

**2012 No. 2274**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012**

*Made* - - - - - *4th September 2012*

*Laid before Parliament* *6th September 2012*

*Coming into force in accordance with article 1*

The Secretary of State, in exercise of the powers conferred by sections 59 and 62(1) of the Town and Country Planning Act 1990(a), makes the following Order:

**Citation and commencement**

1.—(1) This Order may be cited as the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and subject to paragraph (2) comes into force on 1st October 2012.

(2) Article 2(3) comes into force on 1st December 2012.

**Amendment**

2.—(1) The Town and Country Planning (Development Management Procedure) (England) Order 2010(b) is amended as follows.

(2) In article 18(1), paragraphs (1)(b)(ii) and (1)(c)(ii) (consultations before grant of a replacement planning permission subject to a new time limit), in each place, for “1st October 2009” substitute “1st October 2010”.

(3) In article 31(1) (written notice of decision or determination relating to a planning application) at the end of sub-paragraph (c) delete “and” and insert—

“(cc) where sub-paragraph (a) or (b) applies the notice shall include a statement explaining how, in dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application; and”.

Signed by authority of the Secretary of State for Communities and Local Government

*Greg Clark*

Minister of State

4th September 2012

Department for Communities and Local Government

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(a) 1990 c.8. Section 62 was substituted by section 42(1) of the Planning and Compulsory Purchase Act 2004 (c. 5).

(b) S.I. 2010/2184.

## EXPLANATORY NOTE

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

The Town and Country Planning (Development Management Procedure) (England) Order 2010 (“the DMPO”) specifies procedures connected with applying for planning permission in England.

Article 2 of this Order amends article 18 of the DMPO. Article 18 refers to applications for planning permission made to replace a planning permission granted on or before 1st October 2009 where the development authorised under that permission has not yet begun and the time limit within which to start that development has not expired (“a replacement application”). For such replacement applications, certain provisions of the DMPO do not apply. Specifically, the requirement to provide a design and access statement does not apply; consultation requirements are modified; and plans and drawings do not have to be provided (by virtue of articles 6, 8 and 16 of the DMPO). The effect of the amendment to article 18 is to substitute a new date, 1st October 2010, on or before which the original planning permissions must have been granted. This amendment therefore brings a new 12 month cohort of planning permissions within the scope of these provisions.

Article 31 of the DMPO provides for local planning authorities to give applicants a notice of the decision or determination and includes requirements as to those notices. The effect of the amendment in article 2(3) is to require the local planning authority to include in those notices a statement explaining how they have dealt with the application in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

An impact assessment will be prepared in relation to this instrument. The assessment will be placed in the Library of each House of Parliament and copies may be obtained from the Planning Directorate, the Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU or <http://www.communities.gov.uk>.

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