
STATUTORY INSTRUMENTS

2020 No. 1398

**The Town and Country Planning (Local Planning,
Development Management Procedure, Listed Buildings etc.)
(England) (Coronavirus) (Amendment) Regulations 2020**

PART 4

**Amendments to the Town and Country Planning
(Environmental Impact Assessment) Regulations 2017**

**Amendments to the Town and Country Planning (Environmental Impact Assessment)
Regulations 2017**

6. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017⁽¹⁾ are amended in accordance with regulations 7 to 12.

7. In regulation 2(1), after the definition of “the consultation bodies” insert—

““coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);”.

8. In regulation 19 (procedure where an environmental statement is submitted to a local planning authority), 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.”.

9. After regulation 19, insert—

**“Exceptions to requirements in relation to publication of notice, inspection of copies
and availability of copies for the period from 24th December 2020 to 31st December
2021**

19A.—(1) Paragraphs (2) to (4) apply during the period beginning with 24th December 2020 and ending with 31st December 2021 if—

- (a) a relevant planning authority is required to provide notice to a person under regulation 19(3)(d), and
- (b) the relevant planning authority is not able to do one or more of the following—
 - (i) make a copy of the documents referred to in regulation 20(2)(d) available at an address in the locality under regulation 20(2)(e);

- (ii) make a copy of the documents referred to in regulation 20(2)(d) available at an address in the locality under regulation 20(2)(g),

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) the relevant planning authority must take reasonable steps to inform the person to whom notice must be given under regulation 19(3)(d) of the following information contained in a notice—
 - (a) a statement that an application is being made for planning permission or subsequent consent to the relevant planning authority;
 - (b) the name and address of the relevant planning authority;
 - (c) the date on which the application was made;
 - (d) (if relevant) a statement that the application has been referred to the Secretary of State for determination or is the subject of an appeal to the Secretary of State and the address of the Secretary of State;
 - (e) the address or location and the nature of the proposed development;
 - (f) 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 (“the website”) maintained by or on behalf of the authority;
 - (g) details of the website on which the environmental statement and the other documents referred to in sub-paragraph (f)(i) and (ii) have been made available under article 15(7) of the Order;
 - (h) a statement that the information mentioned in sub-paragraph (f)(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 (i);
 - (i) 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 (h); and
 - (iii) be submitted to the relevant planning authority, or in the case of an appeal or an application referred to the Secretary of State, to the Secretary of State; and
 - (j) the email address to which representations should be sent.
- (3) Regulation 19(7) applies to a notice under paragraph (2).
- (4) If the relevant planning authority complies with the requirements set out in paragraph (2) that authority is treated as having discharged the obligation set out in regulation 19(3)(d).”.

10. 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;
- (c) the name and address of the relevant planning authority;
- (d) the date on which the application was made;
- (e) (if relevant) a statement that the application has been 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 referred to the Secretary of State, to the Secretary of State; and
 - (k) 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.”.

11. 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.
- (5) Where, in relation to an application to which article 15 of the Order applies, an applicant notifies the local planning authority under paragraph (2)(a) that any notices required under that article must state that the environmental statement is available on a website under that article, the authority is discharged from the requirement to provide an address where copies of the environmental statement can be obtained when that authority gives requisite notice under article 15.”

12.—(1) In regulation 25 (further information and evidence respecting environmental statements), in paragraph (2), at the beginning insert “Subject to regulations 25A and 25B,”.

(2) After regulation 25, insert—

“Exceptions to requirements in relation to publication of notice, inspection of copies and availability of copies for the period from 24th December 2020 to 30th June 2021

25A.—(1) Paragraphs (2) to (11) apply where during the period beginning with 24th December 2020 and ending with 30th June 2021 a recipient of further information pursuant to regulation 25(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 regulation 23(3);
- (b) make copies of the further information or any other information, or any environmental statement which relates to an application for planning permission or subsequent application, available for inspection at an address in the locality in which the land is situated, under regulation 25(3); or
- (c) make copies of further information or any other information available to be obtained at an address in the locality in which the land is situated, under regulation 25(8)(a),

because it is not reasonably practicable to do so for reasons connected with the effects of coronavirus, including restrictions on movement.

