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## STATUTORY INSTRUMENTS

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### 2015 No. 595

## The Town and Country Planning (Development Management Procedure) (England) Order 2015

### Part 3

#### Applications

##### **Applications for outline planning permission**

5.—(1) Where an application is made to the local planning authority for outline planning permission, the authority may grant permission subject to a condition specifying reserved matters for the authority's subsequent approval.

(2) Where the authority who are to determine an application for outline planning permission are of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, the authority must within the period of 1 month beginning with the date of receipt of the application notify the applicant that they are unable to determine it unless further details are submitted, specifying the further details they require.

(3) Where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated.

##### **Applications for approval of reserved matters**

6. An application for approval of reserved matters—

- (a) must be made in writing to the local planning authority and give sufficient information to enable the authority to identify the outline planning permission in respect of which it is made;
- (b) must include such particulars, and be accompanied by such plans and drawings, as are necessary to deal with the matters reserved in the outline planning permission; and
- (c) except where the authority indicate that a lesser number is required, or where the application is made using electronic communications, must be accompanied by 3 copies of the application and of the plans and drawings submitted with it.

##### **General requirements: applications for planning permission including outline planning permission**

7.—(1) Subject to paragraphs (3) to (5), an application for planning permission must—

- (a) be made in writing to the local planning authority on a form published by the Secretary of State (or a form to substantially the same effect);
- (b) include the particulars specified or referred to in the form;
- (c) except where the application is made pursuant to section 73 (determination of applications to develop land without conditions previously attached) or section 73A(2)(c) (planning permission for development already carried out) of the 1990 Act <sup>MI</sup> or is an application

of a kind referred to in article 20(1)(b) or (c), be accompanied, whether electronically or otherwise, by—

- (i) a plan which identifies the land to which the application relates;
- (ii) any other plans, drawings and information necessary to describe the development which is the subject of the application;
- [<sup>F1</sup>(iii) the information relating to the condition under paragraph 13 of Schedule 7A to the 1990 Act (“the biodiversity gain condition”) specified in paragraph (1A);]
- (iii) except where the application is made by electronic communications or the local planning authority indicate that a lesser number is required, 3 copies of the form; and
- (iv) except where they are submitted by electronic communications or the local planning authority indicate that a lesser number is required, 3 copies of any plans, drawings and information accompanying the application.

[<sup>F2</sup>(1A) Subject to paragraph (1B), an application for planning permission must be accompanied by the following information relating to the biodiversity gain condition—

- (a) a statement as to whether the applicant believes that planning permission, if granted, would be subject to the biodiversity gain condition;
- (b) where the applicant believes that planning permission, if granted, would not be subject to the biodiversity gain condition, the reasons for that belief;
- (c) in cases where the applicant believes that planning permission, if granted, would be subject to the biodiversity gain condition—
  - (i) the completed biodiversity metric calculation tool or tools (as the case may be) showing the calculation of the biodiversity value of the onsite habitat, for the purpose of the biodiversity gain plan required to be submitted under paragraph 13 of Schedule 7A to the 1990 Act if permission is granted, on—
    - (aa) the date of the application, or
    - (bb) an earlier date proposed by the applicant, and
    - (cc) in either case, the date immediately before any activities of the type mentioned in paragraph 6 or 6A of Schedule 7A to the 1990 Act have been carried out on the land;
  - (ii) the biodiversity value or values (as the case may be) referred to in paragraph (i);
  - (iii) the publication date of the biodiversity metric calculation tool or tools (as the case may be) used to calculate the values referred to in paragraph (i);
  - (iv) if an earlier date is proposed by the applicant under paragraph (i)(bb), the reasons why that earlier date is proposed;
  - (v) if any activities of the type mentioned in paragraph 6 or 6A of Schedule 7A to the 1990 Act have been carried out on the land—
    - (aa) a statement that such activities have been carried out,
    - (bb) confirmation of the date immediately before those activities were so carried out, and
    - (cc) any available supporting evidence for the date referred to in subparagraph (bb) and for the value referred to in paragraph (i)(cc).
  - (vi) a description of any irreplaceable habitat, corresponding to the descriptions in Table 1 or in column 1 of Table 2 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024, that—
    - (aa) is on the land to which the application relates, and

- (bb) exists on the date referred to in paragraph (i)(aa) or (bb) (as applicable);
- (vii) a plan showing the location, on the date referred to in paragraph (i)(aa) or (bb) (as applicable), of—
  - (aa) the onsite habitat included in the calculations referred to in paragraph (i), and
  - (bb) any irreplaceable habitat.

