

2018 No. 119

TOWN AND COUNTRY PLANNING, ENGLAND

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

Made - - - - - *30th January 2018*

Laid before Parliament *1st February 2018*

Coming into force in accordance with Article 1(3) and (4)

The Secretary of State makes the following Order in exercise of the powers conferred by sections 59, 59A, 60, 61(1), 62(1), 69A, 71, 74, 76C and 333(7) of the Town and Country Planning Act 1990(a), section 33 of the Growth and Infrastructure Act 2013(b) and section 10(3) of the Planning (Listed Buildings and Conservation) Areas Act 1990(c).

PART 1

Citation, commencement and application

1.—(1) This Order may be cited as the Town and Country Planning (Local Authority Consultations etc.) (England) Order 2018.

(2) The amendments made by this Order apply in relation to England only.

(3) This article and articles 7 and 9 come into force on 1st April 2018.

(4) The remaining articles of this Order come into force on 1st June 2018.

(5) Article 7 of this Order applies to housing prior approval(d) applications made on or after 1st April 2018.

(6) This Order, except articles 7 and 9, applies to—

(a) applications for planning permission(e) under Part 3 of the Town and Country Planning Act 1990;

(a) 1990 c.8; Section 59A was inserted by section 150(2) of the Housing and Planning Act 2016 (c.22) (“the 2016 Act”); Section 60 was amended by section 152 (1) of the 2016 Act; section 62(1) was amended by paragraph 8(2) of Schedule 12 to the 2016 Act; section 69A was inserted by section 17 of the Neighbourhood Planning Act 2017(c.20) (“the 2017 Act”); section 71 was amended by Schedule 12 to the 2016 Act ; section 74(1) was amended by paragraph 17 of Schedule 12 to the 2016 Act; section 76C was inserted by paragraph 5 of Schedule 1 to the Growth and Infrastructure Act 2013 (c.27) and section 333 was amended by paragraph 32(12) of Schedule 10 to the Environment Act 1995 (c.8).

(b) 2013 c .27.

(c) 1990 c. 9;. Section 10(3) was amended by section 42(7) and paragraph 20 of Schedule 6 to the Planning and Compulsory Purchase Act 2004 c. 5 (“the 2004 Act”).

(d) See article 7 of this Order for the definition of “housing prior approval”.

(e) See section 336 of the Town and Country Planning Act 1990 for the definition of “planning permission”.

- (b) applications for listed building consent^(a) under the Planning (Listed Buildings and Conservation Areas) Act 1990;
- (c) applications for prior approval^(b) under the Town and Country Planning (General Permitted Development) (England) Order 2015^(c),

made on or after 1st June 2018.

PART 2

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

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

2. The Town and Country Planning (Development Management Procedure) (England) Order 2015^(d) is amended as follows.

Amendment of article 2

3. In article 2 (interpretation)—

- (a) in paragraph (1), after the definition of “proposed highway” insert—
 - ““public holiday” means Christmas Day, Good Friday or a day which under the Banking and Financial Dealings Act 1971^(e) is a bank holiday in England;” and
- (b) in paragraph (6), for the words after “purpose” substitute—
 - ““working day” means a day which is not a Saturday, Sunday or public holiday.”

Amendment of article 15

4. After article 15(10) insert—

“(10A) In this article, when computing the number of days, any day which is a public holiday must be disregarded unless—

- (i) the application is an EIA application^(f) accompanied by an environmental statement; or
- (ii) the application is one to which paragraph (11) applies.”.

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) See section 8 of the Planning (Listed Buildings and Conservation Area) Act 1990 for the definition of “listed building consent”.

(b) See section 69A of the Town and Country Planning Act 1990 which was inserted by section 17 of the 2017 Act for the definition of “prior approval”.

(c) S.I. 2015/596; amended by S.I.2016/332, 2016/1040, 2017/391 and 2017/619.

