
STATUTORY INSTRUMENTS

2018 No. 566

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018

Imposition of pre-commencement condition without the agreement of the applicant

2.—(1) The requirement under section 100ZA(5) of the Town and Country Planning Act 1990 does not apply, in relation to a relevant grant of planning permission⁽¹⁾, where—

- (a) the local planning authority or, as the case may be, the Secretary of State gives notice in writing to the applicant that, if planning permission is granted, the authority or the Secretary of State intends to grant that permission subject to the pre-commencement condition specified in the notice, and
- (b) the applicant does not provide a substantive response to the notice before the expiry of the period mentioned in paragraph (4)(d).

(2) Unless paragraph (3) applies, where notice has been given under paragraph (1)(a), the application for planning permission must not be determined until the period given in the notice, in accordance with paragraph (4)(d) for a substantive response to be received has expired.

(3) An application for planning permission may be determined before the period given in the notice in accordance with paragraph (4)(d) has expired if, before that expiry, the local planning authority or, as the case may be, the Secretary of State receives—

- (a) a substantive response, or
 - (b) written agreement to the terms of the proposed pre-commencement condition.
- (4) A notice referred to in paragraph (1)(a) must include—
- (a) the text of the proposed pre-commencement condition,
 - (b) the full reasons for the proposed condition, set out clearly and precisely,
 - (c) the full reasons for the proposed condition being a pre-commencement condition, set out clearly and precisely, and
 - (d) notice that any substantive response must be received by the authority or, as the case may be, the Secretary of State no later than the last day of the period of 10 working days beginning with the day after the date on which the notice is given.

⁽¹⁾ See section 100ZA(13) for the meaning of “relevant grant of planning permission”.