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Guidance

## Consultation and pre-decision matters

Sets out the process for efficient and inclusive consultation of planning applications

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Please note new section which provides guidance on changes that have been introduced to certain publicity requirements in response to the coronavirus (COVID-19) pandemic.

Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>), the policies in the previous version of the framework published in 2012 (<http://webarchive.nationalarchives.gov.uk/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework--2>) will continue to apply, as will any previous guidance which has been superseded since the new framework was published in July 2018. If you'd like an email alert when changes are made to planning guidance please subscribe (<https://www.gov.uk/topic/planning-development/planning-officer-guidance/email-signup>).

## What local planning authority consultation takes place before a planning application is decided, and with who?

After a local planning authority has received a planning application, it will undertake a period of consultation where views on the proposed development can be expressed. The formal consultation period will normally last for 21 days, and the local planning authority will identify and consult a number of different groups.

The main types of local planning authority consultation are:

- Public consultation – including consultation with neighbouring residents and community groups.
- Statutory consultees – where there is a requirement set out in law to consult a specific body.
- Any consultation required by a direction – where there are further, specific, statutory consultation requirements as set out in a consultation direction.
- Non statutory consultees where there are planning policy reasons to engage other consultees who – whilst not designated in law – are likely to have an interest in a proposed development.

Following the initial period of consultation, it may be that further additional consultation on changes submitted by an applicant, prior to any decision being made, is considered necessary.

Finally, once consultation has concluded, the local planning authority will consider the representations made by consultees, and proceed to decide the application. See more information on the role that consultees' views play in making a decision.

Local planning authority consultation does not remove or affect the requirement for the applicant to complete and submit an ownership certificate and agricultural land declaration with an application for planning permission (<https://www.gov.uk/guidance/making-an-application#Ownership-Certificate-and-Agricultural-Land-Declaration>).

Paragraph: 001 Reference ID: 15-001-20190722

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#what-local-planning-authority-consultation-takes-place-before-a-planning-application-is-decided-and-with-who>)

## Public consultation

### What steps must the local planning authority take to involve members of the public on planning applications?

Local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application. This is prescribed in article 15 of the Development Management Procedure Order (<http://www.legislation.gov.uk/uksi/2015/595/article/15/made>) (as amended). There are separate arrangements for applications for permission in principle which are set out in Article 5G of the Town and Country Planning (Permission in Principle) Order 2017 (<http://www.legislation.gov.uk/uksi/2017/1309/article/4/made>) (as amended); for listed buildings which are set out in regulation 5 (<http://www.legislation.gov.uk/uksi/1990/1519/regulation/5/made>) and regulation 5A of the Listed Buildings and Conservation Area Regulations 1990 (<http://www.legislation.gov.uk/uksi/2004/2210/regulation/2/made>) (as amended) and for applications for prior approval for development which is subject to permitted development rights which are set out in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (<http://www.legislation.gov.uk/uksi/2015/596/schedule/2/made>) (as amended).

Paragraph: 002 Reference ID: 15-002-20180615

Revision date: 15 06 2018 See previous version

(<http://webarchive.nationalarchives.gov.uk/20180411211406/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Public-consultation>)

### Who is eligible to respond to a consultation?

Anyone can respond to a planning consultation. In addition to individuals who might be directly affected by a planning application, community groups and specific interest groups (national as well as local in some cases) may wish to provide representations on planning applications.

Paragraph: 003 Reference ID: 15-003-20140306

Revision date: 06 03 2014

## **What publicity will take place to let the public know that a planning application has been submitted?**

Local planning authorities have discretion about how they inform communities and other interested parties about planning applications. Article 15 of the Development Management Procedure Order (<http://www.legislation.gov.uk/uksi/2015/595/article/15/made>) sets out minimum statutory requirements for applications for planning permission. These are summarised in Table 1.

In addition, local authorities may set out more detail on how they will consult the community on planning applications in their Statement of Community Involvement, prepared under section 18 of the Planning and Compulsory Purchase Act 2004 (<http://www.legislation.gov.uk/ukpga/2004/5/section/18>). See also guidance on plan-making (<https://www.gov.uk/guidance/plan-making>).

Publishing information online in an open data format can help facilitate engagement with the public on planning applications.

Paragraph: 004 Reference ID: 15-004-20140306

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Public-consultation>)

## **What is the time period for making comments?**

The time period for making comments will be set out in the publicity accompanying the planning application. This will be not less than 21 days, or 14 days where a notice is published in a newspaper.

To ensure comments are taken into account it is important to make comments before the statutory deadline.

Paragraph: 005 Reference ID: 15-005-20140306

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Public-consultation>)

## **Will the local planning authority take into account views received after the formal period for comments has closed?**

Local planning authorities may, at their discretion, take into account comments that are made after the closing date (but have no obligation to do so).

Paragraph: 034 Reference ID: 15-034-20190723

Revision date 23 07 2019

## **When must local planning authorities add additional days to consultation periods because of public holidays?**

In prescribed circumstances local planning authorities must extend periods of public consultation by one day for each public holiday that occurs during the public consultation period.

In this context 'public holiday' means Christmas Day, Good Friday, or a day which is a bank holiday in England.

Local planning authorities may not determine the application before the public consultation period allowed for representations to be made has expired.

The circumstances where local planning authorities must add an additional day for each public holiday which occurs during the public consultation period are set out in the table below.

However local planning authorities retain discretion to extend consultation periods where they consider it appropriate. This includes being able to add additional days when public holidays occur in circumstances that are not listed in the table.

