

2020 No. 1398

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020

<i>Made</i> - - - -	<i>1st December 2020</i>
<i>Laid before Parliament</i>	<i>3rd December 2020</i>
<i>Coming into force</i> - -	<i>24th December 2020</i>

The Secretary of State has been designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to the environment.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972, sections 59, 69, 71, 71A(1) and (2), 74 and 333(1) and (2A) of the Town and Country Planning Act 1990(c), sections 10(3) and 93 of the Planning (Listed Buildings and Conservation Areas) Act 1990(d), sections 335(2)(b) and (d) and (7)(a), 343(1)(c) and 420(1)(b) of the Greater London Authority Act 1999(e) and sections 36(1) and (2)(d) and (l) and 122(3)(b) of the Planning and Compulsory Purchase Act 2004(f).

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- (a) S.I. 2008/301. See article 2 of that Order.
- (b) 1972 c. 68. The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) with effect from exit day, but saved with modifications until IP completion day by section 1A of that Act (as inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c. 1)). Section 2(2) of the European Communities Act 1972 was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).
- (c) 1990 c. 8. Section 69 was substituted by paragraph 3 of Schedule 6 to the Planning and Compulsory Purchase Act 2004 (c. 5) (“the 2004 Act”) and section 69(2) and (4) were amended by section 190 of the Planning Act 2008 (c. 29). Section 71 was amended by Schedule 12 to the Housing and Planning Act 2016 (c. 22) (“the 2016 Act”). Section 74(1) was amended by paragraph 17 of Schedule 12 to the 2016 Act; and section 333 was amended by paragraph 32(12) of, and Schedule 10 to, the Environment Act 1995 (c. 8), and section 118(1) of, and Schedule 6 to, the 2004 Act. There are other amendments not relevant to this instrument.
- (d) 1990 c. 9. Section 10(3) was amended by section 42(7) of, and paragraph 20 of Schedule 6 to, the 2004 Act. There are other amendments not relevant to this instrument.
- (e) 1999 c. 29. Part 8 of the Greater London Authority Act 1999 (c. 29) (“the 1999 Act”) applies (with certain modifications) in relation to the preparation and publication of a spatial development strategy by the Greater Manchester Combined Authority, the Liverpool City Region Combined Authority and the West of England Combined Authority (“the relevant Mayoral combined authorities”) as it applies in relation to the preparation and publication of such a strategy by the Mayor of London. Sections 343 and 420 of the 1999 Act also apply in relation to the functions of the Secretary of State to make regulations under section 343(1) with respect to the procedure to be followed by the relevant Mayoral combined authorities in connection with the preparation and publication of a spatial development strategy as they apply in relation to the functions of the Secretary of State to make such regulations in relation to the spatial development strategy published by the Mayor of London (see articles 3 and 4 of the Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), articles 3 and 4 of the Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430) and articles 10 and 11 of the West of England Combined Authority Order 2017 (S.I. 2017/126)).
- (f) 2004 c. 5; section 36 was amended by section 11(1) to (3) of the Neighbourhood Planning Act 2017 (c. 20).

PART 1

Introduction

Citation and commencement

1.—(1) These Regulations may be cited as the Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020.

(2) These Regulations come into force on 24th December 2020.

PART 2

Amendments relating to local planning and spatial development strategies

Amendment to the Town and Country Planning (London Spatial Development Strategy) Regulations 2000

2. In regulation 14(2) of the Town and Country Planning (London Spatial Development Strategy) Regulations 2000(a) (definition of “the relevant period”), for “31st December 2020” substitute “31st December 2021”.

Amendments to the Town and Country Planning (Local Planning) (England) Regulations 2012

3.—(1) The Town and Country Planning (Local Planning) (England) Regulations 2012(b) are amended as follows.

(2) In regulation 36A(2) (definition of “the relevant period”), for “31st December 2020” substitute “31st December 2021”.

(3) In Schedule 2, in paragraph 1(2) (definition of “the relevant authority”), for “or (c)” substitute “, (c) or (d)”.

