
STATUTORY INSTRUMENTS

2013 No. 2142

The Town and Country Planning (Section 62A Applications) (Written Representations and Miscellaneous Provisions) Regulations 2013

PART 1

Preliminary

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Section 62A Applications) (Written Representations and Miscellaneous Provisions) Regulations 2013 and come into force on 1st October 2013.

(2) These Regulations apply in relation to England only.

(3) In these Regulations—

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

“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;

“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 to the Secretary of State under section 62A of the 1990 Act⁽¹⁾;

“document” includes a photograph, map or plan;

“dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building;

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000⁽²⁾;

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

“flat” means a separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

“floor space” means the total floor space in a building or buildings;

“inspector” means—

(1) See section 62A(2)(b) of the 1990 Act for the meaning of “relevant application”. Section 62A was inserted into the 1990 Act by section 1 of the Growth and Infrastructure Act 2013 (c. 27).

(2) 2000 c. 7; section 15(1) was amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).

(a) in relation to a standard application, a person appointed by the Secretary of State under section 76D of the 1990 Act⁽³⁾ to determine the relevant application;

(b) in relation to a recovered application, a person appointed by the Secretary of State to assist him in considering the application on the basis of written representations;

“interested person” means, in relation to a relevant application, a person who makes representations to the Secretary of State in relation to the application within the representation period;

“questionnaire” means, in relation to a relevant application, the questionnaire the designated planning authority must send to the Secretary of State under article 12 of the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013⁽⁴⁾;

“recovered application” means a relevant application which falls to be determined by the Secretary of State as a consequence of a direction made under section 76E(1) of the 1990 Act⁽⁵⁾;

“representation period” has the meaning given in the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013;

“standard application” means a relevant application which falls to be determined by a person appointed by the Secretary of State under section 76D of the 1990 Act;

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

“written representations” includes supporting documents.

Electronic communications and service of documents

2.—(1) In these Regulations, and in relation to the use of electronic communications for any purpose of these Regulations 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 these Regulations 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 statements, notices or other documents, or to copies of such documents, 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 these Regulations to give or send any statement, notice or other document to any other person (“the recipient”).

(3) A requirement is taken to be fulfilled where the statement, 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.

(4) In paragraph (3), “legible in all material respects” means that the information contained in the statement, 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.

⁽³⁾ Section 76D was inserted by paragraph 5 of Schedule 1 to the Growth and Infrastructure Act 2013 (c. 27).

⁽⁴⁾ S.I. 2013/2140.

⁽⁵⁾ Section 76E was inserted by paragraph 5 of Schedule 1 to the Growth and Infrastructure Act 2013.

(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 these Regulations that any statement, 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 these Regulations 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.