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STATUTORY INSTRUMENTS

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**2023 No. 142**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2023**

<i>Made</i>	- - - -	<i>9th February 2023</i>
<i>Laid before Parliament</i>		<i>13th February 2023</i>
<i>Coming into force</i>	- -	<i>1st June 2023</i>

The Secretary of State, makes this Order in exercise of the powers conferred by sections 59, 61(1), 74 and 293A of the Town and Country Planning Act 1990(1) and sections 54(4) and 122(3) of the Planning and Compulsory Purchase Act 2004(2).

**Citation, commencement, extent and application**

1.—(1) This Order may be cited as the Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2023 and comes into force on 1st June 2023.

(2) This Order extends to England and Wales.

(3) This Order applies in relation to England only.

(4) The provisions in this Order apply in relation to applications for planning permission made on or after 1st June 2023.

**Amendments to the Town and Country Planning (Development Management Procedure) (England) Order 2015**

2. In Schedule 4 (Consultations before the grant of permission) to the Town and Country Planning (Development Management Procedure) (England) Order 2015(3)—

(a) in the table after paragraph (zg) insert—

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- (1) [1990 c. 8](#). Section 59(2) was amended by section 1(2) of, and paragraphs 1 and 4 of Schedule 1 to, the Growth and Infrastructure Act 2013 ([c. 27](#)). Section 74 was amended by sections 19(1) and 84(6) of, and paragraph 17 of Schedule 7 and Part 1 of Schedule 19 to, the Planning and Compensation Act 1991 ([c. 34](#)), paragraph 9 of Schedule 12 to the Localism Act 2011 ([c. 20](#)) and section 149 of the Housing and Planning Act 2016 ([c. 22](#)). Section 293A was inserted by section 82(1) of the Planning and Compulsory Purchase Act 2004 ([c. 5](#)) and amended by paragraph 34(2) and (3) of Schedule 12 to the Housing and Planning Act 2016.
- (2) [2004 c. 5](#).
- (3) [S.I. 2015/595](#). Relevant amending instruments are [S.I. 2016/873](#), [S.I. 2018/1234](#) and [S.I. 2021/746](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“(zh)	Development falling within any of the following descriptions— <ul style="list-style-type: none"><li>(i) the development includes 150 dwellings or more;</li><li>(ii) development for the provision of a building or buildings, where the use is not exclusively for the provision of dwellings, and where the floor space to be created by the development is 7,500 square metres or more; or</li><li>(iii) the overall area of the development is 5 hectares or more.</li></ul>	Active Travel England <sup>(4)</sup>
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(b) In paragraph 1 of the Interpretation of Table, after sub-paragraph (l) insert—

“(m) in paragraph (zh) “dwellings” include a house, building containing one or more flats, or a flat contained within such a building.”.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

*Rachel Maclean*  
Minister of State  
Department for Levelling Up, Housing and  
Communities

9th February 2023

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(4) Active Travel England is an executive agency, sponsored by the Department for Transport. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1099662/framework-document-active-travel-england.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1099662/framework-document-active-travel-england.pdf)

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595 “the 2015 Orders”) to add a new statutory consultee Active Travel England, into the Table in Schedule 4.

Schedule 4 to the 2015 Order makes provision for local planning authorities and the Secretary of State to consult certain authorities or persons falling within a category set out in the Table in that Schedule before issuing a grant of planning permission.

The amendments made by article 2 amend Schedule 4 to the 2015 Order to provide that local planning authorities and the Secretary of State must consult Active Travel England before issuing a grant of planning permission where development falls within any of the following descriptions: a) the number of dwellings is 150 or more; or b) the provisions of a building or buildings where the use is not exclusively for the provision of dwellings, and the floor space to be created by the development is 7,500 square metres of internal floor space or more; or c) development carried out on a site having an area of 5 hectares or more.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary, or public or sector is foreseen. An explanatory memorandum has been produced alongside this instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).