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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the following instruments, the Town and Country Planning Order (Permission in Principle) Order 2017, the Town and Country Planning (Development Management Procedure) (England) Order 2015 (“DMPO”), the Town and Country Planning (General Permitted Development) (England) Order 2015 (“GPDO”), the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013, the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and makes the following changes.

A local planning authority and, in certain circumstances, the Secretary of State, is required to undertake public consultation before deciding applications for planning permission, applications for permission in principle, applications related to listed buildings and certain applications for “prior approval” in connection with planning permission granted by development order. The requirements for public consultation are set out in the instruments referred to above.

This Order extends periods of public consultation by one day for each bank holiday or public holiday which occurs during the prescribed periods in the following circumstances:

When a local planning authority is deciding an application for planning permission the extended period applies to requirements placed on the authority to publicise the application and to take into account representations before making determinations under articles 15, 33 and 34 of the DMPO (articles 4, 5 and 6 of this Order). Periods of time are not extended when the application is (a) subject to an Environmental Impact Assessment and is accompanied by an environmental statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ([S.I. 2017/571](#)) or (b) in relation to notice given by an applicant for planning permission under article 13 of DMPO or (c) in relation to notice given by a local planning authority to a relevant railway infrastructure manager under article 16 of DMPO.

When a local planning authority is deciding an application for permission in principle the extended period applies to requirements placed on the authority to publicise the application, and to take into account representations before making determinations under articles 5G, 5R and 5S of the Town and Country Planning Order (Permission in Principle) Order 2017 (Part 6 of this Order). Periods of time are not extended in relation to notice given by a local planning authority on an infrastructure manager of relevant railway land under article 5H of the Order which is being amended.

The extended periods also apply to the publicity the local planning authority is required to complete if an application for planning permission or permission in principle is referred to the Secretary of State under section 77 or appealed to him under section 78 of the Town and Country Planning Act 1990 (“the 1990 Act”). When the Secretary of State decides an appeal under section 78 of the 1990 Act the extended period also applies to the period within which representations made by adjoining owners or occupiers must be taken into account by the Secretary of State under article 33 of DMPO (substituted by article 5 of this Order).

Periods of time are not extended when an application is made to the Secretary of State for urgent Crown development under section 293A of the 1990 Act.

When a local planning authority decides an application for listed building consent, for variation or discharge of conditions attached to listed building consent or for planning permission which would affect the setting of a listed building or the character or appearance of a conservation area, the extended periods apply to publicity and the representations to be taken into account before making

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

determinations (regulations 5 and 5A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 as amended by articles 21 and 22 of this Order).

When the Secretary of State decides an application for planning permission or a connected listed building application or an application affecting the setting of listed building under his powers under section 69A of the 1990 Act, the extended periods apply to the publicity a local planning authority and the Secretary of State is required to undertake and the representations to be taken into account before making determinations set out in the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 and the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (Parts 3 and 4 of this Order).

When the Secretary of State decides an application by a local planning authority for consent to execute works for the demolition, alteration or extension of a listed building under regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 the extended period applies to the publicity local planning authorities are required to carry out (article 23 of this Order).

When a local planning authority decides an application for “prior approval” under GPDO the extended period applies to the period of notice which local planning authorities must give, in certain cases, to adjoining owners or occupiers about the proposed development and by which any representations they make must be received (Part 5 of this Order).

This Order amends DMPO by requiring each local planning register authority (defined in article 40(1) of DMPO) to include certain details about housing prior approval applications in its planning register. This includes any statement specifying the net increase in dwellinghouses proposed by the development which is submitted with the application.

A housing prior approval application is defined in article 7 of this Order as an application to the local planning authority for the approval of the authority, or a determination as to whether such approval is required, which is—

- (a) required by any planning permission granted by GPDO for development which will create a net increase in dwellinghouses, before such development may begin; and
- (b) made in accordance with the requirements of GPDO.

This Order amends DMPO by inserting a definition of “relevant nuclear site” for the purposes of consultation local planning authorities are required to undertake with the Office for Nuclear Regulation before granting planning permission for certain development (article 9 of this Order).

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. The Explanatory Memorandum is published alongside this Order on [www.legislation.gov.uk](http://www.legislation.gov.uk).