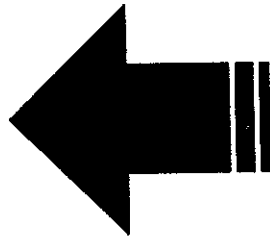


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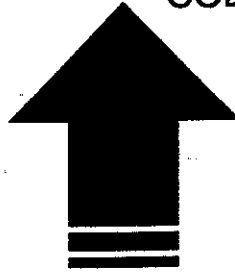
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Circular 19/92
(Department of the Environment)

Circular 39/92
(Welsh Office)



Joint Circular from the
Department of the Environment
2 Marsham Street, London SW1P 3EB

Welsh Office
Cathays Park, Cardiff CF1 3NQ

13 July 1992

The Town and Country Planning General Regulations 1992
The Town and Country Planning (Development Plans and Consultation) Directions 1992

1. The above Regulations revoke and replace the Town and Country Planning General Regulations 1976. The new Regulations have been made under section 316 of the Town and Country Planning Act 1990 (as substituted by section 20 of the Planning and Compensation Act 1991) and come into operation on 17 July 1992. They bring into force new arrangements for local planning authorities to grant planning permission for their own development or for development carried out jointly with another person and for development to be carried out on local authority owned land. Although not all of the 1976 Regulations related to local authority development, the opportunity has been taken to replace them as a whole. Annex 1 to this Circular describes the main provisions of the Regulations and gives policy guidance.

2. Annex 2 to this Circular gives policy guidance on the Town and Country Planning (Development Plans and Consultation) Directions 1992 which come into force on 17 July 1992. The text of these directions is at Annex 3. The new Direction requires the Secretary of State to be notified of *all* local planning authority development proposals which are not in accordance with the development plan. Previously only material departures from the development plan had to be notified.

3. Circular 89/76 (Welsh Office 115/76) is hereby cancelled.

4. Enquiries about this Circular may be addressed to PDC3 Division, Department of the Environment, Room C13/13, 2 Marsham Street, London SW1P 3EB (Tel. 071-276 3903) or the Planning Division, Welsh Office, Cathays Park, Cardiff CF1 3NQ (Tel. 0222 823869).

RICHARD JONES, *Assistant Secretary*
H. R. BOLLINGTON, *Assistant Secretary*

The Chief Executive
County Councils } In England and Wales
District Councils }
London Borough Councils
Council of the Isles of Scilly

The Town Clerk, City of London

The National Park Officer
Lake District Special Planning Board
Peak Park Joint Planning Board

The Chief Executive, the Broads Authority

The Chief Executive, Urban Development Corporations

The General Manager, New Town Development Corporations

The Chief Executive, Land Authority for Wales

For information
The Chief Executive, the Residuary Bodies
The Secretary, London Planning Advisory Committee

[DOE PDC 24/2/01]
[WO P15/96/06]

ANNEX 1

DEVELOPMENT BY LOCAL PLANNING AUTHORITIES OR ON THEIR LAND

1. New section 316(1) of the Town and Country Planning Act 1990¹ ("the 1990 Act") applies Parts III, VII and VIII² of the 1990 Act (i) to land of interested planning authorities and (ii) to the development of any land by interested planning authorities or by such authorities jointly with other persons, subject to anything that may be provided for in regulations made under that section. The Town and Country Planning General Regulations 1992³ ("the 1992 Regulations") were made on 24 June 1992 and come into force on 17 July 1992.
2. The general principle underlying the 1992 Regulations is that local planning authorities will have to make planning applications in the same way as other applicants for planning permission and, unless the 1992 Regulations make special provision, follow the procedures applicable to similar applications by other applicants.