(d) S.I. 2015/595; relevant amending instruments are S.I.2017/402 and 2017/571.

(e) 1971 c..80.

(f) For the definition of “EIA application” see article 2(1) of S.I. 2015/595.

- (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^(a) 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)^(b) and to applications made to the Secretary of State under section 293A(2) of the 1990 Act (application for urgent Crown development)^(c) 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.

(a) 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”).

(b) 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.

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

(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)(a) 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.”.

Amendment of article 34

6. In article 34 (time periods for decisions) for paragraph (9) substitute—

“(9) A local planning authority must not determine an application for planning permission where any notice of, or information about, the application has been—

- (a) given by site display under article 13, before the end of the period of 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, before the end of the period of 21 days beginning with the date when the notice was served on that person;
- (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, before the end of the period of 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, before the end of the period of 21 days beginning with the date when the notice was served on that person;
- (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, before the end of the period of 21 days beginning with the date when the notice was served on that person.

(9A) For an EIA application accompanied by an environmental statement a local planning authority must not determine an application for planning permission where any notice of, or information about, the application has been—

- (a) given by site display under article 13 or 15, before the end of the period of 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.

(9B) The periods in paragraphs (9) and (9A) are periods prescribed for the purposes of section 71(1) of the 1990 Act (consultations in connection with determinations under section 70).

(a) 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.

(9C) When computing the number of days in sub-paragraphs (d) to (f) of paragraph (9), any day which is a public holiday must be disregarded.”.

Amendment of Article 40

7. In article 40 (register of applications) after paragraph (4) insert—

“(4A) The register must also contain the following information in respect of every housing prior approval application relating to their area—

- (a) a copy (which may be photographic or in electronic form) of each application together with any accompanying written description, plans, drawings and any statement specifying the net increase in dwellinghouses proposed by the development (for this purpose, “net increase in dwellinghouses” is the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development);
- (b) the date on which the application was received;
- (c) a copy (which may be photographic or in electronic form) of any planning obligation or section 278 agreement proposed or entered into in connection with the application or any decision of the local planning authority or the Secretary of State in respect of the application;
- (d) particulars of any modification to any planning obligation or section 278 agreement included in the register in accordance with sub-paragraph (d);
- (e) particulars of any direction given under the 1990 Act or this Order in respect of this application;
- (f) the decision, if any, of the local planning authority in respect of the application, including details of any conditions subject to which permission was granted, the date of such decision, and the name of the local planning authority;
- (g) the reference number, the date and effect of any decision of the Secretary of State in respect of the application, whether on appeal or on a reference under section 77 of the 1990 Act (reference of applications to the Secretary of State).

(4B) In paragraph (4A)—

“housing prior approval application” means a prior approval application which is—

- (a) required by the terms of any planning permission granted by the Permitted Development Order^(a) for development which will create a net increase in dwellinghouses, before such development may begin; and
- (b) made in accordance with the requirements of that Order.”

Amendment of Schedule 3

8. In Schedule 3 (publicity for applications for planning permission)—

(a) in the first notice, in the last box beginning with the word “Insert”, for paragraph (f) substitute—

“(f) date giving a period (as the case may be) of —

- (i) 21 days beginning with the date when the notice is first displayed where visible or accessible on or near the site or served on an owner and/or occupier of adjoining land under article 15(4) or (5);
- (ii) 14 days beginning with the date when the notice is published in a newspaper;
or
- (iii) 21 days beginning with the date when the notice is served on an infrastructure manager under article 16;

(a) S.I. 2015/596.

and when computing the number of days in sub-paragraphs (i) and (ii), any day which is a public holiday must be disregarded”.

- (b) in the third notice, in the last box beginning with the word “Insert”, for paragraph (g) substitute—

“(g) date giving a period (as the case may be) of—

- (i) 21 days beginning with the date when the notice is first displayed where visible or accessible on or near the site under article 15(4A); or
- (ii) 21 days beginning with the date when the notice is first served on an infrastructure manager under article 16;

and when computing the number of days in sub-paragraph (i), any day which is a public holiday must be disregarded”.

