

Consultation and Determination
Planning Aid for London - Guide





This is part-two of a three-part guide on the stages of the planning process. This guide covers:

What Community Consultation is

How to comment on a Planning Application

How Planning Applications are determined

What is consultation and determination?

Once a planning application has been validated, a period of consultation is undertaken. This is when the Local Planning Authority (LPA) notifies a range of people that a planning application has been formally submitted to the Council. The formal consultation process will normally last 21 days and will include these publicity requirements:

Type of development	Site notice	Site notice or neighbour notification letter	Newspaper advertisement	Website
Applications for major development as defined in Article 2 of the Development Management Procedure Order (which are not covered in any other entry) (including an application for public service infrastructure development made on or after 1 August 2021)	-	X	X	X
Applications subject to Environmental Impact Assessment which are accompanied by an environmental statement	X	-	X	X
Applications which do not accord with the development plan in force in the area (including an application for public service infrastructure development made on or after 1 August 2021)	X	-	X	X
Applications which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 applies (including an application for public service infrastructure development made on or after 1 August 2021)	X	-	X	X
Applications for planning permission not covered in the entries above eg non-major development	-	X	-	X
Applications for listed building consent where works to the exterior of the building are proposed	X	-	X	X
Applications to vary or discharge conditions attached to a listed building consent or involving exterior works to a listed building.	X	-	X	X
Applications for development which would affect the setting of a listed building or affect the character or appearance of a conservation area.	X	-	X	X

(The Department for Levelling Up, Housing and Communities, 2021)

Anyone can comment on a planning application. Written comments will be considered when the LPA decides on the application if the points raised are relevant.

On larger or more complex applications, a range of statutory consultees will be notified. Statutory consultees are experts that provide advice on specific elements of the planning application. These include:

Statutory consultee	Type of development
Canal and River Trust	Schedule 4(za) Development Management Procedure Order
Coal Authority	Article 26 and Schedule 4(o) Development Management Procedure Order
Control of major-accident hazards competent authority (COMAH)	Schedule 4(zb) Development Management Procedure Order
County Planning Authorities	Paragraph 7 of Schedule 1 to the Town and Country Planning Act 1990, Article 21 Development Management Procedure Order and Schedule 4(b)(c) Development Management Procedure Order
Crown Estates Commissioners	Article 26 Development Management Procedure Order
Department for Business, Energy and Industrial Strategy	Article 26 Development Management Procedure Order
Designated Neighbourhood Forum	Paragraph 8A inserted into Schedule 1 of the Town and Country Planning Act 1990 and Article 25A and paragraph (d) of Schedule 4 of the Development Management Procedure Order 2015
Environment Agency	Schedule 4(p)(t)(u) (v)(zc)(zd) Development Management Procedure Order
Forestry Commission	Paragraph 4 of Schedule 5 of Town and Country Planning Act 1990
The Gardens Trust	Schedule 4(s) Development Management Procedure Order and see also guidance on conserving and enhancing the historic environment
Greater London Authority	Mayor of London Order 2008 (as amended)
Health and Safety Executive [Relevant]Highways Authority (including Highways England)	Schedule 4(e) and (in relation to applications for planning permission made on or after 1 August 2020 (zg) Development Management Procedure Order, see also guidance on hazardous substances and advice for local planning authorities on consulting Health and Safety Executive on planning applications; and paragraph 113 of guidance on minerals
Historic England	Schedule 4(g)(h)(i) Development Management Procedure Order
Lead local flood authority	Schedule 4(g)(r)(s) Development Management Procedure Order and see also guidance on conserving and enhancing the historic environment
Local Planning Authorities	Schedule 4(ze) Development Management Procedure Order
National Parks Authorities	Schedule 4(b)(c), Article 19 and Article 24 Development Management Procedure Order, Paragraph 4(2) Schedule 1 and Paragraph 7 of Schedule 1 of the Town and Country Planning Act 1990 and Paragraph 3(b) of Schedule 4 to the Planning (Listed Buildings and Conservation Areas) Act 1990

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Natural England	Schedule 4(w)(y)(zb) Development Management Procedure Order and Paragraph 4 of Schedule 5 of the Town and Country Planning Act 1990
Office for Nuclear Regulation	Schedule 4(f) Development Management Procedure Order and see also deciding planning applications around hazardous installations guidance
Oil and Gas Authority	Article 26 Development Management Procedure Order
Parish Councils	Article 25 Development Management Procedure Order and Schedule 4(d) Development Management Procedure Order
Rail Infrastructure Managers	Article 16 Development Management Procedure Order
Rail Network Operators	Schedule 4(j) Development Management Procedure Order and see also guidance on transport
Sport England	Schedule 4(z) Development Management Procedure Order and see also guidance on open space, sports and recreation facilities
Theatres Trust	Schedule 4(x) Development Management Procedure Order
Toll Road Concessionaries	Schedule 4(m) Development Management Procedure Order
Water and sewerage undertakers	Schedule 4(zf) Development Management Procedure Order

Commenting on an Application

The easiest way to find out about ongoing planning applications in your local area is to visit your LPA's website. You will be able to look at weekly or monthly lists of planning applications that have been validated.

