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STATUTORY INSTRUMENTS

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**2015 No. 595**

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

**Part 4**

Consultation

**Consultations before the grant of permission**

**18.**—(1) [<sup>F1</sup>Subject to paragraph (1A),] before granting planning permission for development which, in their opinion, falls within a category set out in the Table in Schedule 4, a local planning authority must consult the authority or person mentioned in relation to that category, except where—

- (a) the local planning authority are the authority so mentioned;
- (b) the local planning authority are required to consult the authority so mentioned under paragraph 7 of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions) <sup>M1</sup> or article 24;
- (c) the authority or person so mentioned has advised the local planning authority that they do not wish to be consulted;
- (d) the development is subject to any standing advice published by the authority or person so mentioned in relation to the category of development; or
- (e) the development is not EIA development and is the subject of an application in relation to which article 20 applies.

[<sup>F2</sup>(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.

(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.]

(2) The exception in paragraph (1)(c) does not apply where, in the opinion of the local planning authority, development falls within paragraph (zb) of the Table in Schedule 4.

(3) The exception in paragraph (1)(d) does not apply where—

- (a) the development is EIA development; or
- (b) the standing advice was published more than 2 years before the date of the application for planning permission for the development and the guidance has not been amended or confirmed as being current by the authority or person within that period.

(4) The Secretary of State may give directions to a local planning authority requiring that authority to consult any person or body named in the directions, in any case or class of case specified in the directions.

(5) Where, by or under this article or article 20, a local planning authority are required to consult any person or body (“consultee”) before granting planning permission—

- (a) they must, unless an applicant has served a copy of an application for planning permission on the consultee, give notice of the application to the consultee; and
- (b) [<sup>F3</sup>subject to paragraphs (6) and (8)], they must not determine the application until at least 21 days after the date on which notice is given under sub-paragraph (a) or, if earlier, 21 days after the date of service of a copy of the application on the consultee by the applicant.

(6) Paragraph (5)(b) does not apply if before the end of the period referred to in that sub-paragraph—

- (a) the local planning authority have received representations concerning the application from all consultees; or
- (b) all consultees give notice that they do not intend to make representations.

(7) The local planning authority must, in determining the application, take into account any representations received from any consultee.

[<sup>F4</sup>(8) In the case of an application for public service infrastructure development, in paragraph (5) (b), “21 days” is to be read, in each place it occurs, as if it were a reference to “18 days”.]

#### Textual Amendments

- F1** Words in art. 18(1) inserted (15.4.2017) by [The Town and Country Planning \(Permission in Principle\) Order 2017 \(S.I. 2017/402\)](#), art. 1, **Sch. para. 2(3)(a)**
- F2** Art. 18(1A)(1B) inserted (15.4.2017) by [The Town and Country Planning \(Permission in Principle\) Order 2017 \(S.I. 2017/402\)](#), art. 1, **Sch. para. 2(3)(b)**
- F3** Words in art. 18(5)(b) substituted (with application in accordance with reg. 1(5) of the amending S.I.) by [The Town and Country Planning \(Development Management Procedure and Section 62A Applications\) \(England\) \(Amendment\) Order 2021 \(S.I. 2021/746\)](#), arts. 1(3), **7(2)**
- F4** Art. 18(8) inserted (with application in accordance with reg. 1(5) of the amending S.I.) by [The Town and Country Planning \(Development Management Procedure and Section 62A Applications\) \(England\) \(Amendment\) Order 2021 \(S.I. 2021/746\)](#), arts. 1(3), **7(3)**

#### Marginal Citations

- M1** Paragraph 7 of Schedule 1 was substituted by section 118(1) of, and paragraphs 1 and 16 of Schedule 6 to, the 2004 Act, and was amended by paragraph 3 of Schedule 5 to the [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#) and paragraph 1 of Schedule 8 and Schedule 25 to the 2011 Act.

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Development Management Procedure) (England) Order 2015, Section 18.