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STATUTORY INSTRUMENTS

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**2010 No. 2184**

**The Town and Country Planning (Development Management Procedure) (England) Order 2010**

**PART 4**

**Determination**

**Representations to be taken into account**

**28.**—(1) A local planning authority shall, in determining an application for planning permission, take into account any representations made, where any notice of, or information about, the application has been—

- (a) given by site display under article 11 or 13, within 21 days beginning with the date when the notice was first displayed by site display;
- (b) served on—
  - (i) an owner of the land or a tenant of an agricultural holding under article 11; or
  - (ii) an adjoining owner or occupier under article 13,within 21 days beginning with the date when the notice was served on that person, provided that the representations are made by any person who they are satisfied is such an owner, tenant or occupier; or
- (c) published in a newspaper under article 11 or 13 or on a website under article 13, within the period of 14 days beginning with the date on which the notice or information was published,

and the representations and periods in this article are representations and periods prescribed for the purposes of section 71(2)(a) of the 1990 Act (consultations in connection with determinations under section 70)(1).

(2) A local planning authority shall give notice of their decision to every person who has made representations which they were required to take into account in accordance with paragraph (1)(b)(i), and such notice is notice prescribed for the purposes of section 71(2)(b) of the 1990 Act.

(3) Paragraphs (1) and (2) apply to applications referred to the Secretary of State under section 76A (major infrastructure projects) or 77 (reference of applications to Secretary of State) of the 1990 Act(2) and to applications made to the Secretary of State under section 293A(2) of the 1990 Act (applications for urgent Crown development)(3) and paragraphs (1)(b) and (2) apply to appeals

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(1) Section 71 was amended by section 16(2) of, and paragraph 15 of Schedule 7 to, the Planning and Compensation Act 1991.  
(2) Section 76A was inserted by section 44 of the 2004 Act and section 77 was amended by paragraph 18 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34), section 40(2)(d) of the 2004 Act and is to be amended by paragraphs 1 and 2 of Schedule 10 to the Planning Act 2008 (c. 29) on a date to be appointed.  
(3) Section 293A was inserted by section 82(1) of the 2004 Act.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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to the Secretary of State made under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions)(4), as if the references to—

- (a) a local planning authority were to the Secretary of State; and
- (b) determining an application for planning permission were to determining such application or appeal, as the case may be.

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(4) Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991, sections 40(2)(e) and 43(2) of the 2004 Act and paragraphs 1 and 3 of Schedule 10 (amendments in force for certain purposes and to come into force for remaining purposes on a date to be appointed, *see* [S.I. 2009/400](#)) and paragraphs 1 and 2 of Schedule 11 to the Planning Act 2008.