STATUTORY INSTRUMENTS

2016 No. 944

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Section 62A Applications) (Amendment) Regulations 2016

Made - - - -	*21st September 2016*
Laid before Parliament	*23rd September 2016*
Coming into force - -	*21st October 2016*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 62A(**1**) and 76C(**2**) of the Town and Country Planning Act 1990 and section 28(2)(a) of the Small Business, Enterprise and Employment Act 2015(**3**):

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Section 62A Applications) (Amendment) Regulations 2016 and come into force on 21st October 2016.

(2) In these Regulations—

"the Procedure Order" means the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013(**4**); and

"the Miscellaneous Provisions Regulations" means the Town and Country Planning (Section 62A Applications) (Written Representations and Miscellaneous Provisions) Regulations 2013(**5**).

Amendments to the Procedure Order

2.—(1) The Procedure Order is amended as follows.

(2) In article 2(1) (interpretation) insert each of the following definitions in the appropriate place —

(**1**) 1990 c. 8; section 62A was inserted into the Town and Country Planning Act 1990 by section 1(1) of the Growth and Infrastructure Act 2013 (c. 27) and amended by section 153 of the Housing and Planning Act 2016 (c. 22).
(**2**) Section 76C was inserted into the Town and Country Planning Act 1990 by section 1(2) and paragraph 5 of Schedule 1 to the Growth and Infrastructure Act 2013 and amended by section 150(5) and paragraph 18 of Schedule 12 to the Housing and Planning Act 2016.
(**3**) 2015 c. 26.
(**4**) S.I. 2013/2140, amended by S.I. 2013/3194, 2014/1532; there are other amending instruments but none is relevant.
(**5**) S.I. 2013/2142.

""the 2013 Regulations" means the Town and Country Planning (Section 62A Applications) (Written Representations and Miscellaneous Provisions) Regulations 2013(**6**);";

""major development" has the meaning given in regulation 3(5) of the 2013 Regulations;";

""non-major development" has the meaning given in regulation 3(5) of the 2013 Regulations;";

""relevant application" has the same meaning as in section 62A of the 1990 Act;".

(3) In article 7 (design and access statements), for paragraph (1) substitute—

"(1) Subject to paragraph (3), a design and access statement must accompany a relevant application in respect of—

(a) major development; or

(b) non-major development any part of which is in a designated area and which consists of—

(i) the provision of one or more dwellinghouses; or

(ii) the provision of a building or buildings where the floor space created by the development is 100 square metres or more.".

(4) After paragraph (3) insert—

"(4) In this article—

"design and access statement" means a statement about—

(a) the design principles and concepts that have been applied to the development concerned; and

(b) how issues relating to access to the development have been dealt with; and

"designated area" means—

(a) a conservation area; or

(b) a World Heritage Site, that being a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention Concerning the Protection of the World Cultural and National Heritage(**7**).".

(5) For articles 13 and 14 (publicity requirements) substitute—

"**Publicity for relevant applications: introductory**

12A.—(1) For the purposes of articles 13 and 14 a "special development application" means any relevant application which—

(a) is an application in respect of EIA development which is accompanied by an environmental statement;

(b) is in respect of development which does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated; or

(c) is in respect of development which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981(**8**) (public rights of way) applies.

(2) For the purposes of articles 13 and 14, a "standard major development application" means any relevant application in respect of major development which is not a special development application.

(**6**) S.I. 2013/2142.
(**7**) See http://whc.unesco.org/en/list/
(**8**) 1981 c.69; see section 66(1) for definition of "right of way to which this Part applies".

(3) For the purposes of articles 13 and 14, a "standard non-major development application" means any relevant application in respect of non-major development which is not a special development application.

(4) For the purposes of articles 13 and 14, "the requisite notice", in relation to a relevant application, means notice in the form set out in Schedule 2.

Publicity for relevant applications: Secretary of State

13.—(1) This article applies where the Secretary of State receives a relevant application which is a valid application within the meaning of article 8.

(2) Where the application is a special development application or a standard major development application, the Secretary of State must—

(a) within 5 working days of receipt of the application, publish the required information about it on a website maintained by the Secretary of State; and

(b) as soon as reasonably practicable following receipt of the application—

(i) make copies of the application and any document accompanying it available on such a website; and

(ii) arrange for the publication of the requisite notice in relation to the application in a newspaper circulating in the locality in which the land to which the application relates is situated.

(3) Where the application is a standard non-major development application, the Secretary of State must—

(a) within 5 working days of receipt of the application, publish the required information about it on a website maintained by the Secretary of State; and

(b) as soon as reasonably practicable following receipt of the application make copies of the application and any document accompanying it available on such a website.

(4) In this article, "the required information", in relation to a relevant application, means—

(a) the address or location of the proposed development;

(b) a description of the proposed development;

(c) the date by which any representations about the application must be made, which must not be before the last day of the period of 14 days beginning with the date on which the information is published;

(d) details of where and when the application may be inspected; and

(e) the Secretary of State's address for receipt of representations about the application.

Publicity for relevant applications: designated planning authority

14.—(1) This article applies where the designated planning authority receives a notice under article 11(2) (information to be provided to the designated planning authority by the Secretary of State in relation to a relevant application).

(2) Where the notice relates to a special development application, the designated planning authority must within 5 working days —

(a) give the requisite notice by site display in at least one place on or near the land to which the application relates for not less than 21 days; and

(b) send a copy of the requisite notice to the Secretary of State.