
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend a number of instruments in relation to town and country planning. The amendments (apart from the minor amendment made by regulation 3(3)) are needed in response to the coronavirus pandemic.

These are 4 Parts to these Regulations.

Part 1 provides for citation and commencement.

Part 2 relates to local planning and spatial development strategies. It amends the Town and Country Planning (London Spatial Development Strategy) Regulations 2000 (S.I. 2000/1491) (“the 2000 Regulations”), the Town and Country Planning (Local Planning) (England) Regulations 2012 (S.I. 2012/767) (“the 2012 Regulations”) and the Combined Authorities (Spatial Development Strategy) Regulations 2018 (S.I. 2018/827) (“the 2018 Regulations”).

Regulation 2 amends the definition of “the relevant period” in regulation 14(2) of Part 5 of the 2000 Regulations, in order to extend the duration of the temporary modifications made by that Part. Regulation 2 extends the end date of “the relevant period” from 31st December 2020 to 31st December 2021.

Regulation 3 amends the 2012 Regulations. Regulation 3(2) amends the definition of “the relevant period” in regulation 36A(2) of the 2012 Regulations. Regulation 36A makes temporary modifications to Part 9 of the 2012 Regulations which apply during “the relevant period”. Regulation 3(2) extends the end date of “the relevant period” from 31st December 2020 to 31st December 2021.

Regulation 4 amends the definition of “the relevant period” in regulation 13(2) of Part 4 of the 2018 Regulations, in order to extend the duration of the temporary modifications made by that Part. Regulation 4 extends the end date of “the relevant period” from 31st December 2020 to 31st December 2021.

Part 3 extends the duration of amendments made by the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 (S.I. 2020/505) (“the May 2020 Regulations”) to the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595) and the Planning (Listed Building and Conservation Areas) Regulations 1990 (S.I. 1990/1519). The May 2020 Regulations are currently due to cease to have effect on 31st December 2020.

Regulation 5 substitutes a new Part 5 (expiry) into the May 2020 Regulations. Regulation 18 provides that the May 2020 Regulations expire at the end of 31st December 2021, except for certain specified regulations which expire earlier. The regulations listed in regulation 18(2) expire at the end of 30th June 2021 and the regulations in Part 4 of the May 2020 Regulations expire at the beginning of 24th December 2020.

Regulation 5 also inserts new regulations 19 to 21 (saving provisions) into the May 2020 Regulations. The expiry provision in new regulation 18 is subject to these saving provisions.

Part 4 amends the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571) (“the 2017 Regulations”).

Regulation 8 inserts an amendment into regulation 19 of the 2017 Regulations in order that service, submission, sending or forwarding of the environmental statement, or related documents may be

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done by electronic means, and that service of an address should be read to include an email address. The amendment replicates the amendment inserted by the May 2020 Regulations.

Regulation 9 inserts new regulation 19A into the 2017 Regulations to enable a relevant planning authority which is unable to provide an address at which copies of an environmental statement can be inspected or obtained to make them available on a website instead.

Regulation 10 inserts provisions into regulation 20 of the 2017 Regulations to enable an applicant who is unable to give notice of an environmental statement to be submitted after an application by site display or by publication of a notice in a newspaper to instead publicise the notice by electronic means. These provisions replicate the provisions inserted by the May 2020 Regulations with the exception of some changes of a minor nature.

Regulation 11 inserts regulation 23A into the 2017 Regulations and provides an exception to the requirement placed on an applicant to ensure availability of copies of environmental statements at a named address but instead requires that notices publicise where the environment statement is available online. The inserted provision replicates the provision inserted by the May 2020 Regulations with the exception of a minor change.

Regulation 12 inserts new regulations 25A and 25B into the 2017 Regulations.

New regulation 25A sets out alternative requirements which apply if the recipient of further information pursuant to regulation 25(1) of the 2017 Regulations or any other information is unable to carry out certain requirements in regulation 25 (such as the requirement to give requisite notice by publication of the notice in a newspaper), because it is not reasonably practicable to do so for reasons connected with the effects of coronavirus. The provisions of new regulation 25A only apply during the period beginning with 24th December 2020 and ending with 30th June 2021.

New regulation 25B applies during the period beginning with 1st July 2021 and ending with 31st December 2021. It sets out alternative requirements which apply if the recipient of further information pursuant to regulation 25(1) of the 2017 Regulations or any other information is unable to comply with the requirements under regulation 25 to publicise addresses where copies of the information may be inspected or obtained, because it is not reasonably practicable to do so for reasons connected with the effects of coronavirus.

The amendments made by regulations 7, 8, 9, 11 and 12 are time limited and will expire at the end of 31st December 2021. The amendment made by regulation 10 expires at the end of 30th June 2021. Regulations 15 to 20 provide for savings provisions in relation to the expiry of the amendments made by regulations 9 to 12.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.