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STATUTORY INSTRUMENTS

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**2013 No. 2140**

**The Town and Country Planning (Section 62A Applications)  
(Procedure and Consequential Amendments) Order 2013**

**PART 2**

Applications

**Applications for planning permission**

- 4.—(1) A relevant application for planning permission must—
- (a) be made in writing to the Secretary of State on a form published by him;
  - (b) include the particulars specified or referred to in the form; and
  - (c) be accompanied by—
    - (i) where the application is made electronically, a copy of—
      - (aa) the application;
      - (bb) a plan which identifies the land to which the application relates; and
      - (cc) such other plans, drawings and information necessary to describe the development which is the subject of the application; or
    - (ii) where the application is not made electronically, 3 copies of the documents and information referred to in paragraphs (i)(aa) to (cc).
- (2) Any plans or drawings required to be provided by paragraph (1) must be drawn to an identified scale and, in the case of plans, must show the direction of North.
- (3) Subject to paragraph (7), in the case of a relevant application for outline planning permission, details need not be given of any reserved matters.
- (4) Where a relevant application is made using electronic communications to transmit a form to the Secretary of State, the applicant is taken to have agreed—
- (a) to the use of such communications by the Secretary of State for the purposes of the application;
  - (b) that the applicant's address for those purposes is the address incorporated into, or otherwise logically associated with, the application; and
  - (c) that the applicant's deemed agreement under this paragraph subsists until the applicant gives notice in writing of the withdrawal of consent to the use of electronic communications under article 3(7).
- (5) Where a relevant application is made for outline planning permission, the Secretary of State may grant permission subject to a condition specifying the reserved matters which are to be subject to subsequent approval.
- (6) Where the Secretary of State is of the opinion that, in the circumstances of the case, the relevant application ought not to be considered separately from all or any of the reserved matters, he must, within the period of 1 month beginning with the receipt of the application, notify the applicant

that he is unable to determine the application unless further details are submitted, specifying the further details that are required.

(7) Where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated.

### **Applications for reserved matters**

5.—(1) A relevant application for approval of reserved matters must—

- (a) be made in writing to the Secretary of State on a form published by him;
- (b) be accompanied by—
  - (i) where the application is made electronically, a copy of—
    - (aa) the application;
    - (bb) a plan which identifies the land to which the application relates;
    - (cc) a copy of the outline planning permission in respect of which it is made; and
    - (dd) such other plans, drawings and information necessary to describe the development and reserved matter which is the subject of the application; or
  - (ii) where the application is not made electronically, 3 copies of the documents and information referred to in paragraphs (i)(aa) to (dd).

(2) Any plans or drawings required to be provided by paragraph (1) must be drawn to an identified scale and, in the case of plans, must show the direction of North.

### **Applications in respect of Crown land**

6. A relevant application in respect of Crown land<sup>(1)</sup> must be accompanied by—

- (a) a statement that the application is made in respect of Crown land; and
- (b) where the application is made by a person authorised in writing by the appropriate authority, a copy of that authorisation.

### **Design and access statements**

7.—(1) Subject to paragraph (3), a relevant application for planning permission must be accompanied by a statement (“a design and access statement”) about—

- (a) the design principles and concepts that have been applied to the development; and
- (b) how issues relating to access to the development have been dealt with.

(2) A design and access statement must—

- (a) explain the design principles and concepts that have been applied to the development;
- (b) demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account;
- (c) explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account;
- (d) state what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and
- (e) explain how any specific issues which might affect access to the development have been addressed.

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(1) See section 293 of the 1990 Act for the definition of “Crown land” and “the appropriate authority”.

- (3) This article does not apply to a relevant application for planning permission which is for—
- (a) engineering or mining operations;
  - (b) a material change in use of the land or buildings;
  - (c) development which is waste development.