Amendment to the Combined Authorities (Spatial Development Strategy) Regulations 2018

4. In regulation 13(2) of the Combined Authorities (Spatial Development Strategy) Regulations 2018(c) (definition of “the relevant period”), for “31st December 2020” substitute “31st December 2021”.

(a) S.I. 2000/1491, amended by S.I. 2020/765; there are other amending instruments but none are relevant.
(b) S.I. 2012/767, relevant amending instruments are S.I. 2016/871, S.I. 2017/1244 and S.I. 2020/731.
(c) S.I. 2018/827, amended by S.I. 2020/765; there are other amending instruments but none are relevant.

PART 3

Amendments to the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020

Amendment to the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020

5. For Part 5 of the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020(a) (expiry), substitute—

“PART 5

Expiry and saving provisions

Expiry

18.—(1) These Regulations expire at the end of 31st December 2021, except as provided for in paragraphs (2) to (4).

(2) The following regulations expire at the end of 30th June 2021—

- (a) regulations 4 and 5;
- (b) regulation 9(2) in so far as it inserts paragraphs (1C) to (1F) into regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (“the 1990 Regulations”);
- (c) regulation 10(2);
- (d) regulations 10(3) in so far as it inserts paragraphs (2ZA) to (2ZD) into regulation 5A of the 1990 Regulations;
- (e) regulation 11 in so far as it inserts paragraphs (4ZA) to (4ZD) into regulation 13 of the 1990 Regulations.

(3) The regulations in Part 4 expire at the beginning of 24th December 2020.

(4) This regulation is subject to regulations 19 to 21 (saving provisions).

Saving provisions

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

19.—(1) Where a local planning authority has commenced the publicity of an application under article 15(7B) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (“the Order”) before the end of 30th June 2021, regulations 4 and 5 of these Regulations continue to have effect in relation to that application as if they had not expired.

(2) In relation to an application to which article 15(1A), (2) (4), (4A) and (5) of the Order applies, where—

- (a) an entry in relation to that application has been made on the register in accordance with article 40(3) of the Order; and

(a) S.I.2020/505.

(b) before the end of 31st December 2021, article 40(16) of the Order applies, regulation 6 of these Regulations continues to have effect in relation to that application as if it had not expired.

(3) In relation to an application to which article 15(1A) of the Order applies, where before the end of 31st December 2021—

- (a) the local planning authority has commenced the publicity of the application under article 15(1A) of the Order; and
- (b) the applicant has notified the local planning authority under regulation 23A(2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (“the 2017 Regulations”) that any notices should state that the environmental statement is available on the website under article 15(7) of the Order,

a notice which does not state an address where copies can be obtained remains valid, notwithstanding the expiry of regulation 23A of the 2017 Regulations.

The Planning (Listed Buildings and Conservation Areas) Regulations 1990

20.—(1) Where, in relation to an application to which regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (“the 1990 Regulations”) applies, the local planning authority has commenced the advertisement of the application under regulation 5(1D) of those Regulations before the end of 30th June 2021, regulation 9(2) of these regulations, in so far as it inserts paragraphs (1C) to (1F), continues to have effect in relation to that application, as if it had not expired.

(2) Where, in relation to an application to which regulation 5 of the 1990 Regulations applies, the local planning authority has commenced the advertisement of the application under regulation 5 of those Regulations before the end of 31st December 2021—

- (a) regulation 9(2) of these regulations, in so far as it inserts paragraphs (1G) and (1H), continues to have effect as if it had not expired; and
- (b) regulation 9(3) continues to have effect as if it had not expired.

(3) Where, in relation to an application to which regulation 5A of the 1990 Regulations applies, the local planning authority has commenced the advertisement of the application under regulation 5A(2ZB) of those Regulations before the end of 30th June 2021—

- (a) regulation 10(2) of these regulations continues to have effect as if it had not expired; and
- (b) regulation 10(3) of these regulations, in so far as it inserts paragraphs (2ZA) to (2ZB) continues to have effect as if it had not expired.

(4) Where, in relation to an application to which regulation 5A of the 1990 Regulations applies, the local planning authority has commenced the advertisement of the application under regulation 5A(2) of those Regulations before the end of 31st December 2021—

- (a) regulation 10(3) in so far as it inserts paragraphs (2ZE) and (2ZF) continue to have effect in relation to that application as if it had not expired; and
- (b) regulation 10(4) continues to have effect in relation to that application as if it had not expired.