Land of interested planning authorities and development by them

3. *Regulation 2* of the 1992 Regulations sets out the extent to which the provisions of the 1990 Act apply to development by local planning authorities or on their land. Subject to the exceptions and modifications made by the 1992 Regulations, Parts III, VII and VIII of the 1990 Act apply to land of interested planning authorities and development by them.
4. The 1992 Regulations do not affect the position in relation to land of an interested planning authority if (i) any part of the land is within a National Park and is land of a non-metropolitan district council or if (ii) an urban development corporation is a local planning authority for the land but the land is vested in another local planning authority.
5. Nor do the Regulations affect development of any land by an interested planning authority alone or jointly with any other person if (i) the development is by a non-metropolitan district council of land any part of which is in a National Park, or (ii) the development is by another local planning authority of land in respect of which an urban development corporation is a local planning authority.

Applications for planning permission

6. By virtue of *regulation 3*, and subject to what is in regulation 4, a local planning authority makes an application to itself for planning permission to develop land within its area, and determines the application itself. Regulations⁴ made under section 62 of the 1990 Act prescribe the manner in

¹As substituted by section 20 of the Planning and Compensation Act 1991.

²Subject to the exceptions in new section 316(8).

³SI 1992 No. 1492.

⁴SI 1988 No. 1812. The Town and Country Planning (Applications) Regulations 1988.

which applications should be made. Local planning authorities will have to submit planning applications in the manner applicable to similar applications by other applicants.

7. In the case of joint development, regulation 3 is appropriate only where the local planning authority's interest in the development is *significant*. Joint development proposals in which the local planning authority's interest is not significant, fall within regulation 4 and should be determined by the responsible development control authority. The level of financial commitment of the local planning authority may be a useful test of whether its interest in a particular development proposal is "significant".

Planning conditions

8. Section 70 of the 1990 Act applies without modification, so local planning authorities can impose planning conditions on planning permissions granted on an application for planning permission falling within regulation 3 ("regulation 3 applications"), as well as those falling within regulation 4 ("regulation 4 applications").

Planning permission for development of land vested in an interested planning authority which it does not itself propose to carry out

9. *Regulation 4* is concerned with applications for planning permission by an interested planning authority where (i) the authority has an interest in the land involved but (ii) the authority do not intend to develop the land themselves or jointly (i.e. land vested in the local planning authority which they propose to make available for development by other persons) and, (iii) if the authority did not have an interest in the land the application would be determined by another body.

10. Regulation 4(2) provides that applications falling within regulation 4(1) must be determined by the responsible development control authority. Thus, a county council will have to apply to the relevant district council unless the development is a "county matter"; and the district council would have to apply to the county council for permission for development which is a "county matter" (generally, development involving waste or minerals (but not in Wales⁵)).

11. Regulation 4 applications should be made in the same way as similar applications from other applicants (see paragraph 6 above). A planning permission granted under this regulation runs with the land and thus enables local planning authorities to dispose of land for private development with the benefit of planning permission.

12. In a case to which regulation 4 applies, enforcement action and action to require proper maintenance of land (ss 215-219 of the 1990 Act) can be taken. But, this should be very carefully considered; it is undesirable that one authority should take another to court and both sides' legal costs would then fall on the public purse.

⁵In Wales, planning matters relating to waste disposal are the responsibility of the district council.

Modifications and exceptions to Part III of the 1990 Act

13. *Regulation 5* and *Schedule 1* set out the modifications and exceptions to Part III of the 1990 Act which apply to applications under regulation 3.

14. *Regulation 6* provides that in Part III of the 1990 Act any reference to "local planning authority" and "the authority" in relation to regulation 3 development is a reference to the interested planning authority concerned.

Publicity

15. Regulation 3 or 4 applications must follow the same publicity/notification procedures as those which apply to similar applications from any other applicant. The manner in which applications should be publicised/notified is prescribed by development order⁶ made by virtue of section 65 of the 1990 Act. Local planning authorities must not determine their own applications until the end of the period prescribed by the development order. *Regulation 7* makes a modification in relation to regulation 3 applications.

Consultation

16. The statutory consultation requirements contained in the development order⁷ will apply to local planning authority development proposals. Local planning authorities must also consult on a non-statutory basis with those organisations indicated in Departmental Circulars. *Regulation 8* provides that an urban development corporation in Greater London shall, before determining a regulation 3 application, consult the council of the London borough for the area in which the land is situated.

