; and
(ii) separately identify the costs and benefits falling on or accruing to the community.

The estimates must exclude factors which would lead to benefits being counted more than once. The report must state the assumptions made in preparing the estimates, the sources of information used to produce the estimates and, where there is uncertainty as to any matter relevant to the estimates, must explain that uncertainty.

For the purposes of this report, "economic output" means the estimate of changes to either Gross Domestic Product or Gross Value Added as a result of the project.

(b) "Regional" means relating to a region specified in Schedule 1 to the Regional Development Agencies Act 1998.

(c) "Local" means within the area of the relevant local planning authority.

## SCHEDULE 5

Articles 16 and 17

### Consultations before the grant of permission

**Table**

<i>Para</i>	<i>Description of Development</i>	<i>Consultee</i>
(a)	Development likely to affect land in a National Park	The National Park authority
(b)	Development likely to affect land in Greater London or in a metropolitan county other than land in a National Park	The local planning authority concerned
(c)	Development likely to affect land in a non-metropolitan county other than land in a National Park	The district planning authority concerned or, where there is no district planning authority in relation to the land, the county planning authority concerned
(d)	Development, in relation to which an application for planning permission has been made to the Secretary of State under section 293A of the 1990 Act (urgent Crown development: application)(a), where that development is likely to affect land in the area of a parish council	The parish council
(e)	Development within an area which has been notified to the local planning authority by the Health and Safety Executive for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances and which involves the provision of—  (i) Residential accommodation; (ii) More than 250 square metres of retail floor space; (iii) More than 500 square metres of office floor space; or (iv) More than 750 square metres of floor space to be used for an industrial process,  or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area	The Health and Safety Executive
(f)	Development likely to result in a material increase in the volume or a material change in the character of traffic—  (i) Entering or leaving a trunk road; or	The Secretary of State for Transport

(a) Section 293A was inserted by section 82(1) of the 2004 Act.

(ii)	using a level crossing over a railway	The operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport
(g)	Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway	The local highway authority concerned
(h)	Development likely to prejudice the improvement or construction of a classified road or proposed highway	The local highway authority concerned
(i)	Development involving—	
	(i) the formation, laying out or alteration of any means of access to a highway (other than a trunk road); or	The local highway authority concerned
	(ii) the construction of a highway or private means of access to premises affording access to a road in relation to which a toll order is in force	The local highway authority concerned, and in the case of a road subject to a concession, the concessionaire
(j)	Development which consists of or includes the laying out or construction of a new street	The local highway authority
(k)	Development which involves the provision of a building or pipeline in an area of coal working notified by the Coal Authority to the local planning authority	The Coal Authority
(l)	Development involving or including mining operations	The Environment Agency
(m)	Development within 3 kilometres of Windsor Castle, Windsor Great Park, or Windsor Home Park, or within 800 metres of any other royal palace or park, which might affect the amenities (including security) of that palace or park	The Historic Buildings and Monuments Commission for England
(n)	Development of land in Greater London involving the demolition, in whole or part, or the material alteration of a listed building	The Historic Buildings and Monuments Commission for England
(o)	Development likely to affect the site of a scheduled monument	The Historic Buildings and Monuments Commission for England
(p)	Development likely to affect any garden or park of special historic interest which is registered in accordance with section 8C of the Historic Buildings and Ancient Monuments Act 1953 (register of gardens)(a) and which is classified as Grade I or Grade II*	The Historic Buildings and Monuments Commission for England
(q)	Development involving—	The Environment Agency

(a) 1953 c. 49; section 8C was inserted by section 33 of, and paragraph 10 of Schedule 4 to, the National Heritage Act 1983 (c. 47).

	(i) the carrying out of works or operations in the bed of, or within 20 metres of the top of a bank of, a main river which has been notified to the local planning authority by the Environment Agency as a main river for the purposes of this provision; or	
	(ii) the culverting or control of flow of any river or stream	
(r)	Development for the purpose of refining or storing mineral oils and their derivatives	The Environment Agency
(s)	Development involving the use of land for the deposit of refuse or waste	The Environment Agency
(t)	Development relating to the retention, treatment or disposal of sewage, trade-waste, slurry or sludge (other than the laying of sewers, the construction of pumphouses in a line of sewers, the construction of septic tanks and cesspools serving single dwellinghouses or single caravans or single buildings in which not more than 10 people will normally reside, work or congregate, and works ancillary to those matters)	The Environment Agency
(u)	Development relating to the use of land as a cemetery	The Environment Agency
(v)	Development—	Natural England
	(i) in or likely to affect a site of special scientific interest; or	
	(ii) within an area which has been notified to the local planning authority by Natural England, and which is within 2 kilometres of a site of special scientific interest,	
	of which notification has been given, or has effect as if given, to the local planning authority by Natural England, in accordance with section 28 of the Wildlife and Countryside Act 1981 (sites of special scientific interest)(a)	
(w)	Development involving any land on which there is a theatre	The Theatres Trust
(x)	Development which is not for agricultural purposes and is not in accordance with the provisions of a development plan and involves—	The Secretary of State for the Environment, Food and Rural Affairs
	(i) the loss of not less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes; or	
	(ii) the loss of less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, in circumstances in which the development is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more	
(y)	Development within 250 metres of land which—	The Environment Agency

