

2016 No. 955

TRIBUNALS AND INQUIRIES, ENGLAND

**The Town and Country Planning (Section 62A Applications)
(Hearings) (Amendment) Rules 2016**

<i>Made</i>	- - - -	<i>27th September 2016</i>
<i>Laid before Parliament</i>		<i>29th September 2016</i>
<i>Coming into force</i>	- -	<i>21st October 2016</i>

The Lord Chancellor makes the following Rules in exercise of the powers conferred by section 9 of the Tribunal and Inquiries Act 1992(a):

Citation and commencement

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

Amendment of the Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013

2.—(1) The Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013(b) are amended as follows.

(2) In rule 2 (interpretation), in the appropriate place, insert—

““relevant application” has the meaning given in section 62A(2) of the Town and Country Planning Act 1990(c);”

(3) In rule 4 (date and notification of hearing)—

(a) in paragraph (2), for “not less than 2 weeks” substitute “at least the minimum amount of”;

(b) after paragraph (3) insert—

“(3A) In paragraph (2) “the minimum amount of notice” means—

(a) in relation to a hearing to be held regarding a relevant application in respect of major development, 2 weeks’;

(b) in relation to a hearing to be held regarding a relevant application in respect of non-major development, five working days’.”

(c) after paragraph (5) insert—

(a) 1992 c. 53. Section 9 was amended by paragraph 11 of the Schedule to S.I. 2013/2042. There are other amendments to section 9 which are not relevant to these Rules.

(b) S.I. 2013/2141.

(c) Section 62A was inserted into the Town and Country Planning Act 1990 (c. 8) by section 1 of the Growth and Infrastructure Act 2013 (c. 27), and subsection (2) was substituted by section 153(3) of the Housing and Planning Act 2016 (c. 22).

“(6) In this rule, “major development” and “non-major development” have the meanings given by regulation 3 of the Town and Country Planning (Section 62A Applications) (Written Representations and Miscellaneous Provisions) Regulations 2013(a).”

Signed by authority of the Lord Chancellor

Sir Oliver Heald QC
Minister of State
Ministry of Justice

27th September 2016

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013 following the inclusion of applications for non-major development within the categories of application which may be made directly to the Secretary of State rather than a local planning authority when that planning authority is subject to a designation under section 62A of the Town and Country Planning Act 1990. The Town and Country Planning (Section 62A Applications) (Amendment) Regulations 2016 make detailed provision in that regard. These Rules provide in particular that the Secretary of State must give no less than 5 working days’ notice of a hearing to be held before a person appointed by the Secretary of State in respect of an application for non-major development.

An impact assessment has not been prepared for these Rules as no significant impact on the costs of business or the voluntary sector is foreseen.

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(a) S.I. 2013/2142; amended by S.I. 2016/944 with effect from 21st October 2016 which inserts definitions of “major development” and “non-major development”.

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