

**2020 No. 505**

**TOWN AND COUNTRY PLANNING, ENGLAND**

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

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| <i>Made</i> - - - -           | <i>12th May 2020</i> |
| <i>Laid before Parliament</i> | <i>13th May 2020</i> |
| <i>Coming into force</i> - -  | <i>14th May 2020</i> |

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

The Secretary of State makes these Regulations in exercise of the powers conferred by that Act, sections 59, 69, 71, 71A(1) and (2), 74 and 333(1) and (2A) of the Town and Country Planning Act 1990<sup>(c)</sup> and sections 10(3) and 93 of the Planning (Listed Buildings and Conservation Areas) Act 1990<sup>(d)</sup>.

**PART 1**

**Citation, commencement and application**

**1.** These Regulations may be cited as the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 and come into force on 14th May 2020.

**2.** The amendments made by these Regulations apply in relation to England only.

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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 The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) with effect from exit day, but saved with modifications until IP completion day by section 1A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) Section 59 was amended by the Planning (Wales) Act 2015, (2015 anaw 4), see sections 27 and 55 and Schedules 4 and 7. 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. Section 71 was amended by Schedule 12 of the Housing and Planning Act. (c.22). 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 Planning and Compulsory Purchase Act 2004 (c.5). There are other amendments not relevant to this instrument.
- (d) 1990 c.9. Section 10(3) was amended by section 42(7) and paragraph 20 of Schedule 6 to the 2004 Act.

## PART 2

### Amendments to the Town and Country Planning (Development Management Procedure) (England) Order 2015

#### **Amendments to the Town and Country Planning (Development Management Procedure) (England) Order 2015**

3. The Town and Country Planning (Development Management Procedure) (England) Order 2015(a) is amended in accordance with regulations 4 to 6.

4. In article 15, after paragraph (7) insert—

“(7A) Paragraph (7B) applies—

- (a) in the case of an application made to a local planning authority to which paragraph (1A), (2), (4), (4A) or (5) applies; and
- (b) if the local planning authority to which the application is made is not able to give requisite notice by one or more of the following methods (as may be required by paragraph (1A), (2), (4), (4A) or (5))—
  - (i) by site display;
  - (ii) by serving the notice on an adjoining owner or occupier; or
  - (iii) by publication of the notice in a newspaper;

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

(7B) In a case falling within paragraph (7A), the local planning authority must—

- (a) comply with the requirement to give requisite notice as required by paragraph (1A), (2), (4), (4A) or (5) (as the case may be), only to the extent that it is reasonably practicable to do so;
- (b) take reasonable steps to inform any persons who are likely to have an interest in the application of the website mentioned in paragraph (7); and
- (c) publish the requisite notice on that website.

(7C) If the local planning authority complies with the requirements set out in paragraph (7B) that authority is discharged of its obligation to give requisite notice as required by paragraph (1A), (2), (4), (4A) or (5)—

- (a) by site display;
- (b) by serving the notice on an adjoining owner or occupier; or
- (c) by publication of the notice in a newspaper;

in so far as such notice was not given because the authority was not able to do so under paragraph (7A)(b).

(7D) In paragraph (7B)(b)—

- (a) the persons who are likely to have an interest in an 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 local planning authority—
  - (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.

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(a) S.I. 2015/595. Relevant amending instruments are S.I.2017/402, 2017/571 and 2018/119. The amendments made by these Regulations apply in relation to England only.

(7F) In paragraph (7A)(b) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).”.

5. In articles 15(7)(c), 33(1)(f) and 34(9)(f) and in the first form in Schedule 3 (in point (f)(ii) at the end), for “14 days” in each place it occurs, substitute “21 days”.

6. In article 40, after paragraph (14) insert—

“(15) Paragraph (16) applies if the local planning register authority is not able to comply with the obligation set out in paragraph (12) because it is not reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement.

(16) If the local planning register authority falls within paragraph (15) that authority must keep the register using electronic storage and must make the register available for inspection by the public on a website maintained by the authority for that purpose.

