



# Localism Act 2011

## 2011 CHAPTER 20

### PART 6

#### PLANNING

### CHAPTER 4

#### CONSULTATION

#### **122 Consultation before applying for planning permission**

- (1) In the Town and Country Planning Act 1990, before section 62 (and before the italic heading which precedes that section) insert—

*“Consultation before applying for planning permission*

#### **61W Requirement to carry out pre-application consultation**

- (1) Where—
- (a) a person proposes to make an application for planning permission for the development of any land in England, and
  - (b) 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 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.

*Status: Point in time view as at 22/11/2012.*

*Changes to legislation: Localism Act 2011, CHAPTER 4 is up to date with all changes known to be in force on or before 14 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)*

- (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 293A, 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.

#### **61X Duty to take account of responses to consultation**

- (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, and
  - (b) proposes to go ahead with making an application for planning permission (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.

#### **61Y Power to make supplementary provision**

- (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.
- (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

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- (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.”
- (2) In section 62 of the Town and Country Planning Act 1990 (applications for planning permission) after subsection (6) insert—
- “(7) In subsection (8) “a relevant application” means the application for planning permission in a case where a person—
- (a) has been required by section 61W(1) to carry out consultation on a proposed application for planning permission, and
  - (b) is going ahead with making an application for planning permission (whether or not in the same terms as the proposed application).
- (8) A development order must require that a relevant application be accompanied by particulars of—
- (a) how the person complied with section 61W(1),
  - (b) any responses to the consultation that were received by the person, and
  - (c) the account taken of those responses.”
- (3) The amendments made by subsections (1) and (2) cease to have effect at the end of 7 years beginning with the day on which the inserted section 61W(1) comes fully into force, but this is subject to subsection (4).
- (4) The Secretary of State may by order provide that the amendments are, instead of ceasing to have effect at the time they would otherwise cease to have effect, to cease to have effect at the end of a period of not more than 7 years from that time.

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**Commencement Information**

**II** S. 122 in force for specified purposes at Royal Assent see s. 240(5)(l)

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