



Town and Country Planning Act 1990

1990 CHAPTER 8

PART III **E+W**

CONTROL OVER DEVELOPMENT

*[^{F1}^{F2}England: consultation] before applying for
planning permission [^{F3}or permission in principle]*

Textual Amendments

- F1** Ss. 61W-61Y and cross-heading inserted (15.11.2011 for specified purposes, 17.12.2013 in so far as not already in force) by [Localism Act 2011](#) (c. 20), [ss. 122\(1\), 240\(5\)\(l\)](#) (with [ss. 122\(3\), 144](#)) (as amended (25.4.2024) by [Levelling-up and Regeneration Act 2023](#) (c. 55), [ss. 122, 255\(3\)\(b\)](#) (with [s. 247](#)); [S.I. 2024/452](#), [reg. 3\(h\)](#)); [S.I. 2013/2931](#), [art. 2](#)
- F2** Words in s. 61W cross-heading substituted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015](#) (anaw 4), [ss. 17\(5\), 58\(2\)\(b\)\(4\)\(b\)](#); [S.I. 2016/52](#), [art. 2\(a\)](#) (with [art. 6](#))
- F3** Words in s. 61W cross-heading inserted (13.7.2016) by [Housing and Planning Act 2016](#) (c. 22), [s. 216\(3\)](#), [Sch. 12 para. 3](#); [S.I. 2016/733](#), [reg. 3\(d\)](#)

61W [^{F4}England: requirement] to carry out pre-application consultation **E+W**

- (1) Where—
- a person proposes to make an application for planning permission [^{F5}, or permission in principle,] for the development of any land in England, and
 - the proposed development is of a description specified in a development order, the person must carry out consultation on the proposed application in accordance with subsections (2) and (3).
- (2) The person must publicise the proposed application in such manner as the person reasonably considers is likely to bring the proposed application to the attention of a

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Changes to legislation: Town and Country Planning Act 1990, Cross Heading: England: consultation before applying for planning permission or permission in principle is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

majority of the persons who live at, or otherwise occupy, premises in the vicinity of the land.

- (3) The person must consult each specified person about the proposed application.
- (4) Publicity under subsection (2) must—
 - (a) set out how the person (“P”) may be contacted by persons wishing to comment on, or collaborate with P on the design of, the proposed development, and
 - (b) give such information about the proposed timetable for the consultation as is sufficient to ensure that persons wishing to comment on the proposed development may do so in good time.
- (5) In subsection (3) “specified person” means a person specified in, or of a description specified in, a development order.
- (6) Subsection (1) does not apply—
 - (a) if the proposed application is an application under section [F6293A][F6293B], or
 - (b) in cases specified in a development order.
- (7) A person subject to the duty imposed by subsection (1) must, in complying with that subsection, have regard to the advice (if any) given by the local planning authority about local good practice.

Textual Amendments

- F4** Words in s. 61W title substituted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 17(4)**, **58(2)(b)(4)(b)**; S.I. 2016/52, **art. 2(a)** (with **art. 6**)
- F5** Words in s. 61W(1)(a) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **s. 216(3)**, **Sch. 12 para. 4**; S.I. 2016/733, **reg. 3(d)**
- F6** Word in s. 61W(6)(a) substituted (26.12.2023 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **s. 255(3)**, **Sch. 10 para. 2** (with s. 247)

Modifications etc. (not altering text)

- C1** S. 61W applied (with modifications) by S.I. 2017/402, **art. 5C** (as inserted (E.) (1.6.2018) by [The Town and Country Planning \(Permission in Principle\) \(Amendment\) Order 2017 \(S.I. 2017/1309\)](#), **arts. 1, 4**)

61X Duty to take account of responses to consultation **E+W**

- (1) Subsection (2) applies where a person—
 - (a) has been required by section 61W(1) to carry out consultation on a proposed application for planning permission [F7 or permission in principle], and
 - (b) proposes to go ahead with making an application for planning permission [F7 or permission in principle] (whether or not in the same terms as the proposed application).
- (2) The person must, when deciding whether the application that the person is actually to make should be in the same terms as the proposed application, have regard to any responses to the consultation that the person has received.

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Textual Amendments

- F7** Words in s. 61X(1)(a)(b) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 5](#); S.I. 2016/733, reg. 3(d)

61Y Power to make supplementary provision **E+W**

- (1) A development order may make provision about, or in connection with, consultation which section 61W(1) requires a person to carry out on a proposed application for planning permission [^{F8}or permission in principle].
- (2) The provision that may be made under subsection (1) includes (in particular)—
- (a) provision about, or in connection with, publicising the proposed application;
 - (b) provision about, or in connection with, the ways of responding to the publicity;
 - (c) provision about, or in connection with, consultation under section 61W(3);
 - (d) provision about, or in connection with, collaboration between the person and others on the design of the proposed development;
 - (e) provision as to the timetable (including deadlines) for—
 - (i) compliance with section 61W(1),
 - (ii) responding to publicity under section 61W(2), or
 - (iii) responding to consultation under section 61W(3);
 - (f) provision for the person to prepare a statement setting out how the person proposes to comply with section 61W(1);
 - (g) provision for the person to comply with section 61W(1) in accordance with a statement required by provision under paragraph (f).
- (3) Provision under subsection (1) may be different for different cases.]

Textual Amendments

- F8** Words in s. 61Y(1) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 6](#); S.I. 2016/733, reg. 3(d)

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