Amendment of schedule 4

9. In Schedule 4 (consultations before the grant of permission), before sub-paragraph (a) (consultations before the grant of planning permission) insert—

“(aa) in paragraphs (e) and (f), “relevant nuclear site” means a site which is—

- (i) a nuclear site (within the meaning given in section 112(1) of the Energy Act 2013)(a);
- (ii) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998)(b); or
- (iii) a new nuclear build site (within the meaning given in regulation 2A of those Regulations)(c);”.

PART 3

Amendment of the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013

Amendment of the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013

10. The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013(d) is amended as follows.

Amendment of article 2

11. In article 2(1) (interpretation)—

- (a) after “outline planning permission” insert—

““public holiday” means Christmas Day, Good Friday or a day which under the Banking and Financial Dealings Act 1971(e) is a bank holiday in England;” and

- (b) in the definition of “working day” omit the words “Bank Holiday” and “other”.

(a) 2013 c.32; amendments have been made which are not relevant to this Order.

(b) S.I. 1998/494; definition inserted by S.I. 2014/469.

(c) Regulation 2A inserted by S.I. 2014/469.

(d) S.I. 2013/2140; relevant amending instruments are S.I.2014/1532, 2015/797, 2016/944, 2017/571.

(e) 1971 c..80.

Amendment of article 13

12. In article 13 (publicity for relevant applications: Secretary of State), after paragraph (4) insert—

“(5) When computing the number of days in sub- paragraph (c) of paragraph (4), any day which is a public holiday must be disregarded unless the application is an EIA application accompanied by an environmental statement.”.

Amendment of article 14

13. In article 14 (publicity for relevant applications: designated planning authority), after paragraph (5) insert—

“(6) When computing the number of days in paragraphs (2)(a) and (3)(a), any day which is a public holiday must be disregarded unless the application is an EIA application accompanied by an environmental statement.”.

Amendment of article 23

14. In article 23 (time periods for decisions), for paragraph (4) substitute—

“(4) Subject to paragraph (4A), the Secretary of State must not determine a relevant application, where any notice of, or information about, the application has been—

- (a) published in a newspaper under article 9, within the period of 14 days beginning with the date when the notice was published;
- (b) served on an owner of the land or tenant of an agricultural holding under article 9, before the end of the period of 21 days beginning with the date when the notice was served on that person;
- (c) given by site display under article 9, before the end of the period of 21 days beginning with the date when the notice was first displayed by site display;
- (d) published in a newspaper under article 13, within the period of 14 days beginning with the date on which the notice was published;
- (e) published on a website under article 13(1), within the period of 21 days beginning with the date on which the information was published;
- (f) served on an adjoining owner or occupier under article 14, before the end of the period of 21 days beginning with the date on which the notice was served on that person;
- (g) given by site display under article 14, before the end of the period of 21 days beginning with the date when the notice was first displayed by site display;
- (h) served on an infrastructure manager under article 14A, before the end of the period of 21 days beginning with the date when the notice was served on that person.

(4A) When computing the number of days in sub-paragraphs (d) to (g) of paragraph (4), any day which is a public holiday must be disregarded.”.

Amendment of article 37

15. In article 37 (publicity for applications: Secretary of State), after paragraph (2) insert—

“(3) When computing the number of days in paragraph (1)(c), any day which is a public holiday must be disregarded.”.

Amendment of article 38

16. In article 38 (publicity for applications: designated planning authority), after paragraph (3) insert—

“(4) when computing the number of days in paragraphs (1)(a) and (2), any day which is a public holiday must be disregarded.”.