(5) Where, in relation to an application to which regulation 13 of the 1990 Regulation applies, the local planning authority has commenced the publicity of the application under regulation 13(4ZB) of those Regulations before the end of 30th June 2021, regulation 11 of these Regulations, in so far as it inserts paragraphs (4ZA) to (4ZD), continues to have effect in relation to that application as if it had not expired.

(6) Where, in relation to an application to which regulation 13 of the 1990 Regulations applies, the local planning authority has commenced publicity of the application under regulation 13(4) of those Regulations before the end of 31st December 2021, regulation 11 of these Regulations, in so far as it inserts paragraphs (4ZE) and (4ZF), continues to have effect in relation to that application as if it had not expired.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

21. Where the recipient of information has commenced publicity of that information under regulation 25(13) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (“the 2017 Regulations”) before 24th December 2020—

- (a) regulation 17 of these Regulations continues to have effect in relation to that information as if it had not expired; and
- (b) in a case falling within—
 - (i) regulation 25(12)(b) of the 2017 Regulations, the recipient of the information is discharged from the obligation to provide an address under regulation 25(3)(g) of those Regulations;
 - (ii) regulation 25(12)(c) of the 2017 Regulations, an applicant or appellant who provides the information is discharged from the obligation in regulation 25(8)(a) of those Regulations.”.

PART 4

Amendments to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

Amendments to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

6. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017(a) are amended in accordance with regulations 7 to 12.

7. In regulation 2(1), after the definition of “the consultation bodies” insert—

““coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);”.

8. In regulation 19 (procedure where an environmental statement is submitted to a local planning authority), after paragraph (6) insert—

“(7) For the purpose of this regulation references (however expressed) to—

- (a) serving, submitting, sending or forwarding the environmental statement, or any other documents required under this regulation, includes serving, submitting, sending or forwarding that statement by electronic means; and
- (b) an address includes an email address.”.

9. After regulation 19, insert—

“Exceptions to requirements in relation to publication of notice, inspection of copies and availability of copies for the period from 24th December 2020 to 31st December 2021

19A.—(1) Paragraphs (2) to (4) apply during the period beginning with 24th December 2020 and ending with 31st December 2021 if—

- (a) a relevant planning authority is required to provide notice to a person under regulation 19(3)(d), and
- (b) the relevant planning authority is not able to do one or more of the following—

(a) S.I. 2017/571.

- (i) make a copy of the documents referred to in regulation 20(2)(d) available at an address in the locality under regulation 20(2)(e);
- (ii) make a copy of the documents referred to in regulation 20(2)(d) available at an address in the locality under regulation 20(2)(g),

because it is not reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement.

(2) In a case falling within paragraph (1) the relevant planning authority must take reasonable steps to inform the person to whom notice must be given under regulation 19(3)(d) of the following information contained in a notice—

- (a) a statement that an application is being made for planning permission or subsequent consent to the relevant planning authority;
- (b) the name and address of the relevant planning authority;
- (c) the date on which the application was made;
- (d) (if relevant) a statement that the application has been referred to the Secretary of State for determination or is the subject of an appeal to the Secretary of State and the address of the Secretary of State;
- (e) the address or location and the nature of the proposed development;
- (f) a statement that—
 - (i) a copy of the application for planning permission, any accompanying plan and other documents, and a copy of the environmental statement; and
 - (ii) in the case of a subsequent application, a copy of the planning permission in respect of which that subsequent application has been made and supporting documents,
 may be inspected by members of the public on a website (“the website”) maintained by or on behalf of the authority;
- (g) details of the website on which the environmental statement and the other documents referred to in sub-paragraph (f)(i) and (ii) have been made available under article 15(7) of the Order;
- (h) a statement that the information mentioned in sub-paragraph (f)(i) and (ii) will be available to be inspected by the public on the website for 30 days beginning with the day on which both—
 - (i) that information is published on the website; and
 - (ii) a statement is made under sub-paragraph (i);
- (i) a statement that any representations to be made by a person about the application must—
 - (i) be made in writing;
 - (ii) be submitted before the expiry of the 30 days mentioned in sub-paragraph (h); and
 - (iii) be submitted to the relevant planning authority, or in the case of an appeal or an application referred to the Secretary of State, to the Secretary of State; and
- (j) the email address to which representations should be sent.

