STATUTORY INSTRUMENTS

2015 No. 595

TOWN AND COUNTRY PLANNING, ENGLAND

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

Made - - - -	*18th March 2015*
Laid before Parliament	*24th March 2015*
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CONTENTS

Part 1
Preliminary

1.	Citation, commencement and application	4
2.	Interpretation	4

Part 2
Pre-application consultation

3.	Consultation before applying for planning permission	8
4.	Particulars of pre-application consultation	8

Part 3
Applications

5.	Applications for outline planning permission	9
6.	Applications for approval of reserved matters	9
7.	General requirements: applications for planning permission including outline planning permission	9
8.	Applications in respect of Crown land	10
9.	Design and access statements	10
10.	Applications for non-material changes to planning permission	11
11.	General provisions relating to applications	12
12.	Validation dispute	13
13.	Notice of applications for planning permission	13
14.	Certificates in relation to notice of applications for planning permission	15
15.	Publicity for applications for planning permission	15
16.	Publicity for applications for planning permission within 10 metres of relevant railway land	16

ARUN DISTRICT COUNCIL LU/239/15/PL

17. Notice of reference of applications to the Secretary of State 17

Part 4
Consultation

18. Consultations before the grant of permission 17
19. Consultations before the grant of planning permission: urgent Crown development 18
20. Consultations before the grant of planning permission pursuant to section 73 or the grant of a replacement planning permission subject to a new time limit 19
21. Consultation with county planning authority 19
22. Duty to respond to consultation 19
23. Duty to respond to consultation: annual reports 20
24. Recommendations by district planning authority before determination of county matters application 21
25. Representations by parish council before determination of application 21
26. Notification of mineral applications 22

Part 5
Applications made under a planning condition

27. Applications made under a planning condition 22
28. Deemed discharge 23
29. Deemed discharge notice 23
30. Exemptions 23

Part 6
Determination

31. Directions by the Secretary of State 24
32. Development not in accordance with the development plan 24
33. Representations to be taken into account 24
34. Time periods for decisions 25
35. Written notice of decision or determination relating to a planning application 27

Part 7
Appeals

36. Notice of appeal 28
37. Appeals 28

Part 8
Miscellaneous

38. Local development orders 31
39. Certificate of lawful use or development 34

Part 9
Monitoring

40. Register of applications 36

ARUN DISTRICT COUNCIL LU/239/15/PL

41. Register of local development orders 39
42. Register of neighbourhood development orders 39
43. Register of enforcement and stop notices and other enforcement action 40

Part 10
General

44. Development to include certain internal operations 42
45. Directions 42
46. Withdrawal of consent to use of electronic communications 42
47. Revocations, transitional provisions and savings 43

SCHEDULE 1 — Letter to be sent to applicant on receipt of application 45
SCHEDULE 2 — Notices under articles 13 and 36 46
SCHEDULE 3 — Publicity for applications for planning permission 54
SCHEDULE 4 — Consultations before the grant of permission 56
SCHEDULE 5 — Notification where planning permission refused or granted subject to conditions 62
SCHEDULE 6 — Deemed discharge: exemptions 64
SCHEDULE 7 — Notices under article 38 67
SCHEDULE 8 — Certificate of lawful use or development 68
SCHEDULE 9 — Revocations in relation to England 69

The Secretary of State makes the following Order in exercise of the powers conferred by sections 55(2A) and (2B), 59, 61(1), 61A(5), 61W, 62, 65, 69, 71, 74, 74A, 77(4), 78, 79(4), 188, 193, 196(4), 293A, 333(4) and (7) of, and paragraphs 5, 6, 7(7) and 8(6) of Schedule 1, and Schedule 4A to, the Town and Country Planning Act 1990(**a**) and, sections 54, 88 and 122(3) of the Planning and Compulsory Purchase Act 2004(**b**).

(**a**) 1990 c. 8; section 55(2A) and (2B) was inserted by section 49(1) of the Planning and Compulsory Purchase Act 2004 (c. 5) ("the 2004 Act"), section 61A(5) was inserted by section 40(1) of the 2004 Act, section 61W was inserted by section 122(1) of the Localism Act 2011 (c. 20) ("the 2011 Act"), section 62 was substituted by section 42(1) of the 2004 Act and amended by paragraph 5 of Schedule 12 to the 2011 Act. Section 65 was substituted by section 16(1) of the Planning and Compensation Act 1991 (c. 34) ("the 1991 Act") and amended by paragraph 35 of the Schedule to the Agricultural Tenancies Act 1995 (c. 8), and paragraph 6 of Schedule 12 to the 2011 Act, section 69 was substituted by section 118 of, and paragraphs 1 and 3 of Schedule 6 to the 2004 Act and amended by section 190 of the Planning Act 2008 (c. 29) ("the 2008 Act") (see section 69(9) for definition of "prescribed") and by paragraph 7 of Schedule 12 to the 2011 Act. Section 71 was amended by section 16(2) of, and paragraph 15 of Schedule 7 to, the 1991 Act (*see* section 71(4) for the definition of "prescribed"), section 74 was amended by sections 19(1) and 84(6) of, and paragraph 17 of Schedule 7 and Part 1 of Schedule 19 to, the 1991 Act and paragraph 9 of Schedule 12 to the 2011 Act, section 74A was inserted by section 29 of the Infrastructure Act 2015 (c. 7), section 77(4) was amended by paragraph 18 of Schedule 7 to the 1991 Act, section 78 was amended by section 17(2) of the 1991 Act, sections 40(2)(e) and 43(2) of the 2004 Act, 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, section 123 of the 2011 Act and paragraph 8 of Schedule 1 to the Growth and Infrastructure Act 2013 (c. 27) ("the 2013 Act"), section 79(4) was amended by paragraph 19 of Schedule 7 to the 1991 Act, section 188 was amended by section 84 of, paragraph 30 of Schedule 7 to, and Part 1 of Schedule 19 to, the 1991 Act, section 193 was substituted by section 10(1) of the 1991 Act, section 196(4) was amended by paragraph 33 of Schedule 7 to the 1991 Act and section 124(2) of the 2011 Act, section 293A was inserted by section 82(1) of the 2004 Act, paragraph 6 of Schedule 1 was amended by section 120 of, and Schedule 24 to, the Environment Act 1995 (c. 25), Paragraph 7 of Schedule 1 was substituted by paragraphs 1 and 16 of Schedule 6 to the 2004 Act and amended by paragraph 1 of Schedule 8 to the 2011 Act, Paragraph 8 of Schedule 1 was substituted by paragraph 53 of Schedule 7 to the 1991 Act, and Schedule 4A was inserted by section 40(4) of, and Schedule 1 to, the 2004 Act and amended by sections 188 and 238 of, and Schedule 13 to, the 2008 Act and section 5 of the 2013 Act.

(**b**) 2004 c. 5.

ARUN DISTRICT COUNCIL LU/239/15/PL

Part 1

Preliminary

Citation, commencement and application

1.—(1) This Order may be cited as the Town and Country Planning (Development Management Procedure) (England) Order 2015 and comes into force on 15th April 2015.

(2) This Order applies in relation to England only.

(3) This Order applies to all land in England, but where the land is the subject of a special development order, whether made before or after the commencement of this Order, this Order applies to that land only to such extent and subject to such modifications as may be specified in the special development order.

(4) Nothing in this Order applies to any permission which is deemed to be granted under section 222 of the 1990 Act (planning permission not needed for advertisements complying with regulations).

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

"the 1990 Act" means the Town and Country Planning Act 1990;

"the 2004 Act" means the Planning and Compulsory Purchase Act 2004;

"the 2011 Regulations" mean the Town and Country Planning (Environmental Impact Assessment Regulations 2011(**a**);

"access", in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

"appearance" means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

"contaminated land" has the same meaning as in Part 2A of the Environmental Protection Act 1990(**b**);

"dwellinghouse" does not include a building containing one or more flats, or a flat contained within such a building;

"EIA application", "EIA development", "environmental information" and "environmental statement" have the same meanings respectively as in regulation 2(1) of the 2011 Regulations (interpretation);

"electronic communication" has the same meaning as in section 15(1) of the Electronic Communications Act 2000 (general interpretation)(**c**);

"flat" means a separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

"flood" has the same meaning as in section 1 of the Flood and Water Management Act 2010(**d**);

(**a**) S.I. 2011/1824, amended by S.I. 2012/637, 2013/2140 and 2013/2879.
(**b**) 1990 c. 43; *see* section 78A(2) which was inserted by section 57 of the Environment Act 1995 (c. 25) and amended by section 86 of the Water Act 2003 (c.37).
(**c**) 2000 c. 7; section 15(1) was amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).
(**d**) 2010 c. 29.

ARUN DISTRICT COUNCIL LU/239/15/PL

"floor space" means the total floor space in a building or buildings;

"householder application" means—

(a) an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or

(b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development,

but does not include an application for change of use or an application to change the number of dwellings in a building;

"infrastructure manager" means any person who in relation to relevant railway land—

(a) is responsible for developing or maintaining the land; or

(b) manages or uses the land, or permits the land to be used for the operation of a railway;

"landscaping", in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

(a) screening by fences, walls or other means;

(b) the planting of trees, hedges, shrubs or grass;

(c) the formation of banks, terraces or other earthworks;

(d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and

(e) the provision of other amenity features;

"layout" means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

"listed building" has the same meaning as in section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (listing of buildings of special architectural or historic interest)(**a**);

"major development" means development involving any one or more of the following—

(a) the winning and working of minerals or the use of land for mineral-working deposits;

(b) waste development;

(c) the provision of dwellinghouses where—

  (i) the number of dwellinghouses to be provided is 10 or more; or

  (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);

(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or

(e) development carried out on a site having an area of 1 hectare or more;

"mining operations" means the winning and working of minerals in, on or under land, whether by surface or underground working;

"minor commercial application" means—

(**a**) 1990 c. 9. Section 1 is amended by paragraph 8 of Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24).

ARUN DISTRICT COUNCIL LU/239/15/PL

(a) an application for planning permission for development of an existing building or part of a building currently in use for any of the purposes falling within Part A of the Schedule to the Town and Country Planning (Use Classes) Order 1987(**a**), or

(b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development,

where such an application does not include a change of use, a change to the number of units in a building, or development that is not wholly at ground floor level or that would increase the gross internal area of a building,

"outline planning permission" means a planning permission for the erection of a building, which is granted subject to a condition requiring the subsequent approval of the local planning authority with respect to one or more reserved matters;

"the Permitted Development Order" means Town and Country Planning (General Permitted Development) Order 2015(**b**);

"planning obligation" means an obligation entered into by agreement or otherwise by any person interested in land pursuant to section 106 of the 1990 Act (planning obligations)(**c**);

"proposed highway" has the same meaning as in section 329 of the Highways Act 1980 (further provision as to interpretation)(**d**);

"qualifying European site" means—

(a) a European offshore marine site within the meaning of regulation 15 of the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(**e**); or

(b) a European site within the meaning of regulation 8 of the Conservation of Habitats and Species Regulations 2010(**f**);

"relevant railway land" means land—

(a) forming part of any operational railway; or

(b) which is authorised to be used for the purposes of an operational railway under—

(i) a planning permission granted or deemed to be granted,

(ii) a development consent granted by an order made under the Planning Act 2008(**g**), or

(iii) an Act of Parliament,

including viaducts, tunnels, retaining walls, sidings, shafts, bridges, or other structures used in connection with an operational railway and excluding car parks, offices, shops, hotels or any other land which, by its nature or situation, is comparable with land in general rather than land which is used for the purpose of an operational railway;

"reserved matters" in relation to an outline planning permission, or an application for such permission, means any of the following matters in respect of which details have not been given in the application—

(a) access;

(b) appearance;

(c) landscaping;

(d) layout; and

(e) scale;

(**a**) S.I. 1987/76. Part A of the Schedule was amended by S.I. 2005/84 and 2015/597.
(**b**) S.I. 2015/596.
(**c**) Section 106 was amended by section 12(1) of the Planning and Compensation Act 1991 (c. 34), section 33 of the Greater London Authority Act 2007 (c. 24), section 174 of the Planning Act 2008 (c. 29) and paragraph 3 of Schedule 2 to the Growth and Infrastructure Act 2013 (c. 27).
(**d**) 1980 c. 66.
(**e**) S.I. 2007/1842, regulation 15 was amended by S.I. 2012/1928.
(**f**) S.I. 2010/490, regulation 8 was amended by S.I. 2012/1927.
(**g**) 2008 c. 29.

ARUN DISTRICT COUNCIL LU/239/15/PL

"scale" except in the term 'identified scale', means the height, width and length of each building proposed within the development in relation to its surroundings;

"section 278 agreement" means an agreement entered into pursuant to section 278 of the Highways Act 1980 (agreements as to execution of works)(**a**);

"by site display" means by the posting of the notice by firm fixture to some object, sited and displayed in such a way as to be easily visible and legible by members of the public;

"site of special scientific interest" has the same meaning as in Part 2 of the Countryside and Wildlife Act 1981(**b**);

"special road" means a highway or proposed highway which is a special road in accordance with section 16 of the Highways Act 1980 (general provision as to special roads)(**c**);

"strategic highways company" means a company for the time being appointed under Part 1 of the Infrastructure Act 2015(**d**)

"trunk road" means a highway or proposed highway which is a trunk road by virtue of sections 10(1) (general provision as to trunk roads) or 19 (certain special roads and other highways to become trunk roads) of the Highways Act 1980(**e**) or any other enactment or any instrument made under any enactment; and

"waste development" means any operational development designed to be used wholly or mainly for the purpose of, or material change of use to, treating, storing, processing or disposing of refuse or waste materials.

(2) In this Order and in relation to the use of electronic communications or electronic storage for any purpose of this Order which is capable of being carried out electronically—

(a) the expression "address" includes any number or address used for the purpose of such communications or storage, except that where this Order imposes any obligation on any person to provide a name and address to any other person, the obligation is not fulfilled unless the person on whom it is imposed provides a postal address; and

(b) references to documents, maps, plans, drawings, certificates or other documents, or to copies of such things, include references to such documents or copies of them in electronic form.

(3) Paragraphs (4) to (7) apply where an electronic communication is used by a person for the following purposes—

(a) fulfilling any requirement in this Order to give or send any application, notice or other document to any other person; or

(b) lodging an application, certificate or other document referred to in article 34(4) or (5) with an authority mentioned in that article,

and in those paragraphs, "the recipient" means the person mentioned in sub-paragraph (a) of this paragraph, or the authority mentioned in sub-paragraph (b), as the case may be.