(2) In a case falling within paragraph (1), the recipient of the further information pursuant to regulation 25(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—

- (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.

(3) 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.

(4) 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.

(5) 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;
 - (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 (2), to the extent that it is reasonably practicable to do so; and
 - (iii) must be proportionate to the scale and impact of the development.

(6) Where further information is requested under regulation 25(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.

(7) In paragraph (6) 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.

(8) The applicant or appellant who provides further information, or any other information, under regulation 25(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 (2).

(9) 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.

(10) 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.

(11) For the purpose of paragraphs (3) and (4), references to sending of further information or any other information includes sending by electronic means.

Exceptions to requirements in relation to inspection of copies and availability of copies for the period from 1st July 2021 to 31st December 2021

25B.—(1) Paragraphs (2) to (9) apply where, during the period beginning with 1st July 2021 and ending with 31st December 2021 a recipient of further information pursuant to regulation 25(1) or any other information is not able to do one or both of the following—

- (a) make copies of the further information or any other information or any environmental statement which relates to an application for permission or subsequent application, available for inspection at an address in the locality in which the land is situated, under regulation 25(3); or
- (b) make copies of the further information available to be obtained at an address in the locality in which the land is situated, under regulation 25(3),

because it is not reasonably practicable to do so for reasons connected with the effect of coronavirus, including restrictions on movement.

(2) In a case falling within paragraph (1), the recipient of the further information pursuant to regulation 25(1) or any other information, must publish in a local newspaper circulating in the locality in which the land is situated 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.

(3) 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.

(4) 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.

(5) Where further information is requested under regulation 25(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 it before the expiry of 30 days after the latest of—

- (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;
- (b) the date that notice of it was published in a local newspaper; or
- (c) the date that notice of it was published on a website.

(6) The applicant or appellant who provides further information, or any other information, under regulation 25(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 (2).

(7) 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.

(8) 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.

(9) For the purpose of paragraphs (3) and (4) references to sending of further information or any other information includes sending by electronic means.”.

Expiry and savings

13. Regulations 7, 8, 9, 11 and 12 expire at the end of 31st December 2021, except as provided for in regulation 15, 17, 18 and 19.

14. Regulation 10 expires at the end of 30th June 2021 except as provided for in regulation 16.

15. Where, in relation to an application to which regulation 19 of the 2017 Regulations applies, a relevant planning authority has sent a notice under regulation 19A(2) of those Regulations before

the end of 31st December 2021, regulation 9 of these Regulations continues to have effect in relation to that notice as if it had not expired.

16. Where an applicant for planning permission or a subsequent application has commenced the publicity of an environmental statement to be submitted after the application under regulation 20(12) of the 2017 Regulations before the end of 30th June 2021, regulation 10 of these Regulations continues to have effect in relation to that environmental statement as if it had not expired.

17. Where an applicant for planning permission or a subsequent application has commenced the publicity of an environmental statement to be submitted after the application under regulations 20(2) or 23A of the 2017 Regulations before the end of 31st December 2021, regulation 11 of these Regulations continues to have effect in relation to that environmental statement as if it had not expired.

18. Where the recipient of information has commenced publicity of that information under regulation 25A(2) of the 2017 Regulations before the end of 30th June 2021, regulation 25A of the 2017 Regulations continues to have effect in relation to that information as if the period specified in regulation 25A(1) of those Regulations ended instead on the last day of the period mentioned in regulation 25A(2)(g) of those Regulations.

19. Where the recipient of information has commenced publicity of that information under regulation 25(3) of the 2017 Regulations before the end of 31st December 2021—

- (a) a notice which does not contain an address under regulation 25(3)(g) or (i) remains valid notwithstanding the expiry of regulation 25B of the 2017 Regulations; and
- (b) the applicant or appellant who provided the information is discharged from the obligation in regulation 25(8)(a) of the 2017 Regulations in relation to that information.

20. In regulations 15 to 19 “the 2017 Regulations” means the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.