
WELSH STATUTORY INSTRUMENTS

2012 No. 801

**The Town and Country Planning (Development
Management Procedure) (Wales) Order 2012**

PART 4

Determination

Representations to be taken into account

21.—(1) A local planning authority must, 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 10 or 12, 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 under article 10; or
 - (ii) an adjoining owner or occupier under article 12,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 10 or 12 or on a website under article 12, 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 must 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 Welsh Ministers under section 77 of the 1990 Act (reference of applications to Secretary of State)(2) and to applications made to the Welsh Ministers under section 293A(2) of the 1990 Act (urgent Crown development:application)(3) and paragraphs (1)(b) and (2) apply to appeals to the Welsh Ministers made under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions)(4), as if the reference to—

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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 (c. 34).
 - (2) Section 77 was amended by section 32 of, and paragraph 18 of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34), and section 40(2)(d) of the 2004 Act.
 - (3) Section 293A was inserted by section 82(1) of the 2004 Act.
 - (4) Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991 (c. 34) and sections 40(2)(e) and 43(2) of the 2004 Act.

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