(17) If the local planning register authority complies with the requirements of paragraph (16) that authority is to be treated as having complied with paragraph (12) and the address where the register may be inspected is to be treated as the website where the register is kept.

(15C) In paragraph (15) “coronavirus” has the same meaning as in article 15(7F).”.

## PART 3

### Amendments to the Planning (Listed Buildings and Conservation Areas) Regulations 1990

#### **Amendments to the Planning (Listed Buildings and Conservation Areas) Regulations 1990**

7. The Planning (Listed Buildings and Conservation Areas) Regulations 1990(a) are amended in accordance with regulations 8 to 11.

8. In regulation 2(1), after the definition of “the Act”, insert—

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

9.—(1) Regulation 5 is amended in accordance with paragraphs (2) and (3).

(2) Before paragraph (2) insert—

“(1C) Paragraph (1D) applies—

(a) in a case to which paragraph (1) applies; and

(b) if the local planning authority to which the application is made is not able to comply with the requirement to—

(i) publish a notice in a local newspaper under paragraph (1)(a); or

(ii) display a notice under paragraph (1)(b);

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

(1D) In a case falling within paragraph (1C), the local planning authority must—

(a) comply with the requirements set out in paragraph (1)(a) and (b), to publish or display a notice, only to the extent it is reasonably practicable to do so;

(b) take reasonable steps to inform any persons who are likely to have an interest in the application of the website mentioned in paragraph (1)(c); and

(c) subject to paragraph (1G), publish on that website the name of a place within the locality where a copy of the application, and of all plans and other documents

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(a) S.I. 1990/1519. Relevant amending instruments are S.I. 2004/2210, 2010/568, 2014/1532, 2015/809 and 2018/119.

submitted with it, will be open to inspection by the public at all reasonable hours during the period of 21 days beginning with the date of the publication of that information on the website.

(1E) If the local planning authority complies with the requirements set out in paragraph (1D) that authority is discharged of its obligation to —

- (a) publish a notice in a local newspaper under paragraph (1)(a); or
- (b) display a notice under paragraph (1)(b);

in so far as such notice was not given by the authority because it was not able to do so under paragraph (1C)(b).

(1F) In paragraph (1D)(b)—

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

(1G) Paragraph (1H) applies if a local planning authority is not able to comply with the obligation set out in paragraph (1)(a) or paragraph (1D)(c) to make a copy of the application, and of all plans and other documents submitted with it, open to inspection by the public at a place within the locality, at all reasonable hours, because it is not reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement.

(1H) If a local authority falls within paragraph (1G), that authority must publish the application and all plans and other documents submitted with it, on the website referred to in paragraph (1)(c), and in that case that authority is to be treated as having complied with the requirement to make those documents available for inspection by the public at a place within the locality under paragraph (1)(a) or (1D)(c).”.

(3) After paragraph (2) insert—

“(2A) In the case of a local planning authority publishing an application under regulation 3 or 4, and all plans and other documents submitted with it, on a website in accordance with paragraph (1H)), paragraph (2)(c) applies to the determination of that application by the local planning authority.”.

**10.—**(1) Regulation 5A is amended in accordance with paragraphs (2) to (4).

(2) In paragraph (2) for “(2A)” substitute “(2ZA) and (2A)”.

(3) After paragraph (2) insert—

“(2ZA) Paragraph (2ZB) applies—

- (a) in the case of an application for planning permission made to a local planning authority to which paragraph (1) applies; and
- (b) if the local planning authority to which the application is made is not able to comply with the requirement to —

- (i) publish a notice in a local newspaper under paragraph (2)(a); or
- (ii) display a notice under paragraph (2)(b);

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

(2ZB) In a case falling within paragraph (2ZA), the local planning authority must—

- (a) comply with the requirements set out in paragraph (2)(a) and (b) to publish or display a notice only to the extent it is reasonably practicable to do so;
- (b) take reasonable steps to inform any persons who are likely to have an interest in the application of the website mentioned paragraph (2)(c); and

- (c) subject to paragraph (2ZF), publish on that website the name of a place within the locality where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during the period of 21 days beginning with the date of the publication of that information on the website.

