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## STATUTORY INSTRUMENTS

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### 2015 No. 595

## The Town and Country Planning (Development Management Procedure) (England) Order 2015

### Part 9

#### Monitoring

#### Register of applications [<sup>F1</sup>and biodiversity gain plans]

- 40.**—(1) In this article and in articles 41 and 42, “the local planning register authority” means—
- (a) in relation to land in a National Park, the National Park authority (and references to the area of the local planning register authority are, in this case, to the National Park);
  - (b) in relation to land in Greater London or a metropolitan county, which is not land in a National Park, the local planning authority (and references to the area of the local planning register authority are, in this case, to the area of the local planning authority other than any part of their area within a National Park);
  - (c) in relation to any other land—
    - (i) the district planning authority; or
    - (ii) where there is no district planning authority in relation to the land, the county planning authority,(and references to the area of the local planning register authority are, in this case, to the area of the district planning authority or the area of the county planning authority, as the case may be, other than any part of their area within a National Park).
- (2) Each local planning register authority must keep, in two parts, a register (“the register”) of every application for planning permission relating to their area.
- (3) Part 1 of the register must contain in respect of each such application and any application for approval of reserved matters made in respect of an outline planning permission granted on such an application, made or sent to the local planning register authority and not finally disposed of—
- (a) a copy (which may be photographic or in electronic form) of the application together with any accompanying plans and drawings;
  - (b) a copy (which may be photographic or in electronic form) of any planning obligation or section 278 agreement proposed or entered into in connection with the application;
  - (c) a copy (which may be photographic or in electronic form) of any other planning obligation or section 278 agreement entered into in respect of the land the subject of the application which the applicant considers relevant; and
  - (d) particulars of any modification to any planning obligation or section 278 agreement included in Part 1 of the register in accordance with sub-paragraphs (b) and (c).
- (4) Part 2 of the register must contain, in respect of every application for planning permission relating to the local planning register authority's area—

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- [<sup>F2</sup>(a) a copy (which may be photographic or in electronic form) of—
- (i) the application;
  - (ii) the plans and drawings submitted in relation to the application;
  - (iii) any accompanying design and access statement provided in accordance with article 9; and
  - (iv) any accompanying fire statement provided in accordance with article 9A;]
- (b) particulars of any direction given under the 1990 Act or this Order in respect of the application;
- (c) the decision, if any, of the local planning authority in respect of the application, including details of any conditions subject to which permission was granted, the date of such decision and the name of the local planning authority;
- (d) the reference number, the date and effect of any decision of the Secretary of State in respect of the application, whether on appeal, on an application under section 293A(2) of the 1990 Act (urgent Crown development: application) <sup>M1</sup> or on a reference under section 77 of the 1990 Act (reference of applications to Secretary of State) <sup>M2</sup>;
- (e) the date of any subsequent approval (whether approval of reserved matters or any other approval required) given in relation to the application;
- (f) a copy (which may be photographic or in electronic form) of any planning obligation or section 278 agreement entered into in connection with any decision of the local planning authority or the Secretary of State in respect of the application;
- (g) a copy (which may be photographic or in electronic form) of any other planning obligation or section 278 agreement taken into account by the local planning authority or the Secretary of State when making the decision; and
- (h) particulars of any modification to or discharge of any planning obligation or section 278 agreement included in Part 2 of the register in accordance with sub-paragraphs (f) or (g) or paragraph (6).
- [<sup>F3</sup>(4ZA) Part 2 of the register must contain, in respect of every planning permission granted relating to the local planning register authority's area—
- (a) a copy of all the biodiversity gain plans submitted under paragraph 13 of Schedule 7A to the 1990 Act;
  - (b) notice of the determination whether to approve each biodiversity gain plan including the date of that notice and the name of the planning authority.
- (4ZB) Where the local planning register authority is not the planning authority in respect of a biodiversity gain plan, the requirement in paragraph (4ZA) only applies where the planning authority has sent the information required to the local planning register authority in accordance with article 37D(4).]
- [<sup>F4</sup>(4A) The register must also contain the following information in respect of every housing prior approval application relating to their area—
- (a) a copy (which may be photographic or in electronic form) of each application together with any accompanying written description, plans, drawings and any statement specifying the net increase in dwellinghouses proposed by the development (for this purpose, "net increase in dwellinghouses" is the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development);
  - (b) the date on which the application was received;

