

Statutory Instrument 2003 No. 2047

The Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003

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STATUTORY INSTRUMENTS

2003 No. 2047

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (General Development Procedure)
(England) (Amendment) Order 2003

Made

6th August 2003

Laid before Parliament

14th August 2003

Coming into force

All articles except article 5

5th September 2003

Article 5

5th December 2003

The First Secretary of State, in exercise of the powers conferred upon him by sections 59, 71, 74, 78 and 333(7) of the Town and Country Planning Act 1990^[1] hereby makes the following Order:

Citation, commencement, interpretation and extent

1. - (1) This Order may be cited as the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003.

(2) Article 5 of this Order shall come into force on 5th December 2003 and all other articles shall come into force on 5th September 2003.

(3) This Order applies in England only.

(4) In this Order -

"the 1995 Order" means the Town and Country Planning (General Development Procedure) Order 1995^[2].

Amendment of interpretation article

2. In article 1(2) of the 1995 Order, for the definition of "environmental information" and "environmental statement" substitute -

" "EIA development", "environmental information" and "environmental statement" have the same meanings respectively as in regulation 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999"^[3].

Changes to article 10: Consultation before the grant of planning permission

3. In the Table in article 10(1) of the 1995 Order (consultation before the grant of planning permission), after paragraph (zb) insert -

" (zc) Development which -

| | |
|---|---|
| (i) involves or is likely to affect the provision of an existing or proposed strategic infrastructure project of which notification has been given to the local planning authority and which is likely to have a significant impact upon a policy in the Regional Development Agency's Strategy; or | The Regional Development Agency which gave the notice |
| (ii) is within an area of which notification has been given to the local planning authority for the purpose of this provision and is likely to | |

| | |
|--|--|
| affect the implementation of a strategic regional investment or employment policy in the Regional Development Agency's Strategy" | |
|--|--|

4. In article 10 of the 1995 Order -

(a) in paragraph (1)(ii) delete "; or".

(b) after paragraph (1)(iii) insert -

" ; or

(iv) the development is subject to any standing advice provided by the authority or person so mentioned to the local planning authority in relation to the category of development."

(c) after paragraph (1A) insert -

" (1B) The exception in article 10(iv) shall not apply where -

(a) the development is an EIA development; or

(b) the standing advice was issued more than two years before the date of the application for planning permission for the development and the guidance has not been amended or confirmed as being extant by the authority or person within that period"

(d) after paragraph 2(m) insert -

" (n) in paragraph (zc) "Regional Development Agency" has the same meaning as in section 41 of the Regional Development Agencies Act 1998^[4] and "Regional Development Agency's Strategy" is a strategy formulated and kept under review under section 7 and section 7A of that Act"

Changes to article 22: Written notice of decision or determination relating to a planning permission

5. For article 22(1) of the 1995 Order substitute -

" 22

(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 and -

(a) planning permission is granted, the notice shall include a summary of their reasons for the grant and a summary of the policies and proposals in the development plan which are relevant to the decision;

(b) planning permission is granted subject to conditions, the notice shall: -

(i) include a summary of their reasons for the grant together with a summary of the policies and proposals in the development plan which are relevant to the decision to grant permission; and

(ii) shall state clearly and precisely their full reasons for each condition imposed, specifying all policies and proposals in the development plan which are relevant to the decision;

(c) planning permission is refused, the notice shall 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; and

(d) where the Secretary of State has given a direction restricting the grant of planning permission for the development for which application is made or where he 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 shall give details of the direction or of the view expressed,

and in the case of notification required by sub-paragraph (b) (c) or (d) the notice shall be accompanied by a notification in the terms (or substantially in the terms) set out in Part 2 of Schedule 1 to this Order."

Changes to article 23: Appeals

6. In article 23(2) of the 1995 Order, for "six" substitute "three".

Changes to article 25: Register of applications

7. In article 25(11)(a) of the 1995 Order, for "six" substitute "three".

Changes to Schedule 1 Part 2

8. In Part 2 of Schedule 1 to the 1995 Order, for "six" substitute "three".

Transitional Provisions

9. The amendments made to the 1995 Order by -

(a) articles 3, 4, 6, 7 and 8 shall not apply in respect of planning applications made before the coming into force of those articles;

(b) article 5 of this Order, shall not apply to planning applications made before the coming into force of article 5, which are decided or determined within a period of three months from that date.

Signed by authority of the First Secretary of State

Keith Hill

Minister of State, Office of the Deputy Prime Minister

6th August 2003

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies in England only, amends the Town and Country Planning (General Development Procedure) Order 1995 ("the 1995 Order"). The main changes are -

(1) The introduction of a requirement to consult, in England, the Regional Development Agency before the grant of planning permission for certain categories of development (article 3).

(2) The introduction of an additional exception to the requirement to consult before the grant of planning permission, for development which is not EIA development where a local planning authority considers that the development proposed is subject to any up to date standing advice issued by the relevant consultee in respect of a category of development. (article 4).

(3) The introduction of a requirement for the local planning authority to provide a summary of the reasons for a grant of planning permission and a summary of the policies and proposals in the development plan which are relevant to the decision. (article 5).

(4) An amendment altering the time limit for appeals from six to three months. (article 6).

(5) There are other minor changes and transitional provisions.

A Regulatory Impact Appraisal has been prepared in relation to the Order. It has been placed in the Library of each House of Parliament and copies may be obtained from PD3B, Office of the Deputy Prime Minister, Eland House, Bressenden Place, London SW1E 5DU (Telephone 020-944-3945).

Notes:

[1] 1990 c. 8; to which there are amendments not relevant to this Order. The functions of the Secretary of State under sections 59, 71, 74, 78 and 333(7) were, so far as exercisable in relation to Wales transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672: *see* the entry in article 2 of and Schedule 1 for the Town and Country Planning Act 1990 (c. 8).[back](#)

[2] S.I. 1995/419; relevant amending instruments are S.I. 1996/1817, S.I. 1997/858, S.I. 1999/981, S.I. 2000/1627.[back](#)

[3] S.I. 1999/293 to which there are amendments not relevant to this Order.[back](#)

[4] 1998 c. 45; section 41 was amended by the Greater London Authority Act 1999 (c. 29), section 309 and Schedule 25, paragraphs 1 and 19. Section 7A was inserted by section 306(1).[back](#)

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Prepared 14 August 2003