(2ZC) If the local planning authority complies with the requirements set out in paragraph (2ZB) that authority is discharged of its obligation to —

- (a) publish a notice in a local newspaper under paragraph (2)(a); or
- (b) display a notice under paragraph (2)(b);

in so far as such notice was not given because the authority was not able to do so under paragraph (2ZA)(b).

(2ZD) In paragraph (2ZB)(b)—

- (a) the persons who are likely to have an interest in an 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 local planning authority—
  - (i) may include use of social media and communication by electronic means; and
  - (ii) must be proportionate to the scale and impact of the proposed development.

(2ZE) Paragraph (2ZF) applies if a local planning authority is of the view that it is not able to comply with the obligation set out in paragraph (2)(a) or (2ZB)(c) to make a copy of the application and of all plans and other documents submitted with it open to inspection by the public at all reasonable hours because it is not reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement.

(2ZF) If a local planning authority is of the view mentioned in paragraph (2ZE), that authority must publish the application and all of the plans and other documents submitted with it on the website referred to in paragraph (2)(c) and in that case that authority is to be treated as having complied with the requirement to make those documents available for inspection by the public under paragraph (2)(a) or (2ZB)(c).”.

(4) After paragraph (4) insert—

“(4ZA) In the case of a local planning authority publishing an application for planning permission and all plans and other documents submitted with it on a website in accordance with paragraph (2ZF), paragraph (4)(c) applies to the determination of that application by the local planning authority.”.

**11.** In regulation 13, after paragraph 4 insert—

“(4ZA) Paragraph (4ZB) applies if a local planning authority—

- (a) has made an application for consent under paragraph (2); and
- (b) is not able to comply with the requirement to—
  - (i) publish a notice in a local newspaper under paragraph (4)(a); or
  - (ii) display a notice under paragraph (4)(b);

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

(4ZB) In a case falling within paragraph (4ZA), the local planning authority must—

- (a) comply with the requirements set out in paragraph (4)(a) and (b) to publish or display a notice, only to the extent it is reasonably practicable to do so;
- (b) take reasonable steps to inform any persons who are likely to have an interest in the application of the website mentioned in paragraph (4)(c); and
- (c) subject to paragraph (4ZF), publish on that website the name of a place within the locality where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours

during the period of 21 days beginning with the date of the publication of that information on the website.

(4ZC) If the local planning authority complies with the requirements set out in paragraph (4ZB) that authority is discharged of its obligation to—

- (a) publish a notice in a local newspaper under paragraph (4)(a); or
- (b) display a notice under paragraph (4)(b);

in so far as such notice was not given by the local planning authority because it was not able to do so under paragraph (4ZA)(b).

(4ZD) In paragraph (4ZB)(b)—

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

(4ZE) Paragraph (4FZ) applies if the local planning authority is not able to comply with the obligation set out in paragraph (4)(a) or (4ZB)(c) to make a copy of the application and of all plans and other documents submitted with it open to inspection by the public at all reasonable hours, because it is not reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement.

(4ZF) If the local planning authority falls within paragraph (4ZE), that authority must publish the application and all of the plans and other documents submitted with it, on the website referred to in paragraph (4)(c) and in that case that authority is to be treated as having complied with the requirement to make those documents available for inspection by the public under (4)(a) and (4ZB)(c).”.

## PART 4

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

**12.** The Town and Country Planning (Environmental Impact Assessment) Regulations 2017(a) are amended in accordance with regulations 13 to 17.

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

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

**14.** In regulation 19, 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.”.

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

“(11) Paragraph (12) applies if—

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(a) S.I. 2017/571.

- (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 or the Secretary of State;
- (c) the name and address of the relevant planning authority or (in the case of an application made to the Secretary of State) the name and address of the Secretary of State;
- (d) the date on which the application was made;
- (e) (if relevant) a statement that the application has been made or 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 made or referred to the Secretary of State, to the Secretary of State; and
- (g) 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.”.

16. 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.”.

**17.—**(1) Regulation 25 is amended in accordance with paragraphs (2) and (3).

(2) In paragraph (2), at the beginning insert “Subject to paragraph (12),”.