(3) Regulation 19(7) applies to a notice under paragraph (2).

(4) If the relevant planning authority complies with the requirements set out in paragraph (2) that authority is treated as having discharged the obligation set out in regulation 19(3)(d).”.

10. In regulation 20, after paragraph (10) insert—

“(11) Paragraph (12) applies if—

- (a) an application for planning permission or a subsequent application has been made without an environmental statement and the applicant for that application proposes to submit such a statement; and
- (b) that applicant is not able to comply with the requirement to—
 - (i) post a notice under paragraph (4); or
 - (ii) publish a notice in a local newspaper under paragraph (2),
 because it is not reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement.

(12) In a case falling within paragraph (11), the requirements of paragraph (1) do not apply and the applicant must, before submitting an environmental statement, comply with paragraphs (13) and (14).

(13) The applicant must take reasonable steps to inform persons who are likely to have an interest in the planning application of the following information contained in a notice—

- (a) the applicant’s name;
- (b) a statement that an application is being made for planning permission or subsequent consent to the relevant planning authority;
- (c) the name and address of the relevant planning authority;
- (d) the date on which the application was made;
- (e) (if relevant) a statement that the application has been referred to the Secretary of State for determination or is the subject of an appeal to the Secretary of State;
- (f) the address or location, and the nature of the proposed development;
- (g) a statement that—
 - (i) a copy of the application for planning permission, any accompanying plan and other documents, and a copy of the environmental statement; and
 - (ii) in the case of a subsequent application, a copy of the planning permission in respect of which that subsequent application has been made and supporting documents,
 may be inspected by members of the public on a website maintained by or on behalf of the authority (“the website”);
- (h) details of the website on which the environmental statement and the other documents referred to in sub-paragraph (g) have been made available under paragraph (7);
- (i) a statement that the information mentioned in sub-paragraph (g)(i) and (ii) will be available to be inspected by the public on the website for 30 days beginning with the day on which both—
 - (i) that information is published on the website; and
 - (ii) a statement is made under sub-paragraph (g);
- (j) a statement that any representations to be made by a person about the application must—
 - (i) be made in writing;
 - (ii) be submitted before the expiry of the 30 days mentioned in sub-paragraph (i); and
 - (iii) be submitted to the relevant planning authority or, in the case of an appeal or an application referred to the Secretary of State, to the Secretary of State; and
- (k) the email address to which representations must be sent.

(14) If an applicant is notified under regulation 11(2), 12(5), 13(5) or 14(6) about any particular person as described in those regulations that applicant must serve a notice on that person containing the information specified in paragraph (13).

(15) In paragraph (13)—

- (a) the persons who are likely to have an interest in a planning application must include the persons who live or work in, or otherwise have a direct connection with, the area in which the proposed development is located; and
- (b) the reasonable steps that are taken by the applicant—
 - (i) may include use of social media and communication by electronic means;
 - (ii) must include posting on the site a notice containing the information set out in paragraph (13), or publishing in a local newspaper circulating in the locality in which the land is situated a notice containing the information set out in that paragraph, to the extent that it is reasonably practicable to do so; and
 - (iii) must be proportionate to the scale and impact of the development.

(16) In a case falling within paragraph (11), the requirements of paragraph (6) do not apply and the environmental statement, when submitted, must be accompanied by—

- (a) a copy of the information that is required to be provided under paragraph (13) and a statement made by or on behalf of the applicant confirming that information has been published in accordance with this regulation; and
- (b) a statement made by or on behalf of the applicant which states the steps that were taken to bring the planning application to the attention of people who live or work in, or otherwise have a direct connection with, the area in which the proposed development is located.

