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STATUTORY INSTRUMENTS

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**2020 No. 505**

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

**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<sup>M1</sup> are amended in accordance with regulations 8 to 11.

**Commencement Information**

**I1** Reg. 7 in force at 14.5.2020, see reg. 1

**Marginal Citations**

**M1** [S.I. 1990/1519](#). Relevant amending instruments are [S.I. 2004/2210](#), 2010/568, 2014/1532, 2015/809 and 2018/119.

8. In regulation 2(1), after the definition of “the Act”, insert—  
““coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);”.

**Commencement Information**

**I2** Reg. 8 in force at 14.5.2020, see reg. 1

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 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.”.

### Commencement Information

**I3** Reg. 9 in force at 14.5.2020, see reg. 1

**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.”

#### Commencement Information

**I4** Reg. 10 in force at 14.5.2020, see reg. 1

**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).”.

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**Commencement Information**

**I5** Reg. 11 in force at 14.5.2020, see reg. 1

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020, PART 3.