**Table: Statutory provisions requiring local planning authorities to add an additional day for publicity of applications for each public holiday that occurs during a public consultation period**

Statutory provisions	Description
The Town and Country Planning (Development Management Procedure) (England) Order 2015 ( <a href="http://www.legislation.gov.uk/uksi/2015/595/contents/made">http://www.legislation.gov.uk/uksi/2015/595/contents/made</a> ) - Articles 15, 33 and 34 and Schedule 3 (as amended)	Applications for planning permission under Part 3 of the Town and Country Planning Act 1990 (which includes applications for outline planning permission and technical details consent) but the requirement does not apply in the case of any EIA application accompanied by an environmental statement.
The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 ( <a href="https://www.legislation.gov.uk/uksi/2013/2140/contents/made">https://www.legislation.gov.uk/uksi/2013/2140/contents/made</a> ) - Articles 14 and 38 and Schedule 2 (as amended)	Publicity by local planning authorities of relevant applications made to the Secretary of State under Section 62A of the Town and Country Planning Act 1990 ( <a href="http://www.legislation.gov.uk/ukpga/2013/27/section/1">http://www.legislation.gov.uk/ukpga/2013/27/section/1</a> ) except in the case of an application in respect of EIA development which is accompanied by an environmental statement. Publicity by local planning authorities of 'connected listed building applications' made to the Secretary of State under Section 62A of the Town and Country Planning Act - see definition of connected listed building application ( <a href="http://www.legislation.gov.uk/uksi/2014/1532/article/4/made">http://www.legislation.gov.uk/uksi/2014/1532/article/4/made</a> ).
The Planning (Listed Buildings and Conservation Areas) Regulations 1990 ( <a href="https://www.legislation.gov.uk/uksi/1990/1519/contents/made">https://www.legislation.gov.uk/uksi/1990/1519/contents/made</a> ) - Regulation 5, 5A, 13 (as amended)	Advertisement by local planning authorities of applications for listed building consent. Publicity by local planning authorities for applications for planning permission affecting setting of listed buildings. Publicity by local planning authorities of applications by them to the Secretary of State relating to the execution of works for the demolition, alteration or extension of listed buildings.
The Town and Country Planning (General Permitted Development) (England) Order 2015 ( <a href="http://www.legislation.gov.uk/uksi/2015/596/contents/made">http://www.legislation.gov.uk/uksi/2015/596/contents/made</a> ) - Schedule 2 (as amended)	Publicity by the local planning authority of proposed development which is subject to certain permitted development rights and for which an application is required for the local planning authority's prior approval or for a determination as to whether such prior approval is required.
The Town and Country Planning (Permission in Principle) Order 2017 ( <a href="http://www.legislation.gov.uk/uksi/2017/1309/contents/made">http://www.legislation.gov.uk/uksi/2017/1309/contents/made</a> ) - Article 5G, 5R, 5S and Schedule 2 (as amended)	Publicity by local planning authorities of applications for permission in principle.

Paragraph: 032 Reference ID: 15-032-20180615

Revision date: 15 06 2018

## Why are consultees' views important?

Paragraph deleted.

Paragraph: 007 Reference ID: 15-007-20190722

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Public-consultation>)

## **What happens where an application is on land falling within two (or more) local authorities?**

Where an application straddles the boundaries of two or more local planning authorities, publicity should be undertaken separately in each local planning authority area. The authorities will need to agree between themselves whether publicity beyond the statutory minimum in each area is appropriate.

Paragraph: 008 Reference ID: 15-008-20140306

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Public-consultation>)

## **Statutory consultees**

### **Who are the statutory consultees and why have they been designated?**

Planning law prescribes circumstances where local planning authorities are required to consult specified bodies prior to a decision being made on an application.

A list of statutory consultees on applications for planning permission is set out in Table 2.

Paragraph: 009 Reference ID: 15-009-20190722

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees>)

### **How should statutory consultees engage with the planning system?**

Paragraph deleted.

Paragraph: 010 Reference ID: 15-010-20140306

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees>)

### **Will a parish council or a Neighbourhood Forum be informed of planning applications in their area?**

The circumstances in which local planning authorities must notify a parish council or a Neighbourhood Forum are set out in Schedule 1, paragraph 8, of the Town and Country Planning Act 1990 (<https://www.legislation.gov.uk/ukpga/1990/8/schedule/1/paragraph/8>) and article 25 and 25A of the Development Management Procedure Order (<http://www.legislation.gov.uk/uksi/2015/595/article/25/made>)

Where a parish council or Neighbourhood Forum is notified of a planning application, they must make any representations within 21 days.

Paragraph: 006 Reference ID: 15-006-20190722

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees>)

## How can delays in the statutory consultation phase be avoided?

Early and timely engagement between developers, statutory consultees and local authorities at the pre-application phase is important in helping to address issues and opportunities early on and avoid delays occurring at the formal application stage.

Statutory consultees need to provide clear, positive and transparent information to both local planning authorities and applicants about the information they require to provide a response to consultations. It is important for local planning authorities to work closely with statutory consultees in preparing their local lists of information requirements.

Paragraph: 013 Reference ID: 15-013-20190722

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees>)

## Can statutory consultees charge for pre application advice?

In certain circumstances some statutory consultees may be able to charge a fee for their advice at the pre-application stage. Statutory consultees should be guided by their own legal advisers on their powers to charge.

To ensure transparency, where a statutory consultee has the power to charge for pre-application services, it is important to provide information online about:

- the scale of charges for pre-application services applicable to different types of application (minor/major and other);
- the level of service that will be provided for the charge, including:
- the scope of work and what is included (eg duration and number of meetings or site visits);
- the amount of officer time;
- the outputs (eg a letter or report); and
- the guaranteed response times.

Statutory consultees should not charge for a pre-application request to advise on the likely scope of information necessary to enable them to provide a substantive response to the local planning authority at application stage. It is good practice to respond to such requests within no more than 21 days.

Paragraph: 014 Reference ID: 15-014-20190722

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees>)

## What should local planning authorities expect from a statutory consultee in terms of a response?

When consulted in the circumstances set out in Article 22 of the Development Management Procedure Order, consultees are under a duty to provide a “substantive response” (as defined in that Article). Local planning authorities must provide such consultees with the information that will enable them to provide a substantive response.

The substantive response will need to include reasons for the consultee’s views so that where these views have informed a subsequent decision made by a local planning authority the decision is transparent. A holding reply would not be acceptable as a substantive response.

