
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in relation to compulsory pre-application consultation under section 61W of the Town and Country Planning Act 1990 (“the 1990 Act”). The duty (“the pre-application consultation duty”) introduced a requirement into the 1990 Act for applicants to consult members of the local community in certain cases prior to submitting an application for planning permission. Under section 61W the Secretary of State may specify the description of developments to which the duty to consult in section 61W applies. Under section 61W(3) the Secretary of State may also specify particular persons which additionally must be consulted. No such persons are specified in this Order.

The Town and Country Planning (Development Management Procedure) (England) Order 2010 ([S.I. 2010/2184](#)) (“the 2010 Order”) provides for procedures connected with planning applications and other matters in England.

Article 2 of this Order inserts a new Part 1A into the 2010 Order relating to the pre-application consultation duty. A new article 3A of the 2010 Order states that this duty will apply to applications for planning permission in respect of any development involving an installation for the harnessing of wind power for energy production where the development involves the installation of more than 2 turbines or the hub height of any turbine exceeds 15 metres. The duty will not apply to applications for planning permission for development pursuant to section 73 of the 1990 Act to develop land without compliance with conditions previously attached or applications of the description in article 18(1)(b) or (1)(c) of the 2010 Order for a replacement planning permission subject to a new time limit. A new article 3B of the 2010 Order sets out details of the particulars that must accompany an application for planning permission which is subject to the pre-application consultation duty. Consequential amendments to the 2010 Order are made.

The Town and Country Planning (Section 62A Applications Procedure and Consequential Amendments) Order 2013 ([S.I. 2013/2140](#)) (“the Section 62A Applications Order”) provides for procedures connected with applications for planning permission made directly to the Secretary of State in accordance with section 62A of the 1990 Act.

Article 3 of this Order inserts a new Part 1A into the Section 62A Applications Order relating to the pre-application consultation duty. A new article 3A of the Section 62A Applications Order states that the duty will apply to relevant applications for planning permission for any development involving an installation for the harnessing of wind power for energy production where the development involves the installation of more than 2 turbines or the hub height of any turbine exceeds 15 metres. A new article 3B of the Section 62A Applications Order sets out the particulars that must accompany a relevant application for planning permission which is subject to the duty to carry out pre-application consultation. Consequential amendments are made to the Section 62A Applications Order.

The provisions of the 1990 Act requiring pre-application consultation cease to have effect 7 years from the date on which they come fully into force. Article 1(2) of the Order provides that the Order will cease to have effect on the same date.

An impact assessment is being prepared in relation to this Order. It will be placed in the library of each House of Parliament and on the website of the Department for Communities and Local Government.