

## EXPLANATORY MEMORANDUM TO

### THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (AMENDMENT) (ENGLAND) REGULATIONS 2008

2008 No. 2093

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

#### 2. Description

2.1 These Regulations amend the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999<sup>1</sup> (“the 1999 Regulations”) so that they apply to applications for subsequent approval of matters under conditions attached to planning permissions.

2.3 They also amend the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1997<sup>2</sup> so as to provide for appointed persons (i.e. planning inspectors) to determine appeals against enforcement notices in cases where an environmental statement is required.

#### 3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

#### 4. Legislative Background

4.1 The Environmental Impact Assessment Directive<sup>3</sup> (“the EIA Directive”) requires that, before granting “development consent” for projects, including development proposals, authorities should carry out a procedure known as environmental impact assessment (“EIA”) and produce an environmental statement (“ES”) for any project that is likely to have significant effects on the environment. The 1999 Regulations required EIA for relevant proposals for new development, including relevant proposals for new mineral development. In 2000, the 1999 Regulations were amended so as to apply to applications for the determination of new mineral operating conditions under section 22 of and Schedule 2 to the Planning and Compensation Act 1991 and Schedules 13 and 14 to the Environment Act 1995. These review applications are collectively defined in the 1999 Regulations as “ROMP applications” (“review of mineral permissions”)<sup>4</sup>.

4.2 Section 57 of the Town and Country Planning Act 1990 provides that planning permission is required for the carrying out of any development of land. There is provision<sup>5</sup> in the Act for the grant of “outline planning permission” which means planning permission, with the reservation for subsequent approval by the local planning authority or Secretary of State of matters not particularised in the application (“reserved matters”). Reserved matters are specified in secondary legislation and include appearance, landscaping and layout. In addition to the provisions on outline permission and reserved matters in the Act, a local planning authority or the Secretary of State may, when granting planning permission, impose a condition requiring subsequent approval of a matter by the authority or Secretary of State. For example, a condition might be imposed that

<sup>1</sup> S.I. 1999/293 amended by S.I. 2000/2867, 2006/3295 and 2008/1556.

<sup>2</sup> S.I. 1997/420; relevant amendments were made by S.I. 2006/2227 and 2008/595.

<sup>3</sup> Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC and Article 3 of Council Directive 2003/35/EC.

<sup>4</sup> More detailed background information on ROMPs is contained in the explanatory memorandum to the Town and Country Planning (Environmental Impact Assessment) (Mineral Permissions and Amendment) (England) Regulations 2008 (S.I. 2008/1556) but is not directly relevant to these Regulations.

<sup>5</sup> Section 92.

no development shall commence until a scheme for traffic movements during the construction phase of the development has been submitted to and approved by the authority.

4.3 In 2006, the House of Lords and the European Court of Justice (ECJ) ruled<sup>6</sup> that the UK had failed to transpose the EIA Directive correctly, because the Regulations implementing the EIA Directive allowed only for EIA before the grant of outline planning permission and not at the later stage when reserved matters were approved. The ECJ ruled that where development cannot be carried out until details relating to reserved matters are approved by a local planning authority, the decisions to grant outline planning permission and to approve the reserved matters must be considered to constitute, as a whole, a multi-stage development consent for the purposes of the EIA Directive. If it became apparent during the course of the second stage that the project was likely to have significant effects on the environment (for example, where those effects were not identifiable until then) then an environmental impact assessment was required. Since the Regulations then in force did not allow for EIA to be required at that stage, they did not fully implement the EIA Directive.

4.4 These Regulations amend the 1999 Regulations to close the loophole identified by the ECJ. As well as applying to applications for approval or reserved matters and other matters under a condition, they also apply to ROMP applications.

4.5 Paragraph 1 of Schedule 6 to the Town and Country Planning Act 1990 enables the Secretary of State to make regulations to allow various categories of planning and enforcement appeals to be determined by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State, unless she prescribes or directs otherwise. The Town and Country Planning (Determination of Appeals by Appointed Persons (Prescribed Classes) Regulations 1997 (“the Appointed Persons Regulations”) are made under this power. These Regulations amend the Appointed Person Regulations to give appointed persons (i.e. planning inspectors) the power to determine appeals against enforcement notices in cases requiring environmental impact assessment. They also make amendments to the 1999 Regulations necessary to enable inspectors to exercise this power.

4.6 The 1999 Regulations are complex and have been made more so by the subsequent amendments. The Department is not yet in a position to formally consolidate them but in the meantime has provided an informal consolidation which will be published on its website along with associated guidance. A copy is annexed to this memorandum. These Regulations also revoke and re-enact two provisions in S.I. 2008/1556 to minimise the number of documents where the relevant provisions are to be found.

## **5. Territorial Extent and Application**

5.1 This instrument applies to England.

## **6. European Convention on Human Rights**

The Minister, Iain Wright, has made the following statement regarding Human Rights:

In my view the provisions of the Town and Country Planning (Environmental Impact Assessment) (Amendment) (England) Regulations 2008 are compatible with the Convention rights.

## **7. Policy background**

7.1 As explained in section 4, the amendments to the 1999 Regulations in relation to England (Wales will issue its own amending legislation) are necessary as the ECJ has ruled that the UK has not correctly transposed the EIA Directive into UK legislation.

---

<sup>6</sup> C-290/03 (R v London Borough of Bromley, ex parte Barker) and C-508/03 (Commission v UK).

7.2 It is envisaged that the requirement for EIA to be carried out at a subsequent stage of a multi-stage consent procedure may arise in the following circumstances and the Regulations are drafted accordingly:

- where EIA should have been required at the outline stage, but the local planning authority did not (for whatever reason) issue a screening opinion;
- where a screening opinion was issued at the stage at which an application for outline planning permission had been made, to the effect that EIA was not required, but on reconsideration at reserved matters stage the local planning authority now considers that there are likely to be significant effects on the environment;
- where EIA was carried out at the outline stage, but the local planning authority consider that further information is now required in order for the environmental statement to satisfy the requirements of the EIA Directive.

7.3 A 12-week consultation exercise on the proposed amendments to the 1999 Regulations closed on 11 January 2008. The consultation document was deposited in the Library of both Houses of Parliament and sent to a wide range of bodies on the Department's consultation lists - Chief Planning Officers for England, DCLG Minerals Consultation Circulation list, DCLG Planning Consultation Circulation list, Regional Planning Bodies and Government Office Planning Directors. A copy of the consultation document can be found at <http://www.communities.gov.uk/publications/planningandbuilding/towncountryplanning>.

7.4 There were 35 responses to the consultation, most of which were broadly supportive of the proposals. The main reservations were about the correct wording of the definition of multi-stage consents which has been resolved in the final draft of these Regulations. A few consultees requested guidance to make clear the procedures involved, especially in screening at the reserved matters stage, to assist EIA stakeholders. The Department intends to issue a new Circular and good practice guidance in response to these requests.

7.5 The Appointed Persons Regulations were amended by the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Amendment) (England) Regulations 2008<sup>7</sup>. As had been anticipated at that time regulation 12 now transfers enforcement appeals in cases requiring environmental impact assessment to the appointed person (see paragraph 7.1 of the explanatory memorandum to the 2008 Regulations). The objective of the policy is to simplify the appeals process in order to speed up decisions, make more efficient use of resources and ensure that all decisions are taken at the appropriate level. A consultation exercise was undertaken between 13 August 2007 and 5 November 2007 in relation to all of the proposals to transfer appeals to inspectors (including that provided for by these Regulations). The consultation paper was placed on the Departmental website, and e-mails/letters were sent to a large number of bodies with potential interests in the proposals, drawing their attention to it. 34 responses were received, all of which were broadly supportive of the proposals. A detailed Response document has been placed on the Departmental website.

## **8. Impact**

An Impact Assessment is attached to this memorandum. It concludes that there will not be additional costs on business and no significant administrative burdens on the public sector. The Impact Assessment for regulation 12 is annexed to the explanatory memorandum to the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Amendment) (England) Regulations 2008.

---

<sup>7</sup> S.I. 2008/595.

## **9. Contact**

Mr Kim Chowns at the DCLG (Tel: 02079443892 or email: kim.chowns@communities.gsi.gov.uk) can answer any queries regarding the instrument.

## Summary: Intervention & Options

<b>Department /Agency:</b> <b>DCLG</b>	<b>Title:</b> <b>Impact Assessment of draft Town and Country Planning (Environmental Impact Assessment) (England) (Amendment) Regulations</b>	
<b>Stage:</b> Final proposal	<b>Version:</b> 4	<b>Date:</b> 5 June 2008
<b>Related Publications:</b> The draft Town and Country Planning (Environmental Impact Assessment) (England) (Amendment) Regulations 2007		

### Available to view or download at:

<http://www>.

**Contact for enquiries:** Kim Chowns

**Telephone:** 02079443892

### What is the problem under consideration? Why is government intervention necessary?

Government action is needed to comply with European Court of Justice (ECJ) ruling that the UK has failed adequately to transpose Directive 85/337/EEC (the Environmental Impact Assessment or EIA Directive). The Implementing Regulations do not provide for the possibility that Environmental Impact Assessment may be required after outline planning permission has been granted, when "reserved matters" are considered. Failure to remedy this will lead to continued action against the UK by the European Commission, potentially resulting in substantial unlimited fines.

