



# Planning Act 2008

## 2008 CHAPTER 29

### PART 6

#### DECIDING APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

#### CHAPTER 1

##### HANDLING OF APPLICATION BY COMMISSION

### 55 Acceptance of applications

- (1) The following provisions of this section apply where the [<sup>F1</sup>Secretary of State] receives an application that purports to be an application for an order granting development consent.
- (2) The [<sup>F1</sup>Secretary of State] must, by the end of the period of 28 days beginning with the day after the day on which [<sup>F2</sup>the Secretary of State] receives the application, decide whether or not to accept the application.
- (3) The [<sup>F1</sup>Secretary of State] may accept the application only if the [<sup>F1</sup>Secretary of State] concludes—
  - (a) that it is an application for an order granting development consent,
  - <sup>F3</sup>(b) .....
  - (c) that development consent is required for any of the development to which the application relates,
  - <sup>F4</sup>(d) .....
  - (e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure)<sup>F5</sup>, and
  - (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.]

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- (4) The [<sup>F1</sup>Secretary of State], when deciding whether [<sup>F6</sup>the Secretary of State] may reach the conclusion in subsection (3)(e), must have regard to—
- (a) the consultation report received under section 37(3)(c),
  - (b) any adequacy of consultation representation received by [<sup>F6</sup>the Secretary of State] from a local authority consultee, and
  - (c) the extent to which the applicant has had regard to any guidance issued under section 50.
- (5) In subsection (4)—
- “local authority consultee” means—
- (a) a local authority consulted under [<sup>F7</sup>section 42(1)(b)] about a proposed application that has become the application, or
  - (b) the Greater London Authority if consulted under [<sup>F8</sup>section 42(1)(c)] about that proposed application;
- “adequacy of consultation representation” means a representation about whether the applicant complied, in relation to that proposed application, with the applicant's duties under sections 42, 47 and 48.
- [<sup>F9</sup>(5A) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f), must have regard to the extent to which—
- (a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5), and
  - (b) any applicable guidance given under section 37(4) has been followed in relation to the application.]
- (6) If the [<sup>F1</sup>Secretary of State] accepts the application, [<sup>F10</sup>the Secretary of State] must notify the applicant of the acceptance.
- (7) If the [<sup>F1</sup>Secretary of State] is of the view that [<sup>F11</sup>the application cannot be accepted, the Secretary of State] must—
- (a) notify that view to the applicant, and
  - (b) notify the applicant of [<sup>F12</sup>the Secretary of State's] reasons for that view.
- (8) If in response the applicant modifies (or further modifies) the application, subsections (2) to (7) then apply in relation to the application as modified.

#### Textual Amendments

- F1** Words in s. 55 substituted (1.4.2012) by *Localism Act 2011* (c. 20), s. 240(2), **Sch. 13 para. 13(2)**; S.I. 2012/628, art. 7(a)
- F2** Words in s. 55(2) substituted (1.4.2012) by *Localism Act 2011* (c. 20), s. 240(2), **Sch. 13 para. 13(3)**; S.I. 2012/628, art. 7(a)
- F3** S. 55(3)(b) repealed (1.4.2012) by *Localism Act 2011* (c. 20), ss. 137(2), 240(2), **Sch. 25 Pt. 21** (with s. 144); S.I. 2012/628, art. 7
- F4** S. 55(3)(d) repealed (1.4.2012) by *Localism Act 2011* (c. 20), ss. 137(2), 240(2), **Sch. 25 Pt. 21** (with s. 144); S.I. 2012/628, art. 7
- F5** S. 55(3)(f) and preceding word inserted (1.4.2012) by *Localism Act 2011* (c. 20), ss. **137(3)**, 240(2) (with s. 144); S.I. 2012/628, art. 7(a)
- F6** Words in s. 55(4) substituted (1.4.2012) by *Localism Act 2011* (c. 20), s. 240(2), **Sch. 13 para. 13(3)**; S.I. 2012/628, art. 7(a)
- F7** Words in s. 55(5) substituted (1.4.2010) by *Marine and Coastal Access Act 2009* (c. 23), ss. **23(4)(a)**, 324(3); S.I. 2010/298, art. 2, Sch. para. 6

