

2013 No. 3194

TOWN AND COUNTRY PLANNING, ENGLAND

**The Town and Country Planning (Development Management
Procedure and Section 62A Applications) (England)
(Amendment No. 2) Order 2013**

<i>Made</i> - - - -	<i>17th December 2013</i>
<i>Laid before Parliament</i>	<i>20th December 2013</i>
<i>Coming into force</i> - -	<i>13th January 2014</i>

The Secretary of State, in exercise of the powers conferred by sections 59, 65 and 76C 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 (Development Management Procedure and Section 62A Applications) (England) (Amendment No. 2) Order 2013 and shall come into force on 13th January 2014.

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

Amendments to the Town and Country Planning (Development Management Procedure) (England) Order 2010

2.—(1) The Town and Country Planning (Development Management Procedure) (England) Order 2010(b) is amended as follows.

(2) In article 6(4) for “An application” substitute “Subject to paragraph (4A), an application”.

(3) After article 6(4) insert—

“(4A) In relation to an application for planning permission for development consisting of the winning and working of oil or natural gas by underground operations (including exploratory drilling)—

(a) where the application is made pursuant to section 73 or section 73A(2)(c)(c) of the 1990 Act or is an application of a kind referred to in article 18(1)(b) or (c), paragraph (4) applies;

(b) in any other cases, paragraph (1) applies.”

(a) 1990 c. 8. Section 65 was substituted by section 16(1) of the Planning and Compensation Act 1991 (c. 34). Sections 65(2) and (8) were amended by section 40 of, and paragraph 35 of the Schedule to, the Agricultural Tenancies Act 1995 (c. 8). Section 65(3A) was inserted by section 121 of, and paragraph 6 of Schedule 12 to, the Localism Act 2011 (c. 20). Section 76C was inserted by section 1 of, and paragraphs 1 and 5 of Schedule 1 to, the Growth and Infrastructure Act 2013 (c. 27).

(b) S.I. 2010/2184, to which there are amendments not relevant to this Order.

(c) Section 73A was inserted into the Town and Country Planning Act 1990 (c. 8) by section 32 of, and paragraph 16 of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34).

- (4) In article 11—
- (a) in paragraph (2), for “In the case of an application” substitute “Subject to paragraph (2A), in the case of an application”;
 - (b) after paragraph (2) insert—

“(2A) In the case of an application for planning permission for development consisting of the winning and working of oil or natural gas (including exploratory drilling)—

 - (a) the applicant is not required to serve a notice under paragraph (2)(a) in relation to any land which is to be used solely for underground operations;
 - (b) where any part of the land to which the application relates is in an unparished area, the applicant shall give notice under paragraph (2)(c) in relation to that part of the land as if for “parish” there were substituted “ward”; and
 - (c) where sub-paragraph (b) applies, references in this article to notices required by paragraph (2)(c) include notices required by paragraph (2)(c) as modified by sub-paragraph (b).”

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

3.—(1) Article 9 of the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013(a) is amended as follows.

(2) In paragraph (2), for “In the case of a relevant application” substitute “Subject to paragraph (2A), in the case of a relevant application”.

(3) After paragraph (2) insert—

“(2A) In the case of a relevant application for planning permission for development consisting of the winning and working of oil or natural gas (including exploratory drilling)—

- (a) the applicant is not required to serve a notice under paragraph (2)(a) in relation to any land which is to be used solely for underground operations;
- (b) where any part of the land to which the application relates is in an unparished area, the applicant shall give notice under paragraph (2)(c) in relation to that part of the land as if for “parish” there were substituted “ward”; and
- (c) where sub-paragraph (b) applies, references in this article to notices required by paragraph (2)(c) include notices required by paragraph (2)(c) as modified by sub-paragraph (b).”

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

Nick Boles

Parliamentary Under Secretary of State

Department for Communities and Local Government

17th December 2013

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the provisions for the notification of owners in relation to land to which a planning application relates.

The Town and Country Planning (Development Management Procedure) (England) Order 2010 (S.I. 2010/2184) (“the 2010 Order”) provides for procedures connected with planning applications and other matters in England. Article 11 of the 2010 Order requires applicants to notify owners of the land to which the application relates. Article 11(2), in particular, sets out the notification

(a) S.I. 2013/2140.

required in relation to applications for planning permission for development consisting of the winning and working of minerals by underground operations.

Article 2 of this Order amends article 6 and 11 of the 2010 Order. Article 6 of the 2010 Order is amended to provide for the Secretary of State, not the local planning authority, to publish the form of application for planning permission consisting of the winning and working of oil or natural gas by underground operations (including exploratory drilling).

Article 2 of this Order inserts a new paragraph (2A) into article 11 of the 2010 Order. Paragraph (2A) provides that in the case of applications consisting of the winning and working of oil or natural gas (including exploratory drilling) the provisions of article 11(2) are modified so that the applicant is not required to notify the owners of land where the land in question is solely to be used for underground operations.

Article 3 of this Order inserts an equivalent provision, new paragraph (2A), into article 9 of the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 (S.I. 2013/2140). That Order provides for procedures connected with applications for planning permission made directly to the Secretary of State in accordance with section 62A of the Town and Country Planning Act 1990.

A regulatory impact assessment will be prepared in relation to the Order. It will be placed in the Library of each House of Parliament and copies may be obtained from the Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU or viewed at www.communities.gov.uk

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£4.00

UK2013121715 12/2013 19585

<http://www.legislation.gov.uk/id/uksi/2013/3194>

ISBN 978-0-11-110763-8



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