STATUTORY INSTRUMENTS

2020 No. 764

INFRASTRUCTURE PLANNING

The Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020

Made - - - -	*20th July 2020*
Laid before Parliament	*21st July 2020*
Coming into force - -	*22nd July 2020*

The Secretary of State, having been designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to measures relating to the environment, in exercise of the powers conferred by section 2(2) of that Act and sections 48(1), 56(3) and (7), 114(2), 123(4), 232(3) and 235(1) of, and paragraphs 2(8) and 4(4) of Schedule 6 to, the Planning Act 2008(**c**), makes the following Regulations.

PART 1

Citation and commencement

1. These Regulations may be cited as the Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020 and come into force on 22nd July 2020.

(**a**) S.I. 2008/301. See article 2 of that Order.

(**b**) The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c.16) with effect from exit day, but saved with modifications until IP completion day by section 1A of that Act (as inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c.1)). Section 2(2) of the European Communities Act 1972 was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7).

(**c**) 2008 c. 29. Section 56 was amended by section 138(2) and paragraph 14 of part 1 of Schedule 13 to the Localism Act 2011 (c. 20) and by section 23(5)(a) of the Marine and Coastal Access Act 2009 (c. 23). Sections 114 and 123 were amended by paragraphs 55(3) and 62 of part 1 of Schedule 13 to the Localism Act 2011 (c. 20). Paragraph 2(8) of Schedule 6 was amended by paragraph 72(3) of part 1 of Schedule 13 to the Localism Act 2011 (c.20) and by section 28(2)(a) of the Infrastructure Act 2015 (c.7). There are other amendments not relevant to this instrument.

PART 2

Amendments to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Amendments to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

2.—(1) The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(**a**) are amended as follows.

(2) After regulation 9 (publicising an accepted application) insert—

"**Coronavirus: temporary modifications**

9A.—(1) Paragraphs (2) to (4) apply during the period beginning with 22nd July 2020 and ending with 31st December 2020.

(2) Regulation 4 (publicising a proposed application) has effect as if—

(a) in paragraph (3)(e), for "at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice" there were substituted "on a website maintained by or on behalf of the applicant";

(b) before paragraph (3)(f) there were inserted—

"(ea) the address of the website where the documents, plans and maps may be inspected;

(eb) the place on the website where the documents, plans and maps may be inspected;

(ec) a telephone number which can be used to contact the applicant for enquiries in relation to the documents, plans and maps;"; and

(c) in paragraph (3)(f), after "available for inspection" there were inserted "on the website".

(3) Regulation 8 (notice of accepted application) has effect as if—

(a) in paragraph (2)(g), for "at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice" there were substituted "on a website maintained by or on behalf of the Secretary of State";

(b) before paragraph (2)(h) there were inserted—

"(ga) the address of the website where the application form and its accompanying documents, plans and maps may be inspected;

(gb) the place on the website where the application form and its accompanying documents, plans and maps may be inspected;

(gc) a telephone number which can be used to contact the applicant for enquiries in relation to the application form and its accompanying documents, plans and maps;"; and

(c) in paragraph (2)(h), after "available for inspection" there were inserted "on the website".

(4) Regulation 9 (publicising an accepted application) has effect as if—

(a) in paragraph (4)(f)—

(i) after "available for inspection" there were inserted "free of charge on a website maintained by or on behalf of the Secretary of State"; and

(ii) paragraph 4(f)(i) and (ii) were omitted;

(**a**) S.I. 2009/2264; relevant amending instruments are S.I. 2012/635, 2017/572.

(b) before paragraph (4)(g) there were inserted—

"(fa)the address of the website where the application form and its accompanying documents may be inspected;

(fb) the place on the website where the application form and its accompanying documents, plans and maps may be inspected;

(fc) a telephone number which can be used to contact the applicant for enquiries in relation to the application form and its accompanying documents, plans and maps;"; and

(c) in paragraph (2)(g), after "available for inspection" there were inserted "on the website".".