Effect of planning permission

17. By virtue of *regulation 9* a permission granted on a regulation 3 application enures only for the benefit of the authority which acquired it and therefore may be implemented only by that authority. In the case of joint development, between the local planning authority and any other person, the permission enures for the benefit of the local planning authority and that other person. This regulation is intended to prevent unimplemented planning permissions passing to other parties. It does not affect a planning permission which has been implemented. Development which has been implemented lawfully, with planning permission, will not require fresh planning permission to continue the use.

Arrangements for discharge of functions

18. *Regulation 10* provides that where a local authority has made arrangements under section 101 of the Local Government Act 1972 for the discharge of any of its functions in relation to the determination of planning applications, no development proposals falling within regulation 3 may be determined by a committee (or sub-committee) which is responsible (wholly or partly) for the management of any land or buildings to which the application relates. Similarly, no regulation 3 application may be determined

⁶SI 1992 No. 1493. The Town and Country Planning General Development (Amendment) (No. 4) Order 1992.

⁷SI 1988 No. 1813. The Town and Country Planning General Development Order 1988.

by an officer of the planning authority concerned if his responsibilities include any aspect of the management of any land or buildings to which the application relates.

19. The planning committee will normally be the appropriate forum for determining local authority development proposals. Officers and sub-committees may determine such proposals (provided they are not responsible for the management of land or buildings the subject of the application) but it is expected that all significant local planning authority development proposals will be determined by the planning committee (or the full Council). It will be for local planning authorities to decide their own internal arrangements in the light of the regulations and the advice above.

Other consents

20. *Regulation 11* provides that where a local planning authority is seeking a consent or approval under Parts III, VII or VIII of the 1990 Act, other than a permission for development or a consent under section 90(2) of that Act, and that authority is the local planning authority by whom such consent or approval would normally be given, the application shall be made to the Secretary of State.

Land and development to which the regulations do not apply

21. Local planning authorities cannot make planning applications to themselves in respect of land or development to which the 1992 Regulations do *not* apply. New section 316 of the Town and Country Planning Act 1990 (as substituted by section 20 of the Planning and Compensation Act 1991) does not provide for local planning authorities to obtain planning permission for development proposals involving land which they do not own and where the development is to be carried out by other persons.

22. Planning applications for local authorities' own development proposals (or by an authority jointly) in respect of land of which an urban development corporation (UDC) is the local planning authority, must be determined by the UDC. Similarly, planning applications by local authorities in respect of development which they do not intend to carry out themselves, on land which is vested in them but for which a UDC is the local planning authority, must be determined by the UDC.

23. A planning application by a non-metropolitan district council in respect of its own (or joint) development, on land which it owns but any part of which is within a National Park, should be made to the National Park Joint Planning Board or the National Park Committee (as appropriate). The Boards are county planning authorities in their own right. For the remaining Parks the County Councils delegate their county planning functions to the National Park Committee (which is therefore the county planning authority for that area).

24. Similarly, if a non-metropolitan district council wants planning permission for development which it does not propose to undertake itself, on land vested in it, but any part of which is in a National Park, it must submit a planning application to the National Park Joint Planning Board or National Park Committee.

Position of unitary authorities, National Parks, the Broads and Urban Development Corporations

25. Unitary authorities (councils of the London Boroughs and Metropolitan District Councils) are local planning authorities for their areas and are the responsible development control authority for their own development proposals (and joint development) and development on their land by any other persons.

26. For the purposes of the 1992 Regulations the Broads Authority is the sole district planning authority for the Broads.

27. National Park Joint Planning Boards and National Park Special Planning Boards have the status of a county planning authority for the purposes of the 1992 Regulations.