(4) The requirement is fulfilled, or (as the case may be) the application or other document is taken to have been lodged, if the document transmitted by the electronic communications is—

(a) capable of being accessed by the recipient;

(b) legible in all material respects; and

(c) sufficiently permanent to be used for subsequent reference.

(**a**) 1980 c. 66. Section 278 was substituted by section 23 of the New Roads and Street Works Act 1991 (c. 22).

(**b**) 1981 c.69. *See* section 28 which was substituted by section 75 of, and paragraph 5 of Schedule 9 to, the Countryside and Rights of Way Act 2000 (c.37) and amended by section 105(1) of, and paragraph 79 of Part 1 of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 (c. 16) and section 148 of, and paragraph 2 of Part 2 of Schedule 13 to the Marine and Coastal Access Act 2009 (c. 23).

(**c**) Section 16 was amended by section 36 of, and paragraphs 21 and 24 of Schedule 2 to, the Planning Act 2008 (c. 29).

(**d**) 2015 c. 7.

(**e**) Section 19 was amended by section 21 of the New Roads and Street Works Act 1991 (c. 22).

ARUN DISTRICT COUNCIL LU/239/15/PL

(5) In paragraph (4), "legible in all material respects" means that the information contained in the notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(6) Where the electronic communication is received by the recipient outside the recipient's business hours, it is taken to have been received on the next working day; and for this purpose—

(a) "working day" means a day which is not a Saturday, Sunday, bank holiday or other public holiday; and

(b) "bank holiday" has the same meaning as in paragraph 1 of Schedule 1 to the Banking and Financial Dealings Act 1971(**a**);

(7) A requirement in this Order that any application, notice or other document should be in writing is fulfilled where the document meets the criteria in paragraph (4), and "written" and related expressions are to be construed accordingly.

Part 2

Pre-application consultation

Consultation before applying for planning permission

3.—(1) Subject to paragraph (2), for the purposes of section 61W of the 1990 Act (requirement to carry out pre-application consultation)(**b**) a person must carry out consultation on a proposed application for planning permission for any development involving an installation for the harnessing of wind power for energy production where—

(a) the development involves the installation of more than 2 turbines; or

(b) the hub height of any turbine exceeds 15 metres.

(2) Paragraph (1) does not apply to—

(a) applications made pursuant to section 73 of the 1990 Act (determination of applications to develop land without compliance with conditions previously attached); or

(b) applications of the description contained in article 20(1)(b) or (c) (consultations before the grant of a replacement planning permission subject to a new time limit).

Particulars of pre-application consultation

4. Where consultation is required by virtue of article 3(1)(**c**), an application for planning permission must be accompanied by particulars of—

(a) how the applicant complied with section 61W(1) of the 1990 Act;

(b) any responses to the consultation that were received by the applicant; and

(c) the account taken of those responses by the applicant.

(**a**) 1971 c. 80.

(**b**) Section 61W of the 1990 Act was inserted by section 122 of the Localism Act 2011 (c. 20) ("the 2011 Act").

(**c**) Article 3 and 4 cease to have effect with effect from 17th December 2020; *see* section 122(3) of the 2011 Act and S.I. 2013/2931.

ARUN DISTRICT COUNCIL LU/239/15/PL

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(**a**) 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;

(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.

(**a**) 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).

ARUN DISTRICT COUNCIL LU/239/15/PL

(2) Any plans or drawings required to be provided by paragraph (1)(c)(i) or (ii) 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.

Applications in respect of Crown land

8. An application for planning permission in respect of Crown land(**a**) 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.

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.

(**a**) For the definition of "Crown land" see section 293 of the 1990 Act.

ARUN DISTRICT COUNCIL LU/239/15/PL

(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(**a**);

(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)(**b**).

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)(**c**).

(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.

(**a**) 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).

(**b**) *See* http:/whc.unesco.org/en/list

(**c**) Section 96A was inserted by section 190 of the Planning Act 2008 (c. 29).

ARUN DISTRICT COUNCIL LU/239/15/PL

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;

(d) in a case where pre-application consultation is required in accordance with article 3, the particulars in article 4(**a**);

(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)(**b**); 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.

(**a**) Article 3 and 4 cease to have effect with effect from 17th December 2020; *see* section 122(3) of the Localism Act 2011 (c. 20) and by S.I. 2013/2931.

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

ARUN DISTRICT COUNCIL LU/239/15/PL

(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)(**a**); 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).

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

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(**a**) Paragraph 1(1) of Schedule1 was amended by paragraph 13 of Schedule 1 to the Planning and Compensation Act 1991 (c. 34).

ARUN DISTRICT COUNCIL LU/239/15/PL

(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)(**a**) 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;

(**a**) 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).

ARUN DISTRICT COUNCIL LU/239/15/PL

"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.

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.

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

(a) is an EIA application accompanied by an environmental statement,

(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)(**a**) 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 not 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.

(5) In a case to which neither paragraph (2) nor paragraph (4) applies, 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) or (5)(a) has elapsed, the authority is to be treated as having complied with the requirements of the relevant

(**a**) 1981 c. 69; *see* section 66. There are amendments to Part 3 which are not relevant to this Order.

ARUN DISTRICT COUNCIL LU/239/15/PL

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;

(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 14 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.

(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(**a**), or any appeal to the Secretary of State is made under section 78 of the 1990 Act(**b**), 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.

(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)(**c**) as if the references to a local planning authority were references to the Secretary of State.

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.

(**a**) 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").

(**b**) 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.

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

ARUN DISTRICT COUNCIL LU/239/15/PL

(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.

Part 4

Consultation

Consultations before the grant of permission

18.—(1) Before granting planning permission for development which, in their opinion, falls within a category set out in the Table in Schedule 4, a local planning authority must 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)(**a**) or article 24;

(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 published by the authority or person so mentioned 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 20 applies.

(2) The exception in paragraph (1)(c) does not apply where, in the opinion of the local planning authority, development falls within paragraph (zb) of the Table in Schedule 4.

(3) The exception in paragraph (1)(d) does not apply where—

(a) the development is EIA development; or

(b) the standing advice was published 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 current 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 20, a local planning authority are required to consult any person or body ("consultee") before granting planning permission—

(a) they must, 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

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(**a**) 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) and paragraph 1 of Schedule 8 and Schedule 25 to the 2011 Act.

ARUN DISTRICT COUNCIL LU/239/15/PL

(b) subject to paragraph (6), they must 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) Paragraph (5)(b) 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 all consultees; or

(b) all consultees give notice that they do not intend to make representations.

(7) The local planning authority must, in determining the application, take into account any representations received from any consultee.

Consultations before the grant of planning permission: urgent Crown development

19.—(1) This article applies in relation to applications made to the Secretary of State under section 293A of the 1990 Act (urgent Crown development: application)(**a**).

(2) Before granting planning permission for development which, in the opinion of the Secretary of State, falls within a category set out in the Table in Schedule 4, the Secretary of State must consult the authority or person mentioned in relation to that category, except where—

(a) the Secretary of State is required to consult the authority so mentioned under section 293A(9)(a) of the 1990 Act;

(b) the authority or person so mentioned has advised the Secretary of State that they do not wish to be consulted; or

(c) the development is subject to any standing advice published by the authority or person so mentioned to the Secretary of State in relation to the category of development.

(3) The exception in paragraph (2)(b) does not apply where, in the opinion of the Secretary of State, development falls within paragraph (zb) of the Table in Schedule 4.

(4) The exception in paragraph (2)(c) does not apply where—

(a) the development is 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 current by the authority or person within that period.

(5) Where, by or under this article, the Secretary of State is required to consult any person or body ("consultee") before granting planning permission—

(a) the Secretary of State must, 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

(b) subject to paragraph (6), the Secretary of State must 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) Paragraph (5)(b) does not apply if before the end of the period referred to in that sub-paragraph—

(a) the Secretary of State has received representations concerning the application from the consultee; or

(b) all consultees give notice that they do not intend to make representations.

(7) The Secretary of State must, in determining the application, take into account any representations received from any consultee.

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

ARUN DISTRICT COUNCIL LU/239/15/PL

Consultations before the grant of planning permission pursuant to section 73 or the grant of a replacement planning permission subject to a new time limit

20.—(1) Paragraph (2) applies in relation to an application—

(a) made pursuant to section 73 of the 1990 Act (determination of applications to develop land without conditions previously attached);

(b) for planning permission where the development that is the subject of the application—

(i) has not yet begun; and

(ii) was granted planning permission on or before 1st October 2010 subject to a time limit imposed by or under section 91 (general condition limiting duration of planning permission) or 92 (outline planning permission) of the 1990 Act(**a**) which has not expired; or

(c) for outline planning permission where the development that is the subject of the application—

(i) has begun in accordance with the terms of, and any reserved matters approved under, an outline planning permission which is required or expressly permitted to be implemented in phases, other than a permission granted on an application made under sub-paragraph (b); and

(ii) was granted that outline planning permission on or before 1st October 2010 subject to a time limit imposed by or under section 91 or 92 of the 1990 Act which has not expired.

(2) Before granting planning permission on an application in relation to which this paragraph applies, the local planning authority must consult such authorities or persons falling within a category set out in the Table in Schedule 4 as the local planning authority consider appropriate.

Consultation with county planning authority

21. The period prescribed for the purposes of paragraph 7(7)(c) of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions) is 21 days.

Duty to respond to consultation

22.—(1) The requirements to consult which are prescribed for the purposes of section 54(2)(b) of the 2004 Act (duty to respond to consultation) are those contained in—

(a) articles 18 and 19 and Schedule 4, except as provided for in paragraph (2);

(b) article 20;

(c) article 24;

(d) paragraphs W(5) and (6) of Part 3 of Schedule 2 to the Permitted Development Order (change of use)(**b**);

(e) paragraph E.3(5) and (6) of Part 4 of Schedule 2 to the Permitted Development Order (filming);

(f) paragraph A.3(5)(a) of Part 16 of Schedule 2 to the Permitted Development Order (development by electronic communications code operators);

(g) section 71(3) of the 1990 Act (consultations in connection with determinations under section 70);

(h) paragraph 4(2) of Schedule 1 to the 1990 Act(**c**);

(**a**) Sections 91 and 92 were amended by section 51(1) of the 2004 Act and section 91 was subsequently amended by paragraph 13 of Schedule 12 to the Localism Act 2011 (c. 20); there have been other amendments to section 91 which are not relevant to this Order.

(**b**) S.I. 2015/596.

(**c**) Paragraph 4(2) of Schedule 1 was amended by sections 19(2) and 84 of, and paragraph 53 of Schedule7 and Part 1 of Schedule 19 to, the Planning and Compensation Act 1991 (c. 34).

ARUN DISTRICT COUNCIL LU/239/15/PL

(i) paragraph 7 of Schedule 1 to the 1990 Act; and

(j) paragraph 3(b) of Schedule 4 to the Planning (Listed Buildings and Conservation Areas) Act 1990 (further provisions as to exercise of functions by different authorities)(**a**).

(2) A requirement to consult under paragraph (zb)(iii) of Schedule 4 is not a prescribed requirement for the purposes of section 54(2)(b) of the 2004 Act.

(3) The period prescribed for the purposes of section 54(4)(a) of the 2004 Act is the period of 21 days beginning with the day on which—

(a) the document on which the views of consultees are sought, or

(b) where there is more than one such document and they are sent on different days, the last of those documents,

is received by the consultee, or such other period as may be agreed in writing between the consultee and the consultor.

(4) The information to be provided to the consultee for the purposes of the consultation, pursuant to section 54(5)(b) of the 2004 Act, is such information as will enable that person to provide a substantive response.

(5) For the purposes of this article and article 23 and pursuant to section 54(5)(c) of the 2004 Act, a substantive response is one which—

(a) states that the consultee has no comment to make;

(b) states that, on the basis of the information available, the consultee is content with the development proposed;

(c) refers the consultor to current standing advice by the consultee on the subject of the consultation; or

(d) provides advice to the consultor.

Duty to respond to consultation: annual reports

23.—(1) Each consultee who is, by virtue of section 54 of the 2004 Act and article 22, under a duty to respond to consultation, must give to the Secretary of State, not later than 1st July in each year, a report as to that consultee's compliance with section 54(4) of the 2004 Act.

(2) The report must relate to the period of 12 months commencing on 1st April in the preceding year ("the report year").

(3) The report must contain, in respect of any report year—

(a) a statement as to the number of occasions on which the consultee was consulted by a person other than a local planning authority;

(b) a statement as to the number of occasions on which a substantive response was given to a person other than a local planning authority within the period referred to in section 54(4) of the 2004 Act;

(c) a statement as to the number of occasions on which the consultee was consulted by a local planning authority;

(d) a statement as to the number of occasions on which a substantive response was given to a local planning authority within the period referred to in section 54(4) of the 2004 Act; and

(e) in relation to occasions on which the consultee has given a substantive response outside the period referred to in section 54(4) of the 2004 Act, a summary of the reasons why the consultee failed to comply with the duty to respond within that period.

(**a**) 1990 c. 9. Paragraph 3 of Schedule 4 was substituted by paragraph 61 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34) and amended by sections 78 and 120 of, and paragraph 33(7) of Schedule 10 and Schedule 24 to, the Environment Act 1995 (c. 25).

ARUN DISTRICT COUNCIL LU/239/15/PL

Recommendations by district planning authority before determination of county matters application

24.—(1) Subject to paragraph (2), a county planning authority must, before determining—

(a) an application for planning permission under Part 3 of the 1990 Act (control over development),

(b) an application for a certificate of lawful use or development under section 191 or 192 of the 1990 Act (certificates of lawfulness of existing or proposed use or development)(**a**), or

(c) an application for approval of reserved matters,

give the district planning authority, if any, for the area in which the relevant land lies a period of at least 21 days, from the date of receipt of the application by the district authority, within which to make recommendations about the manner in which the application must be determined; and must take any such recommendations into account.

(2) Paragraph (1) does not prevent a county planning authority determining an application if before the end of the period referred to in that paragraph—

(a) the county planning authority have received recommendations concerning the application from the district planning authority; or

(b) the district planning authority give notice to the county planning authority that they do not intend to make recommendations.

(3) A county planning authority must—

(a) on determining an application of a kind mentioned in paragraph (1), as soon as reasonably practicable notify the district planning authority, if any, of the terms of their decision; or

(b) if any such application is referred to the Secretary of State, inform the district planning authority, if any, of the date when it was so referred and, when notified to them, of the terms of the decision.

