
STATUTORY INSTRUMENTS

2015 No. 595

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

Part 6

Determination

Written notice of decision or determination relating to a planning application

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

[^{F1}(za) where planning permission is granted, the notice must include—

- (i) information relating to the condition in paragraph 13 of Schedule 7A to the 1990 Act (biodiversity gain condition) including that there are exemptions, transitional arrangements and requirements relating to irreplaceable habitat,
 - (ii) information to note the effect of section 73(2D) of the 1990 Act (earlier biodiversity gain plan in relation to a previous planning permission regarded as approved for purposes of paragraph 13 of Schedule 7A),
 - (iii) details of the planning authority under paragraph 12(1) of Schedule 7A (biodiversity gain in England), and
 - (iv) where development is to proceed in phases and the modifications in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply, a statement to that effect and to the effect that biodiversity gain plans are required before development may be begun and required before each phase of development may be begun;]
- (a) where planning permission is granted subject to conditions, the notice must state clearly and precisely their full reasons—
- (i) for each condition imposed; and
 - (ii) in the case of each pre-commencement condition, for the condition being a pre-commencement condition;
- (b) where planning permission is refused, the notice must state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision;
- (c) where—
- (i) the Secretary of State has given a direction restricting the grant of planning permission for the development for which application is made; or
 - (ii) the Secretary of State or a government department has expressed the view that the permission should not be granted (either wholly or in part) or should be granted subject to conditions,

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

Changes to legislation: *There are currently no known outstanding effects for The Town and Country Planning (Development Management Procedure) (England) Order 2015, Section 35. (See end of Document for details)*

[^{F2}(1A) References in paragraph (1)(a) to a condition do not include a condition under paragraph 13 of Schedule 7A (the biodiversity gain condition).]

(2) Where paragraph (1)(a) or (b) applies, the notice must also include a statement explaining, whether, and if so how, in dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

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

^{F3}(4)

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

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

<p>.....</p> <p>Textual Amendments</p> <p>F1 Art. 35(1)(za) inserted (12.2.2024) by The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 (S.I. 2024/50), regs. 1(2), 17(a)</p> <p>F2 Art. 35(1A) inserted (12.2.2024) by The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 (S.I. 2024/50), regs. 1(2), 17(b)</p> <p>F3 Art. 35(4) omitted (16.5.2017) by virtue of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571), regs. 1(1), 72(7) (with regs. 47, 70)</p>
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Changes to legislation:

There are currently no known outstanding effects for The Town and Country Planning (Development Management Procedure) (England) Order 2015, Section 35.