(17) Where an applicant indicates that it is proposed to provide an environmental statement in the circumstances mentioned in paragraph (11), the requirements of paragraph (8) do not apply, and the relevant planning authority, the Secretary of State or the inspector, as the case may be, must (unless disposed to refuse the permission or subsequent consent sought) suspend consideration of the application or appeal until receipt of the environmental statement and the other documents mentioned in paragraph (16), and must not determine it during the period of 30 days beginning with the last date on which the environmental statement and the other documents so mentioned are published in accordance with this regulation.”.

11. After regulation 23, insert—

“Exception to requirement to ensure availability of copies of environmental statements

23A.—(1) Paragraph (2) applies —

- (a) in a case that falls within article 15 of the Order or regulation 20;
- (b) in a case to which regulation 23 applies; and
- (c) if an applicant for planning permission or subsequent consent, or an appellant, who submits an environmental statement in connection with an application or appeal is not able to make copies of an environmental statement available at a named address because it is not reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement.

(2) In a case falling within paragraph (1)(c), the applicant or appellant must—

- (a) ensure that the any notices required under article 15 of the Order or regulation 20 state that the environmental statement is available on a website under that provision; and
- (b) take reasonable steps to inform any persons who are likely to have an interest in the application or appeal to which the environmental statement relates, that the environmental statement is available on that website.

(3) In paragraph (2)—

- (a) the persons who are likely to have an interest in a planning application must include the persons who live or work in, or otherwise have a direct connection with, the area in which the proposed development is located; and
- (b) the reasonable steps that are taken—
 - (i) may include use of social media and communication by electronic means; and
 - (ii) must be proportionate to the scale and impact of the development.

(4) If the applicant or appellant complies with the requirements set out in paragraph (2) that applicant is treated as having discharged the obligation set out in regulation 23.

(5) Where, in relation to an application to which article 15 of the Order applies, an applicant notifies the local planning authority under paragraph (2)(a) that any notices required under that article must state that the environmental statement is available on a website under that article, the authority is discharged from the requirement to provide an address where copies of the environmental statement can be obtained when that authority gives requisite notice under article 15.”.

12.—(1) In regulation 25 (further information and evidence respecting environmental statements), in paragraph (2), at the beginning insert “Subject to regulations 25A and 25B,”.

(2) After regulation 25, insert—

“Exceptions to requirements in relation to publication of notice, inspection of copies and availability of copies for the period from 24th December 2020 to 30th June 2021

25A.—(1) Paragraphs (2) to (11) apply where during the period beginning with 24th December 2020 and ending with 30th June 2021 a recipient of further information pursuant to regulation 25(1) or any other information is not able to do one or more of the following—

- (a) publish a notice in a local newspaper circulating in the locality under regulation 23(3);
- (b) make copies of the further information or any other information, or any environmental statement which relates to an application for planning permission or subsequent application, available for inspection at an address in the locality in which the land is situated, under regulation 25(3); or
- (c) make copies of further information or any other information available to be obtained at an address in the locality in which the land is situated, under regulation 25(8)(a),

because it is not reasonably practicable to do so for reasons connected with the effects of coronavirus, including restrictions on movement.

(2) In a case falling within paragraph (1), the recipient of the further information pursuant to regulation 25(1) or any other information, must take reasonable steps to inform persons who are likely to have an interest in the planning application of the following information contained in a notice—

- (a) the name of the applicant for planning permission or subsequent consent or the appellant (as the case may be) and the name and address of the relevant planning authority;
- (b) the date on which the application was made and, if it has been referred to the Secretary of State for determination or is the subject of an appeal to the Secretary of State;
- (c) in the case of a subsequent application, sufficient information to enable the planning permission for the development to be identified;
- (d) the address or location and the nature of the proposed development;
- (e) a statement that further information or any other information is available in relation to an environmental statement which has already been provided;

- (f) details of a website maintained by or on behalf of the relevant planning authority on which the further information or any other information may be inspected;
- (g) a statement that the information mentioned in sub-paragraph (f) is available to be inspected by the public on that website for 30 days beginning with the day on which that information was published on that website;
- (h) a statement that any representations to be made by a person about the further information or any other information must—
 - (i) be made in writing;
 - (ii) be submitted before the expiry of the 30 days mentioned in sub-paragraph (g); and
 - (iii) be submitted to the relevant planning authority, the Secretary of State or the inspector (as the case may be); and
- (i) the email address to which representations must be sent.