Representations by parish council before determination of application

25.—(1) Where the council of a parish are given information in relation to an application pursuant to paragraph 8(1) of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions)(**b**), they must, as soon as practicable, notify the local planning authority who are determining the application whether they propose to make any representations about the manner in which the application should be determined, and must make any representations to that authority within 21 days of the notification to them of the application.

(2) A local planning authority must not determine any application in respect of which a parish are required to be given information before—

(a) the council of the parish inform them that they do not propose to make any representations;

(b) representations are made by that council; or

(c) the period of 21 days mentioned in paragraph (1) has elapsed,

whichever occurs first; and in determining the application the authority must take into account any representations received from the council of the parish.

(3) The appropriate authority must notify the council of the parish of—

(a) the terms of the decision on any such application; or

(b) where the application is referred to the Secretary of State—

(i) the date when it was so referred; and

(**a**) Sections 191 and 192 were substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34).

(**b**) Paragraph 8(1) of Schedule 1 was substituted by paragraph 53 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34). There are other amendments to paragraph 8 which are not relevant to this Order.

ARUN DISTRICT COUNCIL LU/239/15/PL

(ii) when notified to the appropriate authority, the terms of the Secretary of State's decision.

(4) For the purposes of paragraph (3), the "appropriate authority" is—

(a) where the parish is situated in a National Park, the National Park authority;

(b) where the parish is situated in Greater London or a metropolitan county, and is not situated in a National Park, the local planning authority;

(c) where the parish is situated in a district which has no district council and is not situated in a National Park, the county planning authority;

(d) in any other case, the district planning authority.

Notification of mineral applications

26.—(1) Where notice has been given for the purposes of this article to a mineral planning authority as respects land which is in their area and it is specified in the notice—

(a) by the Coal Authority that the land contains coal,

(b) by the Secretary of State for Energy and Climate Change that the land contains gas or oil, or

(c) by the Crown Estate Commissioners that the land contains silver or gold,

the mineral planning authority must not determine any application for planning permission to win and work any mineral on that land without first notifying the body or person who gave the notice that an application has been made.

(2) In paragraph (1)(a), "coal" means coal other than that—

(a) won or worked during the course of operations which are carried on exclusively for the purpose of exploring for coal; or

(b) which it is necessary to dig or carry away in the course of activities carried on for purposes which do not include the getting of coal or any product of coal.

Part 5

Applications made under a planning condition

Applications made under a planning condition

27.—(1) Subject to paragraph (3), an application for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission must—

(a) be made in writing to the local planning authority and must give sufficient information to enable the authority to identify the planning permission in respect of which it is made; and

(b) include such particulars, and be accompanied by such plans and drawings, as are necessary to deal with the application.

(2) The authority must give notice to the applicant of their decision on the application within a period of 8 weeks beginning with the day immediately following that on which the application is received by the authority, or such longer period as may be agreed by the applicant and the authority in writing.

(3) Paragraphs (1) and (2) do not apply to an application for approval—

(a) of reserved matters(**a**); or

(b) under Schedule 2 to the Permitted Development Order(**b**).

(**a**) *See* article 6 of this Order.
(**b**) S.I. 2015/596.

ARUN DISTRICT COUNCIL LU/239/15/PL

Deemed discharge

28.—(1) Subject to article 30, a planning condition to which section 74A(2) of the 1990 Act applies is deemed to be discharged(**a**) with effect from the date provided for paragraph (2) where—

(a) the applicant has applied to the local planning authority under article 27; and

(b) the applicant has given notice, in relation to that condition, in accordance with article 29; and

(c) the period for the authority to give notice to the applicant of their decision on the application has elapsed without the authority giving notice to the applicant of their decision.

(2) Deemed discharge takes effect on the date specified in the notice given under article 29 or on such later date as may be agreed by the applicant and the authority in writing, unless the authority has given notice to the applicant of their decision on the application under article 27 before that date.

Deemed discharge notice

29.—(1) In order for a planning condition to be deemed discharged under article 28, the applicant must give a notice ("the deemed discharge notice") to the local planning authority.

(2) A deemed discharge notice may not be given unless—

(a) at least 6 weeks have elapsed beginning with the day immediately following that on which the application under article 27 is received by the local planning authority; or

(b) such shorter period as may be agreed in writing between the applicant and the local planning authority for serving a deemed discharge notice has elapsed.

(3) The deemed discharge notice must—

(a) provide details of the application submitted under article 27 and identify the planning condition to which it relates;

(b) where the period referred to in article 27 has elapsed, confirm that no appeal has been made under section 78 of the 1990 Act(**b**); and

(c) specify the date on which deemed discharge is to take effect.

(4) The date specified under paragraph (3)(c) must be no earlier than—

(a) the date the period referred to in article 27 elapses, or

(b) 14 days after the day immediately following that on which the deemed discharge notice is received by the local planning authority,

whichever is later.

Exemptions

30. Deemed discharge under article 28 does not apply to a condition attached to the grant of planning permission where—

(a) the condition falls within the exemptions listed in Schedule 6; or

(b) in relation to that condition, the applicant for planning permission and the local planning authority have agreed in writing that the provisions of section 74A of the 1990 Act (deemed discharge of planning conditions) do not apply.

(**a**) *See* section 74A(3) for the definition of deemed discharge.

(**b**) Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991, section 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).

ARUN DISTRICT COUNCIL LU/239/15/PL

Part 6

Determination

Directions by the Secretary of State

31.—(1) The Secretary of State may give directions restricting the grant of permission by a local planning authority, either indefinitely or during such a period as may be specified in the directions, in respect of any development or in respect of development of any class so specified.

(2) The Secretary of State may give directions that development, which is both of a description set out in column 1 of the table to Schedule 2 to the 2011 Regulations (descriptions of development and applicable thresholds and criteria for the purposes of the definition of "Schedule 2 development")(**a**) and of a class described in the direction, is EIA development for the purposes of those Regulations.

(3) A local planning authority must deal with applications for planning permission for development to which a direction given under paragraph (1) or (2) applies, in such manner as to give effect to the direction.

Development not in accordance with the development plan

32. A local planning authority may in such cases and subject to such conditions as may be prescribed by directions given by the Secretary of State under this Order, grant permission for development which 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.

Representations to be taken into account

33.—(1) A local planning authority must, in determining an application for planning permission, take into account any representations made where any notice of, or information about, the application has been—

(a) given by site display under article 13 or 15, within 21 days beginning with the date when the notice was first displayed by site display;

(b) served on—

(i) an owner of the land or a tenant of an agricultural holding under article 13;

(ii) an adjoining owner or occupier under article 15; or

(iii) an infrastructure manager under article 16,

within 21 days beginning with the date when the notice was served on that person, provided that the representations are made by any person who they are satisfied is such an owner, tenant, occupier or infrastructure manager; or

(c) published in a newspaper under article 13 or 15 or on a website under article 15, within the period of 14 days beginning with the date on which the notice or information was published,

and the representations and periods in this article are representations and periods prescribed for the purposes of section 71(2)(a) of the 1990 Act (consultations in connection with determinations under section 70)(**b**).

(2) A local planning authority must give notice of their decision to every person who has made representations which they were required to take into account in accordance with paragraph (1)(b)(i), and such notice is the notice prescribed for the purposes of section 71(2)(b) of the 1990 Act.

(**a**) S.I. 2011/1824, amended by S.I. 2012/637, 2013/2140 and 2013/2879.

(**b**) Section 71 was amended by section 16(2) of, and paragraph 15 of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34).

ARUN DISTRICT COUNCIL LU/239/15/PL

(3) Paragraphs (1) and (2) apply to applications referred to the Secretary of State under section 77 (reference of applications to Secretary of State) of the 1990 Act(**a**) and to applications made to the Secretary of State under section 293A(2) of the 1990 Act (applications for urgent Crown development)(**b**) and paragraphs (1)(b) and (2) apply to appeals to the Secretary of State made under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions)(**c**), as if the references to—

(a) a local planning authority were to the Secretary of State; and

(b) determining an application for planning permission were to determining such application or appeal, as the case may be.

Time periods for decisions

34.—(1) Subject to paragraph (9), where a valid application or a non-validated application has been received by a local planning authority, the authority must within the period specified or referred to in paragraph (2)(**d**) or (3) give the applicant notice of their decision or determination or notice that the application has been referred to the Secretary of State.

(2) The period specified or referred to in this paragraph is—

(a) in relation to an application for major development, 13 weeks beginning with the day immediately following that on which the application is received by the local planning authority;

(b) in relation to an application for development which is not major development, 8 weeks beginning with the day immediately following that on which the application is received by the local planning authority; or

(c) in relation to any development, unless the applicant has already given notice of appeal to the Secretary of State, such extended period as may be agreed in writing between the applicant and the local planning authority.

(3) In relation to a non-validated application, where the notice mentioned in article 12(1) is received—

(a) during the 7 working days immediately before the end of the period specified or referred to in paragraph (2) ("the initial determination period"); or

(b) on the final day of, or after the end of, the initial determination period,

the period specified or referred to in this paragraph is 7 working days beginning with the date the notice mentioned in article 12(1) is received by the local planning authority.

(4) In this article "valid application" means an application which consists of—

(a) an application which complies with the requirements of article 5, 6 or 7, as the case may be,

(b) in a case to which article 9 applies, the design and access statement,

(c) the certificate required by article 14,

(d) in a case where pre-application consultation is required in accordance with article 3, the particulars specified in article 4,

(e) subject to paragraph (6), the particulars or evidence required by the authority under section 62(3) of the 1990 Act (applications for planning permission)(**e**), and

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(**a**) Section 77 was amended by paragraph 18 of Schedule 7 to the Planning and Compensation Act 1991, 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 and paragraph 18 of Schedule 12 to, the Localism Act 2011 (c. 20) ("the 2011 Act").

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

(**c**) Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991, section 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).

(**d**) In relation to the period for determining an application for EIA development, *see* S.I. 1999/293.

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

ARUN DISTRICT COUNCIL LU/239/15/PL

(f) any fee required to be paid in respect of the application and, for this purpose, lodging a cheque for the amount of a fee is to be taken as payment,

and a valid application is taken to have been received when the application, and such of the documents, particulars or evidence referred to above as are required to be included in, or to accompany, the application have been lodged with the appropriate authority mentioned in article 11(1) and the fee required to be paid has been paid.

(5) In this article "non-validated application" means an application which consists of—

(a) an application which complies with the requirements of article 5, 6 or 7, as the case may be;

(b) in a case to which article 9 applies, the design and access statement;

(c) the certificate required by article 14;

(d) in a case where pre-application consultation is required in accordance with article 3, the particulars referred to in article 4(**a**);

(e) subject to paragraph (6), the particulars or evidence required by the authority under section 62(3) of the 1990 Act (applications for planning permission) except the particulars or evidence specified by the applicant in a notice sent to the local planning authority under article 12(1); and

(f) any fee required to be paid in respect of the application and, for this purpose, lodging a cheque for the amount of a fee is to be taken as payment,

and a non-validated application is taken to have been received when the application, and such of the documents, particulars or evidence (except the particulars or evidence specified by the applicant in a notice sent to the authority under article 12(1)) referred to above as required to be included in, or, to accompany, the application have been lodged with the appropriate authority mentioned in article 11(1), and the fee required to be paid has been paid.

(6) Paragraphs (4)(e) and (5)(e) only apply if—

(a) before the application is made the local planning authority publish or republish, for the purposes of paragraphs (4) and (5), a list of requirements on their website; and

(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.

(7) Where a fee due in respect of an application has been paid by a cheque which is subsequently dishonoured—

(a) sub-paragraph (a) or (b) of paragraph (2), as the case may be, has effect as if, for "the application is received by the local planning authority", there were substituted "the local planning authority are satisfied that they have received the full amount of the fee"; and

(b) sub-paragraph (c) of that paragraph has effect as if, at the end, there were added "once the authority are satisfied that they have received the full amount of the fee".

(8) A local planning authority must provide such information about applications made under article 5, 6 or 7 (including information as to the manner in which any such application has been dealt with) as the Secretary of State may by direction require; and any such direction may include

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(**a**) Article 3 and 4 cease to have effect with effect from 17th December 2020; *see* section 122(3) of the 2011 Act and by S.I. 2013/2931.

ARUN DISTRICT COUNCIL LU/239/15/PL

provision as to the persons to be informed and the manner in which the information is to be provided.

(9) A local planning authority must not determine an application for planning permission where any notice of, or information about, the application has been—

(a) given by site display under article 13 or 15, before the end of the period of 21 days beginning with the date when the notice was first displayed by site display;

(b) served on—

(i) an owner of the land or a tenant of an agricultural holding under article 13;

(ii) an adjoining owner or occupier under article 15; or

(iii) an infrastructure manager under article 16,

before the end of the period of 21 days beginning with the date when the notice was served on that person; or

(c) published in a newspaper under article 13 or 15 or on a website under article 15, within the period of 14 days beginning with the date on which the notice or information was published,

and the periods in this paragraph are periods prescribed for the purposes of section 71(1) of the 1990 Act (consultations in connection with determinations under section 70)(**a**).

Written notice of decision or determination relating to a planning application

35.—(1) When the local planning authority give notice of a decision or determination on an application for planning permission or for approval of reserved matters—

(a) where planning permission is granted subject to conditions, the notice must state clearly and precisely their full reasons—

(i) for each condition imposed; and

(ii) in the case of each pre-commencement condition, for the condition being a pre-commencement condition;

(b) where planning permission is refused, the notice must state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision;

(c) where—

(i) the Secretary of State has given a direction restricting the grant of planning permission for the development for which application is made; or

(ii) the Secretary of State or a government department has expressed the view that the permission should not be granted (either wholly or in part) or should be granted subject to conditions,

the notice must give details of the direction or of the view expressed.

(2) Where paragraph (1)(a) or (b) applies, the notice must also include a statement explaining, whether, and if so 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.

(3) Where paragraph (1)(a), (b) or (c) applies, the notice must be accompanied by a notification in the terms (or substantially in the terms) set out in Schedule 5.

(4) Where—

(a) an applicant for planning permission has submitted an environmental statement; and

(b) the local planning authority have decided (having taken environmental information into consideration) to grant permission (whether unconditionally or subject to conditions),

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(**a**) Section 71(1) was substituted by section 16(2) of the Planning and Compensation Act 1991 (c. 34).

ARUN DISTRICT COUNCIL LU/239/15/PL

the notice given to the applicant in accordance with article 34(1) must include a statement that environmental information has been taken into consideration by the authority.

(5) In paragraph (1)(a)(ii) "pre-commencement condition" means a condition imposed on the grant of a planning permission which must be complied with—

(a) before any building or other operation comprised in the development is begun; or

(b) where the development consists of a material change in the use of any buildings or other land, before the change of use is begun.

