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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**

**Publicity for applications for planning permission**

**13.**—(1) An application for planning permission shall be publicised by the local planning authority to which the application is made in the manner prescribed by this article.

(2) In the case of an application for planning permission for development which—

- (a) is an EIA application accompanied by an environmental statement;
- (b) does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated; or
- (c) would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 (public rights of way)(<sup>1</sup>) applies,

the application shall be publicised in the manner specified in paragraph (3).

(3) An application falling within paragraph (2) (“a paragraph (2) application”) shall be publicised in accordance with the requirements in paragraph (7) and by giving requisite notice—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; and
- (b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

(4) In the case of an application for planning permission which is not a paragraph (2) application, if the development proposed is major development the application shall be publicised in accordance with the requirements in paragraph (7) and by giving requisite notice—

- (a) (i) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or  
(ii) by serving the notice on any adjoining owner or occupier; and
- (b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

(5) In a case to which neither paragraph (2) nor paragraph (4) applies, the application shall be publicised in accordance with the requirements in paragraph (7) and by giving requisite notice—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or
- (b) by serving the notice on any adjoining owner or occupier.

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(1) 1981 c. 69; see section 66. There are amendments to Part 3 which are not relevant to this Order.

(6) Where the notice is, without any fault or intention of the local planning authority, removed, obscured or defaced before the period of 21 days referred to in paragraph (3)(a), (4)(a)(i) or (5)(a) has elapsed, the authority shall be treated as having complied with the requirements of the relevant paragraph if they have taken reasonable steps for protection of the notice and, if need be, its replacement.

(7) The following information shall be published on a website maintained by the local planning authority—

- (a) the address or location of the proposed development;
- (b) a description of the proposed development;
- (c) the date by which any representations about the application must be made, which shall not be before the last day of the period of 14 days beginning with the date on which the information is published;
- (d) where and when the application may be inspected;
- (e) how representations may be made about the application; and
- (f) that, in the case of a householder application, in the event of an appeal that proceeds by way of the expedited procedure, any representations made about the application will be passed to the Secretary of State and there will be no opportunity to make further representations.

(8) Subject to paragraph (9), if the local planning authority have failed to satisfy the requirements of this article in respect of an application for planning permission at the time the application is referred to the Secretary of State under section 76A (major infrastructure projects) or 77 (reference of applications to Secretary of State) of the 1990 Act<sup>(2)</sup>, or any appeal to the Secretary of State is made under section 78 of the 1990 Act, this article shall continue to apply, as if such referral or appeal to the Secretary of State had not been made.

(9) Where paragraph (8) applies, when the local planning authority have satisfied the requirements of this article, they shall inform the Secretary of State that they have done so.

(10) In this article—

“adjoining owner or occupier” means any owner or occupier of any land adjoining the land to which the application relates;

“EIA application” has the meaning given in regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (interpretation)<sup>(3)</sup>, and “environmental statement” means a statement which the applicant refers to as an environmental statement for the purposes of those Regulations; and

“requisite notice” means notice in the appropriate form set out in Schedule 3 or in a form substantially to the like effect.

(11) Paragraphs (1) to (6) apply to applications made to the Secretary of State under section 293A of the 1990 Act (urgent Crown development: application)<sup>(4)</sup> as if the references to a local planning authority were references to the Secretary of State.

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(2) Section 76A was inserted by section 44 of the 2004 Act and section 77 was amended by paragraph 18 of Schedule 7 to the Planning and Compensation Act 1991, section 40(2)(d) of the 2004 Act and is to be amended by paragraphs 1 and 2 of Schedule 10 to the Planning Act 2008 on a date to be appointed.

(3) S.I. 1999/293, amended by S.I. 2008/2093; there are other amending instruments but none are relevant.

(4) Section 293A was inserted by section 82(1) of the 2004 Act.