
STATUTORY INSTRUMENTS

2013 No. 2140

**The Town and Country Planning (Section 62A Applications)
(Procedure and Consequential Amendments) Order 2013**

PART 4

The decision

Time periods for decision

23.—(1) Subject to paragraph (4), where a valid application (within the meaning in article 8) has been received by the Secretary of State, he must, within the period specified or referred to in paragraph (2), give the applicant notice of his decision.

(2) The period specified or referred to in this paragraph is—

- (a) in relation to a relevant application for EIA development, 16 weeks beginning with the day immediately following that on which the application is received by the Secretary of State;
- (b) in relation to any other relevant application, 13 weeks beginning with the day immediately following that on which the application is received by the Secretary of State; or
- (c) such extended period as may be agreed in writing between the applicant and the Secretary of State.

(3) Where a fee due in respect of an application has been paid by a cheque which is subsequently dishonoured—

- (a) sub-paragraphs (a) and (b) of paragraph (2) have effect as if for “the application is received by the Secretary of State” there were substituted “the Secretary of State is satisfied that he has received the full amount of the fee”; and
- (b) sub-paragraph (c) of that paragraph have effect as if at the end there were added “once the Secretary of State is satisfied that he has received the full amount of the fee”.

(4) Subject to paragraph (5), the Secretary of State must not determine a relevant application, where any notice of, or information about, the application has been—

- (a) given by site display under article 9 or 14, 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 9; or
 - (ii) an adjoining owner or occupier under article 14,before the end of the period of 21 days beginning with the date when the notice was served on that person;
- (c) published in a newspaper under article 9 or 13, within the period of 14 days beginning with the date on which the notice was published; or
- (d) published on a website under article 13(1), within the period of 21 days beginning with the date on which the information was published.

(5) Where, under paragraph (4), more than one of the periods applies, the Secretary of State must not determine the application before the end of the later or latest of such periods.

Contents of the decision notice

- 24.**—(1) When the Secretary of State gives notice of a decision on a relevant application—
- (a) where planning permission is granted subject to conditions, the notice must state clearly and precisely the full reasons for each condition imposed;
 - (b) where planning permission is refused, the notice must state clearly and precisely the full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision;
 - (c) the notice must include a statement explaining whether, and if so how, in dealing with the application, the Secretary of State has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.
- (2) Where—
- (a) the applicant submitted an environmental statement; and
 - (b) the Secretary of State has decided (having taken environmental information into consideration) to grant permission (whether unconditionally or subject to conditions),

the notice given to the applicant in accordance with article 23(1) must include a statement that environmental information has been taken into consideration by the Secretary of State.

Publishing the decision

- 25.** Within 5 working days of sending a notice to an applicant under article 23(1) (“the decision notice”), the Secretary of State must—
- (a) make copies of the following documents, in relation to the relevant application, available on the website referred to in article 13—
 - (i) the decision notice; and
 - (ii) a copy of any statement explaining the decision prepared by a person appointed under section 76D of the 1990 Act;
 - (b) send a copy of the decision notice to—
 - (i) the designated planning authority; and
 - (ii) where the designated planning authority is not the local planning register authority for the land to which the application relates, the local planning register authority;
 - (c) send, to every person who has asked to be notified of the decision in relation to the application, a notice explaining that the decision has been made and details of where on the website referred to in sub-paragraph (a) a copy of the decision notice can be found.