### What are the policy objectives and the intended effects?

The amending regulations will remedy the breach identified by the ECJ. They provide for EIA to be carried out for a proposed project at reserved matters stage, where either EIA was not carried out at the earlier stage of outline planning permission, or additional significant environmental effects came to light after outline planning permission was granted.

What policy options have been considered? Please justify any preferred option.

1. "Do nothing option", and
2. Preferred option: Amend EIA Regulations to allow for EIA at reserved matters stage.

Doing nothing is not a legal option - see comments on options below.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? The amendments to the Regulations will achieve the desired effect of compliance with the ECJ ruling. Costs and benefits are not at issue.

**Ministerial Sign-off** For final proposal/implementation stage Impact Assessments:

***I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) the benefits justify the costs.***

Signed by the responsible Minister:

.....Date:

## Summary: Analysis & Evidence

<b>Policy Option: 2</b>	<b>Description:</b>
-------------------------	---------------------

COSTS	<b>ANNUAL COSTS</b>	Description and scale of <b>key monetised costs</b> by 'main affected groups' Cost to developers of preparing an environmental statement for an EIA at reserved matters stage in the very few cases where an adequate EIA was not prepared at outline planning permission stage: £150,000 to £500,000 per year.
	<b>One-off</b> (Transition) <span style="float: right;">Yrs</span>	
	<b>£ 0</b>	
	<b>Average Annual Cost</b> (excluding one-off)	
<b>£ 0.15m to £0.5m</b>	<b>Total Cost (PV)</b>	<b>£ 1.2m to £4.2m</b>
Other <b>key non-monetised costs</b> by 'main affected groups' Costs for Local Planning Authorities to assess the additional EIAs.		
BENEFITS	<b>ANNUAL BENEFITS</b>	Description and scale of <b>key monetised benefits</b> by 'main affected groups' Saving to UK Government from not incurring imposed ECJ fines if no action taken to remedy breach in implementing legislation. Impossible to quantify amount of any fines that might be imposed, but they would be substantial over time (see Annex 1).
	<b>One-off</b> <span style="float: right;">Yrs</span>	
	<b>£</b>	
	<b>Average Annual Benefit</b> (excluding one-off)	
<b>£</b>	<b>Total Benefit (PV)</b>	<b>£</b>
Other <b>key non-monetised benefits</b> by 'main affected groups' Allows proper consideration to be given to environmental information at a later stage in a "multi-stage consent" process.		

**Key Assumptions/Sensitivities/Risks** Based on the estimated cost of preparing an environmental statement for an IA being between £30,000 and £50,000 and the number of EIAs required at reserved matters stage as a result of the regulations to be between 5 and 10 per year.

Price Base Year 2008	Time Period Years 10	<b>Net Benefit Range (NPV)</b> <b>-£4.2m to -£1.2m</b>	<b>NET BENEFIT (NPV Best estimate)</b> <b>See Range</b>		
What is the geographic coverage of the policy/option?		England			
On what date will the policy be implemented?		July 2008			
Which organisation(s) will enforce the policy?		Planning Authorities			
What is the total annual cost of enforcement for these organisations?		£ nil			
Does enforcement comply with Hampton principles?		Yes			
Will implementation go beyond minimum EU requirements?		No			
What is the value of the proposed offsetting measure per year?		£ n/a			
What is the value of changes in greenhouse gas emissions?		£ n/a			
Will the proposal have a significant impact on competition?		No			
Annual cost (£-£) per organisation (excluding one-off)		Micro	Small	Medium	Large
Are any of these organisations exempt?		No	No	N/A	N/A

### Impact on Admin Burdens Baseline (2005 Prices)

(Increase - Decrease)

Increase    £ nil                      Decrease    £                      **Net**                      £ nil

Key:

Annual costs and benefits: Constant Prices

(Net) Present Value

## Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

### **Background to need for amending Regulations**

#### *The EIA Directive, EIA Regulations and Planning Permission*

For specified types of projects, EU Directive 85/337/EEC<sup>8</sup> “on the assessment of the effects of certain public and private projects on the environment” (the EIA Directive), as amended, requires an assessment of the likely significant effects of a proposed project to be carried out before a “competent authority” may grant “development consent” that allows the project to proceed. For projects that are authorised through the town and country planning system, the “competent authority” is the local planning authority (LPA); the “development consent” that entitles the developer to proceed with the project is the grant of planning permission.

In England, for projects authorised through the planning system, the requirements of the EIA Directive are given effect by the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations (SI 1999 No 2939) (the EIA Regulations). They apply to applications for planning permission and, for minerals development, the review of mineral planning permissions under Schedule 2 to the Planning and Compensation Act 1991 and Schedules 13 and 14 to the Environment Act 1995.

#### *Implementation of the Directive and outline planning consent*

The need for this amendment to Regulations arises from inconsistency between the requirements of the EIA Directive and a procedure under the planning system that enables a developer to apply for outline planning permission. This allows a developer to obtain “in principle” approval for the proposed development and for certain matters of detail of the development to be reserved for later approval by the LPA.

The EIA Regulations require an EIA to be carried out before the LPA may grant outline planning permission or review a mineral planning permission. But they do not allow for an assessment to be carried out after this stage, when the authority is considering an application for approval of reserved matters for the development and, for minerals development, the review of mineral planning permissions under Schedule 2 to the Planning and Compensation Act 1991 and Schedules 13 and 14 to the Environment Act 1995. It was argued that this could lead to a breach of the EIA Directive because not all of the environmental effects may be known until the later stage of approval of reserved matters.

#### *UK Court judgments and ECJ ruling*

The European Commission initiated legal proceedings against the UK arguing that an application for outline permission and the subsequent application for approval of reserved matters should together be considered as part of a multi-stage development consent process within the meaning of Article 1.2 of the EIA Directive, and that EIA should therefore be also possible at the later stage if the requirements of the Directive had not been fully met at the earlier stage.

Subsequently, the case of **R v the London Borough of Bromley ex parte Barker** was referred to the European Court of Justice (ECJ) by the House of Lords to clarify the legal position. The ECJ held that an application for outline planning permission and subsequent application for approval of reserved matters were together to be regarded as part of a multi-stage development consent procedure; the environmental assessment should be completed at the earliest possible stage in the development consent procedure, as the EIA Regulations require, but it should be possible for EIA to be carried out at the later stage if it was not completed at the earlier stage. The judgment of the ECJ stated in part that:

*“where national law provides for a consent procedure comprising more than one stage, one involving a principal decision and the other involving an implementing decision which cannot extend beyond the parameters set by the principal decision, the effects which a project may have on the environment*

<sup>8</sup> <http://ec.europa.eu/environment/archives/eia/eia-legalcontext.htm>

<sup>9</sup> <http://www.opsi.gov.uk/si/si1999/19990293.htm>

*must be identified and assessed at the time of the procedure relating to the principal decision. It is only if those effects are not identifiable until the time of the procedure relating to the implementing decision that the assessment should be carried out in the course of that procedure."*

This case and a subsequent High Court judgment drawing upon it suggested that other broadly analogous situations can arise in the planning system, e.g. when full planning permission is granted but is made subject to conditions that require the subsequent formal approval of the LPA before the permission may be implemented. Judgment on a further case (**R (oao Anderson) v Bradford MDC**), which concerned conditions attached to full planning permission for the disposal of controlled waste into a quarry, also noted that a further EIA could sometimes, though perhaps rarely, be required in a situation where approval of conditions was said to amount to a second stage in the consent procedure.

These cases were exceptional and no other examples are known, but it is clear that we must provide for such a possibility in regulations.

### **Options considered**

We have considered the following options in the light of the judgments of the ECJ and the House of Lords.

#### *1. The "Do Nothing" option*

Taking no action would not be a legal option. If we fail to remedy the gap in our Regulations identified by the ECJ, the European Commission will maintain its legal action against the UK under Article 228 of the Treaty. This would lead to the matter again being referred to the ECJ which has the power to impose fines against the UK until such time as action has been taken to comply with the its judgment. These fines will be in the order of tens of millions of Euros, and could be expected to increase the longer we failed to comply with the ECJ judgment. See examples in Annex 1.

#### *2. Selected option: Amend EIA Regulations to allow EIA at approval of reserved matters stage*

This option allows for the possibility that, in a few cases, the requirement for EIA is not fully met at outline planning permission stage. The proposed amendment of the Regulations would allow for the possibility of EIA being carried out when an application for approval of reserved matters is made. This would not be a requirement however to carry out an EIA at every reserved matters stage. EIAs would only be required at reserved matters stage where:

- An EIA should have been carried out at outline planning permission stage but it was either overlooked, or appeared not to be required at that stage; or
- The EIA carried out at the outline planning permission stage required further environmental information

### **Costs and benefits**

#### *Option 1: Costs and Benefits*

Taking no action will lead to infraction proceedings from the ECJ with the potential for large fines as outlined in Annex 1.