Paragraph: 015 Reference ID: 15-015-20190722

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees>)

## How long do statutory consultees have to respond to a consultation?

Where a “substantive response” is required, statutory consultees must provide it –

- a) within the period of 21 days beginning with the day on which - (i) the document on which the views of consultees are sought, or (ii) where there are several documents and they are sent on different days, the day on which the last of those documents is received, or
- b) such other period as may be agreed in writing between the consultee and consultor.

Article 22 of the Development Management Procedure Order  
(<http://www.legislation.gov.uk/uksi/2015/595/article/22/made>)

Paragraph: 011 Reference ID: 15-011-20190722

Revision date: 23 07 2019 See previous version  
(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees>)

## What happens where a statutory consultee considers that it does not have the information it needs to provide a substantive response?

It is important for statutory consultees to inform the local planning authority without delay if they require additional information, and that they have procedures in place to enable this to occur as soon as possible after they receive a consultation. It is not acceptable for a statutory consultee to wait until the 21-day period would otherwise have come to a close to notify the local planning authority that it believes it does not have enough information to provide a substantive response.

Where a statutory consultee requests additional information it will need to set out clearly and precisely what the additional information is and the reasons why it is required.

Paragraph: 012 Reference ID: 15-012-20190722

Revision date: 23 07 2019 See previous version  
(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees>)

## What happens where a statutory consultee is unable to meet the deadlines for responding?

Local planning authorities are expected to determine applications for planning permission, within a time period of 5, 8, 13 or 16 weeks (depending on the type of development). Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in the absence of their advice.

Paragraph: 016 Reference ID: 15-016-20190722

Revision date: 23 07 2019 See previous version  
(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees>)

## Is it possible for the statutory consultee to negotiate an extension to the deadline for representations?

It is important for statutory consultees to do all they can to meet the deadline for representations. It should not usually be necessary for an extension to be proposed.

Extensions of time which are negotiated between the statutory consultee and the local planning authority will not affect the applicant’s right to appeal against non-determination. In considering whether to agree to any proposed extension, local planning authorities will therefore need to consider the views of the applicant and the likely impact on the overall time taken to reach a decision.

Paragraph: 017 Reference ID: 15-017-20190722

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees>)

## **Are statutory consultees accountable for their performance as a consultee on planning applications?**

Article 23 of the Development Management Procedure Order

(<http://www.legislation.gov.uk/uksi/2015/595/article/23/made>) provides that statutory consultees who are under a duty to provide a substantive response must provide an annual report on their performance in providing such responses within the 21 day period or longer agreed period, and a summary of the reasons why they failed to comply with the duty to respond within the relevant timescale.

The reports need to be sent to the Ministry of Housing, Communities and Local Government each year. Statutory consultees are encouraged to publish the reports on their websites.

Paragraph: 018 Reference ID: 15-018-20190722

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees>)

## **Are other local authorities statutory consultees?**

In certain cases there are specific requirements to consult other local authorities. More information about other local authorities' role as statutory consultees is set out in Table 2.

Paragraph: 019 Reference ID: 15-019-20140306

Revision date: 06 03 2014

## **Safeguarding directions**

### **What are safeguarding directions?**

The Development Management Procedure Order includes powers for the Secretary of State to direct local planning authorities that additional consultation must take place in specific local circumstances. This process is referred to as a 'consultation direction'.

A consultation direction may be issued in relation to areas, sites and routes which are typically of more than local importance, or to allow the further consideration of proposals in the vicinity of existing facilities (such as airports).

Safeguarding directions are a specific type of consultation direction, and typically set out detailed maps of areas (for example, those around some existing facilities, such as certain airports or in relation to proposed infrastructure) where statutory consultation is required on planning applications within their area. Further detailed guidance on safeguarding aerodromes, technical sites and military explosives storage areas is provided in: 'The Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002 (<https://www.gov.uk/government/publications/safeguarding-aerodromes-technical-sites-and-military-explosives-storage-areas/the-town-and-country-planning-safeguarded-aerodromes-technical-sites-and-military-explosives-storage-areas-direction-2002>)'. Detailed guidance on mineral's safeguarding is provided in the Minerals guidance (<https://www.gov.uk/guidance/minerals>).

Information on meteorological technical sites, and who to consult where a proposed development may affect such a site, can be found in the Town and Country Planning (Safeguarding Meteorological Sites) (England) Direction 2014 (<https://www.metoffice.gov.uk/binaries/content/assets/metofficegovuk/pdf/services/industry/energy/planning-direction-2014-england.pdf>)

Paragraph: 020 Reference ID: 15-020-20170728



Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#consultation-and-safeguarding-directionsg>)

## **Where is information kept regarding consultation directions?**

The relevant local planning authority will be able to advise applicants of any consultation directions that might affect planning proposals within its area.

Paragraph: 021 Reference ID: 15-021-20140306

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#consultation-and-safeguarding-directions>)

## **When does the Secretary of State need to be consulted?**

For certain types of development, local planning authorities are required to consult the Secretary of State before granting planning permission.

The circumstances where this is required are set out in the Town and Country Planning (Consultation) Direction 2009 (<https://www.gov.uk/government/publications/the-town-and-country-planning-consultation-england-direction-2009-circular-02-2009>); the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018 ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/745435/180223\\_\\_TC\\_Planning\\_Development\\_on\\_the\\_Trunk\\_Road\\_Direction.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/745435/180223__TC_Planning_Development_on_the_Trunk_Road_Direction.pdf)); and the Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) Direction 2002 (<https://www.gov.uk/government/publications/safeguarding-aerodromes-technical-sites-and-military-explosives-storage-areas>)

Further information is provided in the guidance on determining an application (<https://www.gov.uk/guidance/determining-a-planning-application>).

Paragraph: 028 Reference ID: 15-028-20140306 Revision date: 06 03 2014

## **What happens if a local planning authority would like to give planning permission against the Control of Major Accident Hazards (COMAH) competent authority advice?**

Where a local planning authority is minded to grant planning permission against the COMAH competent authority's advice, it should give the Health and Safety Executive, Environment Agency or Office for Nuclear Regulation advance notice of that intention, and allow 21 days from that notice for the COMAH competent authority to give further consideration to the matter. This will enable the COMAH competent authority to consider whether to request the Secretary of State for Housing, Communities and Local Government call-in the application. The Secretary of State exercises the power to call-in applications very selectively.