Amendment of article 45

17. In article 45 (time periods for decisions), for paragraph (3) substitute—

“(3) Subject to paragraph (4), the Secretary of State must not determine a connected listed building application^(a), where any notice of, or information about, the application has been—

- (a) published in a newspaper under article 33, within the period of 14 days beginning with the date on which the notice was published;
- (b) served on an owner of the land under article 33, before the end of the period of 21 days beginning with the date on which the notice was served on that person;
- (c) published in a newspaper under article 37, within the period of 14 days beginning with the date on which the notice was published;
- (d) published on a website under article 37(1), within the period of 21 days beginning with the date on which the information was published; and
- (e) given by site display under article 38, before the end of the period of 21 days beginning with the date on which the notice was first displayed by site display.

(3A) When computing the number of days in sub- paragraphs (c) to (e) of paragraph (3), any day which is a public holiday must be disregarded.”.

Amendment of schedule 2

18. In the notice, in the last box beginning with the word “Insert”, for paragraph (e) substitute—

“(e) date giving a period (as the case may be) of—

- (i) 14 days beginning with the date when the notice is published in a newspaper under article 13; or
 - (ii) 21 days beginning with the date when the notice is first displayed on or near the site or served on an owner/occupier of adjoining land under article 14; or
 - (iii) 21 days beginning with the date the notice is served on an infrastructure manager under article 14A; or
 - (iv) 30 days beginning with the date the notice is published, displayed or served in relation to an EIA application accompanied by an environmental statement;
- and when computing the number of days in sub-paragraphs (i) and (ii), any day which is a public holiday must be disregarded.”.

PART 4

Amendment of the Planning (Listed Buildings and Conservation Areas) Regulations 1990

Amendment of the Planning (Listed Buildings and Conservation Areas) Regulations 1990

19. The Planning (Listed Buildings and Conservation Areas) Regulations 1990^(b) are amended as follows.

^(a) See article 2(1) of S.I. 1990/1519 for the definition of “connected listed building application”.

^(b) S.I. 1990/1519; relevant amending instruments are S.I. 2003/596, 2004/2210, 2010/568, 2013/2146, 2014/ 1532 and 2015/809.

Amendment of regulation 2

20. In regulation 2 (interpretation)

(a) for paragraph (1) substitute—

“(1) In these Regulations—

“the Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990;

“electronic communications” has the meaning given in section 15(1) of the Electronic Communications Act 2000; and

“public holiday” means Christmas Day, Good Friday or a day which under the Banking and Financial Dealings Act 1971 is a bank holiday in England.”; and in paragraph (6) omit the words “Bank Holiday” and “other”.”.

Amendment of regulation 5

21. In regulation 5, after paragraph (3) insert—

“(4) When computing the number of days for the purpose of this regulation, any day which is a public holiday must be disregarded.”.

Amendment of regulation 5A

22. In regulation 5A (advertisement of applications), after paragraph (4) insert—

“(4A) When computing the number of days for the purpose of this regulation, any day which is a public holiday must be disregarded.”.

Amendment of regulation 13

23. In regulation 13 (applications by local planning authorities), after paragraph (4) insert—

“(4A) When computing the number of days for the purpose of paragraph (4), any day which is a public holiday must be disregarded.”.

PART 5

Amendment of the Town and Country Planning (General Permitted Development) (England) Order 2015

Amendment of the Town and Country Planning (General Permitted Development) (England) Order 2015

24. The Town and Country Planning (General Permitted Development) (England) Order 2015(a) is amended as follows.

Amendment of article 2

25. In article 2 (interpretation)—

(a) in paragraph (1) after the definition of “proposed highway” insert—

““public holiday” means Christmas Day, Good Friday or a day which under the Banking and Financial Dealings Act 1971 is a bank holiday in England.”; and

(b) for paragraph (9) substitute—

“(9) Where the electronic communication is received by the recipient outside the recipient’s business hours, it is taken to have been received on the next working day; and

(a) S.I.2015/596; relevant amending instruments are S.I. 2016/332, 2016/1040, 2017/391 and 2017/619.

for this purpose “working day” means a day which is not a Saturday, Sunday or public holiday.”.

