

## SCHEDULE

Article 8

### Amendments to secondary legislation

#### **Amendment of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011**

1.—(1) The Town and Country Planning (Environmental Impact Assessment) Regulations 2011<sup>(1)</sup> are amended as follows.

(2) In regulation 61 for paragraph (2) substitute—

“(2) Subject to paragraph (3), where it falls to an authority to determine an EIA application, articles 27 (applications made under planning condition) and 34 (time periods for decision) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 shall have effect as if for each of the references in article 27(2) and 34(2)(a) and (b) to a period of 8 and 13 weeks respectively there were substituted a reference to a period of 16 weeks.

(3) Where it falls to an authority to determine an application for technical details consent for EIA development, article 34 (time periods for decisions) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 shall have effect as if for each reference in article 34(2) to a period of 5 or 10 weeks respectively there were substituted a reference to a period of 16 weeks.”.

#### **Amendment of the Town and Country Planning (Development Management Procedure) (England) Order 2015**

2.—(1) The Town and Country Planning (Development Management Procedure) (England) Order 2015<sup>(2)</sup> is amended as follows.

(2) In article 15 (publicity for applications for planning permission)—

(a) after paragraph (4) insert—

“(4A) In a case of an application for technical details consent to which neither paragraph (2) nor paragraph (4) applies, the application must be publicised—

(a) in accordance with the requirements of paragraph (7), and

(b) by giving requisite notice by site display in at least one place on or near the land to which the application relates for not less than 21 days.”;

(b) in paragraph (5) for “neither paragraph (2) nor paragraph (4) applies” substitute “paragraphs (2), (4) or (4A) do not apply”; and

(c) in paragraph (6) after “paragraph (3)(a), (4)(a)(i)” insert “, (4A)(b)”.

(3) In article 18 (consultations before grant of permission)—

(a) in paragraph (1) at the beginning insert “Subject to paragraph (1A),”;

(b) after paragraph (1) insert—

“(1A) Paragraph (1) does not apply in relation to an application for technical details consent unless the authority or person mentioned in relation to a category in the Table in Schedule 4 has advised the local planning authority by a valid notice that they wish to be consulted in relation to the development.

(1) [S.I. 2011/1824](#) to which there are amendments not relevant to this Order.

(2) [S.I. 2015/595](#).

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(1B) For the purposes of paragraph (1A) a notice is valid if it specifies a particular site and it was given in writing to the local planning authority before the date on which the permission in principle to which the application for technical details consent relates was granted.”.

- (4) In article 34 (time period for decisions)—
- (a) in sub-paragraph (a) of paragraph (2), at the beginning insert “subject to sub-paragraph (aa),”;
  - (b) after sub-paragraph (a) of paragraph (2) insert—
    - “(aa) in relation to an application for technical details consent for major development, 10 weeks beginning with the day immediately following that on which the application is received by the local planning authority;”;
  - (c) in sub-paragraph (b) of paragraph (2), at the beginning insert “subject to sub-paragraph (bb),”;
  - (d) after sub-paragraph (b) of paragraph (2) insert—
    - “(bb) in relation to an application for technical details consent which is not major development, 5 weeks beginning with the day immediately following that on which the application is received by the local planning authority;”.
- (5) In article 37(3) (appeals) after paragraph (iii) of sub-paragraph (b) insert—  
“(iiia) where the application was an application for technical details consent, details of the relevant permission in principle;”.
- (6) In Schedule 1 (letter to be sent to an applicant on receipt of application) for “in case of applications for major development, 13 weeks, or in all other cases, 8 weeks,” in both places, substitute—  
*“in the case of applications for technical details consent for major development, 10 weeks,  
in the case of other applications for major development, 13 weeks,  
in the case of applications for technical details consent which is not major development, 5 weeks,  
in the case of any other applications, 8 weeks,”.*
- (7) In Schedule 3 (requisite notice) at the end insert the notice set out below—

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**“Town and Country Planning (Development Management Procedure) (England) Order 2015**

**NOTICE UNDER ARTICLE 15(4A) OR ARTICLE 16 OF APPLICATION FOR PLANNING PERMISSION (TECHNICAL DETAILS CONSENT)**

*(to be displayed by site display on or near the site or served on infrastructure manager)*

Proposed development (a) .....

I give notice that (b) ..... is applying to the (c) ..... Council for technical details consent (a form of planning permission) to (d).....

The proposed development relates to permission in principle granted by the council, details of which are available at (e) .....

The proposed development to which the application relates is situated within 10 metres of relevant railway land.\*

Members of the public may inspect copies of

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

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

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

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

On behalf of (c)..... Council

Date.....

\* delete as appropriate

Insert:

(a) address or location of proposed development

(b) applicant’s name

(c) name of the Council

(d) description of the proposed development

(e) details of where the relevant permission in principle is available

(f) address at which the documents may be inspected

(g) date, giving a period of at least 21 days, beginning with the date when the notice is first displayed where visible or accessible on or near the site or served on the infrastructure manager (as the case may be)

(h) address of the Council”.

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### **Amendment of the Town and Country Planning (Compensation) (England) Regulations 2015**

**3.**—(1) The Town and Country Planning (Compensation) (England) Regulations 2015<sup>(3)</sup> are amended as follows.

(2) After regulation 1 insert—

#### **“Compensation for revocation or modification of permission in principle granted by development order**

**1A.**—(1) Paragraph (2) applies where, in relation to development on particular land—

- (a) permission in principle granted by a development order is revoked or modified pursuant to section 97(1)(b) of the 1990 Act (including section 97 as applied by section 100 of the Act), and
- (b) on an application made under Part 3 of the 1990 Act before the end of the period of 12 months beginning with the date on which the revocation or modification takes effect, outline planning permission (within the meaning in section 92 of the 1990 Act) is refused for development of a description that is the same as, or falls within, the development described in the permission in principle (before it was revoked or modified).

(2) Subject to paragraph (3), where paragraph (1) applies section 107 of the 1990 Act shall apply as if the permission in principle granted by the development order had been granted by the local planning authority under Part 3 of the 1990 Act, and had been revoked or modified by an order under section 97(1)(a) of the 1990 Act.

(3) Paragraph (2) does not apply if the order under section 97 of the 1990 Act to revoke or modify the permission in principle is made at least 12 months and not more than 5 years before the revocation or modification takes effect.”.

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(3) [S.I. 2015/598](#), as amended by [S.I. 2016/331](#).