Paragraph: 028 Reference ID: 15-028-20190722

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Re-consultation-after-amended>)

## **Non-statutory consultees**

### **What other organisations will local planning authorities engage with as part of the planning application process?**

In addition to the statutory consultees set out in table 2 below, local planning authorities will need to consider whether there are planning policy reasons to engage other consultees who – whilst not designated in law – are likely to have an interest in a proposed development (non-statutory consultees). An example of this is the Battlefield Trust in relation to any proposed development that may impact on a historical battlefield site.

To help applicants develop their proposals, local planning authorities are encouraged to produce and publish a locally specific list of non-statutory consultees.

Paragraph: 022 Reference ID: 15-022-20140306

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Non-statutory-consultees>)

## **How can local planning authorities engage with non-statutory consultees?**

Local planning authorities need to identify the particular types of development or areas in which non-statutory consultees have an interest, so that any consultation can be directed appropriately, and unnecessary consultation avoided.

To ensure consultations are received promptly it is helpful for applicants and local planning authorities to agree the most cost and time effective system of notification on individual applications.

Paragraph: 023 Reference ID: 15-023-20140306

Revision date: 06 03 2014

## **How long do non-statutory consultees have to respond to a planning application?**

Non-statutory consultees are expected to respond within the period specified by the local planning authority. Where, exceptionally, additional time is required it is important to notify the local planning authority as soon as possible. It will be for the local planning authority to decide if further time is allowed. Extensions of time which are negotiated between non-statutory consultees and the local planning authority will not affect the applicant's right to appeal against non-determination. In considering whether to agree an extension to specified deadline, local authorities will therefore need to consider the views of the applicant, and the likely impact on the overall time taken to reach a decision.

Paragraph: 024 Reference ID: 15-024-20140306

Revision date: 06 03 2014

## **Re-consultation after an application has been amended**

### **Can an application be amended after it has been submitted?**

Paragraph deleted.

Paragraph: 025 Reference ID: 15-025-20190722

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Re-consultation-after-amended>)

### **Will further consultation take place after an application is amended?**

An application can be amended after it has been submitted. Guidance on the procedures involved in doing so is set out in 'making an application (<https://www.gov.uk/guidance/making-an-application>)'.

Where an application has been amended it is up to the local planning authority to decide whether further publicity and consultation is necessary in the interests of fairness. In deciding what further steps may be required local planning authorities should consider whether, without re-consultation, any of those who were entitled to be consulted on the application would be deprived of the opportunity to make any representations that they may have wanted to make on the application as amended.

Where the local planning authority decides that it is necessary to re-consult a body which is under a duty to provide a substantive response the timescales in paragraph 011 will apply.

Paragraph: 026 Reference ID: 15-026-20190722

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Re-consultation-after-amended>)

## Is it possible for a statutory or non-statutory consultee to direct refusal of a planning application?

A statutory or non-statutory consultee may recommend that a planning application be refused but cannot in most cases direct that this happens.

However, the effect of the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018 is that if Highways England, having been consulted on a planning application under Schedule 4 of the Development Management Order 2015, makes a recommendation which the local planning authority does not intend to follow, the local planning authority must consult the Secretary of State and must determine the application in accordance with any Direction given within 21 days by the Secretary of State.

In addition, article 6 of the Town and Country Planning (Mayor of London) Order 2008 (<http://www.legislation.gov.uk/ukxi/2008/580/article/6/made>) sets out a power for the Mayor of London to direct refusal of a planning application in certain instances. Several combined authorities also have similar powers.

Paragraph: 027 Reference ID: 15-027-20190722

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#consultees-in-decision-making>)

## Can a local planning authority impose a pre-commencement planning condition required by a statutory consultee without the agreement of the applicant?

The written agreement of the applicant is required for all pre-commencement conditions, except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 (<http://www.legislation.gov.uk/ukxi/2018/566/made>).

In the unlikely event that an applicant refuses to accept a necessary pre-commencement condition proposed by a local planning authority, the authority can refuse planning permission. This will maintain appropriate protections for important matters such as heritage, the natural environment, green spaces, and measures to mitigate the risk of flooding.

Paragraph: 033 Reference ID: 15-033-20180615

## Table 1 – Statutory publicity requirements for applications for planning permission and listed building consent

Type of development	Site notice	Site notice or neighbour notification letter	Newspaper advertisement	Website
Applications for major development as defined in Article 2 of the Development Management Procedure Order (which are not covered in any other entry)	-	X	X	X
Applications subject to Environmental Impact Assessment which are accompanied by an environmental statement	X	-	X	X
Applications which do not accord with the development plan in force in the area	X	-	X	X

Type of development	Site notice	Site notice or neighbour notification letter	Newspaper advertisement	Website
Applications which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 applies	X	-	X	X
Applications for planning permission not covered in the entries above eg non-major development	-	X	-	X
Applications for listed building consent where works to the exterior of the building are proposed	X	-	X	X
Applications to vary or discharge conditions attached to a listed building consent or involving exterior works to a listed building.	X	-	X	X
Applications for development which would affect the setting of a listed building, or affect the character or appearance of a conservation area.	X	-	X	X

Note: the Environment Impact Assessment guidance (<https://www.gov.uk/guidance/environmental-impact-assessment>) sets out further publicity and consultation requirements for applicants where this is relevant.

Paragraph: 029 Reference ID: 15-029-20170728

Revision date: 28 07 2017 see previous version

(<http://webarchive.nationalarchives.gov.uk/20170616235840/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#statutory-publicity-requirements>)

## Table 2 – Statutory consultees on applications for planning permission

The table below contains a list of statutory requirements to consult particular bodies or persons on applications for planning permission in prescribed circumstances. The table also includes links to planning guidance that encourages consultation with those bodies in other circumstances. This is not a definitive list. It does not necessarily include, for example, all the bodies which must be consulted as a consequence of a consultation direction.