PART 3

Amendments to the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011

Amendments to the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011

3.—(1) The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011(**a**) are amended as follows.

(2) After regulation 6 (publicising the application) insert—

"Coronavirus: temporary modifications to this Part

6A.—(1) — Paragraph (2) applies during the period beginning with 22nd July 2020 and ending with 31st December 2020.

(2) Regulation 6 (publicising the application) has effect as if—

(a) in paragraph (2)(d), for "on a website and also, free of charge, at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice" there were substituted "free of charge on a website maintained by or on behalf of the Secretary of State";

(b) before paragraph (2)(e) there were inserted—

"(da) the address of the website where the documents, plans and maps may be inspected;

(db) the place on the website where the documents, plans and maps may be inspected;

(dc) a telephone number which can be used to contact the applicant for enquiries in relation to the documents, plans and maps;"; and

(c) in paragraph (2)(f), after "available for inspection" there were inserted "on the website".".

(3) After regulation 20 (publicising an application) insert—

"Coronavirus: temporary modifications to this Part

20A.—(1) — Paragraphs (2) to (4) apply during the period beginning with 22nd July 2020 and ending with 31st December 2020.

(2) Regulation 14 (publicising a proposed application) has effect as if—

(**a**) S.I. 2011/2055; relevant amending instruments are S.I. 2012/635, 2015/760.

(a) in paragraph (2)(e), for "at the places (including at least 1 address in the vicinity of the proposed development) and the times set out in the notice" there were substituted "on a website maintained by or on behalf of the applicant";

(b) before paragraph (2)(f) there were inserted—

"(ea) the address of the website where the documents, plans and maps may be inspected;

(eb) the place on the website where the documents, plans and maps may be inspected;

(ec) a telephone number which can be used to contact the applicant for enquiries in relation to the documents, plans and maps;"; and

(c) in paragraph (2)(f), after "available for inspection" there were inserted "on the website".

(3) Regulation 19 (notice of an application) has effect as if—

(a) in paragraph (2)(g), for "at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice" there were substituted "on a website maintained by or on behalf of the Secretary of State";

(b) before paragraph (2)(h) there were inserted—

"(ga) the address of the website where the application and its accompanying documents, plans and maps may be inspected;

(gb) the place on the website where the application and its accompanying documents, plans and maps may be inspected;

(gc) a telephone number which can be used to contact the applicant for enquiries in relation to the application and its accompanying documents, plans and maps;"; and

(c) in paragraph (2)(h), after "available for inspection" there were inserted "on the website".

(4) Regulation 20 (publicising an application) has effect as if—

(a) in paragraph (2)(f), for "at the places (including at least one address in the vicinity of the land) and times set out in the notice" there were substituted "on a website maintained by or on behalf of the Secretary of State";

(b) before paragraph (2)(g) there were inserted—

"(fa)the address of the website where the application and its accompanying documents, plans and maps may be inspected;

(fb) the place on the website where the application and its accompanying documents, plans and maps may be inspected;

(fc) a telephone number which can be used to contact the applicant for enquiries in relation to the application and its accompanying documents, plans and maps;"; and

(c) in paragraph (2)(g), after "available for inspection" there were inserted "on the website".".

(4) After regulation 56 (publicising a proposed order) insert—

"Coronavirus: temporary modifications to this Part

56A.—(1) Paragraphs (2) and (3) apply during the period beginning with 22nd July 2020 and ending with 31st December 2020.

(2) Regulation 55 (notice) has effect as if—

(a) in paragraph (2)(e), for "at the places (including at least one address in the vicinity of the land) and times set out in the notice" there were substituted "on a website maintained by or on behalf of the Secretary of State";

(b) before paragraph (2)(f) there were inserted—

"(ea) the address of the website where the proposed order and any accompanying documents and plans may be inspected;

(eb) the place on the website where the proposed order and any accompanying documents and plans may be inspected;

(ec) a telephone number which can be used to contact the Secretary of State or a representative of the Secretary of State for enquiries in relation to the proposed order and any accompanying documents and plans;"

(c) in paragraph (2)(f), after "available for inspection" there were inserted "on the website".