28. UDCs are local planning authorities for their area for certain purposes, including Part III of the 1990 Act, and may grant themselves planning permission for their own development proposals (and joint development) and for development by any other persons on their land. However, UDCs do not themselves generally carry out development. UDCs are exempt from the requirements preventing the public from being excluded from committee meetings where applications for the Corporation's own proposals are determined.

Reserved matters applications

29. By virtue of *Regulation 1 (2)* of the 1992 Regulations, local planning authorities may make applications for outline planning permission and determine reserved matters applications in respect of planning applications falling within regulations 3 or 4. In the case of applications falling within regulation 3, the determining authority will be the authority which submitted the application. In the case of applications falling within regulation 4, the determining authority will be the responsible development control authority.

Permitted development

30. Planning permission is not required for development which is granted by a development order.

Registering applications

31. Regulation 3 and 4 applications must be registered in a manner prescribed by development order⁸ under section 69 of the 1990 Act, in the same way as similar applications from any other applicant.

Fees

32. Regulation 3 and 4 applications attract planning fees in the same way as similar applications from other applicants.

⁸ SI 1992 No. 1493. The Town and Country Planning General Development (Amendment) (No. 4) Order 1992.

Access to information

33. An order⁹ has been made under section 100I of the Local Government Act 1972 to prevent members of the public from being excluded from committee meetings at which local planning authorities' development proposals are determined.

Departures from the Development Plan

34. New directions¹⁰ have been made by the Secretary of State, in exercise of powers conferred upon him by Articles 14, 17, 18(3) and 30 of the Town and Country Planning General Development Order 1988, to replace the Town and Country Planning (Development Plans) (England) Direction 1992 and the Town and Country Planning (Development Plans) (Wales) Direction 1992. Policy advice on these directions is at Annex 2, and they are set out at Annex 3.

Appeals

35. The statutory appeal procedures apply to decisions on planning applications made by persons other than interested planning authorities, and to applications made by an interested planning authority which, by virtue of regulation 4, are determined by another local planning authority.

Environmental Assessment

36. The Town and Country Planning (Assessment of Environmental Effects) Regulations 1988, as amended by the Town and Country Planning (Assessment of Environmental Effects) (Amendment) Regulations 1992¹¹, apply the requirements of Directive 85/337/EEC on environmental assessment to developments proposed by local planning authorities.

37. Where an authority is both the applicant and the local planning authority in relation to development which requires an environmental statement under the 1988 Regulations, regulation 25A of the 1988 Regulations applies. That regulation modifies the procedures set out in the 1988 Regulations. Thus the authority is required itself to prepare an environmental statement, place the statement on the planning register and publish and consult on the statement, and must take the environmental information into consideration before granting permission.

38. Where a local authority applies to another local planning authority for planning permission, the procedures for environmental assessment set out in the 1988 Regulations will apply to the applicant authority in the same way as they apply to any other applicant.

39. The advice in Circular 15/88 (WO 23/88) on procedures and the considerations to be taken into account in deciding whether the environmental effects of a Schedule 2 project are likely to be significant enough to require environmental assessment, applies to proposals for development by local authorities whether on their own land or other land. The Secretary of State's power of direction as to whether a Schedule 2 project

⁹ SI 1992 No. 1497. The Local Government (Access to Information) (Variation) Order 1992.

¹⁰ The Town and Country Planning (Development Plans and Consultation) Directions 1992.

¹¹ SI 1992 No. 1494.

requires environmental assessment applies to local authority development as it does to any other development.

40. Paragraphs 31-34 above replace paragraphs 45-48 of Circular 15/88.

Listed Building Consent

41. It is no longer possible to obtain a listed building consent as part of a planning permission, and local planning authorities must make their own applications for listed building consent to the Secretary of State under section 82 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Development affecting highways

42. The provisions of former regulation 11 of the 1976 Regulations have not been included in the 1992 Regulations because the provisions of Articles 15 and 18 of the Town and Country Planning General Development Order 1988 will now apply to development by local planning authorities (or on their land) affecting certain existing and proposed highways.

