
STATUTORY INSTRUMENTS

2010 No. 2184

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

PART 3

Consultation

Consultations before the grant of permission

16.—(1) Before granting planning permission for development which, in their opinion, falls within a category set out in the Table in Schedule 5, a local planning authority shall consult the authority or person mentioned in relation to that category, except where—

- (a) the local planning authority are the authority so mentioned;
- (b) the local planning authority are required to consult the authority so mentioned under paragraph 7 of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions)⁽¹⁾ or article 22;
- (c) the authority or person so mentioned has advised the local planning authority that they do not wish to be consulted;
- (d) the development is subject to any standing advice provided by the authority or person so mentioned to the local planning authority in relation to the category of development; or
- (e) the development is not EIA development and is the subject of an application in relation to which article 18 applies.

(2) The exception in paragraph (1)(c) shall not apply where, in the opinion of the local planning authority, development falls within paragraph (zc) of the table in Schedule 5.

(3) The exception in paragraph (1)(d) 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.

(4) The Secretary of State may give directions to a local planning authority requiring that authority to consult any person or body named in the directions, in any case or class of case specified in the directions.

(5) Where, by or under this article or article 18, a local planning authority are required to consult any person or body (“the consultee”) before granting planning permission—

- (a) they 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

⁽¹⁾ Paragraph 7 of Schedule 1 was substituted by section 118(1) of, and paragraphs 1 and 16 of Schedule 6 to, the 2004 Act, and was amended by paragraph 3 of Schedule 5 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20).

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- (b) subject to paragraph (6), they 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 local planning authority have received representations concerning the application from the consultee; or
 - (b) the consultee gives notice that it does not intend to make representations.
- (7) The local planning authority shall, in determining the application, take into account any representations received from a consultee.