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### Changes to the Options for Twin Track Applications

Twin Tracking - This is the process where two of identical planning applications are submitted at the same time to a local planning authority (LPA) for determination. This is usually done under the expectation that the application is likely to have issues that will take some time to consider or where the LPA are likely to be hostile towards the proposal. The purpose of twin tracking is to enable one of the applications to be submitted for appeal to the Planning Inspectorate, once able, and allow the other to carry on to be processed by the LPA. The upshot of this is that the impetus is on the LPA to make a decision on the application still in their control swiftly to avoid the time and expense of an appeal.

A Commencement Order was issued which has brought into force, as of 6th April 2009, part of Section 43 of the Planning and Compulsory Purchase Act 2004. Section 43 sets out the conditions under which a LPA can decline to determine a planning application.

One of these conditions is the power to decline to determine an overlapping application if a similar application is under consideration by the local planning authority and the determination period for that application has not expired.

Whilst the twin tracking option is still available it will now be to the discretion of the Council as to whether they accept two identical applications or not. The basis for the LPA's refusal to accept a twin tracked application is only if they consider that the proposed developments of both applications are the same or substantially the same. As stated this is at the discretion of the LPA and therefore they are likely to utilise this as much as possible to prevent the potential for time and financial costs to the Council.

With this option for pressuring LPA's for speedier and more positive decisions on applications much less likely to be available developers and planning consultants will have to come up with alternative planning strategies.

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