(1B) Paragraph (1A) does not apply to an application for permission to develop land without compliance with conditions previously attached made under section 73 of the 1990 Act.]

(2) Any plans or drawings required to be provided by paragraph [F3(1) or (1A)] must be drawn to an identified scale and, in the case of plans, must show the direction of North.

(3) Except where article 5(3) applies, an application for outline planning permission does not need to give details of any reserved matters.

(4) Subject to paragraph (5), an application for planning permission for development consisting of mining operations or the use of land for mineral-working deposits must—

- (a) be made on a form provided by the local planning authority (or on a form to substantially the same effect);
- (b) include the particulars specified or referred to in the form; and
- (c) comply with the requirements of paragraph (1)(c).

(5) In the case of an application for planning permission for development consisting of mining operations for the winning and working of oil or natural gas by underground operations (including exploratory drilling)—

- (a) where the application is made pursuant to section 73 or 73A(2)(c) of the 1990 Act or is an application of a kind referred to in article 20(1)(b) or (c), the application must be made in accordance with paragraph (4);
- (b) in any other case, the application must be made in accordance with paragraph (1).

(6) Where an application is made using electronic communications to transmit a form to the local planning authority, the applicant is taken to have agreed—

- (a) to the use of such communications by the local planning authority for the purposes of the application;
- (b) that the applicant's address for those purposes is the address incorporated into, or otherwise logically associated with, the application; and
- (c) that the applicant's deemed agreement under this paragraph subsists until the applicant gives notice in writing of the withdrawal of consent to the use of electronic communications under article 46.

#### Textual Amendments

- F1** Art. 7(1)(c)(iia) inserted (12.2.2024) by [The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024 \(S.I. 2024/50\)](#), regs. 1(2), **15(a)**
- F2** Art. 7(1A)(1B) inserted (12.2.2024) by [The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024 \(S.I. 2024/50\)](#), regs. 1(2), **15(b)**
- F3** Words in art. 7(2) substituted (12.2.2024) by [The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024 \(S.I. 2024/50\)](#), regs. 1(2), **15(c)**

### Marginal Citations

- M1** Section 73 was amended by sections 42(2), 51(3) and 120 of, and Schedule 9 to, the 2004 Act and section 73A was inserted by section 32 of, and paragraph 16 of Schedule 7 to, the [Planning and Compensation Act 1991 \(c. 34\)](#).

### Applications in respect of Crown land

- 8.** An application for planning permission in respect of Crown land <sup>M2</sup> must be accompanied by—
- (a) a statement that the application is made in respect of Crown land; and
  - (b) where the application is made by a person authorised in writing by the appropriate authority, a copy of that authorisation.

### Marginal Citations

- M2** For the definition of “Crown land” see section 293 of the 1990 Act.

### Design and access statements

- 9.—**(1) Paragraph (2) applies to an application for planning permission which is for—
- (a) development which is major development; or
  - (b) where any part of the development is in a designated area, development consisting of—
    - (i) the provision of one or more dwellinghouses; or
    - (ii) the provision of a building or buildings where the floor space created by the development is 100 square metres or more.
- (2) An application for planning permission to which this paragraph applies must, except where paragraph (4) applies, be accompanied by a statement (“a design and access statement”) about—
- (a) the design principles and concepts that have been applied to the development; and
  - (b) how issues relating to access to the development have been dealt with.
- (3) A design and access statement must—
- (a) explain the design principles and concepts that have been applied to the development;
  - (b) demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account;
  - (c) explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account;
  - (d) state what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and
  - (e) explain how any specific issues which might affect access to the development have been addressed.
- (4) Paragraph (2) does not apply to an application for planning permission which is—
- (a) for permission to develop land without compliance with conditions previously attached, made pursuant to section 73 of the 1990 Act <sup>M3</sup>;
  - (b) of the description contained in article 20(1)(b) or (c);
  - (c) for engineering or mining operations;

- (d) for a material change in use of the land or buildings; or
  - (e) for development which is waste development.
- (5) In paragraph (1)—  
“designated area” means—
- (a) a conservation area; or
  - (b) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention Concerning the Protection of the World Cultural and National Heritage (a World Heritage Site)<sup>M4</sup>.

