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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 3

Consultation

**Representations by parish council before determination of application**

23.—(1) Where the council of a parish are given information in relation to an application pursuant to paragraph 8(1) of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions)(1), they shall, as soon as practicable, notify the local planning authority who are determining the application whether they propose to make any representations about the manner in which the application should be determined, and shall make any representations to that authority within 21 days of the notification to them of the application.

(2) A local planning authority shall not determine any application in respect of which a parish are required to be given information before—

- (a) the council of the parish inform them that they do not propose to make any representations;
- (b) representations are made by that council; or
- (c) the period of 21 days mentioned in paragraph (1) has elapsed,

whichever shall first occur; and in determining the application the authority shall take into account any representations received from the council of the parish.

(3) The appropriate authority shall notify the council of the parish of—

- (a) the terms of the decision on any such application; or
- (b) where the application is referred to the Secretary of State—
  - (i) the date when it was so referred; and
  - (ii) when notified to the appropriate authority, the terms of the Secretary of State's decision.

(4) For the purposes of paragraph (3), the “appropriate authority” is—

- (a) where the parish is situated in a National Park, the National Park authority;
- (b) where the parish is situated in Greater London or a metropolitan county, and is not situated in a National Park, the local planning authority;
- (c) where the parish is situated in a district which has no district council, and is not situated in a National Park, the county planning authority;
- (d) in any other case, the district planning authority.

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(1) Paragraph 8(1) of Schedule 1 was substituted by paragraph 53 of Schedule 7 to the Planning and Compensation Act 1991. There are amendments to paragraph 8 which are not relevant to this Order.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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