
STATUTORY INSTRUMENTS

2010 No. 2184

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

PART 4

Determination

Time periods for decision

29.—(1) Subject to paragraph (7), where a valid application has been received by a local planning authority, they shall within the period specified or referred to in paragraph (2)(1) give the applicant notice of their decision or determination or notice that the application has been referred to the Secretary of State.

- (2) The period specified or referred to in this paragraph is—
- (a) in relation to an application for major development, 13 weeks beginning with the day immediately following that on which the application is received by the local planning authority;
 - (b) in relation to an application for development which is not major development, 8 weeks beginning with the day immediately following that on which the application is received by the local planning authority; or
 - (c) in relation to any development, unless the applicant has already given notice of appeal to the Secretary of State, such extended period as may be agreed in writing between the applicant and the local planning authority.
- (3) In this article “valid application” means an application which consists of—
- (a) an application which complies with the requirements of article 5 or article 6, as the case may be;
 - (b) in a case to which article 8 applies, the design and access statement;
 - (c) the certificate required by article 12;
 - (d) subject to paragraph (4), the particulars or evidence required by the authority under section 62(3) of the 1990 Act (applications for planning permission)(2); and
 - (e) any fee required to be paid in respect of the application and, for this purpose, lodging a cheque for the amount of a fee is to be taken as payment,

and a valid application shall be taken to have been received when the application, and such of the documents, particulars or evidence referred to above as are required to be included in, or to accompany, the application have been lodged with the appropriate authority mentioned in article 10(1) and the fee required to be paid has been paid.

- (4) Paragraph (3)(d) only applies if—

(1) In relation to an application for EIA development, *see* S.I. 1999/293.
(2) Section 62 was substituted by section 42(1) of the 2004 Act.

- (a) before the application is made the local planning authority publish, for the purposes of paragraph (3), a list of requirements on their website; and
 - (b) the particulars or evidence that the authority require to be included in the application fall within that list.
- (5) Where a fee due in respect of an application has been paid by a cheque which is subsequently dishonoured—
- (a) sub-paragraph (a) or (b) of paragraph (2), as the case may be, shall have effect as if, for “the application is received by the local planning authority”, there were substituted “the local planning authority are satisfied that they have received the full amount of the fee”; and
 - (b) sub-paragraph (c) of that paragraph shall have effect as if, at the end, there were added “once the authority are satisfied that they have received the full amount of the fee”.
- (6) A local planning authority shall provide such information about applications made under article 5 or 6 (including information as to the manner in which any such application has been dealt with) as the Secretary of State may by direction require; and any such direction may include provision as to the persons to be informed and the manner in which the information is to be provided.
- (7) Subject to paragraph (8), a local planning authority shall not determine an application for planning permission, where any notice of, or information about, the application has been—
- (a) given by site display under article 11 or 13, before the end of the period of 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,before the end of the period of 21 days beginning with the date when the notice was served on that person; 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 periods in this paragraph are periods prescribed for the purposes of section 71(1) of the 1990 Act (consultations in connection with determinations under section 70)(3).
- (8) Where, under paragraph (7), more than one of the prescribed periods applies, the local planning authority shall not determine the application before the end of the later or latest of such periods.

(3) Section 71(1) was substituted by section 16(2) of the Planning and Compensation Act 1991.