Part 7

Appeals

Notice of appeal

36. Articles 13 and 14 apply to any appeal to the Secretary of State under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions)(**a**) as those articles apply to applications for planning permission.

Appeals

37.—(1) An applicant who wishes to appeal to the Secretary of State under section 78 of the 1990 Act must give notice of appeal to the Secretary of State by—

(a) serving on the Secretary of State within—

(i) the time limit specified in paragraph (2); or

(ii) such longer period as the Secretary of State may, at any time, allow,

a completed appeal form, obtained from the Secretary of State, together with such of the documents specified in paragraph (3) as are relevant to the appeal; and

(b) serving on the local planning authority a copy of the completed appeal form mentioned in sub-paragraph (a), as soon as reasonably practicable, together with a copy of the documents mentioned in paragraph (3)(b)(viii) to (x) (where those paragraphs apply), and any relevant documents mentioned in paragraph (3)(a)(ii) or paragraph (3)(b)(v), as the case may be.

(2) The time limit mentioned in paragraph (1) is—

(a) in the case of a householder or minor commercial appeal, other than a type A or a type B appeal, 12 weeks from the date of the notice of the decision or determination giving rise to the appeal;

(b) in the case of a type A appeal, 28 days from—

(i) the date of the notice of the decision or determination giving rise to the appeal; or

(ii) the expiry of the specified period;

(c) in the case of a type B appeal, 28 days from the date on which the enforcement notice is served;

(d) in all other cases, 6 months from—

(i) the date of the notice of the decision or determination giving rise to the appeal;

(**a**) Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991 (c. 34), sections 40(2)(e) and 43(2) of the 2004 Act, 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), and paragraph 11 of Schedule 12 to the Localism Act 2011 (c. 20).

ARUN DISTRICT COUNCIL LU/239/15/PL

(ii) in a case in which the authority have served a notice on the applicant in accordance with article 5(2) that they require further information, and the applicant has not provided the information, the date of service of that notice; or

(iii) in any other case, the expiry of the specified period.

(3) The documents mentioned in paragraph (1) are—

(a) in the case of a householder or minor commercial appeal—

(i) a copy of the application which was sent to the local planning authority which has occasioned the appeal;

(ii) any other plans, documents or drawings relating to the application which were not sent to the authority, except any plans, documents or drawings relating to amendments to the application proposed after the authority have made their determination; and

(iii) the notice of the decision or determination;

(b) in all other cases—

(i) a copy of the application which was sent to the local planning authority which has occasioned the appeal;

(ii) all plans, drawings and documents sent to the authority in connection with the application;

(iii) all correspondence with the authority relating to the application;

(iv) any certificate provided to the authority under article 14;

(v) any other plans, documents or drawings relating to the application which were not sent to the authority, except any plans, documents or drawings relating to amendments to the application proposed after the authority have made their determination;

(vi) the notice of the decision or determination, if any;

(vii) if the appeal relates to an application for approval of certain matters in accordance with a condition on a planning permission, the application for that permission, the plans submitted with that application and the planning permission granted;

(viii) subject to paragraph (4), the applicant's full statement of case (if they wish to make additional representations);

(ix) subject to paragraph (4), a statement of which procedure (written representations, a hearing or an inquiry) the applicant considers should be used to determine the appeal; and

(x) subject to paragraph (4), a draft statement of common ground if the applicant considers that the appeal should be determined through a hearing or an inquiry.

(4) The relevant documents required in paragraph (3)(b)(viii) to (x) are not required to accompany the notice under paragraph (1)—

(a) where a direction is given by the Secretary of State under section 321(3) of the 1990 Act (matters related to national security)(**a**);

(b) where section 293A of the 1990 Act (urgent Crown development)(**b**) applies; or

(c) in relation to type A or type B appeals.

(5) The Secretary of State may refuse to accept a notice of appeal from an applicant if the completed appeal form required under paragraph (1)(a) and the documents required under paragraph (3) are not served on the Secretary of State within the time limit specified in paragraph (2).

(**a**) There are amendments to section 321 which are not relevant to this Order.

(**b**) Section 293A was inserted by section 82(1) the Planning and Compulsory Purchase Act 2004 (c. 5).

ARUN DISTRICT COUNCIL LU/239/15/PL

(6) The Secretary of State may provide, or arrange for the provision of, a website for use for such purposes as the Secretary of State thinks fit which—

(a) relate to appeals under section 78 of the 1990 Act(**a**) and this article; and

(b) are capable of being carried out electronically.

(7) Where a person gives notice of appeal to the Secretary of State using electronic communications, the person is taken to have agreed—

(a) to the use of such communications for all purposes relating to the appeal which are capable of being carried out electronically;

(b) that the person's address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the person's notice of appeal; and

(c) that the person's deemed agreement under this paragraph subsists until notice is given in accordance with article 46 that the person wishes to revoke the agreement.

(8) In this article—

"draft statement of common ground" means a written statement containing factual information about the proposal which is the subject of the appeal that the applicant reasonably considers will not be disputed by the local planning authority;

"full statement of case" means, and is comprised of, a written statement which contains full particulars of the case which a person proposes to put forward and copies of any documents which that person intends to refer to or put in evidence;

"householder appeal" means an appeal under section 78(1) of the 1990 Act in respect of a householder application, except an appeal against the grant of any planning permission, consent, agreement or approval which is granted subject to conditions;

"minor commercial appeal" means an appeal under section 78(1) of the 1990 Act in relation to a minor commercial application, except an appeal against the grant of any planning permission, consent, agreement or approval which is granted subject to conditions;

"specified period" means the period specified in article 27 or article 34, as the case may be;

"type A appeal" means an appeal under section 78(1) or 78(2) of the 1990 Act in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) has been served no earlier than 2 years before the application is made;

(b) has been served before—

(i) the date of the notice of the decision or determination giving rise to the appeal; or

(ii) the expiry of the specified period; and

(c) is not withdrawn before the expiry of the period of 28 days from the date specified in sub-paragraph (b); and

"type B appeal" means an appeal under section 78(1) or 78(2) of the 1990 Act in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) is served on or after—

(i) the date of the notice of the decision or determination giving rise to the appeal, or

(ii) the expiry of the specified period;

(b) is served earlier than 28 days before the expiry of the time limit specified—

(i) in the case of a householder or minor commercial appeal, in paragraph (2)(a); or

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(**a**) Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991, section 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).

ARUN DISTRICT COUNCIL LU/239/15/PL

(ii) in any other case, in paragraph (2)(d); and

(c) is not withdrawn before the expiry of the period of 28 days from the date on which the enforcement notice is served.

Part 8

Miscellaneous

Local development orders

38.—(1) Where a local planning authority propose to make a local development order they must first prepare—

(a) a draft of the order; and

(b) a statement of their reasons for making the order.

(2) The statement of reasons must contain—

(a) a description of the development which the order would permit; and

(b) a plan or statement identifying the land to which the order would relate.

(3) Where a local planning authority have prepared a draft local development order, they must consult, in accordance with paragraph (5), such of the following persons whose interests the authority consider would be affected by the order if made—

(a) if the local planning authority is a London borough council, the Mayor of London;

(b) a local planning authority, county council or parish council any part of whose area is in or adjoins the area of the local planning authority;

(c) Natural England(**a**);

(d) the Environment Agency(**b**);

(e) the Historic England(**c**);

(f) where the Secretary of State is the highway authority for any highway in the area of the local planning authority, the Secretary of State for Transport;

(g) a strategic highways company(**d**) any part of whose area is in or adjoins the area of the local planning authority;

(h) any person—

(i) to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003 (application of the electronic communications code)(**e**); and

(ii) who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority;

(i) any of the following persons who exercise functions in any part of the area of the local planning authority—

(i) a clinical commissioning group(**f**);

(ii) the National Health Service Commissioning Board(**g**);

(**a**) *See* section 1 of the Natural Environment and Rural Communities Act 2006 (c. 16).
(**b**) *See* section 1(1) of the Environment Act 1995 (c. 25).
(**c**) *See* section 32 of the National Heritage Act 1983 (c. 47). This body is also known as the Historic Buildings and Monuments Commission for England.
(**d**) A body appointed under section 1 of the Infrastructure Act 2015 (c. 7).
(**e**) 2003 c. 21.
(**f**) *See* section 1l of the National Health Service Act 2006 (c. 41).
(**g**) *See* section 1h of the National Health Service Act 2006 (c. 41).

ARUN DISTRICT COUNCIL LU/239/15/PL

(iii) a person to whom a licence has been granted under section 6(1)(b) and (c) of the Electricity Act 1989 (licences authorising supply, etc)(**a**);

(iv) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986 (licensing of gas transporters)(**b**);

(v) a sewerage undertaker;

(vi) a water undertaker;

(j) voluntary bodies some or all of whose activities benefit any part of the local planning authority's area;

(k) bodies which represent the interests of persons who share a protected characteristic(**c**) in the local planning authority's area;

(l) bodies which represent the interests of persons carrying on business in the local planning authority's area.

(4) The local planning authority must also consult any person with whom they would have been required to consult on an application for planning permission for the development proposed to be permitted by the order.

(5) In consulting in accordance with paragraphs (3) and (4) the local planning authority must—

(a) send a copy of the draft order and the statement of reasons to the consultees;

(b) specify a consultation period of not less than 28 days; and

(c) take account of all representations received by them during the period specified.

(6) A local planning authority must, during any consultation under paragraphs (3) and (4) —

(a) make a copy of the draft local development order, the environmental statement and statement of reasons available for inspection—

(i) at their principal office during normal working hours; and

(ii) at such other places within their area as they consider appropriate;

(b) publish on their website—

(i) the draft local development order, the environmental statement and the statement of reasons;

(ii) a statement that those documents are available for inspection and the places where and times when they can be inspected; and

(iii) the date by which representations on the draft local development order must be received, which must be not less than 28 days after the date of first publication on the website; and

(c) give notice by local advertisement of—

(i) the draft local development order, the environmental statement and the statement of reasons;

(ii) the availability of those documents for inspection, and the places where and times when they can be inspected; and

(iii) the date by which representations on the draft local development order must be received, which must be not less than 28 days from the date on which the notice was first published.

(7) Where the draft local development order would grant planning permission for development specified in the order, the local planning authority must also give notice of their proposal to make the order—

(**a**) 1989 c. 29; section 6 was substituted by section 30 of the Utilities Act 2000 (c. 27), subsection (1)(b) was substituted by section 136(1) of the Energy Act 2004 (c. 20) and subsection (1)(c) was amended by section 197(9) of, and Part 1 of Schedule 23 to, the Energy Act 2004.

(**b**) 1986 c. 44; section 7 was substituted by section 5 of the Gas Act 1995 (c. 45) and subsection (2) was amended by sections 3(2) and 76 of, and paragraphs 1 and 4 of Part 1 of Schedule 6 to, the Utilities Act 2000 and by S.I. 2011/2704.

(**c**) *See* sections 4 to 12 of the Equality Act 2010 (c.15).

ARUN DISTRICT COUNCIL LU/239/15/PL

(a) by site display in at least one place on or near to the site to which the order relates a notice in the appropriate form set out in Schedule 7 or in a form substantially to the same effect, and, subject to paragraph (8), leaving the notice in position for a period of not less than 28 days beginning with the date on which it is first displayed by site display; and

(b) by serving a copy of that notice on every person whom the authority knows to be the owner or tenant of any part of the site whose name and address is known to the authority,

and specifying in the notice a date by which representations on the draft local development order must be received, which must be not less than 28 days from the date on which the notice was displayed by site display or served, as the case may be.

(8) Where the notice referred to in paragraph (7)(a) is, without any fault or intention of the authority, removed, obscured or defaced before the period referred to in that paragraph has elapsed, the authority is treated as having complied with the requirements of that paragraph if they have taken reasonable steps for the protection of the notice, and, if necessary, its replacement.

(9) Paragraph (10) applies where any notice of the proposal has been—

(a) published on the authority's website or by local advertisement in accordance with paragraph (6);

(b) given by site display under paragraph (7)(a); or

(c) served on an owner of the land or a tenant under paragraph (7)(b).

(10) A local planning authority must, in considering what modifications should be made to the draft local development order or whether such an order should be adopted, take into account any representations made in relation to that order and received by the authority by the date specified on the website or in the notices, in accordance with paragraph (6) or (7) as the case may be, as the date by which representations should be made (or, if the dates on the website or in the notices differ from each other, the latest of such dates).

(11) A local planning authority must send a copy of—

(a) the local development order,

(b) the statement of reasons relating to the making of that order, and

(c) any environmental statement relating to that order prepared in accordance with regulation 29(4)(a) of the 2011 Regulations(**a**), to the Secretary of State as soon as reasonably practicable, and no later than 28 days, after the local planning authority has adopted the order.

(12) A local development order must not be made so as to grant planning permission—

(a) for development affecting a listed building, or

(b) for development which is Schedule 1 development within the meaning of regulation 2(1) of the 2011 Regulations (interpretation).

(13) Where a local planning authority revoke a local development order the authority must—

(a) publish on their website a statement that the local development order has been revoked;

(b) give notice of the revocation by local advertisement; and

(c) give written notice of the revocation to every person whom the local planning authority consulted under paragraphs (3) or (4) before making the order.

(14) In this article, a requirement to give notice by local advertisement is a requirement to publish the notice in as many newspapers as will secure that the press coverage (taken as a whole) extends to the whole of the area to which the local development order relates.

(**a**) S.I. 2011/1824, amended by S.I. 2012/637, 2013/2140 and 2013/2879.

ARUN DISTRICT COUNCIL LU/239/15/PL

Certificate of lawful use or development

39.—(1) An application for a certificate under section 191(1) or 192(1) of the 1990 Act (certificates of lawfulness of existing or proposed use or development)(**a**) must be made on a form published by the Secretary of State (or on a form substantially to the same effect) and must, in addition to specifying the land and describing the use, operations or other matter in question in accordance with those sections, include the particulars specified or referred to in the form.

(2) An application to which paragraph (1) applies must be accompanied by—

(a) a plan identifying the land to which the application relates drawn to an identified scale and showing the direction of North;

(b) such evidence verifying the information included in the application as the applicant can provide; and

(c) a statement setting out the applicant's interest in the land, the name and address of any other person known to the applicant to have an interest in the land and whether any such other person has been notified of the application.

(3) Where an application for a certificate under section 192(1) of the 1990 Act is made in respect of Crown land(**b**), it must, in addition to the documents required by paragraph (2), 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.

