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WELSH STATUTORY INSTRUMENTS

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**2012 No. 801**

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

**PART 4**

Determination

**Applications made under planning condition**

23.—<sup>F1</sup>(1) <sup>F2</sup>Where a valid application] has been made to a local planning authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission (other than <sup>F3</sup>... an application for approval under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (development by electronic communications code operators) <sup>M1</sup>), the authority must give notice to the applicant of their decision on the application within a period of 8 weeks beginning with the date on which the application was received by the authority, or such longer period as may be agreed by the applicant and the authority in writing.

<sup>F4</sup>(2) For the purpose of calculating the periods referred to in paragraph (1) where any fee required in respect of an application has been paid by a cheque which is subsequently dishonoured, the period between the date when the local planning authority sent the applicant written notice of the dishonouring of the cheque and the date when the authority are satisfied that they have received the full amount of the fee must be disregarded.

- (3) In this article “valid application” (“*cais dilys*”) means an application which consists of—
- (a) an application which includes the information and is accompanied by the documents or other materials required to comply with the terms of the planning permission in question;
  - (b) an application which complies with the requirements of article 4 where applicable; and
  - (c) any fee required to be paid in respect of the application and, for this purpose, lodging a cheque for the amount of the fee is to be taken as payment,

and a valid application must be taken to have been received when the application and such of the information, documents or other materials referred to above as are required to be included in or to accompany the application and any fee required have been lodged with the local planning authority.

(4) Where the local planning authority consider that any fee required to be paid in respect of the application has not been paid (save for where a cheque is dishonoured and paragraphs (2) and (3) (c) apply) they must, as soon as reasonably practicable, serve a notice on the applicant stating that the application is invalid. The notice must inform the applicant of the amount of the fee required to be paid and how the fee can be paid.

(5) Where the local planning authority consider that section 62ZA(4) of the 1990 Act applies to the application they must, as soon as reasonably practicable, serve a notice on the applicant stating that the application is invalid. The notice given in accordance with section 62ZA(4) of the 1990 Act must inform the applicant of—

- (a) the right of appeal to the Welsh Ministers under section 62ZB of the 1990 Act, and  
 (b) the time limit in article 24C(2) within which the applicant must give notice of appeal.]

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**Textual Amendments**

- F1** Art. 23(1): art. 23 renumbered as art. 23(1) (16.3.2016) by [The Town and Country Planning \(Development Management Procedure\) \(Wales\) \(Amendment\) Order 2016 \(S.I. 2016/59\)](#), arts. 1(2), **13(3)(c)** (with art. 15(5))
- F2** Words in art. 23 substituted (16.3.2016) by [The Town and Country Planning \(Development Management Procedure\) \(Wales\) \(Amendment\) Order 2016 \(S.I. 2016/59\)](#), arts. 1(2), **13(3)(a)** (with art. 15(5))
- F3** Words in art. 23 omitted (16.3.2016) by virtue of [The Town and Country Planning \(Development Management Procedure\) \(Wales\) \(Amendment\) Order 2016 \(S.I. 2016/59\)](#), arts. 1(2), **13(3)(b)** (with art. 15(5))
- F4** Art. 23(2)-(5) inserted (16.3.2016) by [The Town and Country Planning \(Development Management Procedure\) \(Wales\) \(Amendment\) Order 2016 \(S.I. 2016/59\)](#), arts. 1(2), **13(3)(d)** (with art. 15(5))
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**Modifications etc. (not altering text)**

- C1** Arts. 22, 23 modified by S.I. 2016/58, reg. 57(2) (as substituted (7.11.2016) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) \(Amendment\) Regulations 2016 \(S.I. 2016/971\)](#), regs. 1(2), **2** (with reg. 3))
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**Marginal Citations**

- M1** [S.I. 1995/418](#). Part 24 of Schedule 2 was substituted by [S.I. 2002/1878](#) (W.187).

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Development Management Procedure) (Wales) Order 2012, Section 23.