Comments on planning applications can be submitted via the LPA's website, and these will need to [set out the material considerations](#)

that you would like the planning officer to consider. A material consideration is a matter that should be considered when deciding on a planning application.

Material considerations can include (but are not limited to):

- Overlooking/loss of privacy
- Loss of light or overshadowing
- Parking
- Highway safety
- Traffic
- Noise
- Effect on listed building and conservation area
- Layout and density of building
- Design, appearance and materials
- Government policy
- Proposals in the Development Plan
- Previous planning decisions (including appeal decisions)
- Nature conservation

However, issues such as the negative effect on the value of properties, construction noise or third-party wall issues are not material considerations as they fall under other types of legislation, not planning.

Most planning applications must be processed within 8 weeks. This is extended to 13 weeks for major projects. Members of the public have [21 calendar days](#) from the date the application is advertised to respond. LPA's can decide to consider late responses, but you should not rely on this happening.

Generally, the earlier you make your submission the more likely it is to have some impact; and make sure you keep track of the consultation dates, so you do not miss the deadline.

There are a few ways to share your thoughts on a new development. Many people will write a planning objection letter and contact their local councillors. Here are some tips on how to do both effectively:

A planning objection letter should:

- Be properly referenced with the right planning application number from the LPA's website
- Include references to the LPA's local plan policy, London Plan policy and national government policy to support your arguments
- Short – It can be tempting to throw the kitchen sink at letters of objection but choosing three key planning arguments is the most effective way to put your objection across

Contacting your local councillors:

- [Find the councillors for the ward that the development is in](#)
- Use the basis of a planning objection letter to let your local councillors know why you are objecting to the development
- Contact councillors via social media and email
- Try and get other residents to join you in sharing their objections – this could be your neighbours in the area, a Resident's Association or a community group

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[How are planning applications determined?](#)

Following the consultation period and site visit the case officer will assess all the information and comments gathered and then write a recommendation report on whether to: approve, approve subject to conditions, or refuse the application. This report will then be passed to a senior council officer who will decide on behalf of the Councillors. This process is known as a delegated authority. [Almost 90 percent of planning applications are determined by delegated authority](#)

More complex planning applications will be determined directly by Councillors via [a Planning Committee](#). If you have submitted comments in support or objection of an application that is going to be determined by Committee, you may receive written confirmation of the committee date and an invite to speak at the planning committee.

All committee agendas are posted on the committee pages of the LPA's website approximately 5 days before the committee is held, and the agendas will be accompanied by the officer's report setting out the LPA's recommendation. If you would like to address the committee then you will need to contact the committee clerk and provide your details so that you can be formally registered to speak on that application. In most local authorities you will be limited to a maximum of three minutes talk time, so do make sure that you use the officers report to help set out your key points.

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[Planning applications considered by the Mayor of London](#)

An application can be considered by the Mayor but only if it meets the criteria set out in the [Mayor of London Order \(2008\)](#). The criteria includes:

- A development of 150 residential units or more
- A development over 30 metres in height (outside the City of London)
- A development on [Green Belt or Metropolitan Open Land](#)

The Mayor has six weeks to provide comments on the application, assessing whether it complies with [the London Plan policies](#). This is a consultation response known as stage one.

The application is then considered by the LPA at its planning committee, where they will decide whether to grant or refuse permission.

Following the planning committee consideration, the LPA is then required to refer the application to the Mayor for his final decision, known as a Stage 2 referral. The Mayor has 14 days to decide whether to allow the LPA's decision to stand, to direct refusal, or to take over the application, thus becoming the LPA (known as "Call-in").

The Mayor reviews all the comments received by the LPA as a part of the referral process, meaning any comments submitted to the planning application will be considered by both the local council and the Mayor as a part of the decision-making process on large applications.

Do remember that all comments sent to the LPA are public documents and that your name and address may be held on public files.

(Please see leaflet 3 for information on further opportunities to object to a planning application).