(4) Where such an application specifies two or more uses, operations or other matters, the plan which accompanies the application must indicate to which part of the land each such use, operation or matter relates.

(5) 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 notice is given in writing of the withdrawal of the applicant's consent to the use of electronic communications under article 46.

(6) Articles 11(1) and 34(8) apply to an application for a certificate to which paragraph (1) applies as they apply to an application for planning permission.

(7) When the local planning authority receive an application which complies with the requirements of paragraphs (1) to (4) and any fee required to be paid with respect to the application, they must, as soon as reasonably practicable, send to the applicant an acknowledgement of the application in the terms (or substantially in the terms) set out in Schedule 1.

(8) Where, after sending an acknowledgement as required by paragraph (7), 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.

(9) The local planning authority may by notice in writing require the applicant to provide such further information as may be specified to enable them to deal with the application.

(10) Where a valid application has been received, the local planning authority must give the applicant written notice of their decision within—

(**a**) Sections 191 and 192 were substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34) and section 191 has been amended by section 124(3) of the Localism Act 2011 (c. 20). There are other amendments to section 191 which are not relevant to this Order.

(**b**) For the definition of "Crown land" see section 293 of the 1990 Act.

ARUN DISTRICT COUNCIL LU/239/15/PL

(a) the period of 8 weeks beginning with the day immediately following that on which the application is received; or

(b) unless the applicant has already given notice of appeal to the Secretary of State, within such extended period as may be agreed in writing between the applicant and the authority.

(11) Where a fee due in respect of an application has been paid by a cheque which is subsequently dishonoured—

(a) sub-paragraph (a) of paragraph (10) has effect as if, for "the application is received", there were substituted "the authority are satisfied that they have received the full amount of the fee"; and

(b) sub-paragraph (b) of that paragraph has effect as if, at the end, there were added "once the authority are satisfied that they have received the full amount of the fee".

(12) In this article, "valid application" means an application which—

(a) complies with the requirements of paragraphs (1) to (4); and

(b) is accompanied by the appropriate fee,

and a valid application is taken to have been received when the application and all of the documents, particulars or evidence referred to in paragraphs (1) to (4) have been lodged with the appropriate authority mentioned in article 11(1) and the fee has been paid.

(13) Where an application is refused, in whole or in part (including a case in which the authority modify the description of the use, operations or other matter in the application or substitute an alternative description for that description), the notice of decision must state clearly and precisely the authority's full reasons for their decision and include a statement to the effect that if the applicant is aggrieved by the decision the applicant may appeal to the Secretary of State under section 195 of the 1990 Act (appeals against refusal or failure to give decision on application)(**a**).

(14) A certificate under section 191 or 192 of the 1990 Act must be in the form set out in Schedule 8 or in a form substantially to the same effect.

(15) Where a local planning authority propose to revoke a certificate issued under section 191 or 192 of the 1990 Act in accordance with section 193(7) of the 1990 Act (certificates under sections 191 and 192: supplementary provisions)(**b**), they must, before they revoke the certificate, give notice of that proposal to—

(a) the owner of the land affected;

(b) the occupier of the land affected;

(c) any other person who will in their opinion be affected by the revocation; and

(d) in the case of a certificate issued by the Secretary of State under section 195 of the 1990 Act, the Secretary of State.

(16) A notice issued under paragraph (15) must invite the person on whom the notice is served to make representations on the proposal to the authority within 14 days of service of the notice and the authority must not revoke the certificate until all such periods allowed for making representations have expired.

(17) An authority must give written notice of any revocation under section 193(7) of the 1990 Act to every person on whom notice of the proposed revocation was served under paragraph (15).

(**a**) Section 195 was amended by paragraph 32 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34) and paragraphs 1 and 3 of Schedule 11 to the Planning Act 2008 (c. 29) and is to be amended by paragraphs 1 and 7 of Schedule 10 to the Planning Act 2008 on a date to be appointed).

(**b**) Section 193 was substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34).

ARUN DISTRICT COUNCIL LU/239/15/PL

Part 9

Monitoring

Register of applications

40.—(1) In this article and in articles 41 and 42, "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 must keep, in two parts, a register ("the register") of every application for planning permission relating to their area.

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

(4) Part 2 of the register must 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 9;

(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

ARUN DISTRICT COUNCIL LU/239/15/PL

the 1990 Act (urgent Crown development: application)(**a**) or on a reference under section 77 of the 1990 Act (reference of applications to Secretary of State)(**b**);

(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 must also contain the following information in respect of every application made under article 10 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)(**c**), 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 must, on receipt of notification of the Secretary of State's decision, enter into Part 2 of the register 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 must also contain the following information in respect of every application for a certificate under section 191 or 192 of the 1990 Act (certificates of lawfulness of existing or proposed use or development)(**d**) 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.

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

(**b**) 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 paragraph 10 of Schedule 12 to the Localism Act 2011 (c. 20) ("the 2011 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.

(**c**) Section 174 was amended by section 6(1) and 84(6) of, and paragraph 22 of Schedule 7 and Part 1 of Schedule 19 to, the Planning and Compensation Act 1991 (c. 34) and S.I. 2003/956.

(**d**) Sections 191 and 192 were substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34) and section 191 has been amended by section 124(3) of the 2011 Act. There are other amendments to section 191 which are not relevant to this Order.

ARUN DISTRICT COUNCIL LU/239/15/PL

(8) The register must 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.)(**a**) 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 must 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 must 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 must 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 must 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 must be kept at a place situated in or convenient to that part.

(13) For the purposes of paragraph (3), an application is not treated as finally disposed of unless and until—

(a) it has been decided by the authority (or the appropriate period specified or referred to in article 34(2) or (3) has expired without their giving a decision) and the time limit specified in article 37(2) has expired without any appeal having been made to the Secretary of State;

(b) if it has been referred to the Secretary of State under section 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)(**b**), 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)(**c**) 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

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(**a**) Section 83 and Schedule 7 were amended by section 84(6) of, and Schedule 5 and Part 1 of Schedule 19 to, the Planning and Compensation Act 1991 (c. 34), section 18(1) of, and paragraph 29 of Schedule 3 to, the Tribunals and Inquiries Act 1992 (c. 53), paragraphs 9 and 11 of Schedule 8 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) and by S.I. 2013/2042. Section 83 and Schedule 7 are to be amended by section 45 and 120 of, and Schedule 9 to, the 2004 Act and by section 237 of, and Part 16 of Schedule 25 to, the 2011 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).

(**b**) 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), paragraphs 1 and 2 of Schedule 11 to the Planning Act 2008 (c. 29), paragraphs 1 and 11 of Schedule 12 to the 2011 Act and paragraphs 1 and 8 of Schedule 1 to the Growth and Infrastructure Act 2013 (c. 27) .

(**c**) Section 288 was amended by paragraph 25 of Schedule 3 to the Tribunals and Inquiries Act 1992 (c. 53).

ARUN DISTRICT COUNCIL LU/239/15/PL

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.

Register of local development orders

41.—(1) The register kept by each local planning register authority under article 40 must also include as Part 3 a Part relating to local development orders.

(2) Part 3 of the register must consist of 2 sections—

(a) the first section of Part 3 must contain copies of draft local development orders which have been prepared but not adopted by the authority; and

(b) the second section of Part 3 must contain—

(i) copies of local development orders which have been adopted by the authority;

(ii) particulars of the revocation of any local development order made by the authority, including the date on which the revocation took effect; and

(iii) particulars of the revision of any local development order, including the date on which the revision took effect.

(3) A copy of each draft local development order must be placed on the register when the draft is sent for consultation in accordance with article 38(3).

(4) A copy of each local development order must be placed on the register within 14 days of the date of its adoption.

(5) A requirement under this article to place a copy of a draft order or order on the register includes a requirement to do the same with the statement of reasons for making that order.

Register of neighbourhood development orders

42.—(1) The register kept by each local planning register authority under article 40 must also include as Part 4 a Part with two sections relating to neighbourhood development orders.

(2) The first section of Part 4 must contain copies of draft neighbourhood development orders which have been submitted to the authority by a qualifying body and not finally disposed of and such of the following as have been submitted with each such order—

(a) a copy of any plan or statement identifying the land to which the proposal relates;

(b) copies of any other accompanying plans or drawings;

(c) copies of any planning obligation or section 278 agreement entered into, or proposed to be entered into, in connection with any planning permission proposed to be granted by the draft neighbourhood development order; and

(d) in the case of a draft community right to build order, details of any enfranchisement rights which the qualifying body proposes are not exercisable, and the properties, or types of properties, in relation to which those rights are not exercisable.

(3) For the purposes of paragraph (2), a draft neighbourhood development order is not finally disposed of unless and until—

(a) the proposal for the order has been withdrawn before the authority have made a decision under paragraph 12 of Schedule 4B (consideration by authority of recommendations

ARUN DISTRICT COUNCIL LU/239/15/PL

made by examiner etc)(**a**) or paragraph 10 of Schedule 4C (examination of proposals for community right to build orders etc) to the 1990 Act;

(b) the authority have refused the proposal for the order in accordance with paragraph 6(4) of Schedule 4B to the 1990 Act (consideration of proposals by authority);

(c) the order has not been made following a referendum because a majority of persons voting have not voted in favour of it, or as a result of a decision made under section 61E(5) or (8) of the 1990 Act (neighbourhood development orders)(**b**); or

(d) the order has been made (with or without modifications).

(4) The second section of Part 4 must contain copies of neighbourhood development orders which have been made by the authority and with respect to each such order—

(a) a copy of any accompanying plan or statement identifying the land to which the order relates;

(b) copies of any other accompanying plans or drawings;

(c) if the order is revoked, particulars of the revocation, including the date on which the revocation took effect;

(d) the date on which any subsequent approval is given which the order specifies is required;

(e) a copy of any planning obligation or section 278 agreement entered into in connection with any planning permission granted by the order; and

(f) in the case of a community right to build order, details of any enfranchisement rights which are not exercisable and the properties, or types of properties, in relation to which those rights are not exercisable.

(5) A reference in this article to a copy includes a reference to a copy in photographic or electronic form.

Register of enforcement and stop notices and other enforcement action

43.—(1) A register under section 188 of the 1990 Act (register of enforcement and stop notices and other enforcement action)(**c**) ("the enforcement register") must contain the following information with respect to every planning enforcement order made in relation to land in the area of the authority maintaining the register(**d**)—

(a) the address of the land to which the order relates or a plan by reference to which its situation can be ascertained;

(b) the name of the applying authority;

(c) the name of the court that made the order;

(d) the date on which the court's decision to make the order was given;

(e) the day which marks the beginning of the enforcement year for the order;

(f) the day which marks the end of that year;

(g) information on any postponement of the day which marks the beginning of the enforcement year for the order by reason of section 171BA(4) of the 1990 Act (time limits in cases involving concealment)(**e**) and the date of the final determination or withdrawal of any application;

(h) the apparent breach of planning control identified in the order; and

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(**a**) Schedule 4B was inserted by section 116 of, and Schedule 10 to, the Localism Act 2011 (c. 20) ("the 2011 Act") and has been amended by S.I. 2013/2597.

(**b**) Section 61E was inserted by section 116 of, and Schedule 9 to, the 2011 Act.

(**c**) Section 188 was amended by paragraphs 8 and 30 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34) and section 124(2) of the 2011 Act.

(**d**) Section 188(1) of the 1990 Act specifies those authorities which must keep a register.

(**e**) Section 171BA(4) was inserted by section 124(1) of the 2011 Act.

ARUN DISTRICT COUNCIL LU/239/15/PL

(i) in relation to any enforcement notice issued or breach of condition notice served in respect of that breach, details of where in the register the information specified in paragraphs (2) and (3) in relation to that notice is to be found.

(2) The enforcement register must also contain the following information with respect to every enforcement notice issued in relation to land in the area of the authority maintaining the register—

(a) the address of the land to which the notice relates or a plan by reference to which its situation can be ascertained;

(b) the name of the issuing authority;

(c) the date of issue of the notice;

(d) the date of service of copies of the notice;

(e) a statement or summary of the breach of planning control alleged and the requirements of the notice, including the period within which any required steps are to be taken;

(f) the date specified in the notice as the date on which it is to take effect;

(g) information on any postponement of the date specified as the date on which the notice will take effect by reason of section 175(4) of the 1990 Act (appeals: supplementary provisions)(**a**) and the date of the final determination or withdrawal of any appeal;

(h) the date of service and, if applicable, of withdrawal of any stop notice referring to the enforcement notice, together with a statement or summary of the activity prohibited by any such stop notice; and

(i) the date, if any, on which the local planning authority are satisfied that steps required by the notice for a purpose mentioned in section 173(4)(b) of the 1990 Act (contents and effect of notice: remedying any injury to amenity)(**b**) have been taken.

(3) The enforcement register must also contain the following information with respect to every breach of condition notice served in relation to land in the area of the authority maintaining the register—

(a) the address of the land to which the notice relates or a plan by reference to which its situation can be ascertained;

(b) the name of the serving authority;

(c) the date of service of the notice;

(d) details of the relevant planning permission sufficient to enable it to be identified; and

(e) a statement or summary of the condition which has not been complied with and the requirements of the notice, including the period allowed for compliance.

(4) All entries relating to a planning enforcement order, enforcement notice, stop notice or breach of condition notice must be removed as soon as reasonably practicable from the enforcement register if—

(a) in the case of a planning enforcement order, the order—

(i) is rescinded; or

(ii) the enforcement year for the order expires without enforcement action having been taken during that year;

(b) in the case of an enforcement notice or stop notice, the relevant enforcement notice is quashed by the Secretary of State or is withdrawn; and

(c) in the case of a breach of condition notice, the notice is quashed by a court or is withdrawn.

(5) Every enforcement register must include an index for enabling a person to trace any entry in the register by reference to the address of the land to which the notice relates.

(**a**) Section 175(4) was amended by section 6(2) of the Planning and Compensation Act 1991 (c. 34).
(**b**) Section 173 was substituted by section 5 of the Planning and Compensation Act 1991 (c. 34).

ARUN DISTRICT COUNCIL LU/239/15/PL

(6) Paragraph (7) applies where a magistrates' court make a planning enforcement order on the application of a county planning authority or a county planning authority issue an enforcement notice or serve a stop notice or a breach of condition notice.

(7) The county planning authority must—

(a) supply the information specified in paragraph (1), (2) or (3), as the case may be, in relation to the order or notice to the district planning authority (if any) in whose area the land to which the order or notice relates is situated; and

(b) inform that authority if the order is rescinded or expires without enforcement action having been taken during the enforcement year for that order or the relevant enforcement notice or breach of condition notice is withdrawn or quashed.

