
STATUTORY INSTRUMENTS

2018 No. 119

The Town and Country Planning (Local Authority Consultations etc.) (England) Order 2018

PART 2

Amendment of the Town and Country Planning (Development Management Procedure) (England) Order 2015

Substitution of article 33

5. For article 33 (representations to be taken into account) substitute—

“Representations to be taken into account

33.—(1) A local planning authority must, in determining an application for planning permission, take into account any representations made where any notice of, or information about, the application has been—

- (a) given by site display under article 13, within 21 days beginning with the date when the notice was first displayed by site display;
- (b) served on an owner of the land or a tenant of an agricultural holding under article 13, within 21 days beginning with the date when the notice was served on that person provided that the representations are made by any person who they are satisfied is such an owner or tenant;
- (c) published in a newspaper under article 13, within the period of 14 days beginning with the date on which the notice was published;
- (d) given by site display under article 15, within 21 days beginning with the date when the notice was first displayed by site display;
- (e) served on an adjoining owner or occupier under article 15, within 21 days beginning with the date when the notice was served on that person, provided that the representations are made by any person who they are satisfied is such an owner or occupier;
- (f) published in a newspaper or a website under article 15, within the period of 14 days beginning with the date on which the notice or information was published; and
- (g) served on an infrastructure manager under article 16, within 21 days beginning with the date when the notice was served on that person provided that the representations are made by any person who they are satisfied is such an infrastructure manager.

(2) For an EIA application accompanied by an environmental statement a local planning authority must, in determining the relevant application, take into account any representations made where any notice of, or information about the application has been—

- (a) given by site display under article 13 or 15, within 30 days beginning with the date when the notice was first displayed by site display; and
- (b) published in a newspaper under article 13 or 15, or on a website under article 15, within the period of 30 days beginning with the date on which the notice or information was published.

(3) The representations and periods in this article are representations and periods prescribed⁽¹⁾ for the purposes of section 71(2)(a) of the 1990 Act (consultations in connection with determinations under section 70).

(4) A local planning authority must give notice of their decision to every person who has made representations which they were required to take into account in accordance with paragraph (1)(b) and such notice is the notice prescribed for the purposes of section 71(2)(b) of the 1990 Act.

(5) Paragraphs (1) to (4) apply to applications referred to the Secretary of State under section 77 of the 1990 Act (reference of applications to the Secretary of State)⁽²⁾ and to applications made to the Secretary of State under section 293A(2) of the 1990 Act (application for urgent Crown development)⁽³⁾ as if—

- (a) a reference to a local planning authority were a reference to the Secretary of State; and
- (b) a reference to determining an application for planning permission were a reference to determining such application.

(6) Paragraphs (1)(b),(e) and (g) and (4) apply to appeals made to the Secretary of State under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions)⁽⁴⁾ as if—

- (a) a reference to a local planning authority were a reference to the Secretary of State; and
- (b) a reference to determining an application for planning permission were a reference to determining such appeal.

(7) In this article, when computing the number of days, any day which is a public holiday must be disregarded unless—

- (a) the application is an EIA application accompanied by an environmental statement;
- (b) the application is one to which sub-paragraph (a), (b), (c), or (g) of paragraph (1) apply; or
- (c) the application is made under section 293A(2) of the 1990 Act.”.

(1) For the definition of “prescribed” see section 71(4) of the Town and Country Planning Act 1990 which was substituted by paragraph 5 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34) (“the 1991 Act”).

(2) Section 77 was amended by paragraph 20 of Schedule 12 to the 2016 Act; paragraph 11 of Schedule 4 to the Infrastructure Act 2015 (c. 7) (“the 2015 Act”); paragraph 10 of Schedule 12 to the Localism Act 2011(c. 20) (“the 2011 Act”) and is to be amended by paragraphs 1 and 2 of Schedule 10 to the Planning Act 2008 (c.29) (“the 2008 Act”), on a date to be appointed.

(3) Inserted by section 82(1) of the 2004 Act.

(4) Section 78 was amended by paragraph 21 of Schedule 2 to the 2016 Act; paragraph 11 of Schedule 12 to the 2011 Act; paragraph 12 of Schedule 4 to the Infrastructure Act 2015 (c. 7); section 17(2) of the 1991 Act; section 43 of the 2004 Act and Schedule 11 to the 2008 Act.