(3) After paragraph (11) insert—

“(12) Paragraphs (13) to (22) apply if the recipient of further information pursuant to paragraph (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 paragraph (3);
- (b) make copies of the further information or any other information, or any environmental statement which relates to any application for planning permission or subsequent application, available for inspection at an address in the locality in which the land is situated, under paragraph (3); or
- (c) make copies of the further information or any other information available to be obtained at an address in the locality in which the land is situated, under paragraph (8)(a);

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

(13) In a case falling within paragraph (12), the recipient of further information pursuant to paragraph (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 stating—

- (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.

(14) 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.

(15) 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.

(16) 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—

(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 (13), to the extent that it is reasonably practicable to do so; and

(iii) must be proportionate to the scale and impact of the development.

(17) Where further information is requested under paragraph (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.

(18) In paragraph (18) 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.

(19) The applicant or appellant who provides further information, or any other information, under paragraph (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 (13).

(20) 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.

(21) 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.

(22) For the purpose of paragraphs (14) and (15), references to sending of further information or any other information includes sending by electronic means.”.

## PART 5

### Expiry

**18.** These Regulations cease to have effect on 31st December 2020.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

*Christopher Pincher*  
Minister of State

12th May 2020

Ministry of Housing, Communities and Local Government

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Town and Country Planning (Development Management Procedure) (England) Order 2015 (“the DMP Order 2015”), the Planning (Listed Building and Conservation Areas) Regulations (“the 1990 Regulations”) and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (“the TCP EIA Regulations 2017”) to enable applications for planning permission, applications for listed building consent, applications for variation or discharge of conditions attached to listed building consent, applications for planning permission affecting the setting of listed buildings or affecting the character and appearance of a conservation area and applications by local planning authorities for listed building consent for the demolition, alteration or extension of a listed building in their area, to be publicised by electronic means during the period when it may be difficult to provide such publication by site display, by service of notice on an adjoining owner or occupier and in newspapers, due to the effect of coronavirus, including restrictions on movement.

Regulation 4 of these Regulations inserts new provisions into article 15 of the DMP Order 2015 to enable local planning authorities who are unable to give requisite notice by site display or by serving notice on an adjoining owner or occupier or by publication of the notice in a newspaper to instead publicise the notice by electronic means.

Regulation 5 makes further amendments to articles 15 and to articles 33 and 34 of the DMP Order 2015 to allow for a longer period of time for representations to be made once notice is given by publication in a newspaper or website.

Regulation 6 inserts new provisions into article 40 of the DMP Order 2015 to remove the obligation on local planning authorities to make their planning register available for physical inspection, if they are unable to do so, and to require them to publish it online instead.

Regulations 8, 9, 10 and 11 insert new provisions into regulations 2, 5, 5A, and 13 of the 1990 Regulations to enable local planning authorities who are unable to advertise an application by site display or by publication of a notice in a newspaper, or make it available for physical inspection, to publicise the application and make it available for inspection by electronic means.

Regulation 14 inserts new provisions into regulation 19 of the TCP EIA Regulations 2017 in order that service, submission, sending or forwarding of the environmental statement, or related documents, must be done so by electronic means where possible, and that service on an address shall be read to include an email address. Regulation 15 inserts new provisions into regulation 20 of the TCP EIA Regulations 2017 to enable an applicant who is unable to give requisite notice by site display or by publication of the notice in a newspaper to instead publicise the notice by electronic means.

Regulation 16 inserts new regulation 23A into the TCP EIA Regulations 2017 and provides an exception to the requirement to ensure availability of copies of environmental statements at a named address but instead requires that notices publicise where the environmental statement is available online.

Regulation 17 amends regulation 25 of the TCP EIA Regulations 2017 and inserts new provisions to enable the recipient of further information and evidence respecting environmental statements

who is unable to give requisite notice by publication of the notice in a newspaper to instead publicise the notice by electronic means, and to remove the requirement for physical inspection of copies of that information at an address.

The amendments made by these regulations are time limited and will expire on 31 December 2020.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.

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