#### Marginal Citations

- M3** Section 73 was amended by sections 42(2), 51(3) and 120 of, and Schedule 9 to, the [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#).
- M4** See <http://whc.unesco.org/en/list>

#### [<sup>F4</sup>Fire Statements

- 9A.**—(1) Paragraph (4) applies to an application for planning permission for—
- (a) development which involves the provision of one or more buildings to which paragraph (2) applies (“a relevant building”);
  - (b) development of an existing relevant building; or
  - (c) development within the curtilage of a relevant building.
- (2) This paragraph applies to a building which satisfies the height condition in paragraph (3) and contains—
- (a) two or more dwellings; or
  - (b) educational accommodation.
- (3) The height condition is that—
- (a) the building is 18 metres or more in height; or
  - (b) the building contains 7 or more storeys.
- (4) An application for planning permission to which this paragraph applies, must, except where paragraph (6) applies, be accompanied by a statement (“a fire statement”) about the fire safety design principles, concepts and standards that have been applied to the development.
- (5) A fire statement must—
- (a) be on a form published by the Secretary of State (or a form substantially to the same effect); and
  - (b) include the particulars specified or referred to in the form.
- (6) This paragraph applies—
- (a) where—
    - (i) the application is for a material change in use of a relevant building; and
    - (ii) the material change of use would result in the building no longer being a relevant building;
  - (b) where the application is—
    - (i) for a material change in use of land or buildings within the curtilage of a relevant building; and

- (ii) the material change of use would not result in the provision of one or more relevant buildings;
  - (c) to an application for outline planning permission;
  - (d) to an application for permission to develop land without compliance with conditions previously attached made pursuant to section 73 of the 1990 Act.
- (7) For the purpose of paragraph (3)—
- (a) the height of a building is to be measured from ground level to the top floor surface of the top storey of the building (ignoring any storey which is a roof-top machinery or plant area or consists exclusively of machinery or plant rooms);
  - (b) when determining the number of storeys a building has—
    - (i) any storey which is below ground level is to be ignored; and
    - (ii) any mezzanine floor is a storey if its internal floor area is at least 50% of the internal floor area of the largest storey in the building which is not below ground level.
- (8) For the purpose of this article a storey is treated as below ground level if any part of the finished surface of the ceiling of the storey is below the ground level immediately adjacent to that part of the building.
- (9) In this article—
- “16 to 19 Academy” has the meaning given by section 1B of the Academies Act 2010;
  - “boarder” includes a student who boards during the week but not at weekends;
  - “dwelling” includes a flat;
  - “educational accommodation” means—
    - (a) residential accommodation for the use of students who are boarders at school in connection with them attending a school; or
    - (b) residential accommodation for the use of students attending higher education courses, further education courses or courses at 16 to 19 Academies;
  - “further education” has the meaning given by section 2 of the Education Act 1996;
  - “ground level”, in relation to a building, means the level of the surface of the ground immediately adjacent to the building or, where the level of the surface of the ground on which the building is situated or is to be situated is not uniform, the level of the lowest part of the surface of the ground adjacent to it;
  - “higher education course” means a course of any description mentioned in Schedule 6 to the Education Reform Act 1988 or an equivalent course outside England;
  - “school” has the meaning given by section 4 of the Education Act 1996.]

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#### Textual Amendments

- F4** [Art. 9A](#) inserted (with application in accordance with reg. 1(5) of the amending S.I.) by [The Town and Country Planning \(Development Management Procedure and Section 62A Applications\) \(England\) \(Amendment\) Order 2021 \(S.I. 2021/746\)](#), arts. 1(3), 4

#### Applications for non-material changes to planning permission

**10.**—(1) This article applies in relation to an application made under section 96A(4) of the 1990 Act (power to make non-material changes to planning permission) <sup>M5</sup>.