(3) The recipient of the further information or any other information must send a copy of it to each person to whom, in accordance with these Regulations, the statement to which it relates was sent.

(4) If the recipient of the further information or any other information is the relevant planning authority they must send a copy of the further information or any other information to the Secretary of State.

(5) In paragraph (2)—

- (a) the persons who are likely to have an interest in a planning application must include the persons who live or work in, or otherwise have a direct connection with, the area in which the proposed development is located; and
- (b) the reasonable steps that are taken—
 - (i) may include use of social media and communication by electronic means;
 - (ii) must include publishing in a local newspaper circulating in the locality in which the land is situated a notice containing the information set out in paragraph (2), to the extent that it is reasonably practicable to do so; and
 - (iii) must be proportionate to the scale and impact of the development.

(6) Where further information is requested under regulation 25(1) or any other information is provided, the relevant planning authority, the Secretary of State or the inspector, (as the case may be), must suspend determination of the application or appeal, and must not determine the application or appeal until the relevant time has elapsed.

(7) In paragraph (6) the “relevant time” means 30 days after—

- (a) the date on which the further information or any other information was sent to all persons to whom the statement to which it relates was sent; or
- (b) the date that notice of it was published on a website,

whichever is the later.

(8) The applicant or appellant who provides further information, or any other information, under regulation 25(1) must take reasonable steps to ensure that copies of the further information or any other information are made available for access on the website referred to in the notice that is required under paragraph (2).

(9) The relevant planning authority must make the further information or any other information available for inspection on a website maintained by or on its behalf.

(10) The relevant planning authority, the Secretary of State or an inspector may require an applicant or appellant to produce such evidence as they may reasonably request to verify information contained in the environmental statement.

(11) For the purpose of paragraphs (3) and (4), references to sending of further information or any other information includes sending by electronic means.

Exceptions to requirements in relation to inspection of copies and availability of copies for the period from 1st July 2021 to 31st December 2021

25B.—(1) Paragraphs (2) to (9) apply where, during the period beginning with 1st July 2021 and ending with 31st December 2021 a recipient of further information pursuant to regulation 25(1) or any other information is not able to do one or both of the following—

- (a) make copies of the further information or any other information or any environmental statement which relates to an application for permission or subsequent application, available for inspection at an address in the locality in which the land is situated, under regulation 25(3); or
- (b) make copies of the further information available to be obtained at an address in the locality in which the land is situated, under regulation 25(3),

because it is not reasonably practicable to do so for reasons connected with the effect of coronavirus, including restrictions on movement.

(2) In a case falling within paragraph (1), the recipient of the further information pursuant regulation 25(1) or any other information, must publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

- (a) the name of the applicant for planning permission or subsequent consent or the appellants (as the case may be) and the name and address of the relevant planning authority;
- (b) the date on which the application was made and, if it has been referred to the Secretary of State for determination or is the subject of an appeal to the Secretary of State;
- (c) in the case of a subsequent application, sufficient information to enable the planning permission for the development to be identified;
- (d) the address or location and the nature of the proposed development;
- (e) a statement that further information or any other information is available in relation to an environmental statement which has already been provided;
- (f) details of a website maintained by or on behalf of the relevant planning authority on which the further information or any other information may be inspected;
- (g) a statement that the information mentioned in sub-paragraph (f) is available to be inspected by the public on that website for 30 days beginning with the day on which that information was published on that website;
- (h) a statement that any representations to be made by a person about the further information or any other information must—
 - (i) be made in writing;
 - (ii) be submitted before the expiry of the 30 days mentioned in sub-paragraph (g); and
 - (iii) be submitted to the relevant planning authority, the Secretary of State or the inspector (as the case may be); and
- (i) the email address to which representations must be sent.

(3) The recipient of the further information or any other information must send a copy of it to each person to whom, in accordance with these Regulations, the statement to which it relates was sent.