(3) Regulation 56 (publicising a proposed order) has effect as if—

(a) in paragraph (2)(f), for "at the places (including at least one address in the vicinity of the land) and times set out in the notice" there were substituted "on a website maintained by or on behalf of the Secretary of State";

(b) before paragraph (2)(g) there were inserted—

"(fa)the address of the website where the proposed order and any accompanying documents, plans and maps may be inspected;

(fb) the place on the website where the proposed order and any accompanying documents, plans and maps may be inspected;

(fc) a telephone number which can be used to contact the Secretary of State or a representative of the Secretary of State for enquiries in relation to the proposed order and any accompanying documents, plans and maps;"

(c) in paragraph (2)(g), after "available for inspection" there were inserted "on the website".".

PART 4

Amendments to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010

Amendments to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010

4.—(1) The Infrastructure Planning (Compulsory Acquisition) Regulations 2010(**a**) are amended as follows.

(2) After regulation 8 (duty to publicise proposed provision) insert—

"Coronavirus: temporary modifications

8A.—(1) Paragraphs (2) and (3) apply during the period beginning with 22nd July 2020 and ending with 31st December 2020.

(2) Regulation 7 (notice of proposed provision) has effect as if—

(a) in paragraph (2)(h), for "at the places (including at least one address in the vicinity of the additional land) and the times set out in the notice" there were substituted "on a website maintained by or on behalf of the Secretary of State";

(b) before paragraph (2)(i) there were inserted—

"(ha) the address of the website where the proposed provision, the map, the revised draft order and any information submitted with the proposed provision may be inspected;

(**a**) S.I. 2010/104, amended by S.I. 2012/635; there are other amending instruments but none is relevant.

(hb) the place on the website where the proposed provision, the map, the revised draft order and any information submitted with the proposed provision may be inspected;

(hc) a telephone number which can be used to contact the applicant for enquiries in relation to the proposed provision, the map, the revised draft order and any information submitted with the proposed provision;"; and

(c) in paragraph (2)(i), after "available for inspection" there were inserted "on the website".

(3) Regulation 8 (duty to publicise proposed provision) has effect as if—

(a) in paragraph (2)(f), for "at the places (including at least one address in the vicinity of the additional land) and the times set out in the notice" there were substituted "on a website maintained by or on behalf of the Secretary of State";

(b) before paragraph (2)(g) there were inserted—

"(fa)the address of the website where the proposed provision, the map, the revised draft order and any information submitted with the proposed provision may be inspected;

(fb) the place on the website where the proposed provision, the map, the revised draft order and any information submitted with the proposed provision may be inspected;

(fc) a telephone number which can be used to contact the applicant for enquiries in relation to the proposed provision, the map, the revised draft order and any information submitted with the proposed provision;"; and

(c) in paragraph (2)(g), after "available for inspection" there were inserted "on the website".".

PART 5

Amendments to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

Amendments to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

5.—(1) The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(**a**) are amended as follows.

(2) After regulation 27 (availability of copies of environmental statements) insert—

"Coronavirus: temporary modifications

27A.—(1) Paragraphs (2) to (6) apply during the period beginning with 22nd July 2020 and ending with 31st December 2020.

(2) Regulation 19 (accepted application-effect of a screening opinion not taking account of all relevant information) has effect as if—

(a) paragraph (6)(b)(vi)(aa) were omitted;

(b) before paragraph (6)(b)(vii) there were inserted—

"(via) the address of the website where the environmental statement may be inspected;

(**a**) S.I. 2017/572, amended by S.I. 2018/695; there are other amending instruments but none is relevant.

(vib) the place on the website where the environmental statement may be inspected;

(vic) a telephone number which can be used to contact the applicant for enquiries in relation to the environmental statement;"; and

(c) in paragraph (6)(b)(vii), after "available for inspection" there were inserted "on the website".

