



# Infrastructure Act 2015

## 2015 CHAPTER 7

### PART 5

#### PLANNING, LAND AND BUILDINGS

##### *Deemed discharge of planning conditions*

#### **29 Deemed discharge of planning conditions**

After section 74 of the Town and Country Planning Act 1990 insert—

##### **“74A Deemed discharge of planning conditions**

- (1) The Secretary of State may by development order make provision for the deemed discharge of a condition to which this section applies.
- (2) This section applies to a condition which—
  - (a) has been imposed on the grant of planning permission for the development of land in England, and
  - (b) requires the consent, agreement or approval of a local planning authority to any matter.
- (3) Deemed discharge of a condition means that the local planning authority’s consent, agreement or approval to any matter as required by the condition is deemed to have been given.
- (4) A development order which makes provision for deemed discharge of a condition must provide that the condition is deemed to be discharged only if—
  - (a) a person (“the applicant”) has applied to the local planning authority for the consent, agreement or approval required by the condition,
  - (b) the period for the authority to give notice of their decision on the application has elapsed without that notice having been given, and
  - (c) the applicant has taken such further steps (if any) as are prescribed under subsection (5).

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*Status: This is the original version (as it was originally enacted).*

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- (5) The Secretary of State may by development order make provision about the procedure for the deemed discharge of a planning condition and, in particular, provision—
- (a) allowing or requiring steps to be taken by the applicant or the local planning authority;
  - (b) as to the time at which or period within which a step may or must be taken;
  - (c) as to the time at which the deemed discharge takes effect (including for this to be determined by the applicant, subject to such limitations as may be prescribed);
  - (d) for a time or period within paragraph (b) or (c) to be modified by agreement between the applicant and the local planning authority;
  - (e) as to the form or content of any notice which may or must be given as part of the procedure, and as to the means by which it may or must be given.
- (6) The Secretary of State may by development order provide that provision for deemed discharge of a condition does not apply—
- (a) in relation to a condition of a prescribed description;
  - (b) in relation to a condition imposed on the grant of planning permission of a prescribed description;
  - (c) in relation to a condition imposed on the grant of planning permission for development of a prescribed description;
  - (d) in other prescribed circumstances.
- (7) The power in subsection (6)(d) includes power to provide that provision for deemed discharge of a condition does not apply where an applicant for planning permission and the local planning authority to whom the application is made agree, before or after planning permission is granted, that it should not apply in relation to a condition imposed on the grant of permission.
- (8) The Secretary of State may by development order make provision for section 78(2) (appeals to the Secretary of State) not to apply, or to apply with modifications, where—
- (a) a person has applied for the consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission,
  - (b) the local planning authority have not given notice to that person of their decision on the application within the period mentioned in section 78(2), and
  - (c) the person has taken such further steps (if any) as are prescribed to bring about the deemed discharge of the planning condition.
- (9) A development order which makes provision for deemed discharge of a condition must limit the application of that provision to a condition imposed on the grant of planning permission following an application made after the development order comes into force.
- (10) In this section—
- “condition” includes a limitation;

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“prescribed” means prescribed by development order made by the Secretary of State.”