(4) If the recipient of the further information or any other information is the relevant planning authority they must send a copy of the further information or any other information to the Secretary of State.

(5) Where further information is requested under regulation 25(1) or any other information is provided, the relevant planning authority, the Secretary of State or the inspector, (as the case may be), must suspend determination of the application or appeal, and must not determine it before the expiry of 30 days after the latest of—

- (a) the date on which the further information or any other information was sent to all persons to whom the statement to which it relates was sent;
- (b) the date that notice of it was published in a local newspaper; or
- (c) the date that notice of it was published on a website.

(6) The applicant or appellant who provides further information, or any other information, under regulation 25(1) must take reasonable steps to ensure that copies of the further information or any other information are made available for access on the website referred to in the notice that is required under paragraph (2).

(7) The relevant planning authority must make the further information or any other information available for inspection on a website maintained by or on its behalf.

(8) The relevant planning authority, the Secretary of State or an inspector may require an applicant or appellant to produce such evidence as they may reasonably request to verify information contained in the environmental statement.

(9) For the purpose of paragraphs (3) and (4) references to sending of further information or any other information includes sending by electronic means.”.

Expiry and savings

13. Regulations 7, 8, 9, 11 and 12 expire at the end of 31st December 2021, except as provided for in regulation 15, 17, 18 and 19.

14. Regulation 10 expires at the end of 30th June 2021 except as provided for in regulation 16.

15. Where, in relation to an application to which regulation 19 of the 2017 Regulations applies, a relevant planning authority has sent a notice under regulation 19A(2) of those Regulations before the end of 31st December 2021, regulation 9 of these Regulations continues to have effect in relation to that notice as if it had not expired.

16. Where an applicant for planning permission or a subsequent application has commenced the publicity of an environmental statement to be submitted after the application under regulation 20(12) of the 2017 Regulations before the end of 30th June 2021, regulation 10 of these Regulations continues to have effect in relation to that environmental statement as if it had not expired.

17. Where an applicant for planning permission or a subsequent application has commenced the publicity of an environmental statement to be submitted after the application under regulations 20(2) or 23A of the 2017 Regulations before the end of 31st December 2021, regulation 11 of these Regulations continues to have effect in relation to that environmental statement as if it had not expired.

18. Where the recipient of information has commenced publicity of that information under regulation 25A(2) of the 2017 Regulations before the end of 30th June 2021, regulation 25A of the 2017 Regulations continues to have effect in relation to that information as if the period specified in regulation 25A(1) of those Regulations ended instead on the last day of the period mentioned in regulation 25A(2)(g) of those Regulations.

19. Where the recipient of information has commenced publicity of that information under regulation 25(3) of the 2017 Regulations before the end of 31st December 2021—

- (a) a notice which does not contain an address under regulation 25(3)(g) or (i) remains valid notwithstanding the expiry of regulation 25B of the 2017 Regulations; and
- (b) the applicant or appellant who provided the information is discharged from the obligation in regulation 25(8)(a) of the 2017 Regulations in relation to that information.

20. In regulations 15 to 19 “the 2017 Regulations” means the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Signed by authority of the Secretary of State for Housing, Communities and Local Government
Christopher Pincher
Minister of State
1st December 2020 Ministry of Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend a number of instruments in relation to town and country planning. The amendments (apart from the minor amendment made by regulation 3(3)) are needed in response to the coronavirus pandemic.

These are 4 Parts to these Regulations.

Part 1 provides for citation and commencement.

Part 2 relates to local planning and spatial development strategies. It amends the Town and Country Planning (London Spatial Development Strategy) Regulations 2000 (S.I. 2000/1491) (“the 2000 Regulations”), the Town and Country Planning (Local Planning) (England) Regulations 2012 (S.I. 2012/767) (“the 2012 Regulations”) and the Combined Authorities (Spatial Development Strategy) Regulations 2018 (S.I. 2018/827) (“the 2018 Regulations”).

Regulation 2 amends the definition of “the relevant period” in regulation 14(2) of Part 5 of the 2000 Regulations, in order to extend the duration of the temporary modifications made by that Part. Regulation 2 extends the end date of “the relevant period” from 31st December 2020 to 31st December 2021.

