
STATUTORY INSTRUMENTS

2013 No. 1238

The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2013

Amendments in relation to applications and validation disputes

- 5.—(1) In article 2(3)(b), after “article 29(3)” insert “or (3A)”.
- (2) In article 10(3)—
- (a) in sub-paragraph (a), for “article 29(3)” substitute “paragraphs (3) and (3A) of article 29”; and
 - (b) at end of sub-paragraph (b) delete “and” and insert—
 - “(bb) the particulars or evidence the authority require to be included in the application—
 - (i) are reasonable having regard, in particular, to the nature and scale of the proposed development; and
 - (ii) are about a matter which it is reasonable to think will be a material consideration in the determination of the application; and”
- (3) In article 10(6)(b), after “article 29(3)” insert “or it is not a non-validated application within the meaning of article 29(3A)”.
- (4) After article 10 insert—

“Validation dispute

- 10A.—**(1) Where—
- (a) a local planning authority require particulars or evidence to be included in an application; and
 - (b) the applicant considers any particulars or evidence required do not meet the requirements set out in article 29(4)(bb),
- the applicant may send a notice to the authority which must—
- (i) specify which particulars or evidence the applicant considers do not meet the requirements set out in article 29(4)(bb),
 - (ii) set out the reasons the applicant relies upon in holding that view; and
 - (iii) request the authority to waive the requirement to include those particulars or evidence in the application.
- (2) Following receipt of the notice mentioned in paragraph (1), and not later than the date specified in paragraph (3), the local planning authority must notify the applicant either that—
- (i) the authority no longer require the applicant to provide the particulars or evidence (“a validation notice”); or
 - (ii) the authority continues to require the applicant to provide the particulars or evidence (“non-validation notice”).

- (3) The date specified in this paragraph is—
- (a) the date the period specified or referred to in article 29(2) (“the determination period”) ends; or
 - (b) where the notice mentioned in paragraph (1) is received—
 - (i) during the 7 working days immediately before the end of the determination period; or
 - (ii) on the final day of, or after the end of, the determination period, the date which is 7 working days after the date the notice is received by the local planning authority.
- (4) In this article “working day” has the same meaning as in article 2(6).”
- (5) In article 29(1)—
- (a) after “valid application” insert “or a non-validated application”; and
 - (b) after “paragraph (2)” insert “or (2A)”.
- (6) After article 29(2) insert—
- “(2A) In relation to a non-validated application, where the notice mentioned in article 10A(1) is received—
- (a) during the 7 working days immediately before the end of the period specified or referred to in paragraph (2) (“the initial determination period”); or
 - (b) on the final day of, or after the end of, the initial determination period,
- the period specified or referred to in this paragraph is 7 working days beginning with the date the notice mentioned in article 10A(1) is received by the local planning authority.”
- (7) After paragraph 29(3) insert—
- “(3A) In this article “non-validated 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) except the particulars or evidence specified by the applicant in a notice sent to the local planning authority under article 10A(1); 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 non-validated application shall be taken to have been received when the application, and such of the documents, particulars or evidence (except the particulars or evidence specified by the applicant in a notice sent to the authority under article 10A(1)) referred to above as 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.”
- (8) In article 29(4)—
- (a) for “Paragraph (3)(d) only applies” substitute “Paragraphs (3)(d) and (3A)(d) only apply”;
 - (b) in sub-paragraph (a), for “paragraph (3)” substitute “paragraphs (3) and (3A)”;
 - (c) at end of sub-paragraph (b) delete “and” and insert—

- “(bb) the particulars or evidence the authority require to be included in the application—
 - (i) are reasonable having regard, in particular, to the nature and scale of the proposed development; and
 - (ii) are about a matter which it is reasonable to think will be a material consideration in the determination of the application; and”
- (9) In article 36(13)(a), after “article 29(2)” insert “or (2A)”.