(2) An application must be made in writing to the local planning authority on a form published by the Secretary of State (or a form substantially to the same effect).

(3) At the same time as making that application the applicant must give notice to any person (other than the applicant) who is an owner of the land to which the application relates or a tenant of an agricultural holding any part of which is comprised in the land to which the application relates, stating—

- (a) what the application is for and where the person can view a copy of it; and
- (b) that any representations about the application must be made to the local planning authority within 14 days of the date when the notice is given.

(4) Where notice is given under paragraph (3), the local planning authority must, in determining the application, take into account any representations made within 14 days beginning with the date when the notice was given.

(5) Where a local planning authority receive an application made in accordance with paragraph (2) they must give the applicant notice in writing of their decision on the application within 28 days of receipt of the application or such longer period as may be agreed in writing between the applicant and the authority.

#### **Marginal Citations**

**M5** Section 96A was inserted by section 190 of the [Planning Act 2008 \(c. 29\)](#).

### **General provisions relating to applications**

**11.**—(1) An application made under article 5, 6 or 7, must be made—

- (a) where the application relates to land which is in a National Park, to the National Park authority;
- (b) where the application relates to land in Greater London or a metropolitan county, which is not land in a National Park, to the local planning authority;
- (c) where the application relates to land which is not in a National Park, Greater London or a metropolitan county, and the application relates to a county matter—
  - (i) to the county planning authority; or
  - (ii) where there is no county planning authority in relation to the land, to the district planning authority;
- (d) in any other case—
  - (i) to the district planning authority; or
  - (ii) where there is no district planning authority in relation to the land, to the county planning authority.

(2) When the local planning authority with whom the application has to be lodged receive—

- (a) in the case of an application made under article 5, 6 or 7, an application which complies with the requirements of article 5, 6 or 7, as the case may be;
- (b) the certificate required by article 14;
- (c) in a case to which article 9 applies, the design and access statement;
- [<sup>F5</sup>(ca) in the case of an application to which article 9A applies, the fire statement;]
- (d) in a case where pre-application consultation is required in accordance with article 3, the particulars in article 4 <sup>M6</sup>;

(e) subject to paragraph (3), the particulars or evidence required by the authority under section 62(3) of the 1990 Act (applications for planning permission)<sup>M7</sup>; and

(f) the fee required to be paid in respect of the application,

the authority must, as soon as is reasonably practicable, send to the applicant an acknowledgement of the application in the terms (or substantially in the terms) set out in Schedule 1.

(3) Paragraph (2)(e) only applies if—

- (a) before the application is made the local planning authority publish or republish, for the purposes of article 34(4) and (5), a list of requirements on their website;
- (b) the particulars or evidence that the authority require to be included in the application fall within that list;
- (c) the particulars or evidence the authority require to be included in the application—
  - (i) are reasonable having regard, in particular, to the nature and scale of the proposed development; and
  - (ii) are about a matter which it is reasonable to think will be a material consideration in the determination of the application; and
- (d) the list mentioned in sub-paragraph (a) was published (or republished) during the 2 year period immediately before the date on which the application is made.

(4) Where an application is made to a county planning authority, in accordance with paragraph (1), that authority must, as soon as reasonably practicable, send a copy of the application and of any accompanying plans, drawings and information to the district planning authority, if any.

(5) Where, after sending an acknowledgement as required by paragraph (2), the local planning authority consider that the application is invalid, they must as soon as reasonably practicable notify the applicant that the application is invalid.

(6) In this article—

- (a) “county matter” has the same meaning as in paragraph 1(1) of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions)<sup>M8</sup>; and
- (b) an application is invalid if it is not a valid application within the meaning of article 34(4) or it is not a non-validated application within the meaning of article 34(5).

#### Textual Amendments

**F5** [Art. 11\(2\)\(ca\)](#) inserted (with application in accordance with reg. 1(5) of the amending S.I.) by [The Town and Country Planning \(Development Management Procedure and Section 62A Applications\) \(England\) \(Amendment\) Order 2021 \(S.I. 2021/746\)](#), arts. 1(3), 5

#### Marginal Citations

**M6** Article 3 and 4 cease to have effect with effect from 17<sup>th</sup> December 2020; *see* section 122(3) of the [Localism Act 2011 \(c. 20\)](#) and by [S.I. 2013/2931](#).

