



Department for
Communities and
Local Government

The Chief Planning Officer
Local Planning Authorities in England

Date: 18 September 2012

Dear Colleague

Extending existing planning permissions & the positive and proactive statement in decision notices

I am writing to confirm that on 6 September 2012 the Secretary of State announced a one year extension to the temporary provisions introduced in October 2009, which allow applicants to extend the time limits for implementing a planning permission. This one year extension is given effect through two Statutory Instruments^{1 2} laid in Parliament on 6 September 2012, and will come into force on 1 October 2012.

The effect of these Statutory Instruments is to bring a new 12-month cohort of planning permissions within the scope of these provisions. The amendments allow applicants with unimplemented extant permissions granted on or before 1 October 2010 (previously the deadline was 1 October 2009) to apply for a replacement permission for the same development, subject to a new time limit for implementation. As before, such applications will be subject to a lower fee, less onerous information and consultation requirements and a design and access statement will not be required.

In addition, one of the statutory instruments¹ introduces a requirement for local planning authorities, from 1 December 2012, to include a statement on every decision letter stating how they have worked with the applicant in a positive and proactive way, in line with the NPPF³. We envisage that in the majority of cases it will be sufficient for the authority to include a simple statement, confirming that they have implemented the requirement in the NPPF.

For further information about these changes, please contact Julie Shanahan on 0303 444 3378 (julie.shanahan@communities.gsi.gov.uk).

Yours faithfully

Steve Quartermain
Chief Planner

¹ The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012
<http://www.legislation.gov.uk/uksi/2012/2274/contents/made>

² The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012
<http://www.legislation.gov.uk/uksi/2012/2275/contents/made>

³ National Planning Policy Framework - paragraphs 186-187.
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>