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- F8** Words in s. 55(5) substituted (1.4.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 23(4)(b)**, [324\(3\)](#); [S.I. 2010/298](#), **art. 2**, [Sch. para. 6](#)
- F9** S. 55(5A) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 137(4)**, [240\(2\)](#) (with s. 144); [S.I. 2012/628](#), **art. 7(a)**
- F10** Words in s. 55(6) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **s. 240(2)**, **Sch. 13 para. 13(3)**; [S.I. 2012/628](#), **art. 7(a)**
- F11** Words in s. 55(7) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **s. 240(2)**, **Sch. 13 para. 13(4)(a)**; [S.I. 2012/628](#), **art. 7(a)**
- F12** Words in s. 55(7)(b) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **s. 240(2)**, **Sch. 13 para. 13(4)(b)**; [S.I. 2012/628](#), **art. 7(a)**

#### Commencement Information

- II** S. 55 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(d)** (with [art. 6](#))

## 56 Notifying persons of accepted application

- (1) Subsections (2), (6) and (7) apply where the [<sup>F13</sup>Secretary of State] accepts an application for an order granting development consent.
- (2) The applicant must give notice of the application to—
- (a) such persons as may be prescribed,
  - [<sup>F14</sup>(aa) the Marine Management Organisation, in any case where the development for which the application seeks development consent would involve the carrying on of any activity in one or more of the areas specified in subsection (2A),]
  - [<sup>F15</sup>(b) each local authority that is within section 56A,]
  - (c) the Greater London Authority if the land to which the application relates, or any part of it, is in Greater London, and
  - (d) each person who is within one or more of the categories set out in section 57.
- [<sup>F16</sup>(2A) The areas are—
- (a) waters in or adjacent to England up to the seaward limits of the territorial sea;
  - (b) an exclusive economic zone, except any part of an exclusive economic zone in relation to which the Scottish Ministers have functions;
  - (c) a Renewable Energy Zone, except any part of a Renewable Energy Zone in relation to which the Scottish Ministers have functions;
  - (d) an area designated under section 1(7) of the Continental Shelf Act 1964, except any part of that area which is within a part of an exclusive economic zone or Renewable Energy Zone in relation to which the Scottish Ministers have functions.]
- (3) Notice under subsection (2) must be in such form and contain such matter, and be given in such manner, as may be prescribed.
- (4) The applicant must, when giving notice to a person under subsection (2), notify the person of the deadline for receipt by the [<sup>F13</sup>Secretary of State] of representations giving notice of the person's interest in, or objection to, the application.
- (5) A deadline notified under subsection (4) must not be earlier than the end of the period of 28 days that begins with the day after the day on which the person receives the notice.
- (6) The applicant must make available, to each person to whom notice is given under subsection (2), a copy of—

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- (a) the application, and
  - (b) the documents and information that were required by section 37(3)(d) to accompany the application.
- (7) The applicant must publicise the application in the prescribed manner.
- (8) Regulations made for the purposes of subsection (7) must, in particular, make provision for publicity under subsection (7) to include a deadline for receipt by the <sup>[F13]</sup>Secretary of State] of representations giving notice of persons' interests in, or objections to, the application.
- (9) A deadline specified in accordance with subsection (8) does not apply to a person to whom notice is given under subsection (2).

#### Textual Amendments

- F13** Words in s. 56 substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 14](#); S.I. 2012/628, art. 7(a)
- F14** S. 56(2)(aa) inserted (1.4.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 23\(5\)\(a\), 324\(3\); S.I. 2010/298, art. 2, Sch. para. 6](#)
- F15** S. 56(2)(b) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), ss. 138\(2\), 240\(2\) \(with s. 144\); S.I. 2012/628, art. 7\(a\)](#)
- F16** S. 56(2A) inserted (1.4.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 23\(5\)\(b\), 324\(3\); S.I. 2010/298, art. 2, Sch. para. 6](#)

#### Commencement Information

- I2** S. 56 partly in force; s. 56 in force for certain purposes at Royal Assent see s. 241
- I3** S. 56 in force at 1.10.2009 by [S.I. 2009/2260, art. 2\(c\)](#)

#### <sup>[F17]</sup>56A Local authorities for the purposes of sections 56(2)(b) and 60(2)(a)

- (1) A local authority is within this section if the land is in the authority's area.
- (2) A local authority (“A”) is within this section if—
- (a) the land is in the area of another local authority (“B”),
  - (b) B is a unitary council or a lower-tier district council, and
  - (c) any part of the boundary of A's area is also a part of the boundary of B's area.
- (3) If the land is in the area of an upper-tier county council (“C”), a local authority (“D”) is within this section if—
- (a) D is not a lower-tier district council, and
  - (b) any part of the boundary of D's area is also part of the boundary of C's area.
- (4) In this section—

“the land” means the land to which the application concerned relates or any part of that land;

“local authority” has the meaning given in section 102(8);

“lower-tier district council” means a district council in England for an area for which there is a county council;

“unitary council” means a local authority that is not an upper-tier county council, a lower-tier district council, a National Park authority or the Broads Authority;

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“upper-tier county council” means a county council in England for each part of whose area there is a district council.]