**M7** Section 62 was substituted by section 42(1) of the 2004 Act.

**M8** Paragraph 1(1) of Schedule 1 was amended by paragraph 13 of Schedule 1 to the [Planning and Compensation Act 1991 \(c. 34\)](#).

#### Validation dispute

12.—(1) Where—

- (a) a local planning authority require particulars or evidence to be included in an application; and



- (b) the applicant considers any particulars or evidence required do not meet the requirements set out in article 34(6)(c), the applicant may send a notice to the authority.
- (2) The notice must—
  - (i) specify which particulars or evidence the applicant considers do not meet the requirements set out in article 34(6)(c);
  - (ii) set out the reasons the applicant relies upon in holding that view; and
  - (iii) request the authority to waive the requirement to include those particulars or evidence in the application.
- (3) Following receipt of the notice mentioned in paragraph (1) and not later than the date specified in paragraph (3), the local planning authority must notify the applicant either that—
  - (i) the authority no longer require the applicant to provide the particulars or evidence (“a validation notice”); or
  - (ii) the authority continues to require the applicant to provide the particulars or evidence (“non-validation notice”).
- (4) The date specified in this paragraph is—
  - (a) the date the period specified or referred to in article 34(2) (“the determination period”) ends; or
  - (b) where the notice mentioned in paragraph (1) is received—
    - (i) during the 7 working days immediately preceding the end of the determination period; or
    - (ii) on the final day of, or after the end of, the determination period,  
the date which is 7 working days after the date the notice is received by the local planning authority.
- (5) In this article “working day” has the same meaning as in article 2(6).

### **Notice of applications for planning permission**

**13.**—(1) Except where paragraph (2) applies, an applicant for planning permission must give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of the land to which the application relates, or a tenant—

- (a) by serving the notice on every such person whose name and address is known to the applicant; and
- (b) where the applicant has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so, by publication of the notice after the prescribed date in a newspaper circulating in the locality in which the land to which the application relates is situated.

(2) Subject to paragraph (3), in the case of an application for planning permission for development consisting of the winning and working of minerals by underground operations, the applicant must give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of any of the land to which the application relates, or a tenant—

- (a) by serving the notice on every such person whom the applicant knows to be such a person and whose name and address is known to the applicant;
- (b) by publication of the notice after the prescribed date in a newspaper circulating in the locality in which the land to which the application relates is situated; and
- (c) by site display in at least one place in every parish within which there is situated any part of the land to which the application relates, leaving the notice in position for not less than

7 days in the period of 21 days immediately preceding the making of the application to the local planning authority.

(3) In the case of an application for planning permission for development consisting of the winning and working of oil or natural gas (including exploratory drilling)—

- (a) the applicant is not required to serve a notice under paragraph (2)(a) in relation to any land which is to be used solely for underground operations;
- (b) where any part of the land to which the application relates is in an unparished area, the applicant must give notice under paragraph (2)(c) in relation to that part of the land as if for “parish” there were substituted “ward”; and
- (c) where sub-paragraph (b) applies, references in this article to notices required by paragraph (2)(c) include notices required by paragraph (2)(c) as modified by sub-paragraph (b).

(4) The notice required by paragraph (2)(c) must (in addition to any other matters required to be contained in it) specify a place within the area of the local planning authority to whom the application is made where a copy of the application for planning permission, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during such period as may be specified in the notice.

(5) Where a local planning authority maintain a website for the purpose of advertisement of applications for planning permission, the notice required by paragraph (2)(c) must (in addition to any other matters required to be contained in it) state the address of the website where a copy of the application, and of all plans and other documents submitted with it, will be published.

(6) Where the notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 7 days referred to in paragraph (2)(c) has elapsed, the applicant is to be treated as having complied with the requirements of that paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement.

(7) The date prescribed for the purposes of section 65(2) of the 1990 Act (notice etc. of applications for planning permission)<sup>M9</sup> and the “prescribed date” for the purposes of this article, is the day 21 days before the date of the application.