Statutory consultee	Type of development
Canal and River Trust ( <a href="https://canalrivertrust.org.uk/">https://canalrivertrust.org.uk/</a> )	Schedule 4(za) Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made">http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made</a> )
Coal Authority ( <a href="https://www.gov.uk/government/organisations/the-coal-authority">https://www.gov.uk/government/organisations/the-coal-authority</a> )	Article 26 ( <a href="http://www.legislation.gov.uk/uksi/2015/595/article/26/made">http://www.legislation.gov.uk/uksi/2015/595/article/26/made</a> ) and Schedule 4(o) Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made">http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made</a> )
Control of major-accident hazards competent authority (COMAH)	Schedule 4(zb) Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made">http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made</a> )

Statutory consultee	Type of development
County Planning Authorities	Paragraph 7 of Schedule 1 to the Town and Country Planning Act 1990 ( <a href="http://www.legislation.gov.uk/ukpga/1990/8/schedule/1">http://www.legislation.gov.uk/ukpga/1990/8/schedule/1</a> ), Article 21 Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/uksi/2015/595/article/21/made">http://www.legislation.gov.uk/uksi/2015/595/article/21/made</a> ) and Schedule 4(b)(c) Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made">http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made</a> )
Crown Estates Commissioners ( <a href="https://www.thecrownestate.co.uk/">https://www.thecrownestate.co.uk/</a> )	Article 26 Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/uksi/2015/595/article/26/made">http://www.legislation.gov.uk/uksi/2015/595/article/26/made</a> )
Department for Business, Energy and Industrial Strategy ( <a href="https://www.gov.uk/government/organisations/department-for-business-energy-and-industrial-strategy">https://www.gov.uk/government/organisations/department-for-business-energy-and-industrial-strategy</a> )	Article 26 Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/uksi/2015/595/article/26/made">http://www.legislation.gov.uk/uksi/2015/595/article/26/made</a> )
Designated Neighbourhood Forum	Paragraph 8A inserted into Schedule 1 of the Town and Country Planning Act 1990 ( <a href="http://www.legislation.gov.uk/ukpga/2016/22/section/142">http://www.legislation.gov.uk/ukpga/2016/22/section/142</a> ) and Article 25A and paragraph (d) of Schedule 4 of the Development Management Procedure Order 2015 ( <a href="http://www.legislation.gov.uk/uksi/2016/873/introduction/made">http://www.legislation.gov.uk/uksi/2016/873/introduction/made</a> )
Environment Agency ( <a href="https://www.gov.uk/government/organisations/environment-agency">https://www.gov.uk/government/organisations/environment-agency</a> )	Schedule 4(p)(t)(u) (v)(zc)(zd) Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made">http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made</a> )
Forestry Commission ( <a href="https://www.gov.uk/government/organisations/forestry-commission">https://www.gov.uk/government/organisations/forestry-commission</a> )	Paragraph 4 of Schedule 5 of Town and Country Planning Act 1990 ( <a href="http://www.legislation.gov.uk/ukpga/1990/8/schedule/5">http://www.legislation.gov.uk/ukpga/1990/8/schedule/5</a> )
Garden History Society ( <a href="http://thegardenstrust.org/">http://thegardenstrust.org/</a> )	Schedule 4(s) Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made">http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made</a> ) and see also guidance on conserving and enhancing the historic environment ( <a href="https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment#consultation-with-statutory-consultees">https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment#consultation-with-statutory-consultees</a> )
Greater London Authority ( <a href="https://www.london.gov.uk/">https://www.london.gov.uk/</a> )	Mayor of London Order 2008 ( <a href="http://www.legislation.gov.uk/uksi/2008/580/contents/made">http://www.legislation.gov.uk/uksi/2008/580/contents/made</a> ) (as amended)
Health and Safety Executive ( <a href="http://www.hse.gov.uk/">http://www.hse.gov.uk/</a> )	Schedule 4(e) Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made">http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made</a> ), see also guidance on hazardous substances ( <a href="https://www.gov.uk/guidance/hazardous-substances">https://www.gov.uk/guidance/hazardous-substances</a> ) and advice for local planning authorities on consulting Health and Safety Executive on planning applications ( <a href="http://www.hse.gov.uk/landuseplanning/padhi.htm">http://www.hse.gov.uk/landuseplanning/padhi.htm</a> ); and paragraph 113 of guidance on minerals ( <a href="https://www.gov.uk/guidance/minerals#Development-Management-procedures">https://www.gov.uk/guidance/minerals#Development-Management-procedures</a> )