(a) 1981 c. 69; section 28 was substituted by paragraph 1 of Schedule 9 to the Countryside and Rights of Way Act 2000 (c. 37) and amended by section 105(1) of, and paragraph 79 of Part 1 of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 (c. 16) and paragraph 2 of Part 2 of Schedule 13 to the Marine and Coastal Access Act 2009 (c. 23).

	(i) is or has, at any time in the 30 years before the relevant application, been used for the deposit of refuse or waste; and	
	(ii) has been notified to the local planning authority by the Environment Agency for the purposes of this provision	
(z)	Development for the purposes of fish farming	The Environment Agency
(za)	Development which—	The English Sports Council
	(i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or	
	(ii) is on land which has been—	
	(aa) Used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or	
	(bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or	
	(iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface	
(zb)	Development likely to affect—	The British Waterways Board
	(i) any inland waterway (whether natural or artificial) or reservoir owned or managed by the British Waterways Board <sup>(a)</sup> ; or	
	(ii) any canal feeder channel, watercourse, let off or culvert,	
	Which is within an area which has been notified for the purposes of this provision to the local planning authority by the British Waterways Board	
(zc)	Development—	The Health and Safety Executive and the Environment Agency and, where it appears to the local planning authority that an area of particular natural sensitivity or interest may be affected, Natural England
	(i) involving the siting of new establishments;	
	(ii) Consisting of modifications to existing establishments which could have significant repercussions on major-accident hazards; or	

<sup>(a)</sup> See sections 1 and 10 of the Transport Act 1962 (c. 46).

- (iii) including transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or development is such as to increase the risk or consequences of a major accident

(zd)	Development which—	The regional development agency which gave the notice
	<ul style="list-style-type: none"> <li>(i) involves or is likely to affect the provision of an existing or proposed strategic infrastructure project of which notification has been given to the local planning authority and which is likely to have a significant impact upon a policy in the regional development agency’s strategy; or</li> <li>(ii) is within an area of which notification has been given to the local planning authority for the purpose of this provision and is likely to affect the implementation of a strategic regional investment or employment policy in the regional development agency’s strategy</li> </ul>	
(ze)	Development, other than minor development, which is to be carried out on land—	The Environment Agency
	<ul style="list-style-type: none"> <li>(i) in an area within Flood Zone 2 or Flood Zone 3; or</li> <li>(ii) in an area within Flood Zone 1 which has critical drainage problems and which has been notified for the purpose of this provision to the local planning authority by the Environment Agency</li> </ul>	
(zf)	Any development of land of 1 hectare or more	The Environment Agency

**Interpretation of Table**

**1. In the above Table—**

- (a) in paragraph (e)(iv), “industrial process” means a process for or incidental to any of the following purposes—
  - (i) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);
  - (ii) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
  - (iii) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine (and in this paragraph, “mine” means any site on which mining operations are carried out);
- (b) in paragraph (f)(ii), “network” and “operator” have the same meaning as in Part I of the Railways Act 1993 (the provision of railway services)(a);
- (c) in paragraphs (g) and (h), “classified road” means a highway or proposed highway which—
  - (i) is a classified road or a principal road by virtue of section 12(1) of the Highways Act 1980 (general provision as to principal and classified roads)(b); or

(a) 1993 c. 43; see section 83.

(b) 1980 c. 66.

- (ii) is classified for the purposes of any enactment by the Secretary of State by virtue of section 12(3) of that Act;
- (d) in paragraph (i), “concessionaire”, “road subject to a concession” and “toll order” have the same meaning as in Part 1 of the New Roads and Street Works Act 1991 (new roads in England and Wales)(a);
- (e) in paragraph (j), “street” has the same meaning as in section 48(1) of the New Roads and Street Works Act 1991 (streets, street works and undertakers), and “new street” includes a continuation of an existing street;
- (f) in paragraph (o), “scheduled monument” has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments)(b);
- (g) in paragraph (q), “main river” has the same meaning as in section 113 of the Water Resources Act 1991 (interpretation of Part 4 – flood defence)(c);
- (h) in paragraph (t), “slurry” means animal faeces and urine (whether or not water has been added for handling), and “caravan” has the same meaning as for the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960 (caravan sites)(d);
- (i) in paragraph (v), “site of special scientific interest” means land to which section 28(1) of the Wildlife and Countryside Act 1981 (sites of special scientific interest) applies;
- (j) in paragraph (w), “theatre” has the same meaning as in section 5 of the Theatres Trust Act 1976 (interpretation)(e);
- (k) in paragraph (za)—
  - (i) “playing field” means the whole of a site which encompasses at least one playing pitch;
  - (ii) “playing pitch” means a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo;
- (l) the expressions used in paragraph (zc) have the same meaning as in Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances(f), as amended by Council Directive 2003/105/EC(g);
- (m) in paragraph (zd), “regional development agency” means a development agency established under section 1 of the Regional Development Agencies Act 1998 (establishment)(h) and “regional development agency’s strategy” is a strategy formulated and kept under review under section 7 (strategy) or section 7A (the London Development Agency strategy) of that Act(i); and
- (n) in paragraph (ze)—
 