(8) The applications prescribed for the purposes of paragraph (c) of the definition of “owner” in section 65(8) of the 1990 Act are minerals applications and the minerals prescribed for the purposes of that paragraph are any minerals other than oil, gas, coal, gold or silver.

(9) In this article—

“minerals applications” mean applications for planning permission for development consisting of the winning and working of minerals;

“requisite notice” means notice in the appropriate form set out in Schedule 2 or in a form substantially to the same effect, but does not include notice served using electronic communications; and

“tenant” means the tenant of an agricultural holding any part of which is comprised in the land to which an application relates.

#### Marginal Citations

- M9** Section 65 was substituted by section 16(1) of the [Planning and Compensation Act 1991 \(c. 34\)](#) and amended by paragraph 35 of the Schedule to the [Agricultural Tenancies Act 1995 \(c. 8\)](#).

### **Certificates in relation to notice of applications for planning permission**

14.—(1) Where an application for planning permission is made, the applicant must certify, in a form published by the Secretary of State or in a form substantially to the same effect, that the relevant requirements of article 13 have been satisfied.

(2) If an applicant has cause to rely on article 13(6), the certificate must state the relevant circumstances.

### **Publicity for applications for planning permission**

15.—(1) An application for planning permission must be publicised by the local planning authority to which the application is made in the manner prescribed by this article.

[<sup>F6</sup>(1A) In the case of any EIA application accompanied by an environmental statement, the application must be publicised in accordance with the requirements of paragraph (7) and by giving requisite notice—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 30 days; and
- (b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.]

(2) In the case of an application for planning permission for development which—

- <sup>F7</sup>(a) .....
- (b) does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated, or
- (c) would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 (public rights of way) <sup>M10</sup> applies,

the application must be publicised in the manner specified in paragraph (3).

(3) An application falling within paragraph (2) (“a paragraph (2) application”) must be publicised in accordance with the requirements in paragraph (7) and by giving requisite notice—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; and
- (b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

(4) In the case of an application for planning permission which is [<sup>F8</sup>neither an application to which paragraph (1A) applies nor a paragraph (2) application], if the development proposed is major development the application must be publicised in accordance with the requirements in paragraph (7) and by giving requisite notice—

- (a) (i) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or
- (ii) by serving the notice on any adjoining owner or occupier; and
- (b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

[<sup>F9</sup>(4A) In a case of an application for technical details consent to which neither paragraph (2) nor paragraph (4) applies, the application must be publicised—

- (a) in accordance with the requirements of paragraph (7), and
- (b) by giving requisite notice by site display in at least one place on or near the land to which the application relates for not less than 21 days.]

(5) <sup>F10</sup>In a case to which paragraphs (1A), (2), (4) and (4A) do not apply the application must be publicised in accordance with the requirements in paragraph (7) and by giving requisite notice—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or
- (b) by serving the notice on any adjoining owner or occupier.

(6) Where the notice is, without any fault or intention of the local planning authority, removed, obscured or defaced before the period of 21 days referred to in paragraph (3)(a), (4)(a)(i)<sup>F11</sup>, (4A)(b)] or (5)(a) <sup>F12</sup>, or before the period of 30 days referred to in <sup>F13</sup>paragraph (1A)(a)],] has elapsed, the authority is to be treated as having complied with the requirements of the relevant paragraph if they have taken reasonable steps for protection of the notice and, if need be, its replacement.

(7) The following information must be published on a website maintained by the local planning authority—

- (a) the address or location of the proposed development;
- (b) a description of the proposed development;
- <sup>F14</sup>(ba) in the case of EIA application accompanied by an environmental statement, that statement;]
- (c) the date by which any representations about the application must be made, which must not be before the last day of the period of <sup>F15</sup>14 days][<sup>F15</sup>21 days][<sup>F16</sup>, or in the case of an EIA application accompanied by an environmental statement 30 days,] beginning with the date on which the information is published;
- (d) where and when the application may be inspected;
- (e) how representations may be made about the application; and
- (f) that, in the case of a householder or minor commercial application, in the event of an appeal that proceeds by way of the expedited procedure, any representations made about the application will be passed to the Secretary of State and there will be no opportunity to make further representations.