#### Textual Amendments

**F17** S. 56A inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 138(3), 240(2)** (with [s. 144](#)); [S.I. 2012/628](#), [art. 7\(a\)](#)

### 57 Categories for purposes of section 56(2)(d)

- (1) A person is within Category 1 if the applicant, after making diligent inquiry, knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land.
- (2) A person is within Category 2 if the applicant, after making diligent inquiry, knows that the person—
  - (a) is interested in the land, or
  - (b) has power—
    - (i) to sell and convey the land, or
    - (ii) to release the land.
- (3) An expression, other than “the land”, that appears in subsection (2) of this section and also in section 5(1) of the Compulsory Purchase Act 1965 (c. 56) has in subsection (2) the meaning that it has in section 5(1) of that Act.
- (4) A person is within Category 3 if the applicant thinks that, if the order sought by the application were to be made and fully implemented, the person would or might be entitled—
  - (a) as a result of the implementing of the order,
  - (b) as a result of the order having been implemented, or
  - (c) as a result of use of the land once the order has been implemented,to make a relevant claim.  
  
This is subject to subsection (5).
- (5) A person is within Category 3 only if the person is known to the applicant after making diligent inquiry.
- (6) In subsection (4) “relevant claim” means—
  - (a) a claim under section 10 of the Compulsory Purchase Act 1965 (compensation where satisfaction not made for the taking, or injurious affection, of land subject to compulsory purchase);
  - (b) a claim under Part 1 of the Land Compensation Act 1973 (c. 26) (compensation for depreciation of land value by physical factors caused by use of public works)<sup>F18</sup>;
  - (c) a claim under section 152(3).]
- (7) In this section “the land” means the land to which the application relates or any part of that land.

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#### Textual Amendments

**F18** S. 57(6)(c) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 135(9)**, 240(2) (with s. 144); [S.I. 2012/628](#), art. 7(a)

#### Commencement Information

**I4** S. 57 in force at 1.10.2009 by [S.I. 2009/2260](#), **art. 2(c)**

## 58 Certifying compliance with section 56

- (1) Subsection (2) applies where—
  - (a) the [<sup>F19</sup>Secretary of State] has accepted an application for an order granting development consent, and
  - (b) the applicant has complied with section 56 in relation to the application.
- (2) The applicant must, in such form and manner as may be prescribed, certify to the [<sup>F20</sup>Secretary of State] that the applicant has complied with section 56 in relation to the application.
- (3) A person commits an offence if the person issues a certificate which—
  - (a) purports to be a certificate under subsection (2), and
  - (b) contains a statement which the person knows to be false or misleading in a material particular.
- (4) A person commits an offence if the person recklessly issues a certificate which—
  - (a) purports to be a certificate under subsection (2), and
  - (b) contains a statement which is false or misleading in a material particular.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (6) A magistrates' court may try an information relating to an offence under this section whenever laid.
- (7) Section 127 of the Magistrates' Courts Act 1980 (c. 43) has effect subject to subsection (6) of this section.

#### Textual Amendments

**F19** Words in s. 58(1) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 15**; [S.I. 2012/628](#), art. 7(a)

**F20** Words in s. 58(2) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 15**; [S.I. 2012/628](#), art. 7(a)

#### Commencement Information

**I5** S. 58 in force at 1.10.2009 by [S.I. 2009/2260](#), **art. 2(c)**

## 59 Notice of persons interested in land to which compulsory acquisition request relates

- (1) This section applies where—

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- (a) the [F21Secretary of State] has accepted an application for an order granting development consent, and
  - (b) the application includes a request for an order granting development consent to authorise compulsory acquisition of land or of an interest in or right over land (a “compulsory acquisition request”).
- (2) The applicant must give to the [F22Secretary of State] a notice specifying the names, and such other information as may be prescribed, of each affected person.
  - (3) Notice under subsection (2) must be given in such form and manner as may be prescribed.
  - (4) A person is an “affected person” for the purposes of this section if the applicant, after making diligent inquiry, knows that the person is interested in the land to which the compulsory acquisition request relates or any part of that land.