“Flood Zone 1” means land which has a less than a 1 in 1000 annual probability of river or sea flooding(j);

“Flood Zone 2” means land which has—

  - (i) between a 1 in 100 and 1 in 1000 annual probability of river flooding; or
  - (ii) between a 1 in 200 and 1 in 1000 annual probability of sea flooding;

“Flood Zone 3” means land which has—

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(a) 1991 c. 22.

(b) 1979 c. 46.

(c) 1991 c. 57.

(d) 1960 c. 62.

(e) 1976 c. 27.

(f) OJ No L 10, 14.1.1997, p 13.

(g) OJ No L 345, 31.12.2003, p 97.

(h) 1998 c. 45.

(i) Section 7 was amended by, and section 7A was inserted by, section 306 of the Greater London Authority Act 1999 (c. 29).

(j) Maps showing the various Flood Zones are available from the Environment Agency at <http://www.environment-agency.gov.uk>.

- (i) a 1 in 100 or greater annual probability of river flooding; or
- (ii) a 1 in 200 or greater annual probability of sea flooding; and

“minor development” means—

- (i) development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse, for any purpose incidental to the enjoyment of the dwellinghouse as such;
- (ii) the extension of an existing building used for non-domestic purposes where the floorspace created by the development does not exceed 250 square metres; and
- (iii) the alteration of an existing building where the alteration does not increase the size of the building.



Notification where planning permission refused or granted subject to conditions

TOWN AND COUNTRY PLANNING ACT 1990

**NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS** *(to be endorsed on notices of decision)*  
*(page 1 of 2)\**

**Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.\*
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:  
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.\*
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.\*
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.\*
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

\* delete where inappropriate

## TOWN AND COUNTRY PLANNING ACT 1990

### **NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS** *(to be endorsed on notices of decision)*

*(page 2 of 2)\**

- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

#### **Purchase Notices**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.

\* delete where inappropriate

Notices under article 34

Town and Country Planning (Development Management Procedure) (England) Order 2010

NOTICE UNDER ARTICLE 34 OF PROPOSAL FOR LOCAL DEVELOPMENT ORDER GRANTING PLANNING PERMISSION (to be displayed on or near the site to which the order relates and to be served on an owner\* or a tenant\*\*)

Proposed development at (a) .....
I give notice that the (b) ..... Council proposes to make a local development order granting planning permission to (c).....

A copy of the draft order and a statement of the Council’s reasons for making the order are available for inspection at ..... (d) and are published on the Council’s website at ..... (e)

Anyone who wishes to make representations about this proposed local development order should write to the Council at (f) ..... by (g) .....

\* “owner” means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years, or, in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).
\*\* “tenant” means a tenant of an agricultural holding any part of which is comprised in the land.

Signed.....(Council’s authorised officer)
On behalf of ..... Council
Date .....

Statement of owners’ rights
The grant of planning permission does not affect owners’ rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.
Statement of agricultural tenants’ rights
The grant of planning permission for non-agricultural development may affect agricultural tenants’ security of tenure.

- Insert:
(a) address or location of the proposed development
(b) name of the Council
(c) description of the proposed development
(d) places where and times when the documents are available for inspection
(e) website address where the documents are published
(f) address of the Council
(g) date giving a period of not less than 28 days beginning with the [date the notice is first displayed on or near the site, or the date of service of the notice (as the case may be)

Certificate of lawful use or development

Town and Country Planning Act 1990: sections 191 and 192  
Town and Country Planning (Development Management Procedure)  
(England) Order 2010: article 35

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

The (a) ..... Council hereby certify that on (b) .....  
the use/operations/matter\* described in the First Schedule to this certificate in respect of the land  
specified in the Second Schedule to this certificate and edged/hatched/coloured\* (c)  
..... on the plan attached to this certificate, was/were/would have been\* lawful  
within the meaning of section 191 of the Town and Country Planning Act 1990 for the following  
reason(s): .....

