

STATUTORY INSTRUMENTS

2020 No. 505

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

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^{M1} are amended in accordance with regulations 13 to 17.

Commencement Information

I1 Reg. 12 in force at 14.5.2020, see reg. 1

Marginal Citations

M1 [S.I. 2017/571](#).

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

Commencement Information

I2 Reg. 13 in force at 14.5.2020, see reg. 1

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.”

Commencement Information

I3 Reg. 14 in force at 14.5.2020, see reg. 1

15. 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 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 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.”.

Commencement Information

I4 Reg. 15 in force at 14.5.2020, see reg. 1

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.”.

Commencement Information

I5 Reg. 16 in force at 14.5.2020, see reg. 1

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;

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 4.* (See end of Document for details)

- (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 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.”.

Commencement Information

16 Reg. 17 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 4.