(8) The information prescribed in paragraphs (1), (2) and (3) must be entered in the enforcement register as soon as practicable and in any event within 14 days of the occurrence to which it relates, and information must be supplied under paragraph (7) so that entries may be made within that period of 14 days.

(9) The enforcement register must either be kept at the principal office of the authority maintaining the enforcement register or that part of that register which relates to land in part of that authority's area must be kept at a place situated in or convenient to that part.

Part 10

General

Development to include certain internal operations

44.—(1) The amount specified under section 55(2A) of the 1990 Act (meaning of "development" and "new development")(**a**) is 200 square metres.

(2) The circumstances in which section 55(2) of the 1990 Act does not apply to operations mentioned in paragraph (a) of that subsection which have the effect of increasing the floor space of the building by more than 200 square metres are that the building is used for the retail sale of goods other than hot food.

(3) In paragraph (2), the reference to a building used for the retail sale of goods includes a building used as a retail warehouse club, being a retail club where goods are sold, or displayed for sale, only to members who are members of that club.

Directions

45. Any power conferred by this Order to give a direction includes power to cancel or vary the direction by a subsequent direction.

Withdrawal of consent to use of electronic communications

46. Where a person is no longer willing to accept the use of electronic communications for any purpose of this Order which is capable of being carried out electronically, that person must give notice in writing—

(a) withdrawing any address notified to the Secretary of State or to a local planning authority for that purpose; or

(b) revoking any agreement entered into or deemed to have been entered into with the Secretary of State or with a local planning authority for that purpose,

and such withdrawal or revocation takes effect on the date specified by the person in the notice but not less than 7 days after the date on which the notice is given.

(**a**) Section 55(2A) was inserted by section 49(1) of the 2004 Act.

ARUN DISTRICT COUNCIL LU/239/15/PL

Revocations, transitional provisions and savings

47.—(1) The statutory instruments specified in the first column of the table in Schedule 9 are revoked, in so far as they apply to England, to the extent specified in the corresponding row of the third column of the table.

(2) In respect of an application for planning permission made before 15th April 2015, the following articles of this Order do not apply—

(i) article 15 (publicity for applications for planning permission)

(ii) article 16 (publicity for applications for planning permission within 10 metres of relevant railway land);

(iii) Schedule 3 (publicity for planning permission);

(iv) article 35 (written notice of determination relating to a planning application); and

(v) Schedule 4 (consultations before the grant of planning permission).

(3) In respect of an application for planning permission made before 15th April 2015, the following articles of the Town and Country Planning (Development Management Procedure) (England) Order 2010(**a**) ("the 2010 Order") apply as they applied immediately prior to 15th April 2015—

(i) article 13 (publicity for applications for planning permission);

(ii) article 31 (written notice of determination relating to a planning application);

(iii) Schedule 5 (consultations before the grant of planning permission); and

(iv) Schedule 6 (notification where planning permission refused or granted subject to conditions).

(4) In respect of an application for planning permission made before 15th April 2015, the following provisions of this Order should be read as if—

(i) the reference in article 35 of this Order to article 34 were a reference to article 29 in the 2010 Order;

(ii) the reference to article 15 in Schedule 3 of this Order were a reference to article 13 in the 2010 Order;

(iii) the references to articles 18, 19 and 20 in Schedule 4 of this Order were references to articles 16, 17 and 18 of the 2010 Order; and

(iv) the reference to article 35 in Schedule 5 of this Order were a reference to article 31 in the 2010 Order.

(5) In respect of an application for consent, agreement, or approval required by a condition or limitation attached to a grant of planning permission, where the application for the grant of planning permission was made before 15th April 2015—

(a) Part 5 of this Order does not apply; and

(b) article 30 of the 2010 Order applies as that article applied immediately prior to 15th April 2015.

(6) Paragraph (7) applies in respect of an application made before 1st June 2015 for development falling within paragraph (zc) of Schedule 5 to the 2010 Order.

(7) Where this paragraph applies—

(a) Schedule 4 of this Order should be read as if paragraph (zb) of the Schedule were a reference to paragraph (zc) of Schedule 5 to the 2010 Order;

(**a**) S.I. 2010/2184, amended by S.I. 2011/1824, 2012/636, 2012/2274, 2012/3109, 2013/235, 2013/1238, 2013/2136, 2013/2879, 2013/2932, 2013/3194, 2014/469, 2014/564 and 2014/1532.

ARUN DISTRICT COUNCIL LU/239/15/PL

(b) paragraph 1(k) (interpretation of table) of Schedule 4 to this Order should be read as if it were a reference to paragraph 1(l) of (interpretation of table) in Schedule 5 to the 2010 Order; and

(c) the references in article 18(2) and 19(3) of this Order to paragraph (zb) of Schedule 4 to this Order should be read as if they are references to paragraph (zc) of Schedule 5 of the 2010 Order.

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

Brandon Lewis
Minister of State
Department for Communities and Local Government

18th March 2015

ARUN DISTRICT COUNCIL LU/239/15/PL

SCHEDULE 1

Article 11 and 39

Letter to be sent to applicant on receipt of application

Letter to be sent by a local planning authority when they receive an application for planning permission or for a certificate of lawful use or development

Thank you for your application dated .....
which I received on .....

I am still examining your application form and the accompanying plans and documents to see whether they comply with the law.*

If I find that your application is invalid because it does not comply with the statutory requirements then I will write to you again as soon as I can.*

If, by *(insert date at end of period of, in the case of applications for major development, 13 weeks, or in all other cases, 8 weeks, beginning with the day immediately following the date when the application was received)*.....you have not been given a decision in writing and:

- you have not been told that your application is invalid; or
- * you have not been told that your fee cheque has been dishonoured; or
- you have not agreed in writing to extend the period in which the decision may be given,

then you can appeal to the Secretary of State under section 78/section 195* of the Town and Country Planning Act 1990. This does not apply if your application has already been referred to the Secretary of State. You must use a form which you can get online from www.gov.uk/government/organisations/planning-inspectorate or from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. If you appeal:

- within 12 weeks [*in the case of a householder or minor commercial appeal other than type A Appeal or type B Appeal] from* ....., or

- if an enforcement notice relating to the same or substantially the same land and development as in your application has been served before [*insert the relevant date*] (but no earlier than 2 years before your application) and has not been withdrawn, you should appeal within 28 days from [*insert the relevant date*], or

- if an enforcement notice relating to the same or substantially the same land and development as in your application is served on or after [*insert the relevant date*] but no later than [*insert date that is 28 days before expiry of 6 months from the relevant date*] and has not been withdrawn, you should appeal within 28 days from the date on which the enforcement notice is served, or

- you should appeal within 6 months from [*insert date at end of period of, in the case of applications for major development, 13 weeks, or in all other cases, 8 weeks, beginning with the day immediately following the date when the application was received ("the relevant date")*] .....

*delete where inappropriate

SCHEDULE 2

Article 13 and 36

Notices under articles 13 and 36

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

NOTICE UNDER ARTICLE 13 OF APPLICATION FOR PLANNING PERMISSION

(to be published in a newspaper and, where relevant, on a website or to be served on an owner or a tenant**)*

Proposed development at (a) ……..
I give notice that (b) ……..is applying to the [(c)……..Council][Secretary of State]+ for planning permission to (d) ……
Any owner* of the land or tenant** who wishes to make representations about this application should write to the [Council][Secretary of State]+ at (e) …….. by (f) ……

* "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years, or, in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).
** "tenant" means a tenant of an agricultural holding any part of which is comprised in the land.

Signed…….....
+On behalf of …….....
Date …….....

Statement of owners' rights
The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.
Statement of agricultural tenants' rights
The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

+ delete where inappropriate

Insert:
(a) address or location of the proposed development
(b) applicant's name
(c) name of the Council
(d) description of the proposed development
(e) address of the Council or the Secretary of State as appropriate
(f) date giving a period of 21 days beginning with the date of service, or 14 days beginning with the date of publication, of the notice (as the case may be)

ARUN DISTRICT COUNCIL LU/239/15/PL

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

NOTICE UNDER ARTICLE 13 OF APPLICATION FOR PLANNING PERMISSION FOR HOUSEHOLDER DEVELOPMENT

(to be published in a newspaper and, where relevant, on a website or to be served on an owner or a tenant** in the case of an application for planning permission for householder development***)*

Proposed householder development*** at (a)…….....
I give notice that (b) …….. is applying to the (c) ……...Council for planning permission to (d) ……

Any owner* of the land or tenant** who wishes to make representations about this application should write to the Council at (e)…….…….....by (f) ……
In the event that an appeal is made against a decision of the Council to refuse to grant planning permission for the proposed development, and that appeal then proceeds by way of the expedited procedure under the written representations procedure+, any representations made by the owner* or tenant** to the Council about this application will be passed to the Secretary of State and there will be no opportunity to make further representations. Any owner or tenant wishing to make representations should do so by the date given above.

* "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years.
** "tenant" means a tenant of an agricultural holding any part of which is comprised in the land.
*** "householder development" means development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse. It does not include a change of use or a change to the number of dwellings in a building.

+ The expedited procedures in relation to written representations are set out in Part 1 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 (S.I. 2009/452).

Signed…….....
On behalf of (delete if not applicable)…….……..
Date …….....

Statement of owners' rights
The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.
Statement of agricultural tenants' rights
The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

Insert:
(a) address or location of the proposed development
(b) applicant's name
(c) name of the Council
(d) description of the proposed development
(e) address of the Council
(f) date giving a period of 21 days beginning with the date of service, or 14 days beginning with the date of publication, of the notice (as the case may be)

ARUN DISTRICT COUNCIL LU/239/15/PL

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

NOTICE UNDER ARTICLE 13 OF APPLICATION FOR PLANNING PERMISSION FOR MINOR COMMERCIAL DEVELOPMENT

(to be published in a newspaper and, where relevant, on a website or to be served on an owner or a tenant** in the case of an application for planning permission or consent for minor commercial development***)*

Proposed minor commercial development*** at (a)……
I give notice that (b)……..…is applying to the (c) ……Council for planning permission to (d)……

Any owner* of the land or tenant** who wishes to make representations about this application should write to the Council at (e)……
by (f)……

In the event that an appeal is made against a decision of the Council to refuse to grant planning permission for the proposed development, and that appeal then proceeds by way of the expedited procedure under the written representations procedure+, any representations made by the owner* or tenant** to the Council about this application will be passed to the Secretary of State and there will be no opportunity to make further representations. Any owner or tenant wishing to make representations should do so by the date given above.

* "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years.
** "tenant" means a tenant of an agricultural holding any part of which is comprised in the land.
*** "minor commercial development" means development of an existing building, or part of a building, in use for certain commercial purposes. It does not include a change of use, development not wholly at ground floor level, an increase in floor space or a change to the number of units in a building.
+The expedited procedures in relation to written representations are set out in Part 1 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 (S.I. 2009/452).

Signed…….....
On behalf of (delete if not applicable) …….....
Date ……....

Statement of owners' rights
The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.
Statement of agricultural tenants' rights
The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

Insert:
(a) address or location of the proposed development
(b) applicant's name
(c) name of the Council
(d) description of the proposed development
(e) address of the Council
(f) date giving a period of 21 days beginning with the date of service, or 14 days beginning with the date of publication, of the notice (as the case may be)

ARUN DISTRICT COUNCIL LU/239/15/PL

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

NOTICE UNDER ARTICLE 13 OF APPLICATION FOR PLANNING PERMISSION FOR THE WINNING AND WORKING OF MINERALS BY UNDERGROUND OPERATIONS

(to be posted in the case of an application for planning permission for development consisting of the winning and working of minerals by underground operations (in addition to the service or publication of any other requisite notices in this Schedule))

Proposed development at (a) ……...
I give notice that (b) ……...
is applying to the [(c) ……..Council][Secretary of State]+
for planning permission to (d) ……

Members of the public may inspect copies of:

- the application
- the plans
- and other documents submitted with it

at (e) ……
during all reasonable hours until (f)……

Anyone who wishes to make representations about this application should write to the
[Council][Secretary of State]+ at (g) …….....
by (f)…….……

Signed…….....
+ On behalf of …….....
Date …….....

+ delete where inappropriate

Insert:
(a) address or location of the proposed development
(b) applicant's name
(c) name of the Council
(d) description of the proposed development
(e) address at which the application may be inspected (the applicant is responsible for making the application available for inspection within the area of the local planning authority)
(f) date giving a period of 21 days beginning with the date when the notice is posted
(g) address of the Council or the Secretary of State as appropriate

ARUN DISTRICT COUNCIL LU/239/15/PL

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

NOTICE UNDER ARTICLES 13 AND 36 OF APPEAL

(to be published in a newspaper and, where relevant, on a website or to be served on an owner or a tenant**)*

Proposed development at (a) ……...
I give notice that (b) ……...
having applied to the (c) ……...…Council to
(d) …….……..is
appealing to the Secretary of State

against the decision of the Council +
on the failure of the Council to give notice of a decision +

Any owner* of the land or tenant** who wishes to make representations about this appeal should write to the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or using the website at
by (e)…….....…

* "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years, or, in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).
** "tenant" means a tenant of an agricultural holding any part of which is comprised in the land.

Signed…….....
+On behalf of …….....
Date …….....

Statement of owners' rights
The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.
Statement of agricultural tenants' rights
The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

+ delete where inappropriate

Insert:
(a) address or location of the proposed development
(b) applicant's name
(c) name of the Council
(d) description of the proposed development
(e) date giving a period of 21 days beginning with the date of service, or 14 days beginning with the date of publication, of the notice (as the case may be)

ARUN DISTRICT COUNCIL LU/239/15/PL

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

NOTICE UNDER ARTICLES 13 AND 36 OF APPEAL

(to be published in a newspaper and, where relevant, on a website or to be served on an owner or a tenant** in the case of an appeal against the refusal to grant planning permission for householder development***)*

Proposed householder development*** at (a) ……..……..
I give notice that (b)……..……...…...……..…...
having applied to the (c) ……Council to
(d) …… is
appealing to the Secretary of State against the refusal of the Council to grant planning permission for the proposed development.

In the event that the appeal is dealt with by the expedited procedure under the written representations procedure+, any representations made by the owner* of the land or tenant** to the Council about the application will be passed to the Secretary of State and there will be no opportunity to make further representations in relation to the appeal.

* "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years.
** "tenant" means a tenant of an agricultural holding any part of which is comprised in the land.
*** "householder development" means development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse. It does not include a change of use or a change to the number of dwellings in a building.