Signed.....(Council's authorised officer)  
On behalf of (a).....Council  
Date.....

First Schedule  
(d)  
Second Schedule  
(e)

Notes

- 1 This certificate is issued solely for the purpose of section 191/192\* of the Town and Country Planning Act 1990.
- 2 It certifies that the use/operations/matter\* specified in the First Schedule taking place on the land described in the Second Schedule was/were/would have been\* lawful, on the specified date and, therefore, was not/were not/would not have been\* liable to enforcement action under section 172 of the 1990 Act on that date.
- 3 This certificate applies only to the extent of the use/operations/matter\* described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/operations/matter\* which is/are\* materially different from that/those\* described or which relate/s\* to other land may render the owner or occupier liable to enforcement action.
- \*4 The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

\*delete where inappropriate

Insert:

- (a) name of Council
- (b) date of application to the Council
- (c) colour used on the plan
- (d) full description of use, operations or other matter, if necessary, by reference to details in the application or submitted plans, including a reference to the use class, if any, specified in an order under section 55(2)(f) of the 1990 Act, within which the certificated use falls
- (e) address or location of the site

## SCHEDULE 9

Article 41

### Statutory instruments revoked in so far as they apply to England

<i>Title of Instrument</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Town and Country Planning (General Development Procedure) Order 1995	S.I. 1995/419	The whole of the Order
The Town and Country Planning (General Development Procedure) (Amendment) Order 1996	S.I. 1996/1817	The whole of the Order
The Town and Country Planning (General Development Procedure) (Amendment) Order 1997	S.I. 1997/858	The whole of the Order
The Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2000	S.I. 2000/1627	The whole of the Order
The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2002	S.I. 2002/828	The whole of the Order
The Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003	S.I. 2003/2047	The whole of the Order
The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2004	S.I. 2004/3340	The whole of the Order
The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2005	S.I. 2005/2087	The whole of the Order
The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006	S.I. 2006/1062	The whole of the Order
The Town and Country Planning (Application of Subordinate Legislation to the Crown) Order 2006	S.I. 2006/1282	Article 17
The Town and Country Planning (General Development Procedure) (Amendment) (No. 2) (England) Order 2006	S.I. 2006/2375	The whole of the Order
The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2007	S.I. 2007/1844	The whole of the Order
The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2008	S.I. 2008/550	The whole of the Order
The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2009	S.I. 2009/453	The whole of the Order
The Town and Country Planning (General Development Procedure) (Amendment) (No. 2) (England) Order 2009	S.I. 2009/1304	The whole of the Order
The Town and Country Planning (General Development Procedure) (Amendment) (No. 3) (England) Order 2009	S.I. 2009/2261	The whole of the Order
The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2010	S.I. 2010/567	The whole of the Order
The Local Democracy, Economic Development and Construction Act 2009 (Consequential Amendments) (England) Order 2010	S.I. 2010/602	Article 2

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order consolidates with amendments the provisions of the Town and Country Planning (General Development Procedure) Order 1995 (“the 1995 Order”) and subsequent amending instruments, in so far as they apply to England. It also includes provisions regarding the application of this Order to the Crown which are similar to the provisions, in article 17 of the Town and Country Planning (Application of Subordinate Legislation to the Crown) Order 2006 (“the 2006 Order”), which modified the 1995 Order. Article 17 of the 2006 Order is consequently revoked.

This Order provides for procedures connected with planning applications, consultations in relation to planning applications, the determination of planning applications, appeals, local development orders, certificates of lawful use or development, the maintenance of registers of planning applications and related matters.

The main changes are:

- the amendment of provisions relating to the functions of local planning authorities in order to clarify that National Park authorities are responsible for those functions in respect of their National Parks, in accordance with section 4A of the Town and Country Planning Act 1990 (section 4A was inserted by section 67 of the Environment Act 1995 (c. 25)) which provides that a National Park authority is the sole local planning authority for the area of the National Park (articles 10, 23 and 36 and paragraphs (a) to (c) of the table in Schedule 5);
- the updating or removal of references to bodies where the bodies no longer exist or where, prior to the making of this Order, their functions have been transferred to other bodies (in most cases because the original bodies have ceased to exist) (articles 2, 19, 24 and 34 and the Table in Schedule 5);
- the inclusion in a separate Schedule (Schedule 7) of a form of notice for a proposal for a local development order granting planning permission, instead of the form having to be a form substantially to the same effect as one set out in Schedule 2;
- amendments to the provisions relating specifically to applications for the grant of a replacement planning permission subject to a new time limit (articles 8, 10 and 18).

There are transitional provisions and savings (article 41) and minor and drafting amendments.

An impact assessment has been prepared in relation to this instrument. The assessment has been placed in the Library of each House of Parliament and copies may be obtained from the Planning Directorate, the Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU or <http://www.communities.gov.uk>.

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