Regulation 3 amends the 2012 Regulations. Regulation 3(2) amends the definition of “the relevant period” in regulation 36A(2) of the 2012 Regulations. Regulation 36A makes temporary modifications to Part 9 of the 2012 Regulations which apply during “the relevant period”. Regulation 3(2) extends the end date of “the relevant period” from 31st December 2020 to 31st December 2021.

Regulation 4 amends the definition of “the relevant period” in regulation 13(2) of Part 4 of the 2018 Regulations, in order to extend the duration of the temporary modifications made by that Part. Regulation 4 extends the end date of “the relevant period” from 31st December 2020 to 31st December 2021.

Part 3 extends the duration of amendments made by the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 (S.I. 2020/505) (“the May 2020 Regulations”) to the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595) and the Planning (Listed Building and Conservation Areas) Regulations 1990 (S.I. 1990/1519). The May 2020 Regulations are currently due to cease to have effect on 31st December 2020.

Regulation 5 substitutes a new Part 5 (expiry) into the May 2020 Regulations. Regulation 18 provides that the May 2020 Regulations expire at the end of 31st December 2021, except for certain specified regulations which expire earlier. The regulations listed in regulation 18(2) expire at the end of 30th June 2021 and the regulations in Part 4 of the May 2020 Regulations expire at the beginning of 24th December 2020.

Regulation 5 also inserts new regulations 19 to 21 (saving provisions) into the May 2020 Regulations. The expiry provision in new regulation 18 is subject to these saving provisions.

Part 4 amends the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571) (“the 2017 Regulations”).

Regulation 8 inserts an amendment into regulation 19 of the 2017 Regulations in order that service, submission, sending or forwarding of the environmental statement, or related documents may be done by electronic means, and that service of an address should be read to include an email address. The amendment replicates the amendment inserted by the May 2020 Regulations.

Regulation 9 inserts new regulation 19A into the 2017 Regulations to enable a relevant planning authority which is unable to provide an address at which copies of an environmental statement can be inspected or obtained to make them available on a website instead.

Regulation 10 inserts provisions into regulation 20 of the 2017 Regulations to enable an applicant who is unable to give notice of an environmental statement to be submitted after an application by site display or by publication of a notice in a newspaper to instead publicise the notice by electronic means. These provisions replicate the provisions inserted by the May 2020 Regulations with the exception of some changes of a minor nature.

Regulation 11 inserts regulation 23A into the 2017 Regulations and provides an exception to the requirement placed on an applicant to ensure availability of copies of environmental statements at a named address but instead requires that notices publicise where the environment statement is available online. The inserted provision replicates the provision inserted by the May 2020 Regulations with the exception of a minor change.

Regulation 12 inserts new regulations 25A and 25B into the 2017 Regulations.

New regulation 25A sets out alternative requirements which apply if the recipient of further information pursuant to regulation 25(1) of the 2017 Regulations or any other information is unable to carry out certain requirements in regulation 25 (such as the requirement to give requisite notice by publication of the notice in a newspaper), because it is not reasonably practicable to do so for reasons connected with the effects of coronavirus. The provisions of new regulation 25A only apply during the period beginning with 24th December 2020 and ending with 30th June 2021.

New regulation 25B applies during the period beginning with 1st July 2021 and ending with 31st December 2021. It sets out alternative requirements which apply if the recipient of further information pursuant to regulation 25(1) of the 2017 Regulations or any other information is unable to comply with the requirements under regulation 25 to publicise addresses where copies of the information may be inspected or obtained, because it is not reasonably practicable to do so for reasons connected with the effects of coronavirus.

The amendments made by regulations 7, 8, 9, 11 and 12 are time limited and will expire at the end of 31st December 2021. The amendment made by regulation 10 expires at the end of 30th June 2021. Regulations 15 to 20 provide for savings provisions in relation to the expiry of the amendments made by regulations 9 to 12.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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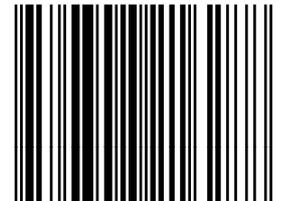
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