#### *Option 2: Costs*

In the cases where EIA was carried out at reserved matters stage and in cases where there were omissions in the original EIA this option will involve additional costs for the developer in preparing an Environmental Statement for an EIA. Similarly, costs incurred by the LPA in assessing the environmental impact assessment would arise at reserved matters stage. These EIAs should however have been carried out in full at the reserved matters stage so the cost will not be an additional burden over what was previously required.

The impact should also be small as the number of cases covered by the amendment to the Regulations is expected to be very small. To put this into perspective, out of over 500,000 planning applications submitted each year<sup>10</sup>, there are only around 350-400 where EIA is required<sup>11</sup>. No figures are available for the number of these which are applications for outline consent, but it is likely to be only a small percentage.

---

<sup>10</sup> 587375 applications were decided in 2006/07. See development control statistics for England: <http://www.communities.gov.uk/planningandbuilding/planningbuilding/planningstatistics/developmentcontrolstatistics/>

<sup>11</sup> This range is taken from an examination of the planet database over the last three years.

The number of cases where an EIA will be required at reserved matters stage due to no EIA having been carried out at outline planning permission stage when it was required or the original EIA omitting environmental information is estimated at between 5 and 10 per year.

There is little information available on the cost of preparing environmental statements for EIAs as consultants will not reveal the cost due to commercial confidentiality. From informal sources we understand costs of a typical EIA to vary between £30,000 and £50,000.

This leads to the following approximate cost estimates for developers:

Low estimate: £30,000 \* 5 = £150,000 per year

High estimate: £50,000 \* 10 = £500,000 per year

There will be costs to Local LPAs of assessing the additional EIAs. No estimates of the cost to LPAs assessing EIAs are available as they are considered as part of the development control process. Given the very low number of additional EIAs as a result of this measure, it is expected that LPAs will meet these costs within existing resources.

### *Option 2: Benefits*

The principal benefit from the preferred option will be the avoidance of the heavy impact on public sector finances from the fines which would be imposed in the event of failure by the UK to amend the Regulations in accordance with the ECJ ruling. As indicated above and in Annex 1, these could be expected to be in the order of tens of millions of Euros, and would continue indefinitely unless and until the Regulations were amended.

Amending the Regulations has potential benefits to both developers and planning authorities, though these cannot be quantified. It should reduce the risk of legal challenge against planning authorities on the grounds that they failed to consider environmental information which has become available at a later stage in the approval procedure. At the same time it will allow proper consideration to be given to the environmental information which becomes available at the reserved matters stage.

### **Responses to consultation on the preferred option**

About 85% of responses supported the proposed amendments to the EIA Regulations.

Around 15% of responses to the consultation document raised concerns about two issues concerning the drafting of the Regulations - the wording of the definition of what constituted a multi-stage consent, and the structure of the amending Regulations. These concerns have been taken on board in the final draft of the Regulations.

### **Specific Impact Tests**

#### *Small Firms Impact Test*

Impacts on small businesses should be minimal as the additional costs will be small and only occur in a few cases.

#### *Competition Assessment*

No impact on competition has been identified.

#### *Legal Aid Impact*

No impact on legal aid has been identified.

#### *Sustainable Development/ Other Environmental Impact*

The only impact identified in this area is that EIA at reserved matters stage would avoid any possibility of the environmental effects of the projects concerned not being fully assessed, and would also ensure that the Directive's requirements are met.

*Carbon Impact*

No impact on carbon has been identified.

*Health Impact*

No impact on health has been identified.

*Race Equality/Disability Equality/Gender Equality Impacts*

No impacts on race equality, disability equality or gender equality have been identified.

*Human Rights Impact*

No impact on human rights has been identified.

*Rural Proofing*

No rural proofing issues have been identified.

## Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

**Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.**

<b>Type of testing undertaken</b>	<b><i>Results in Evidence Base?</i></b>	<b><i>Results annexed?</i></b>
Competition Assessment	Yes	No
Small Firms Impact Test	Yes	No
Legal Aid	Yes	No
Sustainable Development	Yes	No
Carbon Assessment	Yes	No
Other Environment	Yes	No
Health Impact Assessment	Yes	No
Race Equality	Yes	No
Disability Equality	Yes	No
Gender Equality	Yes	No
Human Rights	Yes	No
Rural Proofing	Yes	No

## Annexes

## **Annex 1: Fines levied by ECJ on non compliant Member States**

1. The European Court of Justice (ECJ) can fine any Member State which fails to implement a judgement from the ECJ establishing an infringement of Community law. While the details are for the Court, the European Commission initiates this procedure and makes recommendations on financial penalties.

2. Recommendations are based on the following three criteria:

- the seriousness of the infringement;
- its duration; and
- the need to ensure that the penalty itself is a deterrent to further infringements.

3. This usually involves both a penalty and compliance with the Directive, together with a lump sum penalising the continuation of the infringement between the first judgement on non-compliance and the judgement delivered under Article 228.

4. Since 2000, three Member States have been fined as follows for breaches of Directives:

- A fine of €57,761,250 for each period of 6 months from the date of the judgement, together with a lump sum penalty of €20,000,000.
- A fine of €20,000 for each day of delay in implementing measures required;
- Fines of €624,150 per year and per 1% of areas not in conformity for the year in question, and



*This is an informal consolidation of the 1999 Regulations, up to and including amendments made by the Town and Country Planning (Environmental Impact Assessment) (Amendment) (England) Regulations 2008 (S.I. 2008/2093). It shows the 1999 Regulations as they apply in relation to England. This document has been produced by Communities and Local Government for information purposes. It should not be regarded as a substitute for Statutory Instruments published by the Stationery Office.*

---

STATUTORY INSTRUMENTS

---

**1999 No. 293**

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

**The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999**

<i>Made</i>	- - - -	<i>10th February 1999</i>
<i>Laid before Parliament</i>		<i>19th February 1999</i>
<i>Coming into force</i>	- -	<i>14th March 1999</i>

**CONTENTS**

**PART 1**

General

1. Citation, commencement and application
2. Interpretation
3. Prohibition on granting planning permission without consideration of environmental information

**PART 2**

Screening

4. General provisions relating to screening
5. Requests for screening opinions of the local planning authority
6. Requests for screening directions of the Secretary of State

**PART 3**

Procedures Concerning Applications for Planning Permission

7. Application made to a local planning authority without an environmental statement
8. Application referred to the Secretary of State without an environmental statement
9. Appeal to the Secretary of State without an environmental statement

**PART 4**  
Preparation of Environmental Statements

10. Scoping opinions of the local planning authority
11. Scoping directions of the Secretary of State
12. Procedure to facilitate preparation of environmental statements

**PART 5**  
Publicity and Procedures on Submission of Environmental Statements

13. Procedure where an environmental statement is submitted to a local planning authority
14. Publicity where an environmental statement is submitted after the planning application
15. Provision of copies of environmental statements and further information for the Secretary of State on referral or appeal
16. Procedure where an environmental statement is submitted to the Secretary of State
17. Availability of copies of environmental statements
18. Charges for copies of environmental statements
19. Further information and evidence respecting environmental statements

**PART 6**  
Availability of Directions etc and Notification of Decisions

20. Availability of opinions, directions etc for inspection
21. Duties to inform the public and the Secretary of State of final decisions

**PART 7**  
Special Cases

22. Development by a local planning authority
23. Restriction of grant of permission by old simplified planning zone schemes or enterprise zone orders
24. Restriction of grant of permission by new simplified planning zone schemes or enterprise zone orders
- 24A. Restriction of grant of planning permission by local development order
25. Unauthorised development
26. Unauthorised development with significant transboundary effects
- 26A. ROMP applications
- 26B. ROMP applications: duty to make a prohibition order after two years suspension of permission

**PART 8**  
Development with Significant Transboundary Effects

27. Development in England .. likely to have significant effects in another [EEA State]
28. Projects in another [EEA State] likely to have significant transboundary effects

**PART 9**  
Miscellaneous

29. Service of notices etc
30. Application to the High Court
31. Hazardous waste and material change of use
32. Extension of the period for an authority's decision on a planning application
33. Extension of the power to provide in a development order for the giving of directions as respects the manner in which planning applications are dealt with
34. Revocation of Statutory Instruments and transitional provisions
35. Miscellaneous and consequential amendments
36. Projects serving national defence purposes in Scotland
37. Projects serving national defence purposes in Wales
38. Projects serving national defence purposes in Northern Ireland

---

SCHEDULE 1 — Descriptions of Development for the Purposes of the Definition of “Schedule 1 Development”

SCHEDULE 2 — Descriptions of Development and Applicable Thresholds and Criteria for the Purposes of the Definition of “Schedule 2 Development”

The Secretary of State for the Environment, Transport and the Regions, as respects England, and the Secretary of State for Wales, as respects Wales, being designated<sup>(12)</sup> Ministers for the purposes of section 2(2) of the European Communities Act 1972<sup>(13)</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 by that section and section 71A of the Town and Country Planning Act 1990<sup>(14)</sup> and of all other powers enabling them in that behalf, and having taken into account the selection criteria in Annex III to Council Directive 85/337/EEC<sup>(15)</sup> as amended by Council Directive 97/11/EC<sup>(16)</sup> hereby make the following Regulations:

## PART 1

### General

#### **Citation, commencement and application**

1.—(1) These Regulations may be cited as the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and shall come into force on 14th March 1999.