+ The expedited procedures in relation to written representations are set out in Part 1 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 (S.I. 2009/452).

Signed…….....
On behalf of (delete if not applicable)……
Date …….....

Statement of owners' rights
The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.
Statement of agricultural tenants' rights
The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

Insert:
(a) address or location of the proposed development
(b) applicant's name
(c) name of the Council
(d) description of the proposed development

ARUN DISTRICT COUNCIL LU/239/15/PL

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

NOTICE UNDER ARTICLES 13 AND 36 OF APPEAL

(to be posted in the case of an application for planning permission for development consisting of the winning and working of minerals by underground operations (in addition to the service or publication of any other requisite notices in this Schedule))

Proposed development at (a)……..……
I give notice that (b)……..…….....
having applied to the (c)……...……...Council to
(d)……..……..……is
appealing to the Secretary of State

against the decision of the Council +
on the failure of the Council to give notice of a decision +

Members of the public may inspect copies of

- the application
- the plans
- and other documents submitted with it

at (e)……..
during all reasonable hours until (f)…….....

Anyone who wishes to make representations about this appeal should write to the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.gov.uk/government/organisations/planning-inspectorate
by (f) ……...

Signed…….....
+On behalf of …….....
Date …….....

+ delete where inappropriate

Insert:
(a) address or location of the proposed development
(b) applicant's name
(c) name of the Council
(d) description of the proposed development
(e) address of the Council
(f) date giving a period of 21 days beginning with the date when the notice is posted

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

NOTICE UNDER ARTICLES 13 AND 36 OF APPEAL

(to be published in a newspaper and, where relevant, on a website or to be served on an owner or a tenant** in the case of an appeal against the refusal to grant planning permission for minor commercial development***)*

Proposed minor commercial development*** at (a)……

I give notice that (b)……..……..
having applied to the (c)……..Council
to (d)…….....is
appealing to the Secretary of State against the refusal of the Council to grant planning permission for the proposed development.

In the event that the appeal is dealt with by the expedited procedure under the written representations procedure+, any representations made by the owner* of the land or tenant** to the Council about the application will be passed to the Secretary of State and there will be no opportunity to make further representations in relation to the appeal.

* "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years.

** "tenant" means a tenant of an agricultural holding any part of which is comprised in the land.

*** "minor commercial development" means development of an existing building, or part of a building, in use for certain commercial purposes. It does not include a change of use, development not wholly at ground floor level, an increase in floor space or a change to the number of units in a building.

+The expedited procedures in relation to written representations are set out in Part 1 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 (S.I. 2009/452).

Signed…….....
On behalf of (delete if not applicable)……
Date …….....

Statement of owners' rights
The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.
Statement of agricultural tenants' rights
The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

Insert:
(a) address or location of the proposed development
(b) applicant's name
(c) name of the Council
(d) description of the proposed development

ARUN DISTRICT COUNCIL LU/239/15/PL

SCHEDULE 3

Articles 15 or 16

Publicity for applications for planning permission

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

NOTICE UNDER ARTICLE 15(4) OR (5) OR ARTICLE 16 OF APPLICATION FOR PLANNING PERMISSION

(to be published in a newspaper, displayed by site display on or near the site, or served on owners and/or occupiers of adjoining land, or infrastructure managers)

Proposed development at (a)…….....
I give notice that (b)……....
is applying to the (c)……...Council
for planning permission to (d) ……
The proposed development 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.*
The proposed development to which the application relates is situated within 10 metres of relevant railway land*
Members of the public may inspect copies of

- the application
- the plans
- and other documents submitted with it

at (e)…….
during all reasonable hours until (f)……
Anyone who wishes to make representations about this application should write to the Council at (g)……
by (f)……

In the event that an appeal is made against a decision of the Council to refuse to grant planning permission for the proposed development, and that appeal then proceeds by way of the expedited procedure under the written representations procedure+, any representations made by the owner* or tenant** to the Council about this application will be passed to the Secretary of State and there will be no opportunity to make further representations. Any owner or tenant wishing to make representations should do so by the date given above.

Signed……...(Council's authorised officer)
On behalf of …….....Council
Date …….....
*delete where inappropriate

Insert:
(a) address or location of the proposed development
(b) applicant's name
(c) name of the Council
(d) description of the proposed development
(e) address at which the application may be inspected
(f) date giving a period of 21 days, beginning with the date when the notice is first displayed where visible or accessible on or near the site or served on an owner and/or occupier of adjoining land, or a period of 14 days, beginning with the date when the notice is published in a newspaper (as the case may be)
(g) address of the Council

ARUN DISTRICT COUNCIL LU/239/15/PL

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

NOTICE UNDER ARTICLE 15(3) OR ARTICLE 16 OF APPLICATION FOR PLANNING PERMISSION ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT

(to be published in a newspaper and displayed by site display on or near the site)

Proposed development at (a) ……...
I give notice that (b) ……... is applying to the (c) ……Council for planning permission to (d) ……and that the application is accompanied by an environmental statement.
The proposed development 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.*
The proposed development to which the application relates is situated within 10 metres of relevant railway land*

Members of the public may inspect copies of

- the application
- the plans
- the environmental statement
- and other documents submitted with the application

at (e) ……
during all reasonable hours until (f) ……

Members of the public may obtain copies of the environmental statement from (g) ……
……..
at a charge of (h) …….....……..

Anyone who wishes to make representations about this application should write to the Council at (i)……..
by (f) ……

Signed……(Council's authorised officer)
On behalf of …….....Council
Date …….....

* delete where inappropriate

Insert:
(a) address or location of the proposed development
(b) applicant's name
(c) name of the Council
(d) description of the proposed development
(e) address at which the application may be inspected
(f) date giving a period of 21 days, beginning with the date when the notice is first displayed where visible or accessible on or near the site, or a period of 14 days, beginning with the date when the notice is published in a newspaper (as the case may be)
(g) address from where copies of the environmental statement may be obtained (whether or not the same as (e))
(h) amount of charge, if any
(i) address of the Council

ARUN DISTRICT COUNCIL LU/239/15/PL

SCHEDULE 4

Articles 18, 19 and 20

Consultations before the grant of permission

Table

Para	*Description of Development*	*Consultee*
(a)	Development likely to affect land in a National Park	The National Park authority concerned
(b)	Development likely to affect land in Greater London or in a metropolitan county other than land in a National Park	The local planning authority concerned
(c)	Development likely to affect land in a non-metropolitan county other than land in a National Park	The district planning authority concerned or, where there is no district planning authority in relation to the land, the county planning authority concerned
(d)	Development, in relation to which an application for planning permission has been made to the Secretary of State under section 293A of the 1990 Act (urgent Crown development: application)(**a**), where that development is likely to affect land in the area of a parish council	The parish council
(e)	Development within an area which has been notified to the local planning authority by the Health and Safety Executive for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances (otherwise than on a relevant nuclear site) and which involves the provision of— (i) residential accommodation; (ii) more than 250 square metres of retail floor space; (iii) more than 500 square metres of office floor space; or (iv) more than 750 square metres of floor space to be used for an industrial process, or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area	The Health and Safety Executive
(f)	Development within an area which has been notified to the local planning authority by the Office for Nuclear Regulation for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances on a relevant nuclear site and which involves the provision of— (i) residential accommodation; (ii) more than 250 square metres of retail floor space; or (iii) more than 500 square metres of office floor space; or (iv) more than 750 square metres of floor space to be used for an industrial process,	The Office for Nuclear Regulation

(**a**) 1990 c. 8. Section 293A was inserted by section 82(1) of the 2004 Act.

ARUN DISTRICT COUNCIL LU/239/15/PL

	or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.	
(g)	Development other than minor development, likely to result in an adverse impact on the safety of, or queuing, on a trunk road	The highway authority for the trunk road
(h)	Development likely to prejudice the improvement or construction of a trunk road	The highway authority for the trunk road
(i)	Development which consists of or includes the construction, formation or laying out of access to or from a trunk road	The highway authority for the trunk road
(j)	Development which is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway	The operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport
(k)	Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway	The local highway authority concerned
(l)	Development likely to prejudice the improvement or construction of a classified road or proposed highway	The local highway authority concerned
(m)	Development involving—	
	(i) the formation, laying out or alteration of any means of access to a highway (other than a trunk road); or	The local highway authority concerned
	(ii) the construction of a highway or private means of access to premises affording access to a road in relation to which a toll order is in force	The local highway authority concerned, and in the case of a road subject to a concession, the concessionaire
(n)	Development which consists of or includes the laying out or construction of a new street	The local highway authority
(o)	Development which involves the provision of a building or pipe-line in an area of coal working notified by the Coal Authority to the local planning authority	The Coal Authority
(p)	Development involving or including mining operations	The Environment Agency
(q)	Development of land involving the demolition, in whole or in part, or the material alteration of a listed building which is classified as Grade I or Grade II*	Historic England(**a**)
(r)	Development likely to affect the site of a scheduled monument	Historic England

(**a**) *See* section 32 of the National Heritage Act 1983 (c. 47). This body is also known as the Historic Buildings and Monuments Commission for England.

ARUN DISTRICT COUNCIL LU/239/15/PL

(s)	Development likely to affect any battlefield, garden or park of special historic interest which is registered in accordance with section 8C of the Historic Buildings and Ancient Monuments Act 1953 (register of gardens)(**a**)	(a) Historic England in relation to any battlefield, and any garden or park which is classified as Grade I or Grade II*; and (b) the Garden History Society in relation to all registered gardens or parks
(t)	Development involving the carrying out of works or operations in the bed of, or within 20 metres of the top of a bank of, a main river which has been notified to the local planning authority by the Environment Agency as a main river for the purposes of this provision	The Environment Agency
(u)	Development for the purpose of refining or storing mineral oils and their derivatives	The Environment Agency
(v)	Development relating to the use of land as a cemetery	The Environment Agency
(w)	Development in or likely to affect a site of special scientific interest	Natural England
(x)	Development involving any land on which there is a theatre	The Theatres Trust
(y)	Development which is not for agricultural purposes and is not in accordance with the provisions of a development plan and involves— (i) the loss of not less than 20 hectares of grades 1, 2 or 3a agricultural land(**b**) which is for the time being used (or was last used) for agricultural purposes; or (ii) the loss of less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, in circumstances in which the development is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more	Natural England
(z)	Development which— (i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or (ii) is on land which has been— (aa) used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or	Sport England(**c**)

(**a**) 1953 c. 49; section 8C was inserted by paragraph 10 of Schedule 4 to the National Heritage Act 1983 (c. 47).
(**b**) *See* Natural England publication for the agricultural land classification system. TIN049 edition 2 – Agricultural Land Classification: protecting the best and most versatile agricultural land available from http://publications.naturalengland.org.uk/publication/35012?category=9001.
(**c**) Sport England is also known as the English Sports Council.

ARUN DISTRICT COUNCIL LU/239/15/PL

	(bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or (iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface	
(za)	Development likely to affect— (i) any inland waterway (whether natural or artificial) or reservoir owned or managed by the Canal & River Trust; or (ii) any canal feeder channel, watercourse, let off or culvert, which is within an area which has been notified for the purposes of this provision to the local planning authority by the Canal & River Trust	The Canal & River Trust
(zb)	Development falling within any of the following descriptions— (i) development involving the siting of new establishments; (ii) development consisting of modifications to existing establishments covered by Article 11 of Directive 2012/18EU of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances(**a**); or (iii) new developments including transport routes, locations of public use and residential areas in the vicinity of establishments, where the siting or development may be the source of or increase the risk or consequences of a major accident.	(a) The COMAH competent authority; (b)where it appears to the local planning authority that an area of particular natural sensitivity or interest may be affected, Natural England; and (c) in the case of development falling within paragraph (iii), any person who according to— (i) the register held by the hazardous substances authority under regulation 20 of the Planning (Hazardous) Substances) Regulations 2015(**b**), or (ii) a notice submitted under regulation 32(1)(b) of those Regulations where the local authority has been notified under regulation 32(3) of those Regulations, is the person in control of the land on which any establishment is located.

(**a**) O.J L 197, 24.7.2012, p. 1.
(**b**) S.I. 2015/627.

ARUN DISTRICT COUNCIL LU/239/15/PL

(zc)	Development, other than minor development, which is to be carried out on land— (i) in an area within Flood Zone 2 or Flood Zone 3; or (ii) in an area within Flood Zone 1 which has critical drainage problems and which has been notified for the purpose of this provision to the local planning authority by the Environment Agency	The Environment Agency
(zd)	Major development which does not use the services of a sewerage undertaker for the disposal of sewage	The Environment Agency
(ze)	Major development with surface water drainage	The Lead local flood authority
(zf)	Development involving the boring for or getting of oil and natural gas from shale	Any water or sewerage undertaker in whose area of appointment the development is proposed and, in the case where the development is likely to affect water resources in the area of appointment of another water or sewerage undertaker, that undertaker

Interpretation of Table

1. In the above Table—

(a) in paragraph (e)(iv), "industrial process" means a process for or incidental to any of the following purposes—

(i) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);

(ii) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or

(iii) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine (and in this paragraph, "mine" means any site on which mining operations are carried out);

(b) in paragraph (g), "minor development" means—

(i) development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse, for any purpose incidental to the enjoyment of the dwellinghouse as such;

(ii) the extension of an existing building used for non-domestic purposes where the floor space created by the development does not exceed 250 square metres; and

(iii) the alteration of an existing building where the alteration does not increase the size of the building.

(c) in paragraph (j), "network" and "operator" have the same meaning as in Part 1 of the Railways Act 1993 (the provision of railway services)(**a**);

(**a**) 1993 c. 43; *see* section 83.