### **General provisions in relation to applications**

**8.—**(1) When the Secretary of State receives a relevant application which complies with the requirements of article 4 or 5, as the case may be, and also receives—

- (a) the certificate required by article 10;
- (b) in a case to which article 7 applies, the design and access statement;
- (c) subject to paragraph (2), the particulars or evidence which would be required by the designated planning authority under section 62(3) of the 1990 Act<sup>(2)</sup> had the application been made to that authority; and
- (d) the fee required to be paid in respect of the application,

the Secretary of State must, as soon as is reasonably practicable, send to the applicant an acknowledgement of the application.

(2) Paragraph (1)(c) only applies if—

- (a) before the application is made to the Secretary of State the designated planning authority publishes or republishes, for the purposes of article 29(3) of the 2010 Order, a list of requirements on a website; and
- (b) the particulars or evidence required to be included in the application fall within that list; and
- (c) the list mentioned in sub-paragraph (a) was published (or republished) during the 2 year period immediately before the date on which the application is made.

(3) Where, after sending an acknowledgement as required by paragraph (1), the Secretary of State considers that the relevant application is not a valid application, the Secretary of State must, as soon as reasonably practicable, notify the applicant that the application is not a valid application.

(4) In this article “valid application” means a relevant application which consists of—

- (a) a relevant application which complies with the requirements of article 4 or 5, as the case may be; and
- (b) the items mentioned in paragraphs (1)(a) to (d),

and a valid application is taken to have been received when the application, and such of the documents, particulars or evidence referred to above as are required to be included in, or to accompany, the application have been lodged with the Secretary of State and the fee required to be paid has been paid.

### **Notice of application to be given by the applicant**

**9.—**(1) Subject to paragraph (2), an applicant for planning permission under section 62A of the 1990 Act must give requisite notice of the relevant application to any person (other than the applicant) who on the prescribed date is an owner of the land to which the application relates, or a tenant—

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(2) Section 62 was substituted by section 42(1) of the Planning and Compulsory Purchase Act 2004 (c. 5). Section 62(3) of the 1990 Act applies to applications made under section 62A of the 1990 Act by virtue of section 76C(1) of that Act (which was inserted by paragraph 5 of Schedule 1 to the Growth and Infrastructure Act 2013 (c. 27)).

- (a) by serving the notice on every such person whose name and address is known to the applicant; and
  - (b) where the applicant has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so, by publication of the notice after the prescribed date in a newspaper circulating in the locality in which the land to which the application relates is situated.
- (2) In the case of a relevant application for planning permission for development consisting of the winning and working of minerals by underground operations, instead of giving notice in the manner provided for by paragraph (1), the applicant must give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of any of the land to which the application relates, or a tenant—
- (a) by serving the notice on every such person whose name and address is known to the applicant;
  - (b) by publication of the notice after the prescribed date in a newspaper circulating in the locality in which the land to which the application relates is situated; and
  - (c) by site display in at least one place in every parish within which there is situated any part of the land to which the application relates, leaving the notice in position for not less than 7 days in the period of 21 days immediately preceding the making of the application to the Secretary of State.
- (3) The notice required by paragraph (2)(c) must (in addition to any other matters required to be contained in it) state—
- (a) the place within the area of the designated planning authority where a copy of the application for planning permission, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during such period as may be specified in the notice; and
  - (b) the address of the website maintained by the Secretary of State where a copy of the application, and of all plans and other documents submitted with it, will be published.
- (4) Where the notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 7 days referred to in paragraph (2)(c) has elapsed, the applicant is treated as having complied with the requirements of that paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement.
- (5) The date prescribed for the purposes of section 65(2) of the 1990 Act (notice etc of applications for planning permission)(3), and the “prescribed date” for the purposes of this article, is the day 21 days before the date of the relevant application.
- (6) The applications prescribed for the purposes of paragraph (c) of the definition of “owner” in section 65(8) of the 1990 Act are minerals applications, and the minerals prescribed for the purposes of that paragraph are any minerals other than oil, gas, coal, gold or silver.
- (7) In this article—
- “minerals applications” mean applications for planning permission for development consisting of the winning and working of minerals;
  - “requisite notice” means a notice in the appropriate form set out in Schedule 1 but does not include a notice served using electronic communications; and
  - “tenant” means the tenant of an agricultural holding any part of which is comprised in the land to which an application relates.