(2) Subject to [paragraphs (3) and (4)], these Regulations shall apply throughout England ...

(3) Paragraphs (2) and (5)(a) of regulation 14 shall not apply to the Isles of Scilly and, in relation to the Isles of Scilly, the reference in paragraph (6) of that regulation to paragraph (5) of that regulation shall be construed as a reference to paragraph (5)(b).

(4) ...

---

<sup>(12)</sup> S.I. 1988/785. See also the Secretary of State for the Environment, Transport and the Regions Order 1997 (S.I. 1997/2971).

<sup>(13)</sup> 1972 c. 68.

<sup>(14)</sup> 1990 c. 8. Section 71A was inserted by section 15 of the Planning and Compensation Act 1991 (c. 34).

<sup>(15)</sup> O.J. No. L 175, 5.7.1985, p. 40.

<sup>(16)</sup> O.J. No. L 73, 14.3.1997, p. 5.

## Interpretation

### 2.—(1) In these Regulations—

“the Act” means the Town and Country Planning Act 1990(**17**) and references to sections are references to sections of that Act;

“the 1991 Act” means the Planning and Compensation Act 1991(**18**);

“the 1995 Act” means the Environment Act 1995(**19**);

“any other information” means any other substantive information relating to the environmental statement and provided by the applicant or the appellant as the case may be;

“any particular person” includes any non-governmental organisation promoting environmental protection;

“the consultation bodies” means—

- (a) any body which the relevant planning authority is required to consult, or would, if an application for planning permission for the development in question were before them, be required to consult by virtue of article 10 (consultations before the grant of permission) of the Order or of any direction under that article; and
- (b) the following bodies if not referred to in sub-paragraph (a)—
  - (i) any principal council for the area where the land is situated, if not the relevant planning authority;
  - (ii) where the land is situated in England, the Countryside Commission(**20**) and [English Nature(**21**)];
  - (iii) ...
  - (iv) the Environment Agency(**22**);
  - (v) other bodies designated by statutory provision as having specific environmental responsibilities and which the relevant planning authority or the Secretary of State, as the case may be, considers are likely to have an interest in the application;

“the Directive” means Council Directive 85/337/EEC(**23**);

“EEA State” means a State party to the Agreement on the European Economic Area(**24**);

[“EIA application” means—

- (a) an application for planning permission for EIA development; or
- (b) a subsequent application in respect of EIA development;]

“EIA development” means development which is either—

- (a) Schedule 1 development; or
- (b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location;

“environmental information” means the environmental statement, including any further information and any other information, any representations made by any body required by these Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development;

“environmental statement” means a statement—

---

(17) 1990 c. 8.

(18) 1991 c. 34, to which there are amendments not relevant to these Regulations.

(19) 1995 c. 25, to which there are amendments not relevant to these Regulations.

(20) See section 1(1) of the National Parks and Access to the Countryside Act 1949 (c. 97), as substituted by the Environmental Protection Act 1990 (c. 43), section 130 and Schedule 8, paragraph 1.

(21) The words “English Nature” were substituted by the Countryside and Rights of Way Act 2000 (c. 37), section 73(2).

(22) See section 1(1) of the Environment Act 1995 (c. 25).

(23) O.J. No. L 175, 5.7.1985, p. 40. Council Directive 85/337/EEC was amended by Council Directive 97/11/EC, O.J. No. L 73, 14.3.1997, p. 5.

(24) Cm 2073. The Agreement was adjusted by a Protocol signed at Brussels on 17th March 1993.

- (a) that includes such of the information referred to in Part I of Schedule 4 as is reasonably required to assess the environmental effects of the development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile, but
  - (b) that includes at least the information referred to in Part II of Schedule 4;
- “exempt development” means development . . . in respect of which the Secretary of State has made a direction under regulation 4(4);
- “further information” has the meaning given in regulation 19(1);
- “General Regulations” means the Town and Country Planning General Regulations 1992(25);
- “inspector” means a person appointed by the Secretary of State pursuant to Schedule 6 to the Act(26) to determine an appeal;
- “the land” means the land on which the development would be carried out or, in relation to development already carried out, has been carried out;
- [“by local advertisement”, in relation to a notice, means—
- (a) by publication of the notice in a newspaper circulating in the locality in which the land to which the application or appeal relates is situated; and
  - (b) where the relevant planning authority maintains a website for the purpose of advertisement of applications, by publication of the notice on the website;]

[“local development order” means a local development order made pursuant to section 61A of the Act(27); and

“LDO” means a local development order;]

“the Order” means the Town and Country Planning (General Development Procedure) Order 1995(28);

“principal council” has the meaning given by sub-section (1) of section 270 (general provisions as to interpretation) of the Local Government Act 1972(29);

“register” means a register kept pursuant to section 69 (registers of applications etc) and “appropriate register” means the register on which particulars of an application for planning permission for the relevant development have been placed or would fall to be placed if such an application were made;

[“relevant mineral planning authority” means the body to whom it falls, fell, or would, but for a direction under paragraph—

    - (a) 7 of Schedule 2 to the 1991 Act;
    - (b) 13 of Schedule 13 to the 1995 Act; or
    - (c) 8 of Schedule 14 to the 1995 Act,

fall to determine the ROMP application in question;]

“relevant planning authority” means the body to whom it falls, fell, or would, but for a direction under section 77(30) (reference of applications to Secretary of State), fall to determine an application for planning permission for the development in question;

[“ROMP application” means an application to a relevant mineral planning authority to determine the conditions to which a planning permission is to be subject under paragraph—

    - (a) 2(2) of Schedule 2 to the 1991 Act (registration of old mining permissions);
    - (b) 9(1) of Schedule 13 to the 1995 Act (review of old mineral planning permissions); or

---

(25) S.I. 1992/1492. Relevant amending instruments are S.I. 1992/1982 and S.I. 1997/3006.

(26) Schedule 6 was amended by the Environment Act 1995 (c. 25), Schedule 22, paragraph 44.

(27) Section 61A of the Town and Country Planning Act 1990 was inserted by section 40 of the Planning and Compulsory Purchase Act 2004 (c.5).

(28) S.I. 1995/419. Relevant amendments were made by S.I. 1996/1817. See also paragraph 233(1) of Schedule 22 to the Environment Act 1995.

(29) 1972 c. 70.

(30) Section 77 was amended by the Planning and Compensation Act 1991, Schedule 7, paragraph 18.

(c) 6(1) of Schedule 14 to the 1995 Act (periodic review of mineral planning permissions);]

["ROMP development" means development which has yet to be carried out and which is authorised by a planning permission in respect of which a ROMP application has been or is to be made;]

["ROMP subsequent application" means an application for approval of a matter where the approval—

(a) is required by or under a condition to which a planning permission is subject following determination of a ROMP application; and

(b) must be obtained before all or part of the minerals development permitted by the planning permission may be begun or continued;]

["ROMP subsequent consent" means consent granted pursuant to a ROMP subsequent application;]

["Schedule 1 application" means—

(a) an application for planning permission for Schedule 1 development; or

(b) a subsequent application in respect of Schedule 1 development; and

"Schedule 2 application" means—

(a) an application for planning permission for Schedule 2 development; or

(b) a subsequent application in respect of Schedule 2 development;]

"Schedule 1 development" means development, other than exempt development, of a description mentioned in Schedule 1;

"Schedule 2 development" means development, other than exempt development, of a description mentioned in Column 1 of the table in Schedule 2 where—

(a) any part of that development is to be carried out in a sensitive area; or

(b) any applicable threshold or criterion in the corresponding part of Column 2 of that table is respectively exceeded or met in relation to that development;

"scoping direction" and "scoping opinion" have the meanings given in regulation 10;

"screening direction" means a direction made by the Secretary of State as to whether development is EIA development;

"screening opinion" means a written statement of the opinion of the relevant planning authority as to whether development is EIA development;

"sensitive area" means any of the following—

(a) land notified under sub-section (1) of section 28 (areas of special scientific interest) of the Wildlife and Countryside Act 1981<sup>(31)</sup>;

(b) land to which sub-section (3) of section 29 (nature conservation orders) of the Wildlife and Countryside Act 1981 applies;

(c) an area to which paragraph (u)(ii) in the table in article 10 of the Order applies;

(d) a National Park within the meaning of the National Parks and Access to the Countryside Act 1949<sup>(32)</sup>;

(e) the Broads<sup>(33)</sup>;

(f) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage<sup>(34)</sup>;

---

(31) 1981 c. 69, amended by the Wildlife and Countryside (Amendment) Act 1985 (c. 31), the Wildlife and Countryside (Service of Notices) Act 1985 (c. 59), the Norfolk and Suffolk Broads Act 1988 (c. 4) and the Planning (Consequential Provisions) Act 1990 (c. 11).