Statutory consultee	Type of development
[Relevant]Highways Authority (including Highways England) ( <a href="https://www.gov.uk/government/organisations/highways-england">https://www.gov.uk/government/organisations/highways-england</a> )	Schedule 4(g)(h)(i) Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/ukxi/2015/595/schedule/4/made">http://www.legislation.gov.uk/ukxi/2015/595/schedule/4/made</a> )
Historic England ( <a href="https://www.historicengland.org.uk/">https://www.historicengland.org.uk/</a> )	Schedule 4(g)(r)(s) Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/ukxi/2015/595/schedule/4/made">http://www.legislation.gov.uk/ukxi/2015/595/schedule/4/made</a> ) and see also guidance on conserving and enhancing the historic environment ( <a href="https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment">https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment</a> )
Lead local flood authority	Schedule 4(ze) Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/ukxi/2015/595/schedule/4/made">http://www.legislation.gov.uk/ukxi/2015/595/schedule/4/made</a> )
Local Planning Authorities	Schedule 4(b)(c), Article 19 and Article 24 Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/ukxi/2015/595/schedule/4/made">http://www.legislation.gov.uk/ukxi/2015/595/schedule/4/made</a> ), Paragraph 4(2) Schedule 1 and Paragraph 7 of Schedule 1 of the Town and Country Planning Act 1990 ( <a href="https://www.legislation.gov.uk/ukpga/1990/8/schedule/1">https://www.legislation.gov.uk/ukpga/1990/8/schedule/1</a> ) and Paragraph 3(b) of Schedule 4 to the Planning (Listed Buildings and Conservation Areas) Act 1990 ( <a href="https://www.legislation.gov.uk/ukpga/1990/9/schedule/4/paragraph/3">https://www.legislation.gov.uk/ukpga/1990/9/schedule/4/paragraph/3</a> )
National Parks Authorities	Schedule 4(a) Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/ukxi/2015/595/schedule/4/made">http://www.legislation.gov.uk/ukxi/2015/595/schedule/4/made</a> )
Natural England ( <a href="https://www.gov.uk/government/organisations/natural-england">https://www.gov.uk/government/organisations/natural-england</a> )	Schedule 4(w)(y)(zb) Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/ukxi/2015/595/schedule/4/made">http://www.legislation.gov.uk/ukxi/2015/595/schedule/4/made</a> ) and Paragraph 4 of Schedule 5 of the Town and Country Planning Act 1990 ( <a href="http://www.legislation.gov.uk/ukpga/1990/8/schedule/5">http://www.legislation.gov.uk/ukpga/1990/8/schedule/5</a> )
Office for Nuclear Regulation ( <a href="http://www.onr.org.uk/">http://www.onr.org.uk/</a> )	Schedule 4(f) Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/ukxi/2015/595/schedule/4/made">http://www.legislation.gov.uk/ukxi/2015/595/schedule/4/made</a> ) and see also deciding planning applications around hazardous installations guidance ( <a href="https://www.gov.uk/guidance/hazardous-substances#Deciding-applications-for-hazardous-substances-consent">https://www.gov.uk/guidance/hazardous-substances#Deciding-applications-for-hazardous-substances-consent</a> )
Oil and Gas Authority	Article 26 Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/ukxi/2015/595/article/26/made">http://www.legislation.gov.uk/ukxi/2015/595/article/26/made</a> )
Parish Councils	Article 25 Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/ukxi/2015/595/article/25/made">http://www.legislation.gov.uk/ukxi/2015/595/article/25/made</a> ) and Schedule 4(d) Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/ukxi/2015/595/schedule/4/made">http://www.legislation.gov.uk/ukxi/2015/595/schedule/4/made</a> )
Rail Infrastructure Managers	Article 16 Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/ukxi/2015/595/article/16/made">http://www.legislation.gov.uk/ukxi/2015/595/article/16/made</a> )

Statutory consultee	Type of development
Rail Network Operators	Schedule 4(j) Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made">http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made</a> ) and see also guidance on transport ( <a href="https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements">https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements</a> )
Sport England ( <a href="http://www.sportengland.org/">http://www.sportengland.org/</a> )	Schedule 4(z) Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made">http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made</a> ) and see also guidance on open space, sports and recreation facilities ( <a href="https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space">https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space</a> )
Theatres Trust ( <a href="http://www.theatrestrust.org.uk/">http://www.theatrestrust.org.uk/</a> )	Schedule 4(x) Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made">http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made</a> )
Toll Road Concessionaries	Schedule 4(m) Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made">http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made</a> )
Water and sewerage undertakers	Schedule 4(zf) Development Management Procedure Order ( <a href="http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made">http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made</a> )

Paragraph: 030 Reference ID: 15-030-20190722

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(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees-on-applications>)

### **Table 3 – Non-statutory consultees – identified in national planning policy and guidance**

Table deleted.

Paragraph: 031 Reference ID: 15-031-20190722

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(<https://webarchive.nationalarchives.gov.uk/20190606211054/https://www.gov.uk/guidance/consultation-and-pre-decision-matters#table-3-Non-statutory-consultees>)

### **Why have temporary publicity and physical inspection requirements for planning applications been introduced?**

Temporary changes to the publicity requirements for certain planning applications have been introduced through the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020

(<http://www.legislation.gov.uk/uksi/2020/505/contents/made>) to support timely decision-making, and avoid delays to development as a result of the effects of the coronavirus pandemic, while maintaining public participation in the decision-making process.

These temporary changes give local planning authorities (and in the case of certain applications for EIA development, applicants) greater flexibility in relation to the way they publicise the planning applications if they are not able to comply with a particular requirement because it is not reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement.

Paragraph: 035 Reference ID: 15-035-20200513

Revision date 13 05 2020

### **Which types of planning applications do the temporary publicity changes apply to?**

The temporary changes apply to the following types of application:

- applications for planning permission made to local planning authorities (including an application for EIA development accompanied by an environmental statement)
- applications for listed building consent
- applications for variation or discharge of conditions attached to listed building consent
- applications for planning permission affecting the setting of a listed building or the character or appearance of a conservation area made to local planning authorities
- applications made by local planning authorities to the Secretary of State for listed building consent for the demolition, alteration or extension of a listed building
- applications for planning permission or a subsequent application for EIA development which has been made without an environmental statement, where the applicant proposes to submit such a statement
- submission of further information to supplement an environmental statement

Paragraph: 036 Reference ID: 15-036-20200513

Revision date 13 05 2020

### **Under the temporary publicity requirements, what is a local planning authority or an applicant required to do?**

The temporary publicity requirements still require local planning authorities (and in the case of certain applications for EIA development, applicants or recipients of further information) to publicise planning applications so that those with an interest can make representations and effectively participate in the decision-making process. Consultation, transparency and community engagement are key to effective decision-making in local planning authorities.

The temporary changes give local planning authorities greater flexibility in how they publicise certain planning applications during the response to coronavirus. Table 1 sets out the specific publicity requirements for different types of application. If a local planning authority is able to comply with one or more of these specific requirements to publicise an application by site display or by serving the notice on an adjoining owner or occupier, or publishing the notice in a local newspaper, the authority must comply with that requirement. For example, if there is currently a local newspaper in circulation in which the authority can publish the notice, they must do so (if that is a requirement.)

