
WELSH STATUTORY INSTRUMENTS

2012 No. 801

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

PART 4

Determination

Time periods for decisions

22.—(1) Subject to paragraph (5), where a valid application has been received by a local planning authority, they must within the period specified or referred to in paragraph (2) ^{M1} give the applicant notice of their decision or determination or give notice that the application has been referred to the Welsh Ministers.

[^{F1}(1A) References in paragraph (1) to a valid application include references to that application as amended prior to the local planning authority determining the application.]

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

(a) the period of eight weeks beginning with the date on which the application was received by the local planning authority;

[^{F2}(aa) in a case to which paragraph (1A) applies, the period of —

(i) 4 weeks beginning with the date on which the amendment to the application was received by the authority; or

(ii) 12 weeks beginning with the date on which the application to which the amendment relates is received by the authority

whichever is the later;]

(b) except where the applicant has already given notice of appeal to the Welsh Ministers, such extended period as may be agreed in writing between the applicant and the authority; or

(c) where any fee required in respect of an application has been paid by a cheque which is subsequently dishonoured, the appropriate period [^{F3}specified in sub-paragraphs (a), (aa) or (b)] calculated disregarding the period between the date when the authority sent the applicant written notice of the dishonouring of the cheque and the date when the authority are satisfied they have received the full amount of the fee.

(3) In this article “valid application” (“*cais dilys*”) means an application which consists of—

[^{F4}(a) an application which complies with the requirements of article 5;]

(b) where an application is made in respect of Crown land, the documents required by article 6;

[^{F5}(ba) in a case to which article 2F applies, the pre-application consultation report required by that article;]

(c) in a case to which article 7 applies, the design and access statement ^{F6}...;

(d) in a case to which article 9 applies, the written declaration required by that article;

- (e) the certificate required by article 11;
- (f) subject to paragraph (4), the particulars or evidence required by the local planning authority under section 62(3) of the 1990 Act (applications for planning permission)^{M2}; and
- (g) 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 documents, particulars or evidence 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.

[^{F7}(3A) An amendment to a valid application must be taken to have been received when the amendment and such of the documents included in or accompanying the amendment and any fee required have been lodged with the local planning authority.]

(4) Paragraph (3)(f) only applies if—

- (a) the application is for major development;
- (b) before the application is made the local planning authority publish, for the purposes of paragraph (3), a list of requirements on their website; and
- (c) the particulars or evidence that the authority require to be included in the application fall within that list.

(5) A local planning authority must provide such information about applications made under article 4 or article 5 (including information as to the manner in which any such application has been dealt with) as the Welsh Ministers may by direction require. Any such direction may include provision as to the persons to be informed and the manner in which the information is to be provided.

(6) Subject to paragraph (7), 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 10 or 12, before the end of the period of 21 days [^{F8}or, in the case of an EIA application accompanied by an environmental statement 30 days, in either case] beginning with the date when the notice was first displayed by site display;

[^{F9}(b) served on or given to—

- (i) an owner of the land or a tenant under article 10, or
- (ii) an adjoining owner or occupier under article 12,

before the end of the period of 21 days beginning with the date when the notice was served on or given to that person; or]

- (c) published in a newspaper under article 10 or 12 or on a website under article 12, within the period of 14 days [^{F10}or, in the case of an EIA application accompanied by an environmental statement 30 days, in either case] beginning with the date on which the notice or information was published,

^{M3}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) .

(7) Where, under paragraph (6), more than one of the prescribed periods applies, the local planning authority must not determine the application before the end of the later or latest of such periods.

Textual Amendments

- F1** Art. 22(1A) inserted (16.3.2016) by [The Town and Country Planning \(Development Management Procedure\) \(Wales\) \(Amendment\) Order 2016 \(S.I. 2016/59\)](#), arts. 1(2), **11(a)**

- F2** Art. 22(2)(aa) inserted (16.3.2016) by *The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 (S.I. 2016/59)*, arts. 1(2), **11(b)**
- F3** Words in art. 22(2)(c) substituted (16.3.2016) by *The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 (S.I. 2016/59)*, arts. 1(2), **11(c)**
- F4** Art. 22(3)(a) 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(2)** (with art. 15(5))
- F5** Art. 22(3)(ba) inserted (16.3.2016) by *The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 (S.I. 2016/59)*, arts. 1(2), **4(3)** (with art. 15(1))
- F6** Words in art. 22(3)(c) 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), **9(3)** (with art. 15(2))
- F7** Art. 22(3A) inserted (16.3.2016) by *The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 (S.I. 2016/59)*, arts. 1(2), **11(d)**
- F8** Words in art. 22(6)(a) inserted (16.5.2017) by *The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (S.I. 2017/567)*, reg. 1(2), **Sch. 9 para. 1(11)(a)** (with regs. 1(4), 55(2)(3), 63, 65)
- F9** Art. 22(6)(b) substituted (16.3.2016) by *The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 (S.I. 2016/59)*, arts. 1(2), **10(7)** (with art. 15(3))
- F10** Words in art. 22(6)(c) inserted (16.5.2017) by *The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (S.I. 2017/567)*, reg. 1(2), **Sch. 9 para. 1(11)(b)** (with regs. 1(4), 55(2)(3), 63, 65)

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))
- C2** Art. 22 applied (29.3.2017) by *The Glyn Rhonwy Pumped Storage Generating Station Order 2017 (S.I. 2017/330)*, art. 1, **Sch. 7 para. 4(2)** (with art. 31)

Marginal Citations

- M1** *S.I. 1999/293* extends the time period for determination of applications for EIA development.
- M2** Section 62 was substituted by section 42(1) of the 2004 Act.
- M3** Section 71(1) was substituted by section 16(2) of the *Planning and Compensation Act 1991 (c. 34)*.

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Development Management Procedure) (Wales) Order 2012, Section 22.