(32) 1949 c. 97. Relevant amendments were made by the Environment Act 1995 (c. 25), Schedule 10, paragraph 2.

(33) See the Norfolk and Suffolk Broads Act 1988 (c. 4).

(34) See Command Paper 9424.

- (g) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979<sup>(35)</sup>;
- (h) an area of outstanding natural beauty designated as such by an order made by the Countryside Commission, as respects England, .. under section 87 (designation of areas of outstanding natural beauty) of the National Parks and Access to the Countryside Act 1949<sup>(36)</sup> as confirmed by the Secretary of State;
- (i) a European site within the meaning of regulation 10 of the Conservation (Natural Habitats etc) Regulations 1994<sup>(37)</sup>;

[“subsequent application” means an application for approval of a matter where the approval—

- (a) is required by or under a condition to which a planning permission is subject; and
- (b) must be obtained before all or part of the development permitted by the planning permission may be begun;”

“subsequent consent” means consent granted pursuant to a subsequent application.]

(2) Subject to paragraph (3), expressions used both in these Regulations and in the Act have the same meaning for the purposes of these Regulations as they have for the purposes of the Act.

(3) Expressions used both in these Regulations and in the Directive (whether or not also used in the Act) have the same meaning for the purposes of these Regulations as they have for the purposes of the Directive.

(4) In these Regulations any reference to a Council Directive is a reference to that Directive as amended at the date these Regulations were made.

(5) In these Regulations references to the Secretary of State shall not be construed as references to an inspector.

(6) ...

**[Prohibition on granting planning permission or subsequent consent without consideration of environmental information**

3.—(1) This regulation applies—

- (a) to every application for planning permission for EIA development received by the authority with whom it is lodged on or after the commencement of these Regulations;
- (b) to every application for planning permission for EIA development lodged by an authority pursuant to regulation 3 or 4 (applications for planning permission) of the General Regulations on or after that date;
- (c) to every subsequent application in respect of EIA development received by the authority with whom it is lodged on or after the commencement of these Regulations but which was not determined by 1st September 2008; and
- (d) to every subsequent application in respect of EIA development lodged by an authority pursuant to regulation 11 of the General Regulations on or after the commencement of these Regulations but which was not determined by 1st September 2008;

and for the purposes of this paragraph, the date of receipt of an application by an authority shall be determined in accordance with paragraph (3) of article 20 (time periods for decision) of the Order.

(2) The relevant planning authority or the Secretary of State or an inspector shall not grant planning permission or subsequent consent pursuant to an application to which this regulation applies unless they have first taken the environmental information into consideration, and they shall state in their decision that they have done so.]

---

<sup>(35)</sup> 1979 c. 46. See the definition in section 1(11).

<sup>(36)</sup> 1949 c. 97. Section 87 was amended by paragraph 1(12) of Schedule 8 to the Environmental Protection Act 1990 (c. 43).

<sup>(37)</sup> S.I. 1994/2716.

## PART 2

### Screening

#### General provisions relating to screening

4.—(1) Subject to paragraphs (3) and (4), the occurrence of an event mentioned in paragraph (2) shall determine for the purpose of these Regulations that development is EIA development.

(2) The events referred to in paragraph (1) are—

- (a) the submission by the applicant or appellant in relation to that development of a statement referred to by the applicant or appellant as an environmental statement for the purposes of these Regulations; or
- (b) the adoption by the relevant planning authority of a screening opinion to the effect that the development is EIA development.

(3) A direction of the Secretary of State shall determine for the purpose of these Regulations whether development is or is not EIA development.

(4) (a) [The Secretary of State may direct that these Regulations shall not apply to a particular proposed development specified in the direction either—

- (i) in accordance with Article 2(3) of the Directive (but without prejudice to Article 7 of the Directive), or
- (ii) if the development comprises or forms part of a project serving national defence purposes and in the opinion of the Secretary of State compliance with these Regulations would have an adverse effect on those purposes.

(b) Where a direction is given under paragraph (4)(a) the Secretary of State must send a copy of any such direction to the relevant planning authority.

(4A) Where a direction is given under paragraph (4)(a)(i) the Secretary of State must—

- (a) make available to the public the information considered in making the direction and the reasons for making the direction;
- (b) consider whether another form of assessment would be appropriate; and
- (c) take such steps as are considered appropriate to bring the information obtained under the other form of assessment to the attention of the public.]

(5) Where a local planning authority or the Secretary of State has to decide under these Regulations whether Schedule 2 development is EIA development the authority or Secretary of State shall take into account in making that decision such of the selection criteria set out in Schedule 3 as are relevant to the development.

(6) Where—

- (a) a local planning authority adopt a screening opinion; or
- (b) the Secretary of State makes a screening direction under these Regulations;

to the effect that development is EIA development—

- (i) that opinion or direction shall be accompanied by a written statement giving clearly and precisely the full reasons for that conclusion; and
- (ii) the authority or the Secretary of State, as the case may be, shall send a copy of the opinion or direction and a copy of the written statement required by sub-paragraph (i) to the person who proposes to carry out, or who has carried out, the development in question.

(7) The Secretary of State may make a screening direction irrespective of whether he has received a request to do so.

(8) The Secretary of State may direct that particular development of a description mentioned in Column 1 of the table in Schedule 2 is EIA development in spite of the fact that none of the

conditions contained in sub-paragraphs (a) and (b) of the definition of “Schedule 2 development” is satisfied in relation to that development.

(9) The Secretary of State shall send a copy of any screening direction to the relevant planning authority.

### **Requests for screening opinions of the local planning authority**

**5.**—(1) A person who is minded to carry out development may request the relevant planning authority to adopt a screening opinion.

(2) A request for a screening opinion shall be accompanied by—

(a) a plan sufficient to identify the land;

[(aa) sufficient information to enable the relevant planning authority to identify any planning permission granted for the development in respect of which a subsequent application has been made;]

(b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and

(c) such other information or representations as the person making the request may wish to provide or make.

(3) An authority receiving a request for a screening opinion shall, if they consider that they have not been provided with sufficient information to adopt an opinion, notify in writing the person making the request of the points on which they require additional information.

(4) An authority shall adopt a screening opinion within three weeks beginning with the date of receipt of a request made pursuant to paragraph (1) or such longer period as may be agreed in writing with the person making the request.

(5) An authority which adopts a screening opinion pursuant to paragraph (4) shall forthwith send a copy to the person who made the request.

(6) Where an authority—

(a) fail to adopt a screening opinion within the relevant period mentioned in paragraph (4); or

(b) adopt an opinion to the effect that the development is EIA development;

the person who requested the opinion may request the Secretary of State to make a screening direction.

(7) The person may make a request pursuant to paragraph (6) even if the authority has not received additional information which is sought under paragraph (3).

### **Requests for screening directions of the Secretary of State**

**6.**—(1) A person who pursuant to regulation 5(6) requests the Secretary of State to make a screening direction shall submit with his request—

(a) a copy of his request to the relevant planning authority under regulation 5(1) and the documents which accompanied it;

(b) a copy of any notification under regulation 5(3) which he has received and of any response;

(c) a copy of any screening opinion he has received from the authority and of any accompanying statement of reasons; and

(d) any representations that he wishes to make.

(2) When a person makes a request pursuant to regulation 5(6) he shall send to the relevant planning authority a copy of that request and of any representations he makes to the Secretary of State.

(3) The Secretary of State shall, if he considers that he has not been provided with sufficient information to make a screening direction, notify in writing the person making the request

pursuant to regulation 5(6) of the points on which he requires additional information, and may request the relevant planning authority to provide such information as they can on any of those points.

(4) The Secretary of State shall make a screening direction within three weeks beginning with the date of receipt of a request pursuant to regulation 5(6) or such longer period as he may reasonably require.

(5) The Secretary of State shall send a copy of any screening direction made pursuant to paragraph (4) forthwith to the person who made the request.

## PART 3

### Procedures Concerning Applications for Planning Permission

#### **[Application made to a local planning authority without an environmental statement**

7.—(1) Where it appears to the relevant planning authority that—

- (a) an application which is before them for determination is a Schedule 1 application or Schedule 2 application; and
- (b) the development in question—
  - (i) has not been the subject of a screening opinion or screening direction; or
  - (ii) in the case of a subsequent application, was the subject of a screening opinion or direction before planning permission was granted to the effect that it is not EIA development; and
- (c) the application is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

paragraphs (3) and (4) of regulation 5 shall apply as if the receipt or lodging of the application were a request made under regulation 5(1).

(2) Where an EIA application which is before a local planning authority for determination is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations, the authority shall notify the applicant in writing that the submission of an environmental statement is required.

(3) Where the relevant planning authority is aware that any particular person is or is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of a site notice or by local advertisement, the relevant planning authority shall notify the applicant of any such person.

(4) An authority shall notify the applicant in accordance with paragraph (2) within three weeks beginning with the date of receipt of the application or such longer period as may be agreed in writing with the applicant; but where the Secretary of State, after the expiry of that period of three weeks or of any longer period so agreed, makes a screening direction to the effect that the development is EIA development, the authority shall so notify the applicant within seven days beginning with the date the authority received a copy of that screening direction.