(3) Regulation 20 (accepted application-effect of environmental statement being inadequate) has effect as if—

(a) paragraph (3)(b)(vi)(aa) were omitted;

(b) before paragraph (3)(b)(vii) there were inserted—

"(via) the address of the website where the environmental statement and the further information and any other information may be inspected;

(vib) the place on the website where the environmental statement and the further information and any other information may be inspected;

(vic) a telephone number which can be used to contact the applicant for enquiries in relation to the environmental statement and the further information and any other information;"; and

(c) in paragraph (3)(b)(vii), after "available for inspection" there were inserted "on the website".

(4) Regulation 22 (subsequent application for EIA development) has effect as if—

(a) paragraph (3)(a)(vi)(aa) were omitted;

(b) before paragraph (3)(a)(vii) there were inserted—

"(via) the address of the website where the environmental statement and supporting documents may be inspected;

(vib) the place on the website where the environmental statement and supporting documents may be inspected;

(vic) a telephone number which can be used to contact the applicant for enquiries in relation to the environmental statement and supporting documents;"; and

(c) in paragraph (3)(a)(vii), after "available for inspection" there were inserted "on the website".

(5) Regulation 24 (subsequent application not complying with EIA requirements) has effect as if—

(a) paragraph (3)(b)(vi)(aa) were omitted;

(b) before paragraph (3)(b)(vii) there were inserted—

"(via) the address of the website where the updated environmental statement and supporting documents may be inspected;

(vib) the place on the website where the updated environmental statement and supporting documents may be inspected;

(vic) a telephone number which can be used to contact the applicant for enquiries in relation to the updated environmental statement and supporting documents;"; and

(c) in paragraph (3)(b)(vii), after "available for inspection" there were inserted "on the website".

(6) Regulation 27 (availability of copies of environmental statements) has effect as if paragraph (1) were omitted.".

PART 6

Transitional provisions

Transitional provisions

6.—(1) Where, before 22nd July 2020, the requirements of a provision listed in paragraph (3) have been complied with in part in relation to a particular application, provision or order, the provision listed in paragraph (3) continues to have effect in relation to that application, provision or order without the amendments made to it by these Regulations (or, in the case of section 56(2) of the Planning Act 2008(**a**), regulation 8 of the 2009 Regulations continues to have effect without the amendments made to it by these Regulations).

(2) Where, in the period beginning with 22nd July 2020 and ending with 31st December 2020, the requirements of a provision listed in paragraph (3) have been complied with in part in relation to a particular application, provision or order, the provision listed in paragraph (3) continues to have effect in relation to that application, provision or order with the amendments made to it by these Regulations (or, in the case of section 56(2) of the Planning Act 2008, regulation 8 of the 2009 Regulations continues to have effect with the amendments made to it by these Regulations).

(3) The provisions are—

(a) section 56(2) of the Planning Act 2008;

(b) regulation 4 of the 2009 Regulations;

(c) regulation 9 of the 2009 Regulations;

(d) regulation 7 of the 2010 Regulations;

(e) regulation 8 of the 2010 Regulations;

(f) regulation 6 of the 2011 Regulations;

(g) regulation 14 of the 2011 Regulations;

(h) regulation 19 of the 2011 Regulations;

(i) regulation 20 of the 2011 Regulations;

(j) regulation 55 of the 2011 Regulations;

(k) regulation 56 of the 2011 Regulations;

(l) regulation 19 of the 2017 Regulations;

(m) regulation 20 of the 2017 Regulations;

(n) regulation 22 of the 2017 Regulations;

(o) regulation 24 of the 2017 Regulations.

(4) In this regulation—

"the 2009 Regulations" means the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(**b**);

"the 2010 Regulations" means the Infrastructure Planning (Compulsory Acquisition) Regulations 2010(**c**);

"the 2011 Regulations" means the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011(**d**);

"the 2017 Regulations" means the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(**e**).