However, if the authority is not able to comply with a requirement which applies to that application because it is not reasonably practicable for reasons connected to the effects of coronavirus, including restrictions on movement, the authority must take reasonable steps to inform any persons who are likely to have an interest in the application of the website where notice of the application can be found. Those steps may include use of social media and communication by electronic means and must be proportionate to the scale and impact of the development.

Paragraph: 037 Reference ID: 15-037-20200513

Revision date 13 05 2020

### **What other reasonable action does a local authority need to take if it cannot comply with a requirement to display site notices, issue neighbour notification letters, or use newspaper publicity?**

If a local planning authority is not able to comply with a particular requirement to give notice by these means, the authority must take reasonable steps to inform any persons who are likely to have an interest in the application of the website where details about the application can be found. Those steps may include use of social media and communication by electronic means and must be proportionate to the scale and impact of the development.

Forms of electronic communication might include, but are not limited to:

- council mailing lists



- using social media such as Facebook and Twitter
- using the local authority's website
- using local online newspapers
- issuing a weekly press bulletin
- informing local neighbourhood forums and parish/town councils by email
- informing local community, amenity and environmental groups by email

Local planning authorities will also wish to consider other methods of local communication to bring applications to the attention of those who are likely to have an interest in the application but may not have internet access. This will help to provide them with information that would enable them to make relevant representations. Examples could include local community newsletters, local radio stations, adverts outside council offices and other public buildings, and the use of community noticeboards at supermarkets and other local centres or a method of publicity which is one of the existing statutory methods of publicity even though it is not required for that particular application.

Paragraph: 038 Reference ID: 15-038-20200513

Revision date 13 05 2020

### **What should a local planning authority do if a newspaper is not currently in circulation in the area?**

If a local planning authority is not able to comply with a requirement to give notice in a newspaper, when considering what reasonable steps to take to inform any persons who are likely to have an interest in the application they should take into account the fact that a local newspaper that was previously circulated in the area may have an online version or that there may be another online local news portal available. Use of these would support local independent news reporting during the response to the coronavirus and help to publicise the application.

Paragraph: 039 Reference ID: 15-039-20200513

Revision date 13 05 2020

### **How should a local planning authority determine which people are likely to have an interest in an application if it needs to take other reasonable action?**

If a local planning authority is not able to comply with a specific publicity requirement, the authority must take reasonable steps to inform any persons who are likely to have an interest in the application. These persons must include those who live or work in, or otherwise have a direct connection with the area in which the proposed development or works are situated. Depending on the scale and impact of the proposed development, these persons may include community groups and specific interest groups (national as well as local in some cases) who may wish to provide representations on the application.

Paragraph: 040 Reference ID: 15-040-20200513

Revision date 13 05 2020

### **What issues should a local planning authority consider in ensuring the reasonable steps they take are proportionate to the scale and impact of the development?**

The temporary changes allow local planning authorities to take a flexible and pragmatic approach according to their local circumstances. Where local planning authorities need to use the flexibilities they are required to publicise an application in a manner which is proportionate to the scale and impact of the development.

Local planning authorities should identify which options are most suitable for the scale and impact of the proposed development, and appropriate for their local community. Greater and more frequent publicity would be appropriate where the potential impact of the planning application is expected to generate a large volume of representations. This may be the case, for example, for large scale applications and those applications related to

listed buildings, or departures from the local plan, or where there has been a previous application which has attracted interest. Publicity for applications for householder and minor development should be focused on the immediate locality.

Paragraph: 041 Reference ID: 15-041-20200513

Revision date 13 05 2020

### **Should information about all applications be made publicly available on the local planning authority's website?**

Yes. The temporary changes have not removed requirements placed on local planning authorities to publish information about applications on their website under the temporary publicity requirements. Where the flexibilities are applied the authority must publish the required publicity notice on their website.

Paragraph: 042 Reference ID: 15-042-20200513

Revision date 13 05 2020

### **What information must be included in a publicity notice by a local planning authority for an application?**

The publicity notice for an application for planning permission including an application for (including an application for EIA development accompanied by an environmental statement) must be in the form set out in Schedule 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 or in a form substantially to the same effect. The specific information requirements depend on the type of application.

In these cases the notice must include the address at which the application and associated documents may be inspected. After commencement of the amending regulations, if the authority is not able to make arrangements for physical inspection (see paragraph 046) the authority need not include in the notice an address for physical inspection if it includes the address of the website on which the application and associated documents are published on the planning register.

For listed building consent applications, the information requirements for publicity notices are set out in Regulations 5, 5A and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990. The notice must include the name of a place within the locality where a copy of the application and associated documents may be inspected. After commencement of the amending regulations, if the authority is not able to make arrangements for physical inspection (see para 12Q) the authority need not include in the notice an address for physical inspection if it includes the address of the website on which the application and associated documents are published on the planning register.

Paragraph: 043 Reference ID: 15-043-20200513

Revision date 13 05 2020

### **What changes been made to the minimum time limits for making representations to a local planning authority under the temporary publicity requirements?**

Local planning authorities must set out the time period for making comments when they publicise the application. Local planning authorities retain the discretion to extend the period for representations, where they consider it necessary. Under the temporary publicity requirements, in the case of applications for planning permission, the minimum period local planning authorities must give in a newspaper notice and on their website for representations, has been increased from 14 to 21 days (or longer where the period includes public or bank holidays). The period of 30 days for EIA applications remains unchanged. The period of 21 days (or longer where the period includes public or bank holidays) given for applications under the Planning (Listed Buildings and Conservation Areas) Regulations 1990 remains unchanged.

Paragraph: 044 Reference ID: 15-044-20200513

Revision date 13 05 2020

## **Should the planning officer's report explain what publicity has been undertaken?**

Local planning authorities who exercise the temporary publicity flexibilities are encouraged to keep a record of how they notify the public about planning applications as evidence they took reasonable steps to engage people who live, work or carry on business in the area in the decision-making process. It may be appropriate to include information on the publicity undertaken in the planning officer's report about the application.