(5) An applicant receiving a notification pursuant to paragraph (2) may, within three weeks beginning with the date of the notification, write to the authority stating—

- (a) that he accepts their view and is providing an environmental statement; or
- (b) unless the condition referred to in paragraph (6) is satisfied, that he is writing to the Secretary of State to request a screening direction.

(6) For the purpose of paragraph (5)(b) the condition is—

- (a) if the application referred to in paragraph (2) is an application for planning permission, that the Secretary of State has made a screening direction in respect of the development;

- (b) if the application referred to in paragraph (2) is a subsequent application, that the Secretary of State has made a screening direction subsequent to that application in respect of the development.

(7) If the applicant does not write to the authority in accordance with paragraph (5), the permission or subsequent consent sought shall, unless the condition referred to in paragraph (8) is satisfied, be deemed to be refused at the end of the relevant three week period, and the deemed refusal—

- (a) shall be treated as a decision of the authority for the purposes of paragraph (4)(c) of article 25 (register of applications) of the Order; but
- (b) shall not give rise to an appeal to the Secretary of State by virtue of section 78 (right to appeal against planning decisions and failure to take such decisions).

(8) For the purpose of paragraph (7) the condition is—

- (a) if the application referred to in paragraph (2) is an application for planning permission, that the Secretary of State has made a screening direction to the effect that the development is not EIA development;
- (b) if the application referred to in paragraph (2) is a subsequent application, that the Secretary of State has made a screening direction subsequent to that application, to the effect that the development is not EIA development.

(9) An authority which has given a notification in accordance with paragraph (2) shall, unless the Secretary of State makes a screening direction to the effect that the development is not EIA development, determine the relevant application only by refusing planning permission or subsequent consent if the applicant does not submit an environmental statement and comply with regulation 14(5).

(10) A person who requests a screening direction pursuant to paragraph (5)(b) shall send to the Secretary of State with his request copies of—

- (a) his application;
- (b) all documents sent to the authority as part of the application;
- (c) all correspondence between the applicant and the authority relating to the proposed development;
- (d) a copy of any planning permission granted for the development; and
- (e) in the case of a subsequent application, documents or information relating to the planning permission granted for the development that are relevant to the application,

and paragraphs (2) to (5) of regulation 6 shall apply to a request under this regulation as they apply to a request made pursuant to regulation 5(6).]

### **Application referred to the Secretary of State without an environmental statement**

**8.**—(1) Where it appears to the Secretary of State that an application for planning permission which has been [made or] referred to him for determination—

- (a) is a Schedule 1 application or Schedule 2 application; and
- (b) the development in question has not been the subject of a screening opinion or screening direction; and
- (c) the application is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

paragraphs (3) and (4) of regulation 6 shall apply as if the [making or the] referral of the application were a request made by the applicant pursuant to regulation 5(6).

(2) Where it appears to the Secretary of State that an application which has been [made or] referred to him for determination is an EIA application and is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations, he shall notify the applicant in writing that the submission of an environmental statement is required and shall send a copy of that notification to the relevant planning authority.

(3) The Secretary of State shall notify the applicant in accordance with paragraph (2) within three weeks beginning with the date he received the application or such longer period as he may reasonably require.

[(3A) Where the Secretary of State is aware that any particular person is or is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of a site notice or by local advertisement, the Secretary of State shall notify the applicant of any such person.]

(4) An applicant who receives a notification under paragraph (2) may within three weeks beginning with the date of the notification write to the Secretary of State stating that he proposes to provide an environmental statement.

(5) If the applicant does not write in accordance with paragraph (4), the Secretary of State shall be under no duty to deal with the application; and at the end of the three week period he shall inform the applicant in writing that no further action is being taken on the application.

(6) Where the Secretary of State has given a notification under paragraph (2), he shall determine the relevant application only by refusing planning permission if the applicant does not submit an environmental statement and comply with regulation 14(5).

### **Appeal to the Secretary of State without an environmental statement**

**9.—(1)** Where on consideration of an appeal under section 78 (right to appeal against planning decisions and failure to take such decisions) it appears to the Secretary of State that—

- (a) the relevant application is a Schedule 1 application or Schedule 2 application; and
- (b) the development in question has not been the subject of a screening opinion or screening direction; and
- (c) the relevant application is not accompanied by a statement referred to by the appellant as an environmental statement for the purposes of these Regulations,

paragraphs (3) and (4) of regulation 6 shall apply as if the appeal were a request made by the appellant pursuant to regulation 5(6).

(2) Where an inspector is dealing with an appeal and a question arises as to whether the relevant application is an EIA application and it appears to the inspector that it may be such an application, the inspector shall refer that question to the Secretary of State and shall not determine the appeal, except by refusing planning permission, before he receives a screening direction.

(3) Paragraphs (3) and (4) of regulation 6 shall apply to a question referred under paragraph (2) as if the referral of that question were a request made by the appellant pursuant to regulation 5(6).

(4) Where it appears to the Secretary of State that the relevant application is an EIA application and is not accompanied by a statement referred to by the appellant as an environmental statement for the purposes of these Regulations, he shall notify the appellant in writing that the submission of an environmental statement is required and shall send a copy of that notification to the relevant planning authority.

[(4A) Where the Secretary of State is aware that any particular person is or is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of a site notice or by local advertisement, the Secretary of State shall notify the appellant of any such person.]

(5) An appellant who receives a notification under paragraph (4) may within three weeks beginning with the date of the notification write to the Secretary of State stating that he proposes to provide an environmental statement.

(6) If the appellant does not write in accordance with paragraph (5), the Secretary of State or, where relevant, the inspector shall be under no duty to deal with the appeal; and at the end of the three week period he shall inform the appellant that no further action is being taken on the appeal.

(7) Where the Secretary of State has given a notification under paragraph (4), the Secretary of State or, where relevant, the inspector shall determine the appeal only by refusing planning

permission if the appellant does not submit an environmental statement and comply with regulation 14(5).

## PART 4

### Preparation of Environmental Statements

#### Scoping opinions of the local planning authority

**10.**—(1) A person who is minded to make an EIA application may ask the relevant planning authority to state in writing their opinion as to the information to be provided in the environmental statement (a “scoping opinion”).

(2) A request under paragraph (1) shall include—

- (a) a plan sufficient to identify the land;
- [(aa) sufficient information to enable the relevant planning authority to identify any planning permission granted for the development in respect of which a subsequent application has been made;]
- (b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and
- (c) such other information or representations as the person making the request may wish to provide or make.

(3) An authority receiving a request under paragraph (1) shall, if they consider that they have not been provided with sufficient information to adopt a scoping opinion, notify the person making the request of the points on which they require additional information.

(4) An authority shall not adopt a scoping opinion in response to a request under paragraph (1) until they have consulted the person who made the request and the consultation bodies, but shall, subject to paragraph (5), within five weeks beginning with the date of receipt of that request or such longer period as may be agreed in writing with the person making the request, adopt a scoping opinion and send a copy to the person who made the request.

(5) Where a person has, at the same time as making a request for a screening opinion under regulation 5(1), asked the authority for an opinion under paragraph (1) above, and the authority have adopted a screening opinion to the effect that the development is EIA development, the authority shall, within five weeks beginning with the date on which that screening opinion was adopted or such longer period as may be agreed in writing with the person making the request, adopt a scoping opinion and send a copy to the person who made the request.

(6) Before adopting a scoping opinion the authority shall take into account—

- (a) the specific characteristics of the particular development;
- (b) the specific characteristics of development of the type concerned; and
- (c) the environmental features likely to be affected by the development.

(7) Where an authority fail to adopt a scoping opinion within the relevant period mentioned in paragraph (4) or (5), the person who requested the opinion may under regulation 11(1) ask the Secretary of State to make a direction as to the information to be provided in the environmental statement (a “scoping direction”).

(8) Paragraph (7) applies notwithstanding that the authority may not have received additional information which they have sought under paragraph (3).

(9) An authority which has adopted a scoping opinion in response to a request under paragraph (1) shall not be precluded from requiring of the person who made the request additional information in connection with any statement that may be submitted by that person as an environmental statement in connection with an application for planning permission [or a subsequent application] for the same development as was referred to in the request.

### **Scoping directions of the Secretary of State**

**11.**—(1) A request made under this paragraph pursuant to regulation 10(7) shall include—

- (a) a copy of the relevant request to the relevant planning authority under regulation 10(1);
- (b) a copy of any relevant notification under regulation 10(3) and of any response;
- (c) a copy of any relevant screening opinion received by the person making the request and of any accompanying statement of reasons; and
- (d) any representations that the person making the request wishes to make.

(2) When a person makes a request under paragraph (1) he shall send to the relevant planning authority a copy of that request, but that copy need not include the matters mentioned in subparagraphs (a) to (c) of that paragraph.

(3) The Secretary of State shall notify in writing the person making the request of any points on which he considers the information provided pursuant to paragraph (1) is insufficient to enable him to make a scoping direction; and may request the relevant planning authority to provide such information as they can on any of those points.

