



Housing and Planning Act 2016

2016 CHAPTER 22

PART 6

PLANNING IN ENGLAND

Powers for piloting alternative provision of processing services

161 Processing of planning applications by alternative providers

- (1) The Secretary of State may by regulations provide for temporary arrangements in particular areas in England to test the practicality and desirability of competition in the processing (but not determining) of applications to do with planning.
- (2) The regulations may make provision—
 - (a) for an application for planning permission that falls to be determined by a specified local planning authority in England to be processed, if the applicant so chooses, not by that authority but by a designated person;
 - (b) for any connected application also to be processed by a designated person and not by that authority.
- (3) The regulations must specify a period after which any such provision ceases to apply.

That period (whether as originally specified or as subsequently extended) must end no later than five years after the first regulations under this section come into force.

- (4) The Secretary of State must—
 - (a) review the operation and effectiveness of any arrangements made under the regulations;
 - (b) no later than 12 months after the date when the arrangements (or the last of them) cease to have effect—
 - (i) lay a report before each House of Parliament, or
 - (ii) make a statement to the House of Parliament of which that Secretary of State is a member,setting out the results and conclusions of the review.

Changes to legislation: *Housing and Planning Act 2016, Section 161 is up to date with all changes known to be in force on or before 31 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*

- (5) The regulations may provide that—
 - (a) they apply only to applications that relate to development of a specified description;
 - (b) designations of persons by the Secretary of State (see subsection (13)) may be made so as to apply only in relation to applications that relate to development of a specified description.
- (6) The regulations may—
 - (a) apply or disapply, in relation to England, any enactment about planning;
 - (b) modify the effect of any such enactment in relation to England.
- (7) The regulations may not contain anything that allows or requires, or could allow or require, the responsible planning authority's duty to determine an application to be carried out, to any extent, by a designated person on the authority's behalf.
- (8) Nothing said or done by a designated person appointed under the regulations to process an application is binding on the responsible planning authority when determining the application.
- (9) Before making the first regulations under this section the Secretary of State must consult such representatives of local planning authorities, and such other persons, as the Secretary of State thinks fit.
- (10) Sections 162 to 164, which set out matters that may be included in regulations under this section, do not limit the power in section 214(6) (to make supplementary provision etc).
- (11) For the purposes of this group of sections (that is, this section and sections 162 to 164), processing an application means taking any action in relation to the application (other than determining it) of a kind that—
 - (a) might otherwise be taken by or for the responsible planning authority, and
 - (b) is specified in the regulations.
- (12) In this group of sections “connected application”, in relation to an application for planning permission that is to be or has been processed by a designated person under the regulations (“the main application”), means—
 - (a) an application for approval of a matter reserved under an outline planning permission within the meaning of section 92 of the Town and Country Planning Act 1990 (where the main application resulted in the grant of such permission), or
 - (b) an application of a specified description, made under or by virtue of an enactment about planning, that relates to some or all of the land to which the main application relates.
- (13) In this group of sections “designated person” means a person—
 - (a) who is designated by the Secretary of State in accordance with the regulations, and
 - (b) whose designation has not been withdrawn in accordance with the regulations.

The Secretary of State may designate a local planning authority.

- (14) In this group of sections—
 - “local planning authority” has the same meaning as in the Town and Country Planning Act 1990;

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“planning permission” means planning permission under Part 3 of that Act;
“responsible planning authority”, in relation to an application for planning permission or a connected application, means the local planning authority responsible for determining the application;
“specified” means specified in regulations under this section.

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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\(8\)\(a\)\(ii\)](#)