Call-in

43. Under the 1992 Regulations there are no longer special arrangements for the Secretary of State to call in particular planning applications. In deciding whether to call in an application made under the 1992 Regulations the Secretary of State will apply the policies applicable to all other planning applications.

Transitional arrangements

44. The Planning and Compensation Act 1991 (Commencement No. 10 and Transitional Provision) Order 1992¹² provides that where a local planning authority has passed the first resolution required by regulations 4 and 5 of the 1976 Regulations (to seek permission for the carrying out of development), before the 1992 Regulations have come into force, the development proposals the subject of the resolution will continue to be dealt with under the arrangements set out in the 1976 Regulations.

Claims for compensation and purchase notices

45. Regulation 12 sets out the procedures relating to claims for compensation under sections 107 (including section 107 as applied by section 108), 114, 115, 144, 186 or 250 of the 1990 Act or a purchase notice under section 137 of that Act, and extends from six to twelve months (or such longer period as the Secretary of State may at any time in any particular case allow) the time within which claims for compensation in respect of the above must be made.

Marking of certain notices and documents

46. Regulation 13 sets out the manner in which certain notices and documents shall be marked for the purposes of section 329(2)(b) of the 1990 Act (service of notices), in order that they may be taken to be duly served.

¹²SI 1992 No. 1491.

Application of the Public Health Act 1936 to certain notices

47. *Regulation 14* provides for the application of certain provisions of the Public Health Act 1936 to enforcement notices and to notices under section 207(1) (enforcement of duties as to replacement of trees) or section 215 (power to require proper maintenance of land) of the 1990 Act, and provides that expenses recoverable by a local planning authority under section 178(1) of that Act are a charge on the land until recovered.

Concurrent procedure for acquisition of land and extinguishment of rights of way

48. *Regulation 15* makes provisions in relation to the taking of proceedings for the purposes of section 251 of the 1990 Act (extinguishment of public rights of way over land held for planning purposes) concurrently with proceedings for the acquisition of land over which the right of way is to be extinguished, or the acquisition of any other land to provide an alternative right of way.

Notices and counter-notices relating to planning blight

49. *Regulation 16* and Schedule 2 to the regulations prescribe the form of notices relating to planning blight.

Advertisement and notice of unopposed order revoking or modifying planning permission

50. *Regulation 17* and Forms 1 and 2 of Schedule 3 to the regulations provide for the form in which advertisement and notice of unopposed orders revoking or modifying planning permission are to be made. Section 99 of the 1990 Act (procedure for s.97 orders: unopposed cases) does not apply to an order revoking or modifying a planning permission granted or deemed to be granted by the Secretary of State under Part III or Part VII of the 1990 Act. Forms 1 and 2 of Schedule 3 should be returned to the appropriate Regional Office of the Department of the Environment.

TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANS AND CONSULTATION) DIRECTIONS 1992

