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STATUTORY INSTRUMENTS

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**2010 No. 2184**

**The Town and Country Planning (Development Management Procedure) (England) Order 2010**

**PART 2**

**Applications**

**General provisions relating to applications**

- 10.**—(1) An application made under article 5 or 6, shall be made—
- (a) where the application relates to land which is in a National Park, to the National Park authority;
  - (b) where the application relates to land in Greater London or a metropolitan county, which is not land in a National Park, to the local planning authority;
  - (c) where the application relates to land which is not in a National Park, Greater London or a metropolitan county, and the application relates to a county matter—
    - (i) to the county planning authority; or
    - (ii) where there is no county planning authority in relation to the land, to the district planning authority;
  - (d) in any other case—
    - (i) to the district planning authority; or
    - (ii) where there is no district planning authority in relation to the land, to the county planning authority.
- (2) When the local planning authority with whom the application has to be lodged receive—
- (a) in the case of an application made under article 5 or article 6, an application which complies with the requirements of article 5 or article 6, as the case may be;
  - (b) the certificate required by article 12;
  - (c) in a case to which article 8 applies, the design and access statement;
  - (d) subject to paragraph (3), the particulars or evidence required by the authority under section 62(3) of the 1990 Act (applications for planning permission)<sup>(1)</sup>; and
  - (e) the fee required to be paid in respect of the application,
- the authority shall, as soon as is reasonably practicable, send to the applicant an acknowledgement of the application in the terms (or substantially in the terms) set out in Schedule 1.
- (3) Paragraph (2)(d) only applies if—
- (a) before the application is made the local planning authority publish, for the purposes of article 29(3), a list of requirements on their website; and

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<sup>(1)</sup> Section 62 was substituted by section 42(1) of the 2004 Act.

- (b) the particulars or evidence that the authority require to be included in the application fall within that list.
- (4) Where an application is made to a county planning authority, in accordance with paragraph (1), that authority shall, as soon as reasonably practicable, send a copy of the application and of any accompanying plans, drawings and information to the district planning authority, if any.
- (5) Where, after sending an acknowledgement as required by paragraph (2), the local planning authority consider that the application is invalid, they shall as soon as reasonably practicable notify the applicant that the application is invalid.
- (6) In this article—
  - (a) “county matter” has the meaning given to that expression in paragraph 1(1) of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions)(2); and
  - (b) an application is invalid if it is not a valid application within the meaning of article 29(3).

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(2) Paragraph 1(1) of Schedule 1 was amended by paragraph 13 of Schedule 1 to the [Planning and Compensation Act 1991 \(c. 34\)](#). See also the [Town and Country Planning \(Prescription of County Matters\) \(England\) Regulations 2003 \(S.I. 2003/1033\)](#) which prescribes certain forms of waste development for the purposes of the definition of county matters.