- (c) a copy (which may be photographic or in electronic form) of any planning obligation or section 278 agreement proposed or entered into in connection with the application or any decision of the local planning authority or the Secretary of State in respect of the application;
  - (d) particulars of any modification to any planning obligation or section 278 agreement included in the register in accordance with sub-paragraph (c);
  - (e) particulars of any direction given under the 1990 Act or this Order in respect of this application;
  - (f) the decision, if any, of the local planning authority in respect of the application, including details of any conditions subject to which permission was granted, the date of such decision, and the name of the local planning authority;
  - (g) the reference number, the date and effect of any decision of the Secretary of State in respect of the application, whether on appeal or on a reference under section 77 of the 1990 Act (reference of applications to the Secretary of State).
- (4B) In paragraph (4A)—
- “housing prior approval application” means a prior approval application which is—
- (a) required by the terms of any planning permission granted by the Permitted Development Order for development which will create a net increase in dwellinghouses, before such development may begin; and
  - (b) made in accordance with the requirements of that Order.]
- (5) The register must also contain the following information in respect of every application made under article 10 relating to their area—
- (a) a copy (which may be photographic or in electronic form) of the application together with any accompanying plans and drawings; and
  - (b) the decision, if any, of the local planning authority in respect of the application, the date of such decision and the name of the local planning authority.
- (6) Where, on any appeal to the Secretary of State under section 174 of the 1990 Act (appeal against enforcement notice) <sup>M3</sup>, the appellant is deemed to have made an application for planning permission and the Secretary of State has granted permission, the local planning register authority must, on receipt of notification of the Secretary of State's decision, enter into Part 2 of the register particulars of the development concerned, the land on which it was carried out, and the date and effect of the Secretary of State's decision together with a copy (which may be photographic or in electronic form) of—
- (a) any planning obligation or section 278 agreement entered into in connection with the decision; and
  - (b) any other planning obligation or section 278 agreement taken into account by the Secretary of State when making the decision.
- (7) The register must also contain the following information in respect of every application for a certificate under section 191 or 192 of the 1990 Act (certificates of lawfulness of existing or proposed use or development) <sup>M4</sup> relating to the authority's area—
- (a) the name and address of the applicant;
  - (b) the date of the application;
  - (c) the address or location of the land to which the application relates;
  - (d) the description of the use, operations or other matter included in the application;
  - (e) the decision, if any, of the local planning authority in respect of the application and the date of such decision; and

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- (f) the reference number, date and effect of any decision of the Secretary of State on an appeal in respect of the application.
- (8) The register must contain the following information about simplified planning zone schemes in the area of the authority—
- (a) brief particulars of any action taken by the authority or the Secretary of State in accordance with section 83 of, or Schedule 7 to, the 1990 Act (making of simplified planning zone schemes etc.)<sup>M5</sup> to establish or approve any simplified planning zone scheme, including the date of adoption or approval, the date on which the scheme or alteration becomes operative and the date on which it ceases to be operative;
  - (b) a copy of any simplified planning zone scheme, or alteration to an existing scheme, including any diagrams, illustrations, descriptive matter or any other prescribed material which has been made available for inspection under Schedule 7 to the 1990 Act; and
  - (c) an index map showing the boundary of any operative or proposed simplified planning zone schemes, including alterations to existing schemes where appropriate, together with a reference to the entries in the register under sub-paragraphs (a) and (b).
- (9) To enable any person to trace any entry in the register, every register must include an index together with a separate index of applications for development involving mining operations or the creation of mineral working deposits.
- (10) Subject to paragraph (11), every entry in the register must be made within 14 days of the receipt of an application, or of the giving or making of the relevant direction, decision or approval as the case may be.
- (11) A copy of any application made under section 293A(2) of the 1990 Act (urgent Crown development: application) and of any plans and drawings submitted in relation to it must be placed on the register within 14 days of the date on which the local planning authority is consulted on the application by the Secretary of State.
- (12) The register must either be kept at the principal office of the local planning register authority or that part of the register which relates to land in part of that authority's area must be kept at a place situated in or convenient to that part.
- (13) For the purposes of paragraph (3), an application is not treated as finally disposed of unless and until—
- (a) it has been decided by the authority (or the appropriate period specified or referred to in article 34(2) or (3) has expired without their giving a decision) and the time limit specified in article 37(2) has expired without any appeal having been made to the Secretary of State;
  - (b) if it has been referred to the Secretary of State under section 77 of the 1990 Act or an appeal has been made to the Secretary of State under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions)<sup>M6</sup>, the Secretary of State has issued a decision and the period of 6 weeks specified in section 288 of the 1990 Act (proceedings for questioning the validity of other orders, decisions and directions)<sup>M7</sup> has expired without any application having been made to the High Court under that section;
  - (c) an application has been made to the High Court under section 288 of the 1990 Act and the matter has been finally determined, either by final dismissal of the application by a court or by the quashing of the Secretary of State's decision and the issue of a fresh decision (without a further application under the said section 288); or
  - (d) it has been withdrawn before being decided by the authority or the Secretary of State, as the case may be, or an appeal has been withdrawn before the Secretary of State has issued a decision.

