
STATUTORY INSTRUMENTS

2010 No. 2184

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

PART 7

Monitoring

Register of applications

36.—(1) In this article and in articles 37 and 38, “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 shall keep, in 2 parts, a register of every application for planning permission relating to their area.

(3) Part 1 of the register shall 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 I of the register in accordance with sub-paragraphs (b) and (c).

(4) Part 2 of the register shall contain, in respect of every application for planning permission relating to the local planning register authority’s area—

- (a) a copy (which may be photographic or in electronic form) of the application and of plans and drawings submitted in relation thereto and of any accompanying design and access statement provided in accordance with article 8;
 - (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)(1) or on a reference under section 76A or 77 of the 1990 Act (reference of applications to Secretary of State)(2);
 - (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).
- (5) The register kept by the local planning register authority shall also contain the following information in respect of every application made under article 9 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)(3), 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 shall, on receipt of notification of the Secretary of State's decision, enter into Part 2 of the register referred to in paragraph (2) 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 kept by the local planning register authority shall also contain the following information in respect of every application for a certificate under section 191 or 192 of the 1990 Act

(1) Section 293A was inserted by section 82(1) of the 2004 Act.

(2) 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 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.

(3) Section 174 was amended by section 6(1) and 84(6) of, and paragraph 22 of Schedule 7 and Part I of Schedule 19 to, the Planning and Compensation Act 1991 and S.I. 2003/956.

(certificates of lawfulness of existing or proposed use or development)(4) 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
- (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 shall 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)(5) 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 shall 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 shall 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 shall 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 shall 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 shall be kept at a place within or convenient to that part.

(13) For the purposes of paragraph (3), an application shall not be treated as finally disposed of unless—

- (a) it has been decided by the authority (or the appropriate period specified or referred to in article 29(2) has expired without their giving a decision) and the time limit specified in article 33(2) has expired without any appeal having been made to the Secretary of State;

(4) Sections 191 and 192 were substituted by section 10(1) of the Planning and Compensation Act 1991.

(5) Schedule 7 was amended by section 84(6) of, and Schedule 5 and Part I of Schedule 19 to, the Planning and Compensation Act 1991, section 18(1) of, and paragraph 29 of Schedule 3 to, the Tribunals and Inquiries Act 1992 (c. 53) and paragraphs 9 and 11 of Schedule 8 to the Tribunals, Courts and Enforcement Act 2007 (c. 15). Section 83 and Schedule 7 are to be amended by sections 45 and 120 of, and Schedule 9 to, the 2004 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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- (b) if it has been referred to the Secretary of State under section 76A or 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)(6), 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)(7) 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.

(6) 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) and paragraphs 1 and 2 of Schedule 11 to the Planning Act 2008 (c. 29).

(7) Section 288 was amended by paragraph 25 of Schedule 3 to the Tribunals and Inquiries Act 1992.