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STATUTORY INSTRUMENTS

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**1999 No. 107**

**TOWN AND COUNTRY PLANNING,  
ENGLAND AND WALES**

**The Channel Tunnel Rail Link (Assessment  
of Environmental Effects) Regulations 1999**

<i>Made</i>	- - - -	<i>18th January 1999</i>
<i>Laid before Parliament</i>		<i>27th January 1999</i>
<i>Coming into force</i>	- -	<i>17th February 1999</i>

The Secretary of State for the Environment, Transport and the Regions, being a designated Minister<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to measures relating to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, in exercise of the powers conferred upon him by the said section 2, hereby makes the following Regulations:

**Title, Commencement and Interpretation**

1.—(1) These Regulations may be cited as the Channel Tunnel Rail Link (Assessment of Environmental Effects) Regulations 1999 and shall come into force on 17th February 1999.

(2) In these Regulations—

“the 1988 Regulations” means the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988<sup>(3)</sup>;

“the 1994 Environmental Statement” means the document called “The Environmental Statement for the Channel Tunnel Rail Link” deposited with the Bill for the 1996 Act pursuant to Standing Order 27A of the House of Commons upon the Bill’s introduction in the House of Commons on 23rd November 1994, including the supplements to that document deposited on 7th November 1995 and 5th December 1995;

“the 1996 Act” means the Channel Tunnel Rail Link Act 1996<sup>(4)</sup>;

“exempt development” has the same meaning as in the 1988 Regulations;

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(1) S.I.1988/785.

(2) 1972 c. 68.

(3) S.I. 1988/1199, to which there are amendments not relevant to these Regulations.

(4) 1996 c. 61.

“relevant planning authority ” means the body by whom, assuming no directions have been given under paragraph 30 of Schedule 6 to the Channel Tunnel Rail Link Act 1996, a request for approval under Part II or III of that Schedule is determined; and

“scheduled work” has the same meaning as in the 1996 Act.

### **Application**

2. These Regulations apply to development consisting of the carrying out of any work authorised by the 1996 Act, other than—

- (a) a development which consists of the carrying out of a scheduled work,
- (b) a development which was commenced before the coming into force of these Regulations, or
- (c) a development for which the plans, specifications, arrangements or schemes for the restitution of land required to be approved by the relevant planning authority under Part II or III of Schedule 6 to the 1996 Act were approved before the coming into force of these Regulations.

### **Application of section 9(1) of the Channel Tunnel Rail Link Act 1996**

3. The planning permission deemed to be granted by section 9(1) of the 1996 Act shall not apply to development to which these Regulations apply where—

- (a) the 1994 Environmental Statement does not contain, in relation to that development, all the information specified in paragraph 2 of Schedule 3 to the 1988 Regulations;
- (b) if the development were not authorised by the 1996 Act, it would not constitute exempt development; and
- (c) the development is of a description mentioned in—
  - (i) Schedule 1 to the 1988 Regulations; or
  - (ii) Schedule 2 to the 1988 Regulations, and would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

### **Modification of the Town and Country Planning (Environmental Assessment and Permitted Development) Regulations 1995**

4.—(1) Regulations 2, 3, 4 and 6 of the Town and Country Planning (Environmental Assessment and Permitted Development) Regulations 1995(5), so far as not inconsistent with these Regulations, shall apply to development to which these Regulations apply, and shall have effect with the following modifications.

- (a) In regulation 2, for the words ““prospective developer”” to “would be determined;” there shall be substituted—
  - ““nominated undertaker” has the same meaning as in the Channel Tunnel Rail Link Act 1996;
  - “relevant development” means development to which the Channel Tunnel Rail Link (Assessment of Environmental Effects) Regulations 1999 apply;
  - “relevant planning authority” has the same meaning as in the Channel Tunnel Rail Link (Assessment of Environmental Effects) Regulations 1999;”.
- (b) In regulations 3 and 4, for “prospective developer” there shall be substituted “nominated undertaker”.

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(5) S.I. 1995/417.

- (c) In regulation 6(1)(e) and 6(2)(b), “or opinion” and “or 5” shall be omitted.
- (d) In regulation 6(1)(f), “or opinion” shall be omitted.
- (e) In the full out part of regulation 6(1), “opinion or” shall be omitted.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

18th January 1999

*Glenda Jackson*  
Parliamentary Under Secretary of State,  
Department of the Environment, Transport and  
the Regions

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## EXPLANATORY NOTE

*(This note is not part of these Regulations)*

These Regulations are made for the purpose of dealing with matters arising out of or related to the obligations of the United Kingdom under Council Directive 85/337/EEC (OJ No L 175, 5.7.1985, p.40) on the assessment of the effects of certain public and private projects on the environment (“the Council Directive”), in the context of certain development authorised by the 1996 Act.

Section 9(1) of that Act provides for planning permission to be deemed to be granted under Part III of the Town and Country Planning Act 1990 (1990 c. 8) for the carrying out of development authorised by Part I of the 1996 Act. These Regulations apply to development which is so authorised, where it consists of the carrying out of works other than scheduled works, where the development was commenced before the coming into force of these Regulations, or where plans, specifications, arrangements or schemes for the restitution of land for the development were approved before the coming into force of these Regulations. (Regulation 2.)

The Regulations make provision for ensuring that planning permission is not so deemed to be granted in relation to such development where three conditions are satisfied. These are first that the 1994 Environmental Statement did not contain all the information specified in Schedule 3 to the 1988 Regulations (which were concerned with the implementation of the Council Directive), and secondly that the development would not have constituted exempt development had it not been authorised by the 1996 Act. Thirdly, the development is either of a description mentioned in Schedule 1 to the 1988 Regulations, or it is of a description mentioned in Schedule 2 to those Regulations and is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. (Regulation 3.)

The Regulations also make provision for the nominated undertaker to be able to apply for an opinion from the relevant planning authority as to whether the development in question satisfies the third of these conditions. If the authority gives an opinion that it does satisfy that condition, or if it fails to give an opinion, the nominated undertaker may apply to the Secretary of State for a direction in the matter. (Regulation 4.)

The Environmental Statement referred to in regulation 3 can be seen during normal office hours at the offices of Union Railways Limited, 5th floor, 106 Tottenham Court Road, London W1P 9HF.