(**a**) 2008 c. 29. Section 56 was amended by section 138(2) and paragraph 14 of part 1 of Schedule 13 to the Localism Act 2011 (c. 20) and by section 23(5)(a) of the Marine and Coastal Access Act 2009 (c. 23).
(**b**) S.I. 2009/2264; relevant amending instruments are S.I. 2012/635, 2017/572.
(**c**) S.I. 2010/104, amended by S.I. 2012/635; there are other amending instruments but none is relevant.
(**d**) S.I. 2011/2055; relevant amending instruments are S.I. 2012/635, 2015/760.
(**e**) S.I. 2017/572, amended by S.I. 2018/695; there are other amending instruments but none is relevant.

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

Christopher Pincher
Minister of State
20th July 2020 Ministry of Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ("the 2009 Regulations"), the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 ("the 2011 Regulations"), the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 ("the 2010 Regulations") and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("the 2017 Regulations") to remove the requirements to make documentation available for inspection at places including at least one address in the vicinity of the proposed development (or land, or additional land, as appropriate) during the period from 22 July 2020 to 31 December 2020, when it may be difficult to do so due to the effect of coronavirus, including restrictions on movement and the closure of public buildings.

Regulation 2 amends regulations 4, 8 and 9 of the 2009 Regulations so that the documents associated with proposed and accepted applications for development consent can be made available on the applicant's website (or on a website maintained by or on behalf of the Secretary of State, as appropriate) instead of copies being made available for inspection at places including in the vicinity of the proposed development.

Regulation 3 amends regulations 6, 14, 19, 20, 55 and 56 of the 2011 Regulations so that the documents associated with applications for non-material changes to a development consent order ("DCO") and proposed and actual applications to make a material change to, or revocation of, a DCO, and exceptional amendments to DCOs, can be made available on the applicant's website (or on a website maintained by or on behalf of the Secretary of State, as appropriate), instead of copies being made available for inspection at places including in the vicinity of the proposed development (or land, as appropriate).

Regulation 4 amends regulations 7 and 8 of the 2010 Regulations so that proposals to include the compulsory purchase of additional land in a DCO can be made available on a website maintained by or on behalf of the Secretary of State, instead of copies being made available for inspection at places including in the vicinity of the additional land.

Regulation 5 amends regulations 19, 20, 22, 24 and 27 of the 2017 Regulations so that where, in relation to a DCO, a screening opinion may not have taken account of all relevant information, an environmental statement may be inadequate, a subsequent application for development requiring an environmental impact assessment ("EIA") is made, or a subsequent application not complying with EIA requirements is made, the environmental statement (and, where appropriate, supporting documents) can be made available on a website maintained on behalf of the Secretary of State (or, where appropriate, on behalf of the relevant authority), instead of copies being made available for inspection at places including in the vicinity of the proposed development.

Regulation 6 sets out transitional provisions. If, when the amendments in these Regulations come into force, an applicant (or the Secretary of State as appropriate) has already complied in part with a provision listed in regulation 6(3) for the purpose of a particular application, provision or order, that provision shall continue to apply without these amendments for the purpose of that application, provision or order (or, in the case of section 56(2) of the Planning Act 2008, regulation 8 of the 2009 Regulations shall continue to apply without these amendments). If an applicant (or the Secretary of State as appropriate) complies in part with a provision listed in regulation 6(3) for the purpose of a particular application, provision or order whilst the amendments in these Regulations have effect, that provision shall continue to apply with these amendments for the purpose of that application, provision or order (or, in the case of section 56(2)

of the Planning Act 2008, regulation 8 of the 2009 Regulations shall continue to apply with these amendments).

These Regulations were notified to the European Commission in accordance with Article 2 of Directive 2014/52/EU OJ No. L 124, 25.4.2014, p. 1, and in line with the EU Withdrawal Agreement between the EU and the UK.

An impact assessment has not been produced for this instrument as this is a temporary, emergency measure and no significant impact on business, charities, voluntary bodies and the public sector is foreseen.

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