(14) Where the register kept by a local planning register authority under this article is kept using electronic storage, the authority may make the register available for inspection by the public on a website maintained by the authority for that purpose.

[<sup>F5</sup>(15) Paragraph (16) applies if the local planning register authority is not able to comply with the obligation set out in paragraph (12) because it is not reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement.

(16) If the local planning register authority falls within paragraph (15) that authority must keep the register using electronic storage and must make the register available for inspection by the public on a website maintained by the authority for that purpose.

(17) If the local planning register authority complies with the requirements of paragraph (16) that authority is to be treated as having complied with paragraph (12) and the address where the register may be inspected is to be treated as the website where the register is kept.

(18) In paragraph (15) “coronavirus” has the same meaning as in article 15(7F).]

#### Textual Amendments

- F1** Words in [art. 40](#) heading inserted (12.2.2024) by [The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024 \(S.I. 2024/50\)](#), regs. 1(2), **20(a)**
- F2** [Art. 40\(4\)\(a\)](#) substituted (with application in accordance with reg. 1(5) of the amending S.I.) by [The Town and Country Planning \(Development Management Procedure and Section 62A Applications\) \(England\) \(Amendment\) Order 2021 \(S.I. 2021/746\)](#), arts. 1(3), **16**
- F3** [Art. 40\(4ZA\)\(4ZB\)](#) inserted (12.2.2024) by [The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024 \(S.I. 2024/50\)](#), regs. 1(2), **20(b)**
- F4** [Art. 40\(4A\)\(4B\)](#) inserted (coming into force in accordance with art. 1(5) of the amending S.I.) by [The Town and Country Planning \(Local Authority Consultations etc.\) \(England\) Order 2018 \(S.I. 2018/119\)](#), **art. 7**
- F5** [Art. 40\(15\)-\(18\)](#) inserted (temp.) (14.5.2020) by [The Town and Country Planning \(Development Management Procedure, Listed Buildings and Environmental Impact Assessment\) \(England\) \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/505\)](#), regs. 1, **6** (with Pt. 5) (as substituted by S.I. 2020/1398, reg. 5)

#### Marginal Citations

- M1** Section 293A was inserted by section 82(1) of the 2004 Act.
- M2** Section 77 was amended by paragraph 18 of Schedule 7 to the [Planning and Compensation Act 1991 \(c. 34\)](#), section 40(2)(d) of the 2004 Act and paragraph 10 of Schedule 12 to the [Localism Act 2011 \(c. 20\)](#) (“the 2011 Act) and is to be amended by paragraphs 1 and 2 of Schedule 10 to the [Planning Act 2008 \(c. 29\)](#) on a date to be appointed.
- M3** Section 174 was amended by section 6(1) and 84(6) of, and paragraph 22 of Schedule 7 and Part 1 of Schedule 19 to, the [Planning and Compensation Act 1991 \(c. 34\)](#) and [S.I. 2003/956](#).
- M4** Sections 191 and 192 were substituted by section 10(1) of the [Planning and Compensation Act 1991 \(c. 34\)](#) and section 191 has been amended by section 124(3) of the 2011 Act. There are other amendments to section 191 which are not relevant to this Order.
- M5** Section 83 and Schedule 7 were amended by section 84(6) of, and Schedule 5 and Part 1 of Schedule 19 to, the [Planning and Compensation Act 1991 \(c. 34\)](#), section 18(1) of, and paragraph 29 of Schedule 3 to, the [Tribunals and Inquiries Act 1992 \(c. 53\)](#), paragraphs 9 and 11 of Schedule 8 to the [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#) and by [S.I. 2013/2042](#). Section 83 and Schedule 7 are to be amended by section 45 and 120 of, and Schedule 9 to, the 2004 Act and by section 237 of, and Part 16 of Schedule 25 to, the 2011 Act, on a date to be appointed. Prospectively substituted paragraph 12(1A) was amended by paragraph 4 of Schedule 5 to the [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#).

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- M6** Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991, sections 40(2)(e) and 43(2) of the 2004 Act and paragraphs 1 and 3 of Schedule 10 (amendments in force for certain purposes and to come into force for remaining purposes on a date to be appointed, *see* [S.I. 2009/400](#)), paragraphs 1 and 2 of Schedule 11 to the [Planning Act 2008 \(c. 29\)](#), paragraphs 1 and 11 of Schedule 12 to the 2011 Act and paragraphs 1 and 8 of Schedule 1 to the [Growth and Infrastructure Act 2013 \(c. 27\)](#) .
- M7** Section 288 was amended by paragraph 25 of Schedule 3 to the [Tribunals and Inquiries Act 1992 \(c. 53\)](#).

