
STATUTORY INSTRUMENTS

2010 No. 2184

The Town and Country Planning (Development Management Procedure) (England) Order 2010

PART 3

Consultation

Consultations before the grant of planning permission: urgent Crown development

17.—(1) This article applies in relation to applications made to the Secretary of State under section 293A of the 1990 Act (urgent Crown development: application).

(2) Before granting planning permission for development which, in the opinion of the Secretary of State, falls within a category set out in the Table in Schedule 5, the Secretary of State shall consult the authority or person mentioned in relation to that category, except where—

- (a) the Secretary of State is required to consult the authority so mentioned under section 293A(9)(a) of the 1990 Act;
- (b) the authority or person so mentioned has advised the Secretary of State that they do not wish to be consulted; or
- (c) the development is subject to any standing advice provided by the authority or person so mentioned to the Secretary of State in relation to the category of development.

(3) The exception in paragraph (2)(b) shall not apply where, in the opinion of the Secretary of State, development falls within paragraph (zc) of the table in Schedule 5.

(4) The exception in paragraph (2)(c) shall not apply where—

- (a) the development is an EIA development; or
- (b) the standing advice was issued more than 2 years before the date of the application for planning permission for the development and the guidance has not been amended or confirmed as being extant by the authority or person within that period.

(5) Where, by or under this article, the Secretary of State is required to consult any person or body (“the consultee”) before granting planning permission—

- (a) the Secretary of State shall, unless an applicant has served a copy of an application for planning permission on the consultee, give notice of the application to the consultee; and
- (b) subject to paragraph (6), the Secretary of State shall not determine the application until at least 21 days after the date on which notice is given under sub-paragraph (a) or, if earlier, 21 days after the date of service of a copy of the application on the consultee by the applicant.

(6) Sub-paragraph (b) of paragraph (5) does not apply if before the end of the period referred to in that sub-paragraph—

- (a) the Secretary of State has received representations concerning the application from the consultee; or
- (b) the consultee gives notice that it does not intend to make representations.

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(7) The Secretary of State shall, in determining the application, take into account any representations received from a consultee.