Amendment of Schedule 2

26.—(1) In Part 1 of Schedule 2 (development within the curtilage of a dwellinghouse), after paragraph A.4(15) insert—

“(16) When computing the number of days in sub-paragraph (5)(d), any day which is a public holiday must be disregarded.”.

(2) In Part 3 of Schedule 2 (changes of use), after paragraph W.(13) insert—

“(14) When computing the number of days in sub-paragraph (8)(a), any day which is a public holiday must be disregarded.”.

(3) In Part 4 of Schedule 2 (temporary buildings and uses), after paragraph E.3(13) insert—

“(14) When computing the number of days in sub-paragraph (8)(a), any day which is a public holiday must be disregarded.”.

(4) In Part 7 of Schedule 2 (non-domestic extensions, alterations etc), after paragraph C.2(10) insert—

“(11) When computing the number of days in sub-paragraph (5)(a), any day which is a public holiday must be disregarded.”.

(5) In Part 14 of Schedule 2 (renewable energy), after paragraph J.4(11) insert—

“(12) When computing the number of days in paragraph (6)(a), any day which is a public holiday must be disregarded.”.

(6) In Part 16 of Schedule 2 (communications), after paragraph A.3(12) insert—

“(13) When computing the number of days in sub-paragraphs (6)(b)(i), (6)(c)(i) and (6)(d)(i), any day which is a public holiday must be disregarded.”.

PART 6

Amendment of the Town and Country Planning (Permission in Principle) Order 2017

Amendment of the Town and Country Planning (Permission in Principle) Order 2017

27. The Town and Country Planning (Permission in Principle) Order 2017(a) is amended as follows.

Amendment of article 2

28. In article 2 (interpretation),

(a) after the definition of “housing development” omit “and” and

(b) after the definition of “non-housing development”, before the full stop insert—

“;

“public holiday” means Christmas Day, Good Friday or a day which under the Banking and Financial Dealings Act 1971 is a bank holiday in England.”.

29. Amendment of article 5G In article 5G after paragraph (7) insert—

“(8) When computing the number of days in paragraphs (1)(b), (2) and (3)(c), any day which is a public holiday must be disregarded unless the application is one to which paragraph (7) applies.”.

(a) S.I. 2017/402; amended by S.I 2017/1309.

Amendment of article 5R

30. In article 5R after paragraph (3) insert—

“(4) When computing the number of days in paragraphs (1)(a) and (c), any day which is a public holiday must be disregarded unless the application is made under section 293A(2) of the 1990 Act.”.

Amendment of article 5S

31. In article 5S after paragraph (6) insert—

“(7) When computing the number of days in paragraphs (6)(a) and (6)(c), any day which is a public holiday must be disregarded.”.

Amendment of Schedule 1

32. Schedule 1 (Notices)—

In the second notice, in the list of insertions, for (f) substitute—

“(f) date giving a period (as the case may be) of—

- (i) at least 14 days, beginning with the date when the notice is first displayed where visible or accessible on or near the site; or
- (ii) at least 14 days, beginning with the date when the notice is first served on the infrastructure manager;

and when computing the days in sub-paragraph (i), any day which is a public holiday must be disregarded.”.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Dominic Raab
Minister of State

30th January 2018

Ministry of Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the following instruments, the Town and Country Planning Order (Permission in Principle) Order 2017, the Town and Country Planning (Development Management Procedure) (England) Order 2015 (“DMPO”), the Town and Country Planning (General Permitted Development) (England) Order 2015 (“GPDO”), the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013, the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and makes the following changes.

A local planning authority and, in certain circumstances, the Secretary of State, is required to undertake public consultation before deciding applications for planning permission, applications for permission in principle, applications related to listed buildings and certain applications for “prior approval” in connection with planning permission granted by development order. The requirements for public consultation are set out in the instruments referred to above.