### Register of local development orders

**41.**—(1) The register kept by each local planning register authority under article 40 must also include as Part 3 a Part relating to local development orders.

(2) Part 3 of the register must consist of 2 sections—

- (a) the first section of Part 3 must contain copies of draft local development orders which have been prepared but not adopted by the authority; and
- (b) the second section of Part 3 must contain—
  - (i) copies of local development orders which have been adopted by the authority;
  - (ii) particulars of the revocation of any local development order made by the authority, including the date on which the revocation took effect; and
  - (iii) particulars of the revision of any local development order, including the date on which the revision took effect.

(3) A copy of each draft local development order must be placed on the register when the draft is sent for consultation in accordance with article 38(3).

(4) A copy of each local development order must be placed on the register within 14 days of the date of its adoption.

(5) A requirement under this article to place a copy of a draft order or order on the register includes a requirement to do the same with the statement of reasons for making that order.

### Register of neighbourhood development orders

**42.**—(1) The register kept by each local planning register authority under article 40 must also include as Part 4 a Part with two sections relating to neighbourhood development orders.

(2) The first section of Part 4 must contain copies of draft neighbourhood development orders which have been submitted to the authority by a qualifying body and not finally disposed of and such of the following as have been submitted with each such order—

- (a) a copy of any plan or statement identifying the land to which the proposal relates;
- (b) copies of any other accompanying plans or drawings;
- (c) copies of any planning obligation or section 278 agreement entered into, or proposed to be entered into, in connection with any planning permission proposed to be granted by the draft neighbourhood development order; and
- (d) in the case of a draft community right to build order, details of any enfranchisement rights which the qualifying body proposes are not exercisable, and the properties, or types of properties, in relation to which those rights are not exercisable.

(3) For the purposes of paragraph (2), a draft neighbourhood development order is not finally disposed of unless and until—

- (a) the proposal for the order has been withdrawn before the authority have made a decision under paragraph 12 of Schedule 4B (consideration by authority of recommendations made by examiner etc) <sup>M8</sup> or paragraph 10 of Schedule 4C (examination of proposals for community right to build orders etc) to the 1990 Act;
  - (b) the authority have refused the proposal for the order in accordance with paragraph 6(4) of Schedule 4B to the 1990 Act (consideration of proposals by authority);
  - (c) the order has not been made following a referendum because a majority of persons voting have not voted in favour of it, or as a result of a decision made under section 61E(5) or (8) of the 1990 Act (neighbourhood development orders) <sup>M9</sup>; or
  - (d) the order has been made (with or without modifications).
- (4) The second section of Part 4 must contain copies of neighbourhood development orders which have been made by the authority and with respect to each such order—
- (a) a copy of any accompanying plan or statement identifying the land to which the order relates;
  - (b) copies of any other accompanying plans or drawings;
  - (c) if the order is revoked, particulars of the revocation, including the date on which the revocation took effect;
  - (d) the date on which any subsequent approval is given which the order specifies is required;
  - (e) a copy of any planning obligation or section 278 agreement entered into in connection with any planning permission granted by the order; and
  - (f) in the case of a community right to build order, details of any enfranchisement rights which are not exercisable and the properties, or types of properties, in relation to which those rights are not exercisable.
- (5) A reference in this article to a copy includes a reference to a copy in photographic or electronic form.

#### Marginal Citations

- M8** Schedule 4B was inserted by section 116 of, and Schedule 10 to, the [Localism Act 2011 \(c. 20\)](#) (“the 2011 Act”) and has been amended by [S.I. 2013/2597](#).
- M9** Section 61E was inserted by section 116 of, and Schedule 9 to, the 2011 Act.