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(3) Section 65 was substituted by section 16(1) of the Planning and Compensation Act 1991 (c. 34) and amended by paragraph 35 of the Schedule to the Agricultural Tenancies Act 1995 (c. 8).

### **Certificates in relation to notice of applications**

**10.**—(1) Where a relevant application for planning permission is made, the applicant must certify, in a form published by the Secretary of State that the requirements of article 9 have been satisfied.

(2) If an applicant has cause to rely on article 9(4), the certificate must state the relevant circumstances.

### **Information to be provided to the designated planning authority**

**11.**—(1) Where a relevant application is received by the Secretary of State, he must, within 5 working days or as soon as reasonably practicable thereafter, notify the designated planning authority of the application by sending a copy of the application and of any accompanying plans, drawings and information to the authority.

(2) Within 5 working days of the Secretary of State deciding that the relevant application referred to in paragraph (1) is a valid application (within the meaning in article 8), he must notify the designated planning authority of that fact.

(3) Within 5 working days of the Secretary of State sending the applicant a notice under article 8(3) he must send a copy of that notice to the designated planning authority.

### **Information to be provided by the designated planning authority**

**12.**—(1) The designated planning authority must, within such period as the Secretary of State may specify in writing, being not less than 5 working days from the date of the notification under article 11(1), submit to the Secretary of State and copy to the applicant a completed questionnaire and a copy of the documents referred to in that questionnaire.

(2) The questionnaire must state the date on which it is submitted to the Secretary of State.

### **Publicity for applications: Secretary of State**

**13.**—(1) Within 5 working days of the receipt of a relevant application, which is a valid application (within the meaning in article 8), the Secretary of State must publish the following details on a website maintained by the Secretary of State—

- (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 21 days beginning with the date on which the information is published;
- (d) where and when the application may be inspected; and
- (e) the Secretary of State's address for receipt of representations about the application.

(2) In addition to the requirements of paragraph (1), the Secretary of State must, as soon as reasonably practicable—

- (a) publicise a relevant application by publication of a notice in a newspaper circulating in the locality in which the land to which the application relates is situated; and
- (b) make copies of the application and any documents accompanying it available on the website referred to in paragraph (1).

### **Publicity for applications: designated planning authority**

**14.**—(1) Within 5 working days of the receipt of a notice under article 11(2) in relation to a relevant application, the designated planning authority must publicise the application by giving requisite notice—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days;
- (b) by serving the notice on any adjoining owner or occupier; and
- (c) by sending a copy of the notice to the Secretary of State.

(2) Where the notice is, without any fault or intention of the designated planning authority, removed, obscured or defaced before the period of 21 days referred to in paragraph (1)(a) has elapsed, the authority is treated as having complied with the requirements of the relevant paragraph if they have taken reasonable steps for protection of the notice and, if need be, its replacement.

(3) In this article—

“adjoining owner or occupier” means any owner or occupier of any land adjoining the land to which the application relates; and

“requisite notice” means notice in the appropriate form set out in Schedule 2.

### **Register of applications**

**15.**—(1) Where a relevant application, which is a valid application (within the meaning in article 8), is received by the Secretary of State, he must, as soon as reasonably practicable, send a copy of the application and of any accompanying plans, drawings and information to the local planning register authority for the land to which the application relates unless he has already sent a copy of those documents to the authority under article 11(1).

(2) Within 5 working days of—

- (a) receipt of a copy of a relevant application given under paragraph (1), or
- (b) where the designated planning authority is the local planning register authority, the notice under article 11(2),

the local planning register authority must place on the register required to be kept under article 36 of the 2010 Order a copy of the application together with any accompanying plans, drawings and information.

### **Representations received by the designated planning authority**

**16.** Where representations in relation to a relevant application are received by the designated planning authority they must, as soon as reasonably practicable, forward the representations to the Secretary of State at the address notified to the designated planning authority by the Secretary of State for that purpose.