Paragraph: 045 Reference ID: 15-045-20200513

Revision date 13 05 2020

## **Can a local planning authority make changes to its arrangements for enabling the public to physically inspect applications?**

It is a statutory requirement that applications for planning permission and associated documents are placed on the local planning authority's planning register. 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 be available for inspection at all reasonable hours. Local planning authorities may make the register available for inspection via a website.

However, under the temporary arrangements, these requirements have been changed so where the local planning authority is not able to do make arrangements for physical inspection because it is not reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement, it is not required to do so. Instead, in those circumstances, it must make the planning register available on a website.

The planning register must include an index to enable those interested to identify the application. Local planning authorities will wish to ensure documents can be easily found on their website and are clearly named. They will also wish to consider how they ensure that publicity includes sufficient information to allow the application to be identified, which could include providing the relevant planning reference number, or a hyperlink to the application when using social media.

Local planning authorities must also comply with statutory requirements to make applications and associated documents available for physical inspection when they publicise applications under the Planning (Listed Buildings and Conservation Areas) Regulations 1990. Similar changes have been made to those requirements.

Local planning authorities may need to consider how they can support those who can only access information about planning applications by inspecting those documents at a local council office. This might include providing information over the telephone or by providing a hard copy of the relevant document by post.

Paragraph: 046 Reference ID: 15-046-20200513

Revision date 13 05 2020

## **Should local planning authorities revise their Statement of Community Involvement to reflect new publicity arrangements?**

Statements of Community Involvement (SCI) sets out how local authorities will consult with local communities on a wide range of issues, including planning matters. Local planning authorities may need to consider updating their SCI to explain how they will ensure local communities are consulted about planning applications, where they are unable to comply with normal requirements. Further information about SCIs can be found in the plan making chapter (<https://www.gov.uk/guidance/plan-making#covid19>).

Paragraph: 047 Reference ID: 15-047-20200513

Revision date 13 05 2020

## **Which guidance relating to applications also applies specifically to EIA development accompanied by an environmental statement?**

Paragraphs 36 to 39, 42 and 46 (above) also apply to applications for EIA development accompanied by an environmental statement).

Paragraph: 048 Reference ID: 15-048-20200513

Revision date 13 05 2020

### **Under the temporary publicity requirements, what is an applicant of an EIA development required to do in terms of publicising the environment statement?**

Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, when an applicant submits an environmental statement after the planning application has been submitted, the applicant is responsible for publicising the environmental statement through giving notice by site display and the publication of a notice in a newspaper circulating in the locality.

However, under the temporary publicity requirements, if an applicant is not able to give notice either by site display or by publication of the notice in a newspaper circulating in the locality because this is not reasonably practicable for reasons connected to the effects of coronavirus, including restrictions on movement, then it can publicise this notice by alternative means, including publishing the statement on a website.

In such circumstance the notice requirements are also changed, and the applicant is not required to have a copy of the environmental statement and associated documents at an address in the vicinity to be expected, or to provide physical copies of these documents on request. Instead the applicant must make these documents available for inspection on the internet.

Where an applicant makes use of these temporary flexibilities the applicant must, when submitting an environmental statement, provide a certificate stating the steps that were taken to bring the planning application to the attention of people who are likely to have an interest in the application, and why these steps were reasonable.

Paragraph: 049 Reference ID: 15-049-20200513

Revision date 13 05 2020

### **What alternative means of publicity should an applicant for EIA development take to publicise an environmental statement?**

Under the temporary publicity requirements, an applicant for EIA development (who cannot place a site notice or a notice in a local newspaper due to the effects of coronavirus) must take other reasonable steps to inform any persons who are likely to have an interest in a planning application to which an environmental statement relates. This may include use of social media and communication by other electronic means and must be proportionate to the scale and impact of the development (see also paragraph 38 above).

The notice published through these alternative means must state the website at which documents related to the application can be viewed online.

Paragraph: 050 Reference ID: 15-050-20200513

Revision date 13 05 2020

### **Does an applicant of EIA development need to make hard copies of the environmental statement available for inspection at a published address?**

Under the temporary publicity arrangements, if the applicant of an EIA development is not able to provide a hard copy of the environment statement at a published address for inspection because it is not reasonable practicable for reasons connected to the effects of coronavirus, including restrictions on movement, then it is not required to make hard copies available for inspection. Instead, it must publish the environment statement on a website for inspection.

Paragraph: 051 Reference ID: 15-051-20200513

Revision date 13 05 2020

## What does a local planning authority, Secretary of State or inspector have to do to publicise any additional information, related to an environmental statement, it has received from an applicant?

The regulations amend the requirements in regulation 25 which sets out the publicity requirements that must be followed where an applicant or an appellant has submitted an environmental statement and the relevant planning authority, the Secretary of State or the inspector dealing with an application or appeal requires that the environmental statement be supplemented with additional information by the applicant or appellant.

Where the recipient of further information is not able to publish a notice in a local newspaper circulating in the locality, make copies of the further information available for inspection at an address in the locality in which the land is situated, or make copies of the further information available to be obtained at an address in the locality because it is not reasonably practicable to do so, for reasons connected to the effects of coronavirus, it must take reasonable steps to communicate the notice to people who are likely to have an interest in a planning application, including people who live or work in, or otherwise have a direct connection with, the area in which the proposed development is located.

Paragraph: 052 Reference ID: 15-052-20200513

Revision date 13 05 2020

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### 1. 13 May 2020

Added paragraphs 035-052 which provide guidance on changes that have been introduced to certain publicity requirements in response to the coronavirus (COVID-19) pandemic.

### 2. 13 May 2020

Added paragraphs 035-052 which provide guidance on changes that have been introduced to certain publicity requirements in response to the coronavirus (COVID-19) pandemic.

### 3. 23 July 2019

Amended paragraphs 001, 006, 009, 011-018, 026-028, 030 and 031; added new paragraph 034; deleted paragraphs 007 and 025.

### 4. 15 March 2019

Amended paragraph 030.

### 5. 15 June 2018

Amended paragraph 002. Added new paragraphs 032 and 033.

### 6. 28 July 2017

Updated paragraphs 20, 29 and 30.

### 7. 6 March 2014

First published.

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