This Order extends periods of public consultation by one day for each bank holiday or public holiday which occurs during the prescribed periods in the following circumstances:

When a local planning authority is deciding an application for planning permission the extended period applies to requirements placed on the authority to publicise the application and to take into account representations before making determinations under articles 15, 33 and 34 of the DMPO (articles 4, 5 and 6 of this Order). Periods of time are not extended when the application is (a) subject to an Environmental Impact Assessment and is accompanied by an environmental statement under the Town and Country Planning (Environmental Impact Assessment) Regulations

2017 (S.I. 2017/571) or (b) in relation to notice given by an applicant for planning permission under article 13 of DMPO or (c) in relation to notice given by a local planning authority to a relevant railway infrastructure manager under article 16 of DMPO.

When a local planning authority is deciding an application for permission in principle the extended period applies to requirements placed on the authority to publicise the application, and to take into account representations before making determinations under articles 5G, 5R and 5S of the Town and Country Planning Order (Permission in Principle) Order 2017 (Part 6 of this Order). Periods of time are not extended in relation to notice given by a local planning authority on an infrastructure manager of relevant railway land under article 5H of the Order which is being amended.

The extended periods also apply to the publicity the local planning authority is required to complete if an application for planning permission or permission in principle is referred to the Secretary of State under section 77 or appealed to him under section 78 of the Town and Country Planning Act 1990 (“the 1990 Act”). When the Secretary of State decides an appeal under section 78 of the 1990 Act the extended period also applies to the period within which representations made by adjoining owners or occupiers must be taken into account by the Secretary of State under article 33 of DMPO (substituted by article 5 of this Order).

Periods of time are not extended when an application is made to the Secretary of State for urgent Crown development under section 293A of the 1990 Act.

When a local planning authority decides an application for listed building consent, for variation or discharge of conditions attached to listed building consent or for planning permission which would affect the setting of a listed building or the character or appearance of a conservation area, the extended periods apply to publicity and the representations to be taken into account before making determinations (regulations 5 and 5A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 as amended by articles 21 and 22 of this Order).

When the Secretary of State decides an application for planning permission or a connected listed building application or an application affecting the setting of listed building under his powers under section 69A of the 1990 Act, the extended periods apply to the publicity a local planning authority and the Secretary of State is required to undertake and the representations to be taken into account before making determinations set out in the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 and the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (Parts 3 and 4 of this Order).

When the Secretary of State decides an application by a local planning authority for consent to execute works for the demolition, alteration or extension of a listed building under regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 the extended period applies to the publicity local planning authorities are required to carry out (article 23 of this Order).

When a local planning authority decides an application for “prior approval” under GPDO the extended period applies to the period of notice which local planning authorities must give, in certain cases, to adjoining owners or occupiers about the proposed development and by which any representations they make must be received (Part 5 of this Order).

This Order amends DMPO by requiring each local planning register authority (defined in article 40(1) of DMPO) to include certain details about housing prior approval applications in its planning register. This includes any statement specifying the net increase in dwellinghouses proposed by the development which is submitted with the application.

A housing prior approval application is defined in article 7 of this Order as an application to the local planning authority for the approval of the authority, or a determination as to whether such approval is required, which is—

- (a) required by any planning permission granted by GPDO for development which will create a net increase in dwellinghouses, before such development may begin; and
- (b) made in accordance with the requirements of GPDO.

This Order amends DMPO by inserting a definition of “relevant nuclear site” for the purposes of consultation local planning authorities are required to undertake with the Office for Nuclear Regulation before granting planning permission for certain development (article 9 of this Order).

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. The Explanatory Memorandum is published alongside this Order on www.legislation.gov.uk.

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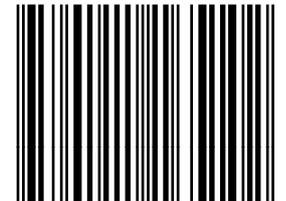
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