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Correspondence

The Town and Country Planning (Applications for public service infrastructure development notification) (England) Direction 2021

Published 20 July 2021

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Introduction

This Direction is issued in the context of the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 No. 746 which introduces a modified procedure for applications for planning permission for public service infrastructure development made on or after 1st August 2021. The modified procedure is intended to deliver faster decision-making for this new category of development. The notification requirements imposed by the Direction are intended to help the government monitor whether the measure is working as intended, and to understand to what extent pre-application engagement for these types of projects, as encouraged in the revised National Planning Policy Framework, translates into faster decision-making by local planning authorities.

The Secretary of State for Housing, Communities and Local Government (“the Secretary of State”), in exercise of powers conferred by article 34(8) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ^[footnote 1] (“the Order”) directs as follows:

Commencement and application

1. This Direction comes into force on 1 August 2021. It applies in relation to England only.

Interpretation

2. In this Direction:

“determination period” means the period specified in article 34(2)(aa) of the Order;

“non-validated application” has the same meaning as in article 34(5) of the Order;

“public holiday” has the same meaning as in article 2 of the Order;

“public service infrastructure development” has the same meaning as in article 2 of the Order;

“relevant day” means the last day of the 7 week period which begins with the day immediately following the day on which the local planning authority has received the valid or non-validated application;

“valid application” has the same meaning as in article 34(4) of the Order;

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

3. This Direction applies in relation to an application for planning permission for public service infrastructure development made on or after 1 August 2021.

4. Within the period of 7 working days beginning with the day on which a local planning authority has received a valid or non-validated application, the authority must notify the Secretary of State of it by sending to the Secretary of State a copy of the application together with any accompanying plans, drawings and information.

5. Subject to paragraph (10), where a valid or a non-validated application has been received by a local planning authority, the authority must:

5.1 within the period specified in paragraph (6), provide the Secretary of State with the information specified in paragraph (8); or

5.2 within the period specified in paragraph (7), provide the Secretary of State with the information specified in paragraphs (8) and (9);

as the case may be.

6. Subject to paragraph (7), the period is 7 working days beginning with the relevant day.

7. Where a notice mentioned in article 12(1) of the Order is received by the local planning authority on or after the first day of the 7 working day period specified in paragraph (6), the period is 7 working days beginning with the day the notice is received.

8. The information is:

8.1 Where the local planning authority has given the applicant notice of their decision or determination on the application, the date of that notice and a copy of the notice.

8.2 Where the local planning authority has not given the applicant notice of their decision or determination on the application:

(i) the date the local planning authority expects to give the applicant notice of their decision or determination; and

(ii) where the date provided under paragraph (i) is after the last day of the determination period, the reasons why the authority does not expect to determine the application before the end of the determination period.

8.3 Where the applicant and the local planning authority have agreed in writing an extended period for determination of the application under article 34(2)(c) of the Order, the date that period ends.

9. In the case of an application to which paragraph (7) applies, the requirement in paragraph (4) is dispensed with if, when the authority provides the information specified in paragraph (8), it also provides a copy of the application together with any plans, drawings and information accompanying the application.

10. Paragraph (5) does not apply if the Secretary of State has given a direction:

10.1 under section 77(1) of the Town and Country Planning Act 1990 that the application is to be referred to him; or

10.2 under article 31 of the Order restricting the grant of permission either indefinitely or for such period as is specified in the direction.

11. The information specified in paragraphs (4) and (8) must be sent to the Ministry of Housing Communities and Local Government Planning Casework Unit at PCU@communities.gov.uk.

Signed by authority of the Secretary of State

Lucy Hargreaves, Deputy Director Planning–Development Management

Ministry of Housing, Communities and Local Government

20 July 2021

1. S.I. 2015/595. S.I. 2015/595 has been amended by S.I 2021/746 in relation to applications for public service infrastructure development.

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