(4) The Secretary of State shall not make a scoping direction in response to a request under paragraph (1) until he has consulted the person making the request and the consultation bodies, but shall, within five weeks beginning with the date of receipt of that request or such longer period as he may reasonably require, make a direction and send a copy to the person who made the request and to the relevant planning authority.

(5) Before making a scoping direction the Secretary of State shall take into account the matters specified in regulation 10(6).

(6) Where the Secretary of State has made a scoping direction in response to a request under paragraph (1) neither he nor the relevant planning authority shall be precluded from requiring of the person who made the request additional information in connection with any statement that may be submitted by that person as an environmental statement in connection with an application for planning permission [or a subsequent application] for the same development as was referred to in the request.

### **Procedure to facilitate preparation of environmental statements**

**12.**—(1) Any person who intends to submit an environmental statement to the relevant planning authority or the Secretary of State under these Regulations may give notice in writing to that authority or the Secretary of State under this paragraph.

(2) A notice under paragraph (1) shall include the information necessary to identify the land and the nature and purpose of the development, and shall indicate the main environmental consequences to which the person giving the notice proposes to refer in his environmental statement.

(3) The recipient of—

- (a) such notice as is mentioned in paragraph (1); or
- (b) a written statement made pursuant to regulation 7[(5)](a), or 8(4) or 9(5)

shall—

- (i) notify the consultation bodies in writing of the name and address of the person who intends to submit an environmental statement and of the duty imposed on the consultation bodies by paragraph (4) to make information available to that person; and
- (ii) inform in writing the person who intends to submit an environmental statement of the names and addresses of the bodies so notified.

(4) Subject to paragraph (5), the relevant planning authority and any body notified in accordance with paragraph (3) shall, if requested by the person who intends to submit an environmental statement enter into consultation with that person to determine whether the [authority or] body has in its possession any information which he or they consider relevant to the preparation of the

environmental statement and, if they have, the [authority or] body shall make that information available to that person.

(5) Paragraph (4) shall not require the disclosure of information which is capable of being treated as confidential, or must be so treated, under regulation 4 of the Environmental Information Regulations 1992(38).

(6) A reasonable charge reflecting the cost of making the relevant information available may be made by [an authority or body], which makes information available in accordance with paragraph (4).

## PART 5

### Publicity and Procedures on Submission of Environmental Statements

#### **Procedure where an environmental statement is submitted to a local planning authority**

**13.**—(1) When an applicant making an EIA application submits to the relevant planning authority a statement which he refers to as an environmental statement for the purposes of these Regulations he shall provide the authority with [two] additional copies of the statement for transmission to the Secretary of State and, if at the same time he serves a copy of the statement on any other body, he shall—

- (a) serve with it a copy of the application and any plan submitted with the application (unless he has already served these documents on the body in question);
- (b) inform the body that representations may be made to the relevant planning authority; and
- (c) inform the authority of the name of every body whom he has so served and of the date of service.

(2) When a relevant planning authority receive in connection with an EIA application such a statement as is first mentioned in paragraph (1) the authority shall—

- (a) send to the Secretary of State, within 14 days of receipt of the statement, [two] copies of the statement and a copy of the relevant application and of any documents submitted with the application;
- (b) inform the applicant of the number of copies required to enable the authority to comply with sub-paragraph (c) below; and
- (c) forward to any consultation body which has not received a copy direct from the applicant a copy of the statement and inform any such consultation body that they may make representations;
- (d) [where the relevant planning authority is aware of any particular person who is or is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of a site notice or by local advertisement, send a notice to such person containing the details set out in regulation 14(2)(b) to (j) and the name and address of the relevant planning authority].

(3) The applicant shall send the copies required for the purposes of paragraph (2)(c) to the relevant planning authority.

[(3A) Where an applicant submits an environmental statement to the authority in accordance with paragraph (1), the provisions of article 8 of and Schedule 3 to the Order (publicity for applications for planning permission) shall apply to a subsequent application as they apply to a planning application falling within paragraph 8(2) of the Order except that for the reference in the notice in Schedule 3 to the Order to “planning permission to” there shall be substituted “subsequent application in respect of”.]

---

(38) S.I. 1992/3240, amended by S.I. 1998/1447.

(4) The relevant planning authority shall not determine the application until the expiry of 14 days from the last date on which a copy of the statement was served in accordance with this regulation.

#### **Publicity where an environmental statement is submitted after the planning application**

14.—(1) Where an application for planning permission [or a subsequent application] has been made without a statement which the applicant refers to as an environmental statement for the purposes of these Regulations and the applicant proposes to submit such a statement, he shall, before submitting it, comply with paragraphs (2) to (4).

(2) The applicant shall publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

- (a) his name and that he is the applicant for planning permission [or subsequent consent] and the name and address of the relevant planning authority;
- (b) the date on which the application was made and, if it be the case, that it has been referred to the Secretary of State for determination or is the subject of an appeal to him;
- (c) the address or location and the nature of the proposed development;
- (d) that a copy of the application and of any plan and other documents submitted with it together with a copy of the environmental statement and, in the case of a subsequent application, a copy of the planning permission in respect of which that application has been made and supporting documents, may be inspected by members of the public at all reasonable hours;
- (e) an address in the locality in which the land is situated at which those documents may be inspected, and the latest date on which they will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);
- (f) an address (whether or not the same as that given under sub-paragraph (e)) in the locality in which the land is situated at which copies of the statement may be obtained;
- (g) that copies may be obtained there so long as stocks last;
- (h) if a charge is to be made for a copy, the amount of the charge;
- (i) that any person wishing to make representations about the application should make them in writing, before the date named in accordance with sub-paragraph (e), to the relevant planning authority or (in the case of an application referred to the Secretary of State or an appeal) to the Secretary of State; and
- (j) in the case of an application referred to the Secretary of State or an appeal, the address to which representations should be sent.

[(2A) Where the applicant has been notified under regulation [7(3)], 8(3A) or 9(4A) of such a person as mentioned in any of those paragraphs, he shall serve a notice on every person of whom he has been so notified; and the notice shall contain the information specified in paragraph (2), except that the date specified as the latest date on which the documents will be available for inspection shall not be less than 21 days later than the date on which the notice is first served.]

(3) The applicant shall, unless he has not, and was not reasonably able to acquire, such rights as would enable him to do so, post on the land a notice containing the information specified in paragraph (2), except that the date named as the latest date on which the documents will be available for inspection shall be not less than 21 days later than the date on which the notice is first posted.

(4) The notice mentioned in paragraph (3) must—

- (a) be left in position for not less than seven days in the 28 days immediately preceding the date of the submission of the statement; and
- (b) be affixed firmly to some object on the land and sited and displayed in such a way as to be easily visible to, and readable by, members of the public without going on to the land.

(5) The statement, when submitted, shall be accompanied by—

- (a) a copy of the notice mentioned in paragraph (2) certified by or on behalf of the applicant as having been published in a named newspaper on a date specified in the certificate; and
- (b) a certificate by or on behalf of the applicant which states either—
  - (i) that he has posted a notice on the land in compliance with this regulation and when he did so, and that the notice was left in position for not less than seven days in the 28 days immediately preceding the date of the submission of the statement, or that, without any fault or intention on his part, it was removed, obscured or defaced before seven days had elapsed and he took reasonable steps for its protection or replacement, specifying the steps taken; or
  - (ii) that the applicant was unable to comply with paragraphs (3) and (4) above because he did not have the necessary rights to do so; that he has taken such reasonable steps as are open to him to acquire those rights; and has been unable to do so, specifying the steps taken.

(6) Where an applicant indicates that he proposes to provide such a statement and in such circumstances as are mentioned in paragraph (1), the relevant planning authority, the Secretary of State or the inspector, as the case may be, shall (unless disposed to refuse the permission [or subsequent consent] sought) suspend consideration of the application or appeal until receipt of the statement and the other documents mentioned in paragraph (5); and shall not determine it during the period of 21 days beginning with the date of receipt of the statement and the other documents so mentioned.

(7) If any person issues a certificate which purports to comply with the requirements of paragraph (5)(b) and which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) Where it is proposed to submit an environmental statement in connection with an appeal, this regulation applies with the substitution, except in paragraph (2)(a), of references to the appellant for references to the applicant.

**Provision of copies of environmental statements and further information for the Secretary of State on referral or appeal**

15. Where an applicant for planning permission [or subsequent consent] has submitted to the relevant planning authority in connection with his application a statement which he refers to as an environmental statement for the purposes of these Regulations, or further information, and—

- (a) the application is referred to the Secretary of State under section 77 (reference of applications to Secretary of State); or
- (b) the applicant appeals under section 78 (right to appeal against planning decisions and failure to take such decisions),

the applicant shall supply the Secretary of State with three [two] copies of the statement and, where relevant, the further information unless, in the case of a referred application, the relevant planning authority have done so when referring the application to him.

**Procedure where an environmental statement is submitted to the Secretary of State**

16.—(1) This regulation applies where an applicant submits to the Secretary of State, in relation to an EIA application which is before the Secretary of State or an inspector for determination or is the subject of an appeal to the Secretary of State, a statement which the applicant or appellant refers to as an environmental statement for the purposes of these Regulations.

