

2015 No. 797

TOWN AND COUNTRY PLANNING, ENGLAND

**The Town and Country Planning (Section 62A Applications)
(Procedure and Consequential Amendments) (Amendment)
Order 2015**

<i>Made</i> - - - -	<i>18th March 2015</i>
<i>Laid before Parliament</i>	<i>24th March 2015</i>
<i>Coming into force</i> - -	<i>15th April 2015</i>

The Secretary of State, in exercise of the powers conferred by 76C(3) of the Town and Country Planning Act 1990(a) makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) (Amendment) Order 2015 and comes into force on 15th April 2015.

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

Amendment of the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013

2. The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013(b) (“the 2013 Order”) is amended as follows.

3. In article 2(1) (interpretation)—

(a) after the definition of “erection”, insert—

““infrastructure manager” means any person who in relation to relevant railway land—

(a) is responsible for developing or maintaining the land; or

(b) manages or uses the land, or permits the land to be used for the operation of a railway;”

(b) after the definition of “questionnaire”, insert—

“relevant railway land” means land—

(a) forming part of any operational railway; or

(b) which is authorised to be used for the purposes of an operational railway under—

(i) a planning permission granted or deemed to be granted,

(a) 1990 c. 8; section 76C was inserted by section 1 of, and paragraph 5 of Schedule 1 to, the Growth and Infrastructure Act 2013 (c. 27).

(b) S.I. 2013/2140; article 14(1) was amended by S.I. 2014/1532. There are other amendments not relevant to this Order.

- (ii) a development consent granted by an order made under the Planning Act 2008(a), or
- (iii) an Act of Parliament,

including any viaduct, tunnel, retaining wall, siding, shaft, bridge or other structure to be used for the purpose of an operational railway but excluding any car park, office, shop, hotel or other land which, by its nature or situation, is comparable with land in general rather than land which is used for the purpose of an operational railway;”

4. After article 14 (publicity for applications: designated planning authority), insert—

“Publicity for applications for planning permission within 10 metres of relevant railway land: designated planning authority

14A.—(1) This article applies where any part of the development to which a relevant application(b) relates is situated within 10 metres of relevant railway land.

(2) The designated planning authority must, except where paragraph (3) applies, publicise a relevant application by serving requisite notice on any infrastructure manager of relevant railway land.

(3) Where an infrastructure manager has instructed the designated planning authority in writing that they do not require notification in relation to a particular description of development, type of building operation or in relation to specified sites or geographical areas (“the instruction”), the designated planning authority is not required to notify that infrastructure manager.

(4) The infrastructure manager may withdraw the instruction at any time by notifying the designated planning authority in writing.

(5) In this article “requisite notice” means notice in the appropriate form set out in Schedule 2.”

5.—(1) In article 23 (time periods for decision),

- (a) in paragraph (4)—
 - (i) omit “Subject to paragraph (5),”;
- (b) in sub-paragraph (b) of paragraph (4)—
 - (i) at the end of paragraph (i), omit “or”;
 - (ii) at the end of paragraph (ii), omit the comma and insert “; or”;
 - (iii) after paragraph (ii), insert—
 - “(iii) an infrastructure manager under article 14A.”.

(2) omit paragraph (5).

6.—(1) In article 24 (contents of the decision notice),

- (a) for paragraph (1)(a) substitute—
 - “(a) where planning permission is granted subject to conditions, the notice must state clearly and precisely the full reasons for —
 - (i) each condition imposed; and
 - (ii) in the case of each pre-commencement condition, for the condition being a pre-commencement condition.”
- (b) after paragraph (2), insert—
 - “(3) In paragraph (1)(a)(ii) “pre-commencement condition” means a condition imposed on the grant of planning permission which must be complied with—

(a) 2008 c. 29.

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

- (a) before any building or other operation comprised in the development is begun; or
- (b) where the development consists of a material change in the use of any buildings or other land, before the change of use is begun.”

7. In Schedule 2 (publicity for applications for planning permission)—

- (a) in the heading to the notice after “Notice under article 14” insert “or 14A”; and
- (b) in the italicised sub-heading after “adjoining land” insert “, or served on the infrastructure manager of relevant railway land”; and
- (c) before “Members of the public may inspect copies of” insert—
“+The proposed development is situated within 10 metres of relevant railway land”.

Transitional provision

8. The amendments to the 2013 Order made by this Order do not apply in respect of a relevant application made before 15th April 2015.

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

Brandon Lewis
Minister of State

18th March 2015

Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the publicity requirements set out in the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 (“the 2013 Order”).

The changes introduced by this Order are—

- a requirement to notify an infrastructure manager, when the development to which the application relates is situated within 10 metres of relevant railway land, as defined in this Order (article 4);
- where the Secretary of State imposes a condition on a planning permission that requires a particular matter to be dealt with before the development starts, a requirement on the Secretary of State to provide reasons, in the notice of decision, for the imposition of each condition (article 6); and
- requirements as to the form of such notices (article 7).

Article 8 provides that the amendments of the 2013 Order do not have effect in relation to applications made before this Order comes into force.

An impact assessment has not been prepared in relation to this instrument as the impact on business or charities or voluntary bodies is considered to be negligible.

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