



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 [^{F1}Secretary of State] receives an application that purports to be an application for an order granting development consent.
- (2) The [^{F1}Secretary of State] must, by the end of the period of 28 days beginning with the day after the day on which [^{F2}the Secretary of State] receives the application, decide whether or not to accept the application.
- (3) The [^{F1}Secretary of State] may accept the application only if the [^{F1}Secretary of State] concludes—
 - (a) that it is an application for an order granting development consent,
 - ^{F3}(b)
 - (c) that development consent is required for any of the development to which the application relates,
 - ^{F4}(d)
 - (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)^{F5}, and
 - (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.]

Changes to legislation: There are currently no known outstanding effects for the Planning Act 2008, Section 55. (See end of Document for details)

- (4) The [^{F1}Secretary of State], when deciding whether [^{F6}the Secretary of State] may reach the conclusion in subsection (3)(e), must have regard to—
- (a) the consultation report received under section 37(3)(c),
 - (b) any adequacy of consultation representation received by [^{F6}the Secretary of State] 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 [^{F7}section 42(1)(b)] about a proposed application that has become the application, or
 - (b) the Greater London Authority if consulted under [^{F8}section 42(1)(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.
- [^{F9}(5A) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f), must have regard to the extent to which—
- (a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5), and
 - (b) any applicable guidance given under section 37(4) has been followed in relation to the application.]
- (6) If the [^{F1}Secretary of State] accepts the application, [^{F10}the Secretary of State] must notify the applicant of the acceptance.
- (7) If the [^{F1}Secretary of State] is of the view that [^{F11}the application cannot be accepted, the Secretary of State] must—
- (a) notify that view to the applicant, and
 - (b) notify the applicant of [^{F12}the Secretary of State's] 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.

Textual Amendments

- F1** Words in s. 55 substituted (1.4.2012) by *Localism Act 2011 (c. 20)*, s. 240(2), **Sch. 13 para. 13(2)**; S.I. 2012/628, art. 7(a)
- F2** Words in s. 55(2) substituted (1.4.2012) by *Localism Act 2011 (c. 20)*, s. 240(2), **Sch. 13 para. 13(3)**; S.I. 2012/628, art. 7(a)
- F3** S. 55(3)(b) repealed (1.4.2012) by *Localism Act 2011 (c. 20)*, ss. 137(2), 240(2), **Sch. 25 Pt. 21** (with s. 144); S.I. 2012/628, art. 7
- F4** S. 55(3)(d) repealed (1.4.2012) by *Localism Act 2011 (c. 20)*, ss. 137(2), 240(2), **Sch. 25 Pt. 21** (with s. 144); S.I. 2012/628, art. 7
- F5** S. 55(3)(f) and preceding word inserted (1.4.2012) by *Localism Act 2011 (c. 20)*, ss. 137(3), 240(2) (with s. 144); S.I. 2012/628, art. 7(a)
- F6** Words in s. 55(4) substituted (1.4.2012) by *Localism Act 2011 (c. 20)*, s. 240(2), **Sch. 13 para. 13(3)**; S.I. 2012/628, art. 7(a)
- F7** Words in s. 55(5) substituted (1.4.2010) by *Marine and Coastal Access Act 2009 (c. 23)*, ss. 23(4)(a), 324(3); S.I. 2010/298, art. 2, Sch. para. 6

Changes to legislation: There are currently no known outstanding effects for the Planning Act 2008, Section 55. (See end of Document for details)

- F8** Words in s. 55(5) substituted (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 23(4)(b), 324(3)**; S.I. 2010/298, art. 2, Sch. para. 6
- F9** S. 55(5A) inserted (1.4.2012) by Localism Act 2011 (c. 20), **ss. 137(4), 240(2)** (with s. 144); S.I. 2012/628, art. 7(a)
- F10** Words in s. 55(6) substituted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 13 para. 13(3)**; S.I. 2012/628, art. 7(a)
- F11** Words in s. 55(7) substituted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 13 para. 13(4)(a)**; S.I. 2012/628, art. 7(a)
- F12** Words in s. 55(7)(b) substituted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 13 para. 13(4)(b)**; S.I. 2012/628, art. 7(a)

Commencement Information

- I1** S. 55 in force at 1.3.2010 by S.I. 2010/101, **art. 3(d)** (with art. 6)

Changes to legislation:

There are currently no known outstanding effects for the Planning Act 2008, Section 55.