#### Textual Amendments

**F21** Words in s. 59(1) substituted (1.4.2012) by *Localism Act 2011 (c. 20), s. 240(2), Sch. 13 para. 16; S.I. 2012/628, art. 7(a)*

**F22** Words in s. 59(2) substituted (1.4.2012) by *Localism Act 2011 (c. 20), s. 240(2), Sch. 13 para. 16; S.I. 2012/628, art. 7(a)*

#### Commencement Information

**I6** S. 59 partly in force; s. 59 in force for certain purposes at Royal Assent see s. 241

**I7** S. 59 in force at 1.10.2009 by *S.I. 2009/2260, art. 2(c)*

## 60 Local impact reports

- (1) Subsection (2) applies where the [F23Secretary of State] —
  - (a) has accepted an application for an order granting development consent, and
  - (b) has received—
    - (i) a certificate under section 58(2) in relation to the application, and
    - (ii) where section 59 applies, a notice under that section in relation to the application.
- (2) The [F23Secretary of State] must give notice in writing to each of the following, inviting them to submit a local impact report [F24to the Secretary of State] —
  - [F25(a) each local authority that is within section 56A, and]
  - (b) the Greater London Authority if the land to which the application relates, or any part of it, is in Greater London.
- (3) A “local impact report” is a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area).
- (4) “The proposed development” is the development for which the application seeks development consent.
- (5) A notice under subsection (2) must specify the deadline for receipt by the [F23Secretary of State] of the local impact report.

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#### Textual Amendments

- F23** Words in s. 60 substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 17(2)**; S.I. 2012/628, art. 7(a)
- F24** Words in s. 60(2) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 17(3)**; S.I. 2012/628, art. 7(a)
- F25** S. 60(2)(a) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 138(4)**, 240(2) (with s. 144); S.I. 2012/628, art. 7(a)

#### Commencement Information

- I8** S. 60 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(d)** (with art. 6)

### 61 Initial choice of Panel or single [<sup>F26</sup>appointed person]

[<sup>F27</sup>(1) Subsection (2) applies where the Secretary of State has accepted an application for an order granting development consent.]

[<sup>F28</sup>(2) The Secretary of State must decide whether the application—

- (a) is to be handled by a Panel under Chapter 2, or
- (b) is to be handled by a single appointed person under Chapter 3.

(3) The Secretary of State must publish the criteria that are to be applied in making decisions under subsection (2).]

#### Textual Amendments

- F26** Words in s. 61 heading substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 18(4)**; S.I. 2012/628, art. 7(a)
- F27** S. 61(1) substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), **ss. 26**, 57(5)(a); S.I. 2015/758, reg. 2 (with art. 4(2))
- F28** S. 61(2)(3) substituted for s. 61(2)-(5) (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 18(3)**; S.I. 2012/628, art. 7(a)

#### Commencement Information

- I9** S. 61 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(d)** (with art. 6)

### 62 Switching from single [<sup>F29</sup>appointed person] to Panel

(1) Subsection (2) applies where an application for an order granting development consent is being handled by a single [<sup>F30</sup>appointed person] under Chapter 3.

[<sup>F31</sup>(2) The Secretary of State may decide that the application should instead be handled by a Panel under Chapter 2.

(3) The Secretary of State must publish the criteria that are to be applied in making decisions under subsection (2).]

#### Textual Amendments

- F29** Words in s. 62 heading substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 19(2)**; S.I. 2012/628, art. 7(a)



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**F30** Words in s. 62(1) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 19\(2\); S.I. 2012/628, art. 7\(a\)](#)

**F31** S. 62(2)(3) substituted for s. 62(2)-(5) (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 19\(1\)\(3\); S.I. 2012/628, art. 7\(a\)](#)

**Commencement Information**

**I10** S. 62 in force at 1.3.2010 by [S.I. 2010/101, art. 3\(d\)](#) (with art. 6)

<sup>F32</sup>**63 Delegation of functions by person appointed to chair Commission**

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**Textual Amendments**

**F32** S. 63 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 20, Sch. 25 Pt. 20; S.I. 2012/628, art. 7](#)

**Status:**

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