1. At Annex 3 to this Circular is a copy of the Town and Country Planning (Development Plans and Consultation) Directions 1992 which come into force on 17 July 1992. These Directions cancel from that date the Town and Country Planning (Development Plans) (England) Direction 1992 and the Town and Country Planning (Development Plans) (Wales) Direction 1992, but the cancelled Directions will continue to apply to any departure application made before 17 July 1992 and to any resolution passed by a local planning authority before this date under regulation 4(1) or 5(2) of the Town and Country Planning General Regulations 1976 seeking permission for the carrying out of development not in accordance with the provisions of the relevant development plan.
2. The main differences between the new Directions and their immediate predecessors are: the Directions make no separate provision for publicising departure applications, since provisions securing this are now contained in the Town and Country Planning General Development Order 1988; all departure applications for development by local planning authorities, whether alone or jointly, or to develop their land must now be notified to the Secretary of State; so too must all planning applications by local highway authorities to construct roads, whose route is not proposed in the relevant local plan or UDP Part II.
3. Paragraphs 1 to 4 of the new Directions apply to departure applications. A departure application is defined in paragraph 1(2). All such applications are subject to statutory publicity, as provided by Article 12B(2)(b) of the Town and Country Planning General Development Order 1988, which was inserted by the Town and Country Planning General Development (Amendment) Order 1992 (SI 1992/1493). Guidance on interpretation of those provisions, and advice on good practice and other matters is given in DOE Circular 15/92 (WO 32/92).
4. District planning authorities should, when considering departure applications, give particular weight to the representations of the county planning authority in response to consultations required by paragraph 7 of Schedule 1 to the Town and Country Planning Act 1990, which they have a statutory duty to take into account. When a departure application is required to be sent to the Secretary of State the county planning authority's views must be enclosed and he will take them into account in deciding whether to call in the application. Similarly, when a county planning authority sends a departure application to the Secretary of State they must also enclose the views of the district planning authority given under Article 20(1) of the General Development Order.
5. Paragraphs 2, 3 and 4 of the new Directions set out the requirements which must be met before a local planning authority can grant planning permission for a departure application. Authorities are reminded that other Directions by the Secretary of State may also restrict the grant of planning permission, for example those made under Article 14(1) of the General Development Order or under section 77 of the Town and Country Planning Act 1990.

6. Attention is particularly drawn to paragraph 3 of the new Directions, which sets out requirements for authorities notifying departure applications to the Secretary of State. It is for authorities to take a reasonable view on whether departure applications which they do not propose to refuse fall within paragraph 3 of the Directions. Applications should not be notified on a "safety first" basis, but must be so notified if they are for:

- (a) development which consists of or includes the provision of—
 - (i) more than 150 houses or flats;
 - (ii) more than 10,000 square metres of retail floor space;
- (b) development of land of an interested planning authority, or for development of any land by such an authority, whether alone or jointly;
- (c) any other development which, by reason of its scale or nature or the location of the land, would significantly prejudice the implementation of the development plan's policies and proposals.

7. The Department considers that the types of departure application falling within paragraph 3(c) of the Directions, so that notification to the Secretary of State would be required, are likely to include:

- (a) proposals for development of major importance having more than local significance; or
- (b) proposals which raise important or novel issues of development control; or
- (c) major proposals involving the winning and working of minerals, or waste disposal, storage, treatment and processing facilities.

The Secretary of State wishes to be notified of all departure applications which are proposals which would normally be inappropriate in an approved Green Belt.

8. Paragraph 3(c) of the Directions also covers any proposals for development, which whilst not significant in themselves, may significantly prejudice the implementation of policies and proposals in the development plan because of their likely impact on their setting or location. Authorities should pay particular attention in this respect to departure applications affecting national parks, areas of outstanding natural beauty, sites of special scientific interest and conservation areas.

9. Paragraph 5 contains a new provision requiring the local planning authority to consult the Secretary of State about any planning application by a local highway authority which is, while not a departure application, for development which consists of or includes the construction of a road whose route is not proposed in the relevant local plan or unitary development plan Part II. This new provision, taken together with paragraph 3(b), meets the commitment given in paragraph 5.32 of PPG12 (paragraph 5.30 of PPG12 (Wales)) to make a direction to require a local highway authority seeking to grant themselves planning permission for a new road scheme, which has not been subjected to local plan procedures or is in conflict with the plan, to be notified to the Secretary of State. When the Secretary of State is consulted pursuant to paragraph 5 of the Directions, he would find it helpful if authorities sent him the material referred to in paragraph 3(i), (iii) and (iv) of the Directions.

10. The provisions in these Directions requiring certain applications to be notified to the Secretary of State give him the opportunity to consider whether they should be called in for his own determination. The Secretary of State will, however, continue to be very selective about calling in planning applications, and will in general only do so if planning issues of more than local importance are involved.

11. Paragraphs 9 to 19 of DOE Circular 2/81 (WO 2/81) are hereby cancelled. Also cancelled are the Department of the Environment letter of 21 February 1992 about the Town and Country Planning Development Plans (England) Direction 1992 and the Welsh Office letter of the same date about the Town and Country Planning (Development Plans) (Wales) Direction 1992.