<sup>F17</sup>(7A) Paragraph (7B) applies—

- (a) in the case of an application made to a local planning authority to which paragraph (1A), (2), (4), (4A) or (5) applies; and
- (b) if the local planning authority to which the application is made is not able to give requisite notice by one or more of the following methods (as may be required by paragraph (1A), (2), (4), (4A) or (5))—
  - (i) by site display;
  - (ii) by serving the notice on an adjoining owner or occupier; or
  - (iii) by publication of the notice in a newspaper;

because it is not reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement.

(7B) In a case falling within paragraph (7A), the local planning authority must—

- (a) comply with the requirement to give requisite notice as required by paragraph (1A), (2), (4), (4A) or (5) (as the case may be), only to the extent that it is reasonably practicable to do so;
- (b) take reasonable steps to inform any persons who are likely to have an interest in the application of the website mentioned in paragraph (7); and
- (c) publish the requisite notice on that website.

(7C) If the local planning authority complies with the requirements set out in paragraph (7B) that authority is discharged of its obligation to give requisite notice as required by paragraph (1A), (2), (4), (4A) or (5)—

- (a) by site display;
- (b) by serving the notice on an adjoining owner or occupier; or
- (c) by publication of the notice in a newspaper;

in so far as such notice was not given because the authority was not able to do so under paragraph (7A)(b).

(7D) In paragraph (7B)(b)—

- (a) the persons who are likely to have an interest in an application must include the persons who live or work in, or otherwise have a direct connection with, the area in which the proposed development is located; and
- (b) the reasonable steps that are taken by the local planning authority—
  - (i) may include use of social media and communication by electronic means; and
  - (ii) must be proportionate to the scale and impact of the development.

(7F) In paragraph (7A)(b) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).]

(8) Subject to paragraph (9), if the local planning authority have failed to satisfy the requirements of this article in respect of an application for planning permission at the time the application is referred to the Secretary of State under section 77 (reference of applications to Secretary of State) of the 1990 Act<sup>M11</sup>, or any appeal to the Secretary of State is made under section 78 of the 1990 Act<sup>M12</sup>, this article continues to apply as if such referral or appeal to the Secretary of State had not been made.

(9) Where paragraph (8) applies, the local planning authority must inform the Secretary of State as soon as they have satisfied the relevant requirements in this article.

(10) In this article—

“adjoining owner or occupier” means any owner or occupier of any land adjoining the land to which the application relates; and

“requisite notice” means notice in the appropriate form set out in Schedule 3 or in a form substantially to the same effect.

[<sup>F18</sup>(10A) In this article, when computing the number of days, any day which is a public holiday must be disregarded unless—

- (i) the application is an EIA application accompanied by an environmental statement; or
- (ii) the application is one to which paragraph (11) applies.]

[<sup>F19</sup>(10B) In this article, in the case of an application for public service infrastructure development, in paragraphs (3)(a), (4)(a)(i), and (6), “21 days” is to be read, in each place it occurs, as if it were a reference to “18 days”. ]

(11) Paragraphs (1) to (6) apply to applications made to the Secretary of State under section 293A of the 1990 Act (urgent Crown development: application)<sup>M13</sup> as if the references to a local planning authority were references to the Secretary of State.

#### Textual Amendments

- F6** Art. 15(1A) inserted (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), regs. 1(1), **72(3)(a)** (with regs. 47, 70)

