



# Housing and Planning Act 2016

## 2016 CHAPTER 22

### PART 6

#### PLANNING IN ENGLAND

##### *Planning permission etc*

#### **152 Approval condition where development order grants permission for building**

- (1) In section 60 of the Town and Country Planning Act 1990 (permission granted by development order), after subsection (1) insert—

“(1A) Without prejudice to the generality of subsection (1), where planning permission is granted by a development order for building operations in England, the order may require the approval of the local planning authority, or the Secretary of State, to be obtained—

- (a) for those operations, or
- (b) with respect to any matters that relate to those operations, or to the use of the land in question following those operations, and are specified in the order.”

- (2) In subsection (2) of that section, after “any buildings” insert “ in Wales ”.

- (3) In subsection (2B) of that section, for “subsection (1)” substitute “ subsections (1) and (1A) ”.

- (4) In section 70A of that Act (power to decline to determine subsequent application), in subsection (5)(b), for “section 60(2)” substitute “ section 60(1A), (2) ”.

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#### **Commencement Information**

- 11** S. 152(1) in force at Royal Assent see s. 152(1)(d)
- 12** S. 152(2)-(4) in force at 13.7.2016 by S.I. 2016/733, reg. 3(e)

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*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: Housing and Planning Act 2016, Cross Heading: Planning permission etc is up to date with all changes known to be in force on or before 14 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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### **153 Planning applications that may be made directly to Secretary of State**

- (1) In section 62A of the Town and Country Planning Act 1990 (when application may be made directly to Secretary of State), in subsection (1), for paragraphs (a) and (b) substitute—

- “(a) the local planning authority concerned is designated by the Secretary of State for applications of a description specified in the designation; and
- (b) the application falls within that description.”

- (2) After that subsection insert—

“(1A) Only prescribed descriptions of application may be specified in a designation under subsection (1).”

- (3) For subsection (2) of that section substitute—

“(2) In this section “relevant application” means—

- (a) an application for planning permission, or permission in principle, for the development of land in England, or
- (b) an application for approval of a matter that, as defined by section 92, is a reserved matter in the case of an outline planning permission for the development of land in England,

but does not include an application of the kind described in section 73(1) or an application of a description excluded by regulations.”

- (4) In subsection (3)(a)(i) of that section omit “, or for conservation area consent,”.

- (5) In section 62B of that Act (designation for the purposes of section 62A), after subsection (1) insert—

“(1A) A document to which subsection (2) applies may set out different criteria for each description of application prescribed under section 62A(1A).”

### **154 Planning freedoms: right for local areas to request alterations to planning system**

- (1) If the following conditions are met, the Secretary of State may by regulations make a planning freedoms scheme, having effect for a specified period, in relation to a specified planning area in England.

A “planning freedoms scheme” is a scheme that disapplies or modifies specified planning provisions in order to facilitate an increase in the amount of housing in the planning area concerned.

- (2) The first condition is that the relevant planning authority or authorities have requested the Secretary of State to make a planning freedoms scheme for their area.

- (3) The second condition is that the Secretary of State is satisfied—

- (a) that there is a need for a significant increase in the amount of housing in the planning area concerned,
- (b) that the planning freedoms scheme will contribute to such an increase, and
- (c) that adequate consultation has been carried out.

- (4) The third condition is that—

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- (a) the relevant planning authority or authorities have prepared a summary of the views expressed in the consultation referred to in subsection (3)(c), and
  - (b) the Secretary of State has considered that summary.
- (5) For the purposes of subsection (3)(c) consultation is “adequate” only if—
  - (a) the relevant authority or authorities publish an explanation of what the proposed planning freedoms scheme is expected to involve, and
  - (b) persons in the planning area concerned, and other persons likely to be affected, have a reasonable opportunity to communicate their views about the proposed scheme.
- (6) The Secretary of State may decide to restrict the number of planning freedoms schemes in force at any one time (and accordingly is not required to make a scheme merely because the conditions in this section are met).
- (7) The Secretary of State may by regulations bring a planning freedoms scheme to an end, and must do so if the relevant planning authority or, as the case may be, any of the relevant planning authorities so request.
- (8) In this section—
  - “planning area” means the area of a local planning authority, or an area comprising two or more adjoining areas of local planning authorities;
  - “planning provision” means a provision to do with planning that is contained in or made under any Act;
  - “relevant planning authority” means the local planning authority for an area that is or forms part of a planning area;
  - “specified” means specified in regulations under subsection (1).

#### Commencement Information

I3 S. 154 in force at 13.7.2016 by S.I. 2016/733, reg. 3(f)

PROSPECTIVE

### 155 Local planning authorities: information about financial benefits

After section 75 of the Town and Country Planning Act 1990 insert—

*“Information in planning reports for local planning authorities*

#### **75ZA Information about financial benefits**

- (1) A local planning authority in England must make arrangements to ensure that the required financial benefits information is included in each report which—
  - (a) is made by an officer or agent of the authority for the purposes of a non-delegated determination of an application for planning permission, and
  - (b) contains a recommendation as to how the authority should determine the application in accordance with section 70(2).

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(2) The required financial benefits information is—

- (a) a list of any financial benefits (whether or not material to the application) which are local finance considerations or benefits of a prescribed description, and which appear to the person making the report to be likely to be obtained—
  - (i) by the authority, or
  - (ii) by a person of a prescribed description or (if regulations so provide) by any person,
 as a result of the proposed development (if it is carried out);
- (b) in relation to each listed financial benefit, a statement of the opinion of the person making the report as to whether the benefit is material to the application;
- (c) any other prescribed information about a listed financial benefit.

(3) In this section—

“local finance consideration” has the same meaning as in section 70;

“non-delegated determination” means a determination that is not delegated to an officer of the authority in question;

“officer” includes employee.

(4) Regulations under this section may—

- (a) prescribe a description of financial benefits by reference to the amount or value of the benefit;
- (b) make different provision for different kinds of local planning authority or different kinds of development.”

## 156 Local planning authorities: information about neighbourhood development plans

After section 75ZA of the Town and Country Planning Act 1990 (inserted by section 155 above) insert—

### “75ZB Information about neighbourhood development plans

(1) This section applies where—

- (a) a report of the kind mentioned in section 75ZA(1) recommends the grant of planning permission or permission in principle, and
- (b) the proposed development is in an area for which a neighbourhood development plan (made under section 38A of the Planning and Compulsory Purchase Act 2004) is in force.

(2) The report must—

- (a) set out how the plan was taken into account in making the recommendation, and
- (b) identify any points of conflict between the plan and the recommendation.”

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#### Commencement Information

**I4** [S. 156](#) in force at 1.10.2016 by [S.I. 2016/733](#), [reg. 4\(1\)\(g\)](#) (with [reg. 4\(2\)](#))

### 157 Planning applications etc: setting of fees

In section 303 of the Town and Country Planning Act 1990 (fees for planning applications etc), after subsection (8) insert—

“(8A) If a draft of regulations of the Secretary of State under this section would, apart from this subsection, be treated as a hybrid instrument for the purposes of the standing orders of either House of Parliament, it is to proceed in that House as if it were not a hybrid instrument.”

**Status:**

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**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 172(1)(a) words renumbered as s. 172(1)(a) by [2017 c. 20 s. 26\(8\)\(a\)\(i\)](#)
- s. 172(1)(b) inserted by [2017 c. 20 s. 26\(8\)\(a\)\(ii\)](#)