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STATUTORY INSTRUMENTS

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**2013 No. 2140**

**The Town and Country Planning (Section 62A Applications)  
(Procedure and Consequential Amendments) Order 2013**

**PART 1**

Preliminary

**Citation, commencement and application**

1.—(1) This Order may be cited as the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 and comes into force on 1st October 2013.

(2) This Order applies in relation to England only.

(3) This Order applies to all land in England, but where land is the subject of a special development order this Order applies to that land only to such extent and subject to such modifications as may be specified in the special development order.

**Interpretation**

2.—(1) In this Order—

“the 1990 Act” means the Town and Country Planning Act 1990;

“the 2010 Order” means the Town and Country Planning (Development Management Procedure) (England) Order 2010(1);

“access”, in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

“appearance” means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

“building” includes any structure or erection, and any part of a building, as defined in this article, but does not include plant or machinery or any structure in the nature of plant or machinery;

“county planning authority” has the same meaning as in section 1 of the 1990 Act;

“designated planning authority” means the local planning authority to which an application would otherwise have been made had the applicant not chosen to make the relevant application(2) to the Secretary of State under section 62A of the 1990 Act;

“district planning authority” has the same meaning as in section 1 of the 1990 Act;

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(1) [S.I. 2010/2184](#). There are amendments to this instrument which are not relevant to this Order.

(2) See section 62A(2)(b) of the 1990 Act for the meaning of “relevant application”.

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000<sup>(3)</sup>;

“EIA development”, “environmental information” and “environmental statement” have the same meanings respectively as in regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011<sup>(4)</sup>;

“erection”, in relation to buildings as defined in this article, includes extension, alteration or re-erection;

“landscaping”, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features;

“layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

“local planning register authority” has the meaning given in article 36 of the 2010 Order;

“mining operations” means the winning and working of minerals in, on or under land, whether by surface or underground working;

“outline planning permission” means a planning permission for the erection of a building, which is granted subject to a condition requiring the subsequent approval with respect to one or more reserved matters;

“questionnaire” means a document in the form supplied by the Secretary of State; and for this purpose a form is taken to be supplied where the Secretary of State has published it on a website and has notified the designated planning authority of—

- (a) publication of the form on the website, and
- (b) the place on the website where the form may be accessed;

“representation period” means the period referred to in articles 17(4), 18(1) or 23(4) and where more than one period applies in relation to a relevant application, the later or latest of those periods to end;

“reserved matters” in relation to an outline planning permission, or an application for such permission, means any of the following matters in respect of which details have not been given in the application—

- (a) access;
- (b) appearance;
- (c) landscaping;
- (d) layout; and
- (e) scale;

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(3) 2000 c. 7; section 15(1) was amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).

(4) S.I. 2011/1824. There are amendments to this instrument which are not relevant to this Order.

“scale” means the height, width and length of each building proposed within the development in relation to its surroundings;

“waste development” means any operational development designed to be used wholly or mainly for the purpose of, or material change of use to, treating, storing, processing or disposing of refuse or waste materials; and

“working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

(2) The questionnaire referred to in paragraph (1) may only include a requirement to provide to the Secretary of State—

- (a) a copy of any entry in the register required to be kept under article 36 of the 2010 Order which relates to the land, or part of the land, to which the relevant application relates;
- (b) details of any functions under the 1990 Act which the designated planning authority has exercised in relation to, or which affect, that land;
- (c) a statement as to whether any advice has been given by the designated planning authority to the applicant in relation to development of the land;
- (d) where the designated planning authority is not the county planning authority, a copy of any notice the county planning authority has given to the designated planning authority under paragraph 7(4) of Schedule 1 to the 1990 Act in relation to an area which includes the land (or part of the land) which is the subject of the application;
- (e) the name and contact details for any parish council which is entitled under paragraph 8 of Schedule 1 to the 1990 Act to be notified of the application;
- (f) where the development proposed by the relevant application falls within a category of development for which standing advice has been provided to the designated planning authority by any authority or person specified as a consultee in the Table in Schedule 5 to the 2010 Order, a copy of that standing advice; and
- (g) such other documents or information as the Secretary of State considers reasonably necessary to determine the relevant application.

### **Electronic communications**

3.—(1) In this Order, and in relation to the use of electronic communications for any purpose of this Order which is capable of being carried out electronically—

- (a) the expression “address” includes any number or address used for the purpose of such communications, except that where any provision of this Order requires any person to provide a name and address to any other person, the requirement is not fulfilled unless the person subject to the requirement provides a postal address; and
- (b) references to applications, notices, documents, maps, plans, drawings, certificates or other documents, or to copies of such things, include references to such documents or copies of them in electronic form.

(2) Paragraphs (3) to (7) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in this Order to give or send any application, notice or other document to any other person (“the recipient”).

(3) A requirement is taken to be fulfilled where the application, notice or other document transmitted by the electronic communication is—

- (a) capable of being accessed by the recipient;
- (b) legible in all material respects; and
- (c) sufficiently permanent to be used for subsequent reference.

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

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(4) In paragraph (3), “legible in all material respects” means that the information contained in the application, notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(5) Where the electronic communication is received by the recipient outside the recipient’s business hours, it is taken to have been received on the next working day.

(6) A requirement in this Order that any application, notice or other document is in writing is fulfilled where the document satisfies the criteria in paragraph (3).

(7) Where a person is no longer willing to accept the use of electronic communications for any purpose of this Order which is capable of being effected electronically, the person must give notice in writing—

(a) withdrawing any address notified to the Secretary of State for that purpose, or

(b) revoking any agreement entered into with the Secretary of State for that purpose,

and such withdrawal or revocation is final and takes effect on a date specified by the person in the notice but not less than 7 days after the date on which the notice is given.