
STATUTORY INSTRUMENTS

2010 No. 2184

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

PART 4

Determination

Development affecting certain existing and proposed highways

26.—(1) Where an application is made to a local planning authority for planning permission for development which consists of or includes—

- (a) the formation, laying out or alteration of any access to or from any part of a trunk road which is either a special road or, if not a special road, a road subject to a speed limit exceeding 40 miles per hour; or
- (b) any development of land within 67 metres (or such other distance as may be specified in a direction given by the Secretary of State under this article) from the middle of—
 - (i) any highway (other than a trunk road) which the Secretary of State has provided, or is authorised to provide, in pursuance of an order under Part 2 of the Highways Act 1980 (trunk roads, classified roads, metropolitan roads, special roads)⁽¹⁾ and which has not for the time being been transferred to any other highway authority;
 - (ii) any highway which the Secretary of State proposes to improve under Part 5 of that Act (improvement of highways) and in respect of which notice has been given to the local planning authority;
 - (iii) any highway to which the Secretary of State proposes to carry out improvements in pursuance of an order under Part 2 of that Act; or
 - (iv) any highway which the Secretary of State proposes to construct, the route of which is shown on the development plan or in respect of which the Secretary of State has given notice in writing to the relevant local planning authority together with maps or plans sufficient to identify the route of the highway,

the local planning authority shall notify the Secretary of State by sending to the Secretary of State a copy of the application and any accompanying plans and drawings.

(2) An application referred to in paragraph (1) shall not be determined unless—

- (a) the local planning authority receive a direction given under article 25 (and the authority must then determine the application in accordance with the terms of that direction);
- (b) they receive notification by or on behalf of the Secretary of State that the Secretary of State does not propose to give any such direction in respect of the development to which the application relates; or

(1) 1980 c. 66.

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- (c) a period of 28 days (or such longer period as may be agreed in writing between the local planning authority and the Secretary of State) from the date when notification was given to the Secretary of State has elapsed without receipt of such a direction.
- (3) The Secretary of State may, in respect of any case or any class or description of cases, give a direction specifying a different distance for the purposes of paragraph (1)(b).