### Register of enforcement and stop notices and other enforcement action

**43.—**(1) A register under section 188 of the 1990 Act (register of enforcement and stop notices and other enforcement action) <sup>M10</sup> (“the enforcement register”) must contain the following information with respect to every planning enforcement order made in relation to land in the area of the authority maintaining the register <sup>M11</sup>—

- (a) the address of the land to which the order relates or a plan by reference to which its situation can be ascertained;
- (b) the name of the applying authority;
- (c) the name of the court that made the order;
- (d) the date on which the court's decision to make the order was given;
- (e) the day which marks the beginning of the enforcement year for the order;
- (f) the day which marks the end of that year;

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- (g) information on any postponement of the day which marks the beginning of the enforcement year for the order by reason of section 171BA(4) of the 1990 Act (time limits in cases involving concealment) <sup>M12</sup> and the date of the final determination or withdrawal of any application;
  - (h) the apparent breach of planning control identified in the order; and
  - (i) in relation to any enforcement notice issued or breach of condition notice served in respect of that breach, details of where in the register the information specified in paragraphs (2) and (3) in relation to that notice is to be found.
- (2) The enforcement register must also contain the following information with respect to every enforcement notice issued in relation to land in the area of the authority maintaining the register—
- (a) the address of the land to which the notice relates or a plan by reference to which its situation can be ascertained;
  - (b) the name of the issuing authority;
  - (c) the date of issue of the notice;
  - (d) the date of service of copies of the notice;
  - (e) a statement or summary of the breach of planning control alleged and the requirements of the notice, including the period within which any required steps are to be taken;
  - (f) the date specified in the notice as the date on which it is to take effect;
  - (g) information on any postponement of the date specified as the date on which the notice will take effect by reason of section 175(4) of the 1990 Act (appeals: supplementary provisions) <sup>M13</sup> and the date of the final determination or withdrawal of any appeal;
  - (h) the date of service and, if applicable, of withdrawal of any stop notice referring to the enforcement notice, together with a statement or summary of the activity prohibited by any such stop notice; and
  - (i) the date, if any, on which the local planning authority are satisfied that steps required by the notice for a purpose mentioned in section 173(4)(b) of the 1990 Act (contents and effect of notice: remedying any injury to amenity) <sup>M14</sup> have been taken.
- (3) The enforcement register must also contain the following information with respect to every breach of condition notice served in relation to land in the area of the authority maintaining the register—
- (a) the address of the land to which the notice relates or a plan by reference to which its situation can be ascertained;
  - (b) the name of the serving authority;
  - (c) the date of service of the notice;
  - (d) details of the relevant planning permission sufficient to enable it to be identified; and
  - (e) a statement or summary of the condition which has not been complied with and the requirements of the notice, including the period allowed for compliance.
- (4) All entries relating to a planning enforcement order, enforcement notice, stop notice or breach of condition notice must be removed as soon as reasonably practicable from the enforcement register if—
- (a) in the case of a planning enforcement order, the order—
    - (i) is rescinded; or
    - (ii) the enforcement year for the order expires without enforcement action having been taken during that year;



- (b) in the case of an enforcement notice or stop notice, the relevant enforcement notice is quashed by the Secretary of State or is withdrawn; and
  - (c) in the case of a breach of condition notice, the notice is quashed by a court or is withdrawn.
- (5) Every enforcement register must include an index for enabling a person to trace any entry in the register by reference to the address of the land to which the notice relates.
- (6) Paragraph (7) applies where a magistrates' court make a planning enforcement order on the application of a county planning authority or a county planning authority issue an enforcement notice or serve a stop notice or a breach of condition notice.
- (7) The county planning authority must—
- (a) supply the information specified in paragraph (1), (2) or (3), as the case may be, in relation to the order or notice to the district planning authority (if any) in whose area the land to which the order or notice relates is situated; and
  - (b) inform that authority if the order is rescinded or expires without enforcement action having been taken during the enforcement year for that order or the relevant enforcement notice or breach of condition notice is withdrawn or quashed.
- (8) The information prescribed in paragraphs (1), (2) and (3) must be entered in the enforcement register as soon as practicable and in any event within 14 days of the occurrence to which it relates, and information must be supplied under paragraph (7) so that entries may be made within that period of 14 days.
- (9) The enforcement register must either be kept at the principal office of the authority maintaining the enforcement register or that part of that register which relates to land in part of that authority's area must be kept at a place situated in or convenient to that part.

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#### **Marginal Citations**

- M10** Section 188 was amended by paragraphs 8 and 30 of Schedule 7 to the [Planning and Compensation Act 1991 \(c. 34\)](#) and section 124(2) of the 2011 Act.
- M11** Section 188(1) of the 1990 Act specifies those authorities which must keep a register.
- M12** Section 171BA(4) was inserted by section 124(1) of the 2011 Act.
- M13** Section 175(4) was amended by section 6(2) of the [Planning and Compensation Act 1991 \(c. 34\)](#).
- M14** Section 173 was substituted by section 5 of the [Planning and Compensation Act 1991 \(c. 34\)](#).

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [art. 43\(3A\) inserted by S.I. 2024/453 reg. 3\(2\)](#)
- [art. 43\(4\)\(d\) inserted by S.I. 2024/453 reg. 3\(6\)](#)