ARUN DISTRICT COUNCIL LU/239/15/PL

(d) in paragraphs (k) and (l), "classified road" means a highway or proposed highway which—

(i) is a classified road or a principal road by virtue of section 12(1) of the Highways Act 1980 (general provision as to principal and classified roads)(**a**); or

(ii) is classified for the purposes of any enactment by the Secretary of State by virtue of section 12(3) of that Act;

(e) in paragraph (m), "concessionaire", "road subject to a concession" and "toll order" have the same meaning as in Part 1 of the New Roads and Street Works Act 1991 (new roads in England and Wales)(**b**);

(f) in paragraph (n), "street" has the same meaning as in section 48(1) of the New Roads and Street Works Act 1991 (streets, street works and undertakers), and "new street" includes a continuation of an existing street;

(g) in paragraph (r), "scheduled monument" has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments)(**c**);

(h) in paragraph (t), "main river" has the same meaning as in section 113 of the Water Resources Act 1991 (interpretation of Part 4 – flood defence)(**d**);

(i) in paragraph (x), "theatre" has the same meaning as in section 5 of the Theatres Trust Act 1976 (interpretation)(**e**);

(j) in paragraph (z)—

(i) "playing field" means the whole of a site which encompasses at least one playing pitch;

(ii) "playing pitch" means a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo;

(k) in paragraph (zb)—

(i) expressions appearing both in that paragraph and in Directive 2012/18/EU have the same meaning as in that Directive;

(ii) "COMAH competent authority" has the meaning in regulation 2(1) of the Planning (Hazardous Substances) Regulations 2015; and

(l) in paragraph (zc)—

"Flood Zone 1" means land which has a less than a 1 in 1000 annual probability of river or sea flooding(**f**);

"Flood Zone 2" means land which has—

(i) between a 1 in 100 and 1 in 1000 annual probability of river flooding; or

(ii) between a 1 in 200 and 1 in 1000 annual probability of sea flooding;

"Flood Zone 3" means land which has—

(i) a 1 in 100 or greater annual probability of river flooding; or

(ii) a 1 in 200 or greater annual probability of sea flooding; and

"minor development" has the same meaning as in paragraph (g).

(**a**) 1980 c. 66.
(**b**) 1991 c. 22.
(**c**) 1979 c. 46.
(**d**) 1991 c. 57.
(**e**) 1976 c. 27.
(**f**) Maps showing the various Flood Zones are available from the Environment Agency at http://www.environment-agency.gov.uk.

ARUN DISTRICT COUNCIL LU/239/15/PL

SCHEDULE 5

Article 35

Notification where planning permission refused or granted subject to conditions

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS *(to be endorsed on notices of decision)* *(page 1 of 2)**

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.*

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
  28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.*

- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*

- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.*

- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.gov.uk/government/organisations/planning-inspectorate.

- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

* delete where inappropriate

ARUN DISTRICT COUNCIL LU/239/15/PL

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS *(to be endorsed on notices of decision)*

*(page 2 of 2)**

- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.

* delete where inappropriate

SCHEDULE 6

Articles 28, 29 and 30

Deemed discharge: exemptions

1. For the purposes of article 30, the following planning conditions are exempt under section 74A(6) of the 1990 Act (deemed discharge of planning conditions)(**a**).

Environment

2.—(1) A condition attached to the grant of planning permission where the development permitted—

(a) is EIA development;

(b) would have been EIA development apart from that condition;

(c) is likely to have a significant effect on a qualifying European site and is not directly connected with or necessary to the management of that site; or

(d) would have been likely to have a significant effect on a qualifying European site apart from that condition and is not directly connected with or necessary to the management of that site.

(2) In sub-paragraph (1)—

(a) reference to development which is, or would have been, likely to have significant effect on a qualifying European site includes development which is, or would have been, likely to have that effect in combination with other plans or projects;

(b) reference to the development which would have been of a particular kind apart from a condition imposed on the grant of planning permission for the development include development which would have been of that kind apart from—

(i) that condition; and

(ii) any other condition attached to the grant of planning permission for the development.

Flooding

3. A condition attached to the grant of planning permission, intended to manage the risk of flood.

Sites of special scientific interest

4.—(1) A condition attached to the grant of planning permission for the development of land which is or forms part of a site of special scientific interest—

(a) which is likely to have a significant effect on such a site; or

(b) which would have been likely to have a significant effect on such a site apart from that condition.

(2) In sub-paragraph (1)—

(a) the reference to development of land which is, or would have been, likely to have a significant effect on a site of special scientific interest includes development which is, or would have been, likely to have that effect in combination with other plans or projects.

(b) the reference to development which would have been likely to have a significant effect on a site of special scientific interest apart from a condition includes a development which would have been likely to have that effect apart from—

(**a**) Section 74A was inserted by section 29 of the Infrastructure Act 2015 (c. 7).

ARUN DISTRICT COUNCIL LU/239/15/PL

(i) that condition; and

(ii) any other condition attached to the grant of planning permission for the development.

Contaminated land

5. A condition attached to the grant of planning permission which relates to the—

(a) assessment of whether the land to which the planning permission relates is contaminated land; or

(b) remediation of contaminated land (whether or not the remediation is to the land to which the planning permission relates).

Archaeology

6. A condition attached to the grant of planning permission which relates to investigation of the archaeological potential of the land to which the planning permission relates.

Highways

7. A condition attached to the grant of planning permission which—

(a) relates to access between the development and the highway; or

(b) requires a section 278 agreement to be entered into.

Approval of reserved matters

8. A condition attached to the grant of an outline planning permission in relation to the approval of any reserved matter.

Planning obligations

9. A condition attached to the grant of planning permission that requires a planning obligation to be entered into.

Development orders

10. A condition attached to the grant of planning permission under a—

(a) development order pursuant to section 59 of the 1990 Act(**a**); or

(b) special development order pursuant to section 264 of the 1990 Act(**b**);

(c) local development order pursuant to section 61A of the 1990 Act(**c**); or

(d) neighbourhood development order pursuant to section 61E(**d**) of the 1990 Act.

(**a**) Section 59 was amended by section 1(2) of, and paragraphs 1 and 4 of Schedule 1 to, the Growth and Infrastructure Act 2013 (c. 27).

(**b**) Section 264 was amended by section 40(2)(k) of the 2004 Act. There are amendments to section 264 not relevant to this Order.

(**c**) Section 61A was inserted by section 40(1) of the 2004 Act.

(**d**) Section 61E was inserted by section 116 of, and Schedule 9 to, the Localism Act 2011 (c. 20).

ARUN DISTRICT COUNCIL LU/239/15/PL

Simplified planning zones or enterprise zones

11. A condition attached to the grant of planning permission in relation to land in—

(a) a simplified planning zone(**a**) where the development permitted is specified, or of a class specified, in the simplified planning zone scheme; or

(b) an enterprise zone(**b**) where the development permitted is specified, or of a class specified, in the enterprise zone scheme.

Crown development or government authorisation

12. A condition attached to the grant of planning permission under—

(a) section 90 of the 1990 Act (government authorisation)(**c**);

(b) section 293A of the 1990 Act (urgent Crown development)(**d**).

(**a**) *See* section 84.
(**b**) *See* section 88 which was amended in ways not relevant to this Order.
(**c**) Section 90 was amended by section 78 of, and paragraph 32(4) of Schedule 10, to the Environment Act 1995
(**d**) Section 293A was inserted by section 82(1) of the Planning and Compulsory Purchase Act 2004 (c. 5).

ARUN DISTRICT COUNCIL LU/239/15/PL

SCHEDULE 7

Notices under article 38

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

NOTICE UNDER ARTICLE 38 OF PROPOSAL FOR LOCAL DEVELOPMENT ORDER GRANTING PLANNING PERMISSION

(to be displayed by site display on or near the site to which the order relates and to be served on an owner or a tenant**)*

Proposed development at (a) ……..
I give notice that the (b) ……..…..Council proposes to make a local development order granting planning permission to (c)……..
……..

A copy of the draft order and a statement of the Council's reasons for making the order are available for inspection
at…….(d) and
are published on the Council's website at …… (e)

Anyone who wishes to make representations about this proposed local development order should write to the Council at (f) ……...…….
……..by
(g) …….....

* "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years, or, in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).
** "tenant" means a tenant of an agricultural holding any part of which is comprised in the land.

Signed……(Council's authorised officer)
On behalf of …….……..... Council
Date …….....

Statement of owners' rights
The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.
Statement of agricultural tenants' rights
The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

Insert:
(a) address or location of the proposed development
(b) name of the Council
(c) description of the proposed development
(d) places where and times when the documents are available for inspection
(e) website address where the documents are published
(f) address of the Council
(g) date giving a period of not less than 28 days beginning with the [date the notice is first displayed where visible or accessible on or near the site, or the date of service of the notice (as the case may be)

ARUN DISTRICT COUNCIL LU/239/15/PL

SCHEDULE 8

Article 39

Certificate of lawful use or development

Town and Country Planning Act 1990: sections 191 and 192
Town and Country Planning (Development Management Procedure) (England) Order 2015: article 39

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

The (a) ..... Council hereby certify that on (b) ..... the use/operations/matter* described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged/hatched/coloured* (c)..... on the plan attached to this certificate, was/were/would have been/would be* lawful within the meaning of section 191/192* of the Town and Country Planning Act 1990 for the following reason(s):

……..……..……..
.....

Signed.....(Council's authorised officer)
On behalf of (a).....Council
Date.....

First Schedule
(d)
Second Schedule
(e)

Notes

1 This certificate is issued solely for the purpose of section 191/192* of the Town and Country Planning Act 1990.

2 It certifies that the use/operations/matter* specified in the First Schedule taking place on the land described in the Second Schedule was/were/would have been/would be* lawful, on the specified date and, therefore, was not/were not/would not have been* liable to enforcement action under Part 7 of the 1990 Act on that date.

3 This certificate applies only to the extent of the use/operations/matter* described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/operations/matter* which is/are* materially different from that/those* described or which relate/s* to other land may render the owner or occupier liable to enforcement action.

*4 The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

*delete where inappropriate

Insert:
(a) name of Council
(b) date of application to the Council
(c) colour used on the plan
(d) full description of use, operations or other matter, if necessary, by reference to details in the application or submitted plans, including a reference to the use class, if any, specified in an order under section 55(2)(f) of the 1990 Act, within which the use referred to in this certificate falls
(e) address or location of the site

SCHEDULE 9

Article 47

Revocations in relation to England

Title of Instrument	*Reference*	*Extent of revocation*
The Town and Country Planning (Development Management Procedure) (England) Order 2010	S.I. 2010/2184	The whole of the Order
The Town and Country Planning (Environmental Impact Assessment) Regulations 2011	S.I. 2011/1824	Paragraphs 17 to 20 of Schedule 6 to the Order
The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2012	S.I. 2012/636	The whole of the Order
The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012	S.I. 2012/2274	The whole of the Order
The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 3) Order 2012	S.I. 2012/3109	The whole of the Order
The National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013	S.I. 2013/235	Paragraph 155 of Part 1 of Schedule 2 to the Order
The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2013	S.I. 2013/1238	The whole of the Order
The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2013	S.I. 2013/2136	The whole of the Order
The Growth and Infrastructure Act 2013 (Local Development Orders) (Consequential Provisions) (England) Order 2013	S.I. 2013/2879	Articles 2 and 4 of the Order
The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2013	S.I. 2013/2932	Article 2
The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment No 2) Order 2013	S.I. 2013/3194	Article 2
The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014	S.I. 2014/469	Paragraph 201 of Part 5 of Schedule 3 to the Order
The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provision) (England) Order 2014	S.I. 2014/564	Article 8
The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order	S.I. 2014/1532	Article 2
The Infrastructure Act 2015 (Strategic Highways Companies) (Consequential, Transitional and Savings Provisions) Regulations 2015	S.I. 2015/377	Paragraphs 47 to 51 of the Schedule to the Regulations

ARUN DISTRICT COUNCIL LU/239/15/PL

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, in relation to England, consolidates with amendments provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2010 ("the 2010 Order") and subsequent amending instruments and revokes the instruments or parts of the instruments set out in Schedule 9.

This Order prescribes procedures connected with planning applications, consultations in relation to planning applications, the determination of planning applications, appeals, local development orders, certificates of lawful use or development and the maintenance of registers of planning applications and related matters.

In addition to minor and drafting amendments, the main changes from the 2010 Order are—

(i) a requirement to notify an infrastructure manager, when the development to which the application relates is situated within 10 metres of relevant railway land, as defined in this Order (article 16);

(ii) to clarify the information requirements that must accompany an application made under a planning condition (article 27);

(iii) where a local planning authority fails to determine an application for approval under a planning condition within a prescribed period, the applicant is treated as having received that approval from the local planning authority (deemed discharge). This Order sets out the procedure to be followed by an applicant in order to be able to rely on the deemed discharge of such a condition. Deemed discharge is not available in relation to certain excluded types of conditions set out in the Order (articles 28, 29, 30 and Schedule 6);

(iv) where a local authority imposes a condition on a planning permission that requires a particular matter to be dealt with before the development starts, a requirement to provide reasons for the imposition of each condition must be given in the notice of decision (article 35); and

(v) amendments to the requirements for consultation before the grant of planning permission in Schedule 4 to this Order.

There are transitional provisions and savings in article 47 in relation to applications made to the local planning authority before this Order comes into force.

The documents referred to in this Order can be obtained as follows:-

	Document	*Address*
Article 7	Application for planning permission	www.gov.uk/government/publications/planning-application-forms-templates-for-local-planning-authorities or by writing to the address set out at (a) below
Article 8	World Heritage List	http://whc.unesco.org/en/list/ http://www.whc.unesco.org/ or by writing to:- World Heritage Centre, UNESCO 7, Place de Fontenoy 7532 Paris 07 SP, France
Article 37	Appeal Form	www.gov.uk/government/organisations/planning-inspectorate

ARUN DISTRICT COUNCIL LU/239/15/PL

		or by writing to (a) below
Article 39	Certificate of lawful use or development form	www.gov.uk/government/publications/planning-application-forms-templates-for-local-planning-authorities or by writing to the address set out at (a) below
Schedule 4, paragraph (y)	Agricultural land classification system	http://publications.naturalengland.org.uk/publication/35012 or by writing to Natural England, Block B, Government Buildings, Whittington Road, Worcester, WR5 2LQ
Schedule 4, paragraph (zc)	Flood Zone maps	www.environment-agency.gov.uk or by writing to Environment Agency National Customer Contact Centre, PO Box 544, Rotherham, S60 1BY

(a) The Planning Directorate, Department for Communities and Local Government, Fry Building, 2 Marsham Street, London SW1P 4DF.

An Impact Assessment in relation to the deemed discharge of conditions was prepared in relation the Infrastructure Act 2015 and can be found at www.parliament.uk/documents/impact-assessments/IA15-003.pdf and an updated Impact Assessment is being prepared in relation to this Order. A separate impact assessment is being prepared in relation to the requirement to make water companies statutory consultees. The assessments will be placed in the library of each House of Parliament and will be available on www.legislation.gov.uk. Copies may be obtained from the Planning Directorate, Department for Communities and Local Government, Fry Building, 2 Marsham Street, London SW1P 4DF.

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ARUN DISTRICT COUNCIL LU/239/15/PL

UK2015031914 03/2015 19585

http://www.legislation.gov.uk/id/uksi/2015/595

ARUN DISTRICT COUNCIL LU/239/15/PL