
STATUTORY INSTRUMENTS

2015 No. 595

The Town and Country Planning (Development Management Procedure) (England) Order 2015

Part 6

Determination

Time periods for decisions

34.—(1) Subject to paragraph (9), where a valid application or a non-validated application has been received by a local planning authority, the authority must within the period specified or referred to in paragraph (2)^{M1} or (3) 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) [^{F1}subject to sub-paragraph (aa),] 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;

[^{F2}(aa) in relation to an application for technical details consent for major development, [^{F3}or an application for development which is public infrastructure development,] 10 weeks beginning with the day immediately following that on which the application is received by the local planning authority;]

(b) [^{F4}subject to sub-paragraph (bb),] 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

[^{F5}(bb) in relation to an application for technical details consent which is not major development, 5 weeks beginning with the day immediately following that on which the application is received by the local planning authority;]

(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 relation to a non-validated application, where the notice mentioned in article 12(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 12(1) is received by the local planning authority.

(4) In this article “valid application” means an application which consists of—

(a) an application which complies with the requirements of article 5, 6 or 7, as the case may be,

- (b) in a case to which article 9 applies, the design and access statement,
- [^{F6}(ba) in the case of an application to which article 9A applies, the fire statement;]
- (c) the certificate required by article 14,
- (d) in a case where pre-application consultation is required in accordance with article 3, the particulars specified in article 4,
- (e) subject to paragraph (6), the particulars or evidence required by the authority under section 62(3) of the 1990 Act (applications for planning permission)^{M2}, and
- (f) 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 is 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 11(1) and the fee required to be paid has been paid.

- (5) In this article “non-validated application” means an application which consists of—
 - (a) an application which complies with the requirements of article 5, 6 or 7, as the case may be;
 - (b) in a case to which article 9 applies, the design and access statement;
 - [^{F7}(ba) in the case of an application to which article 9A applies, the fire statement;]
 - (c) the certificate required by article 14;
 - (d) in a case where pre-application consultation is required in accordance with article 3, the particulars referred to in article 4^{M3};
 - (e) subject to paragraph (6), 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 12(1); and
 - (f) 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 is 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 12(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 11(1), and the fee required to be paid has been paid.

- (6) Paragraphs (4)(e) and (5)(e) only apply if—
 - (a) before the application is made the local planning authority publish or republish, for the purposes of paragraphs (4) and (5), 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;
 - (c) 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
 - (d) the list mentioned in sub-paragraph (a) was published (or republished) during the 2 year period immediately before the date on which the application is made.

(7) 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, has 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 has effect as if, at the end, there were added “ once the authority are satisfied that they have received the full amount of the fee ”.

(8) A local planning authority must provide such information about applications made under article 5, 6 or 7 (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.

[^{F8}(9) A local planning authority must 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 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 an owner of the land or a tenant of an agricultural holding under article 13, 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 13, within the period of 14 days beginning with the date on which the notice was published;
- (d) given by site display under article 15, before the end of the period of 21 days beginning with the date when the notice was first displayed by site display;
- (e) served on an adjoining owner or occupier under article 15, before the end of the period of 21 days beginning with the date when the notice was served on that person;
- (f) published in a newspaper or a website under article 15 within the period of [^{F9}14 days][^{F9}21 days] beginning with the date on which the notice or information was published; and
- (g) served on an infrastructure manager under article 16, before the end of the period of 21 days beginning with the date when the notice was served on that person.

(9A) For an EIA application accompanied by an environmental statement a local planning authority must 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 13 or 15, before the end of the period of 30 days beginning with the date when the notice was first displayed by site display; and
- (b) published in a newspaper under article 13 or 15 or on a website under article 15, within the period of 30 days beginning with the date on which the notice or information was published.

(9B) The periods in paragraphs (9) and (9A) are periods prescribed for the purposes of section 71(1) of the 1990 Act (consultations in connection with determinations under section 70).

(9C) When computing the number of days in sub-paragraphs (d) to (f) of paragraph (9), any day which is a public holiday must be disregarded.]

[^{F10}(10) In the case of an application for public service infrastructure development, in sub-paragraphs (d),(e), and (g) of paragraph (9), in each place it occurs, “21 days” is to be read as if it were a reference to “18 days”.]

Textual Amendments

- F1** Words in art. 34(2)(a) inserted (15.4.2017) by [The Town and Country Planning \(Permission in Principle\) Order 2017 \(S.I. 2017/402\)](#), art. 1, **Sch. para. 2(4)(a)**

- F2** Art. 34(2)(aa) inserted (15.4.2017) by The Town and Country Planning (Permission in Principle) Order 2017 (S.I. 2017/402), art. 1, **Sch. para. 2(4)(b)**
- F3** Words in art. 34(2)(aa) inserted (with application in accordance with reg. 1(5) of the amending S.I.) by The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 (S.I. 2021/746), arts. 1(3), **15(2)**
- F4** Words in art. 34(2)(b) inserted (15.4.2017) by The Town and Country Planning (Permission in Principle) Order 2017 (S.I. 2017/402), art. 1, **Sch. para. 2(4)(c)**
- F5** Art. 34(2)(bb) inserted (15.4.2017) by The Town and Country Planning (Permission in Principle) Order 2017 (S.I. 2017/402), art. 1, **Sch. para. 2(4)(d)**
- F6** Art. 34(4)(ba) inserted (with application in accordance with reg. 1(5) of the amending S.I.) by The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 (S.I. 2021/746), arts. 1(3), **15(3)**
- F7** Art. 34(5)(ba) inserted (with application in accordance with reg. 1(5) of the amending S.I.) by The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 (S.I. 2021/746), arts. 1(3), **15(4)**
- F8** Art. 34(9)-(9C) substituted for art. 34(9) (coming into force in accordance with art. 1(6) of the amending S.I.) by The Town and Country Planning (Local Authority Consultations etc.) (England) Order 2018 (S.I. 2018/119), **art. 6**
- F9** Words in art. 34(9)(f) substituted (temp.) (14.5.2020) by virtue of The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 (S.I. 2020/505), regs. 1, **5** (with Pt. 5) (as substituted by S.I. 2020/1398, **reg. 5**)
- F10** Art. 34(10) inserted (with application in accordance with reg. 1(5) of the amending S.I.) by The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 (S.I. 2021/746), arts. 1(3), **15(5)**

Modifications etc. (not altering text)

- C1** Art. 34 modified (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571), regs. 1(1), **68(2)** (with regs. 47, 70)
- C2** Art. 34 modified (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571), regs. 1(1), **68(3)** (with regs. 47, 70)

Marginal Citations

- M1** In relation to the period for determining an application for EIA development, *see* S.I. 1999/293.
- M2** Section 62 was substituted by section 42(1) of the 2004 Act.
- M3** Article 3 and 4 cease to have effect with effect from 17th December 2020; *see* section 122(3) of the 2011 Act and by S.I. 2013/2931.

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Development Management Procedure) (England) Order 2015, Section 34.