- F7** Art. 15(2)(a) omitted (16.5.2017) by virtue of [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), regs. 1(1), **72(3)(b)** (with regs. 47, 70)
- F8** Words in art. 15(4) substituted (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), regs. 1(1), **72(3)(c)** (with regs. 47, 70)
- F9** Art. 15(4A) inserted (15.4.2017) by [The Town and Country Planning \(Permission in Principle\) Order 2017 \(S.I. 2017/402\)](#), art. 1, **Sch. para. 2(2)(a)**
- F10** Words in art. 15(5) substituted (1.10.2018) by [The Town and Country Planning and Infrastructure Planning \(Environmental Impact Assessment\) \(Amendment\) Regulations 2018 \(S.I. 2018/695\)](#), regs. 1, **3(2)**
- F11** Word in art. 15(6) inserted (15.4.2017) by [The Town and Country Planning \(Permission in Principle\) Order 2017 \(S.I. 2017/402\)](#), art. 1, **Sch. para. 2(2)(c)**
- F12** Words in art. 15(6) inserted (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), regs. 1(1), **72(3)(e)** (with regs. 47, 70)
- F13** Words in art. 15(6) substituted (1.10.2018) by [The Town and Country Planning and Infrastructure Planning \(Environmental Impact Assessment\) \(Amendment\) Regulations 2018 \(S.I. 2018/695\)](#), regs. 1, **3(3)**
- F14** Art. 15(7)(ba) inserted (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), regs. 1(1), **72(3)(f)(i)** (with regs. 47, 70)
- F15** Words in art. 15(7)(c) substituted (temp.) (14.5.2020) by virtue of [The Town and Country Planning \(Development Management Procedure, Listed Buildings and Environmental Impact Assessment\) \(England\) \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/505\)](#), regs. 1, **5** (with Pt. 5) (as substituted by S.I. 2020/1398, reg. 5)
- F16** Words in art. 15(7)(c) inserted (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), regs. 1(1), **72(3)(f)(ii)** (with regs. 47, 70)
- F17** Art. 15(7A)-(7F) inserted (temp.) (14.5.2020) by [The Town and Country Planning \(Development Management Procedure, Listed Buildings and Environmental Impact Assessment\) \(England\) \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/505\)](#), regs. 1, **4** (with Pt. 5) (as substituted by S.I. 2020/1398, reg. 5)
- F18** Art. 15(10A) inserted (coming into force in accordance with art. 1(6) of the amending S.I.) by [The Town and Country Planning \(Local Authority Consultations etc.\) \(England\) Order 2018 \(S.I. 2018/119\)](#), **art. 4**
- F19** Art. 15(10B) inserted (with application in accordance with reg. 1(5) of the amending S.I.) by [The Town and Country Planning \(Development Management Procedure and Section 62A Applications\) \(England\) \(Amendment\) Order 2021 \(S.I. 2021/746\)](#), arts. 1(3), **6**

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### Marginal Citations

- M10** 1981 c. 69; see section 66. There are amendments to Part 3 which are not relevant to this Order.
- M11** Section 77 was amended by paragraph 18 of Schedule 7 to the [Planning and Compensation Act 1991 \(c. 34\)](#) (“the 1991 Act”), paragraph 2 of Schedule 10 to the [Planning Act 2008 \(c. 29\)](#) (“the 2008 Act”) and paragraph 10 of Schedule 12 to the [Localism Act 2011 \(c. 20\)](#) (“the 2011 Act”).
- M12** Section 78 was amended by section 17(2) of the 1991 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 2008 Act.
- M13** Section 293A was inserted by section 82(1) of the 2004 Act.

### Publicity for applications for planning permission within 10 metres of relevant railway land

**16.—(1)** This article applies where the development to which the application relates is situated within 10 metres of relevant railway land.

(2) The local planning authority must, except where paragraph (3) applies, publicise an application for planning permission by serving requisite notice on any infrastructure manager of relevant railway land.

(3) Where an infrastructure manager has instructed the local planning authority in writing that they do not require notification in relation to a particular description of development, type of building operation or in relation to specified sites or geographical areas (“the instruction”), the local planning authority is not required to notify that infrastructure manager.

(4) The infrastructure manager may withdraw the instruction at any time by notifying the local planning authority in writing.

(5) In paragraph (2) “requisite notice” means a notice in the appropriate form as set out in Schedule 3 or in a form substantially to the same effect.

#### **Notice of reference of applications to the Secretary of State**

17. On referring any application to the Secretary of State under section 77 (reference of applications to Secretary of State) of the 1990 Act pursuant to a direction made under that section, a local planning authority must serve on the applicant a notice—

- (a) setting out the terms of the direction and any reasons given by the Secretary of State for issuing it; and
- (b) stating that the application has been referred to the Secretary of State.

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Development Management Procedure) (England) Order 2015, Part 3.