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANS AND CONSULTATION) DIRECTIONS 1992

The Secretary of State for the Environment as respects England, and the Secretary of State for Wales as respects Wales, in exercise of the powers conferred on them by articles 14(1), 17, 18(3) and 30 of the Town and Country Planning General Development Order 1988, and all other powers enabling them in that behalf, hereby give the following directions—

Commencement, application and interpretation

1.(1) These directions shall come into force on 17 July 1992 and shall apply to applications for planning permission relating to land in England or Wales made on or after that date.

(2) In these directions—

“departure application” means an application for planning permission for development which does not accord with the provisions of the development plan in force in the area in which the application site is situated;

“the 1988” Order means the Town and Country Planning General Development Order 1988, as amended; and

“requisite notice” has the meaning given by article 12B(7) of the 1988 Order¹.

Restriction on the grant of planning permission

2.(1) Without prejudice to the requirements of article 12B of the 1988 Order, and subject to sub-paragraph (2), a local planning authority shall not grant planning permission on a departure application unless they have complied with any requirement imposed in relation to that application by paragraph 3 of these directions and the relevant period set out in paragraph 4 has expired.

(2) A local planning authority may grant planning permission on a departure application without complying with paragraph 3 if they impose such conditions on the permission as will, in their opinion, ensure that if the development is carried out in accordance with those conditions it will be in accordance with the provisions of the development plan.

Notification of departure applications to the Secretary of State

3. Where a departure application which a local planning authority do not propose to refuse is for—

- (a) development which consists of or includes the provision of—
 - (i) more than 150 houses or flats; or
 - (ii) more than 10,000 square metres of retail floor space;
- (b) development of land of an interested planning authority, or for the development of any land by such an authority, whether alone or jointly with any other person; or

¹ Article 12B was inserted by article 4 of S.I. 1992/1493.

- (c) any other development which, by reason of its scale or nature or the location of the land, would significantly prejudice the implementation of the development plan's policies and proposals,

the authority shall send to the Secretary of State—

- (i) a copy of the application (including copies of any accompanying plans and drawings);
- (ii) a copy of the requisite notice;
- (iii) a copy of any representations made to the authority in respect of the application;
- (iv) a statement of the issues involved in the decision and of any views expressed on the application by a government department or another local planning authority.

Relevant period before granting permission on a departure application

4. The relevant period referred to in paragraph 2(1) is—

- (a) where paragraph 3 does not apply, the period specified in the requisite notice for making representations; or
- (b) where a copy of the application is sent to the Secretary of State pursuant to paragraph 3, the period of 21 days beginning with the date notified to the local planning authority by the Secretary of State as the date of receipt of the items specified in that paragraph.

Consultation on certain highway proposals

5. A local planning authority shall consult the Secretary of State before granting planning permission on any application by a local highway authority (not being an application falling within paragraph 3) for development which consists of or includes the construction of a road, the route of which is not proposed in the relevant local plan or, as the case may be, in Part II of the relevant unitary development plan.

Copies of certain permissions to be sent to the Secretary of State

6. Where the local planning authority grant planning permission on a departure application, they shall send a copy of the permission to the Secretary of State as soon as is reasonably practicable.

Cancellation and saving

7. The Town and Country Planning Development Plans (England) Direction 1992 and the Town and Country Planning (Development Plans) (Wales) Direction 1992 are hereby cancelled, save that they shall continue to

apply in relation to any departure application made, or any relevant resolution such as is mentioned in regulation 4(1) or 5(2) of the Town and Country Planning General Regulations 1976 passed, before these directions come into force.

Signed by authority of the Secretary of State for the Environment

RICHARD JONES,
An Assistant Secretary in the
Department of the Environment

6 July 1992

Signed by authority of the Secretary of State for Wales

H R BOLLINGTON,
An Assistant Secretary in the Welsh Office

6 July 1992

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