

ELIZABETH II

c. 29



Planning Act 2008

2008 CHAPTER 29

PART 6

DECIDING APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 1

HANDLING OF APPLICATION BY COMMISSION

55 Acceptance of applications

- (1) The following provisions of this section apply where the Commission receives an application that purports to be an application for an order granting development consent.
- (2) The Commission must, by the end of the period of 28 days beginning with the day after the day on which it receives the application, decide whether or not to accept the application.
- (3) The Commission may accept the application only if the Commission concludes—
 - (a) that it is an application for an order granting development consent,
 - (b) that it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5),
 - (c) that development consent is required for any of the development to which the application relates,
 - (d) that the application gives reasons for each respect in which any applicable guidance given under section 37(4) has not been followed in relation to it, and
 - (e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure).
- (4) The Commission, when deciding whether it may reach the conclusion in subsection (3) (e), must have regard to—
 - (a) the consultation report received under section 37(3)(c),

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (b) any adequacy of consultation representation received by it from a local authority consultee, and
 - (c) the extent to which the applicant has had regard to any guidance issued under section 50.
- (5) In subsection (4)—
- “local authority consultee” means—
 - (a) a local authority consulted under section 42(b) about a proposed application that has become the application, or
 - (b) the Greater London Authority if consulted under section 42(c) about that proposed application;
 - “adequacy of consultation representation” means a representation about whether the applicant complied, in relation to that proposed application, with the applicant's duties under sections 42, 47 and 48.
- (6) If the Commission accepts the application, it must notify the applicant of the acceptance.
- (7) If the Commission is of the view that it cannot accept the application, it must—
- (a) notify that view to the applicant, and
 - (b) notify the applicant of its reasons for that view.
- (8) If in response the applicant modifies (or further modifies) the application, subsections (2) to (7) then apply in relation to the application as modified.

Status:

This version of this provision is prospective.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to :

- s. 55(5) text amended by 2009 c. 23 s. 23(4)

Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 149A inserted by 2009 c. 23 Sch. 8 para. 4(2)

Commencement Orders yet to be applied to the Planning Act 2008:

Commencement Orders bringing provisions within this Act into force:

- S.I. 2009/400 art. 2 to art. 5 commences (2008 c. 29)
- S.I. 2009/1303 art. 2 commences (2008 c. 29)
- S.I. 2009/2260 art. 2 commences (2008 c. 29)
- S.I. 2009/2573 art. 2 commences (2008 c. 29)
- S.I. 2010/101 art. 2 to art. 5 commences (2008 c. 29)
- S.I. 2010/566 art. 2 commences (2008 c. 29)

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2009/3318 art. 2 to art. 4 commences (2009 c. 20)
- S.I. 2010/298 art. 2, Sch. commences (2009 c. 23)