(2) The applicant or appellant shall submit [three] copies of the statement to the Secretary of State who shall send one copy to the relevant planning authority.

(3) If at the same time as he submits a statement to the Secretary of State the applicant or appellant serves a copy of it on any other body, he shall comply with regulations 13(1)(a) and 13(1)(b) as if the reference in regulation 13(1)(b) to the relevant planning authority were a reference to the Secretary of State, and inform the Secretary of State of the matters mentioned in regulation 13(1)(c).

(4) The Secretary of State shall comply with regulation 13(2) (except sub-paragraph (a) of that regulation) and the applicant or appellant with regulation 13(3) as if—

(a) references in those provisions to the relevant planning authority were references to the Secretary of State; and,

(b) in the case of an appeal, references to the applicant were references to the appellant;

and the Secretary of State or the inspector shall comply with regulation 13(4) as if it referred to him instead of to the relevant planning authority.

### **Availability of copies of environmental statements**

17. An applicant for planning permission [or subsequent consent] or an appellant who submits in connection with his application or appeal a statement which he refers to as an environmental statement for the purposes of these Regulations shall ensure that a reasonable number of copies of the statement are available at the address named in the notices published or posted pursuant to article 8 of the Order or regulation 14 as the address at which such copies may be obtained.

### **Charges for copies of environmental statements**

18. A reasonable charge reflecting printing and distribution costs may be made to a member of the public for a copy of a statement made available in accordance with regulation 17.

### **Further information and evidence respecting environmental statements**

19.—(1) Where the relevant planning authority, the Secretary of State or an inspector is dealing with an application or appeal in relation to which the applicant or appellant has submitted a statement which he refers to as an environmental statement for the purposes of these Regulations, and is of the opinion that the statement should contain additional information in order to be an environmental statement, they or he shall notify the applicant or appellant in writing accordingly, and the applicant or appellant shall provide that additional information; and such information provided by the applicant or appellant is referred to in these Regulations as “further information”.

(2) [Paragraphs (3) to (9) shall apply in relation to further information and any other information except in so far as the further information and any other information is provided for the purposes of an inquiry or hearing held under the Act and the request for the further information made pursuant to paragraph (1) stated that it was to be provided for such purposes.]

(3) The recipient of further information pursuant to paragraph (1) [or any other information] shall publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

(a) the name of the applicant for planning permission [or subsequent consent] or the appellant (as the case may be) and the name and address of the relevant planning authority;

(b) the date on which the application was made and, if it be the case, that it has been referred to the Secretary of State for determination or is the subject of an appeal to him;

[(bb) in the case of a subsequent application, sufficient information to enable the planning permission for the development to be identified;]

(c) the address or location and the nature of the proposed development;

(d) that further information is available in relation to an environmental statement which has already been provided;

- (e) that a copy of the further information [or any other information] [and of any statement referred to as an environmental statement for the purpose of these Regulations which relates to any planning permission or subsequent application] may be inspected by members of the public at all reasonable hours;
- (f) an address in the locality in which the land is situated at which the further information [or any other information] may be inspected and the latest date on which it will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);
- (g) an address (whether or not the same as that given pursuant to sub-paragraph (f)) in the locality in which the land is situated at which copies of the further information [or any other information] may be obtained;
- (h) that copies may be obtained there so long as stocks last;
- (i) if a charge is to be made for a copy, the amount of the charge;
- (j) that any person wishing to make representations about the further information [or any other information] should make them in writing, before the date specified in accordance with sub-paragraph (f), to the relevant planning authority, the Secretary of State or the inspector (as the case may be); and
- (k) the address to which representations should be sent.

(4) The recipient of the further information [or any other information] shall send a copy of it to each person to whom, in accordance with these Regulations, the statement to which it relates was sent.

(5) Where the recipient of the further information [or any other information] is the relevant planning authority they shall send to the Secretary of State [two] copies of the further information.

(6) The recipient of the further information may by notice in writing require the applicant or appellant to provide such number of copies of the further information [or any other information] as is specified in the notice (being the number required for the purposes of paragraph (4) or (5)).

(7) Where information is requested under paragraph (1) [or any other information is provided], the relevant planning authority, the Secretary of State or the inspector, as the case may be, shall suspend determination of the application or appeal, and shall not determine it before the expiry of 14 days after the date on which the further information [or any other information] was sent to all persons to whom the statement to which it relates was sent or the expiry of 21 days after the date that notice of it was published in a local newspaper, whichever is the later.

(8) The applicant or appellant who provides further information [or any other information,] in accordance with paragraph (1) shall ensure that a reasonable number of copies of the information is available at the address named in the notice published pursuant to paragraph (3) as the address at which such copies may be obtained.

(9) A reasonable charge reflecting printing and distribution costs may be made to a member of the public for a copy of the further information [or any other information,] made available in accordance with paragraph (8).

(10) The relevant planning authority or the Secretary of State or an inspector may in writing require an applicant or appellant to produce such evidence as they may reasonably call for to verify any information in his environmental statement.

## PART 6

### Availability of Directions etc and Notification of Decisions

#### **Availability of opinions, directions etc for inspection**

**20.**—(1) Where particulars of a planning application [or of a subsequent application] are placed on Part I of the register, the relevant planning authority shall take steps to secure that there is also placed on that Part a copy of any relevant—

- (a) screening opinion;
- (b) screening direction;
- (c) scoping opinion;
- (d) scoping direction;
- (e) notification given under regulation 7(2), 8(2) or 9(4);
- (f) direction under regulation 4(4);
- (g) environmental statement, including any further information [and any other information];
- (h) statement of reasons accompanying any of the above.

(2) Where the relevant planning authority adopt a screening opinion or scoping opinion, or receive a request under regulation 10(1) or 11(2), a copy of a screening direction, scoping direction, or direction under regulation 4(4) before an application is made for planning permission [or subsequent consent] for the development in question, the authority shall take steps to secure that a copy of the opinion, request, or direction and any accompanying statement of reasons is made available for public inspection at all reasonable hours at the place where the appropriate register (or relevant section of that register) is kept. Copies of those documents shall remain so available for a period of two years.

#### **Duties to inform the public and the Secretary of State of final decisions**

**21.**—(1) Where an EIA application is determined by a local planning authority, the authority shall—

- (a) in writing, inform the Secretary of State of the decision;
- (b) inform the public of the decision, by [local advertisement], or by such other means as are reasonable in the circumstances; and
- (c) make available for public inspection at the place where the appropriate register (or relevant section of that register) is kept a statement containing—
  - (i) the content of the decision and any conditions attached thereto;
  - (ii) the main reasons and considerations on which the decision is based [including, if relevant, information about the participation of the public]; and
  - (iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development;
  - (iv) [information regarding the right to challenge the validity of the decision and the procedures for doing so].

(2) Where an EIA application is determined by the Secretary of State or an inspector, the Secretary of State shall—

- (a) notify the relevant planning authority of the decision; and
- (b) provide the authority with such a statement as is mentioned in sub-paragraph (1)(c).

(3) The relevant planning authority shall, as soon as reasonably practicable after receipt of a notification under sub-paragraph (2)(a), comply with sub-paragraphs (b) and (c) of paragraph (1) in relation to the decision so notified as if it were a decision of the authority.

## PART 7

### Special Cases

#### **Development by a local planning authority**

**22.**—(1) Where the relevant planning authority is also (or would be) the applicant (whether alone or jointly with any other person), these Regulations shall apply to a Schedule 1 application or Schedule 2 application (or proposed application) subject to the following modifications—

- (a) subject to sub-paragraph (b) of this paragraph and to paragraphs (2) and (3) below, regulations 5 and 6 shall not apply;
- (b) paragraphs [(2) to (10)] of regulation 7 shall not apply, and paragraph 7(1) shall apply as if the reference to paragraph (3) of regulation 5 were omitted;
- (c) regulations 10 and 11 shall not apply;
- (d) paragraphs (1) to (3) of regulation 12 shall not apply, and regulation 12(4) shall apply to any consultation body from whom the relevant planning authority requests assistance as it applies to a body notified in accordance with regulation 12(3);
- (e) save for the purposes of regulations 16(3) and (4), regulation 13 shall apply as if—

(i) for paragraph (1), there were substituted—

“(1) When a relevant planning authority making an EIA application lodge a statement which they refer to as an environmental statement for the purposes of these Regulations, they shall—

(a) serve a copy of—

(i) that statement;

(ii) the relevant application and any plan submitted with it; and

(iii) in the case of a subsequent application, the planning permission granted for the development in respect of which the subsequent application has been made and any documents or information relating to the application,

on each consultation body;

(b) inform each consultation body that representations may be made to the relevant planning authority; and

(c) send to the Secretary of State within 14 days of lodging the statement—

(i) three copies of the statement;

(ii) a copy of the relevant application and of any documents submitted with the application; and

(iii) in the case of a subsequent application, the planning permission granted for the development in respect of which the subsequent application has been made and any documents or information relating to the application.”;

(ii) paragraphs (2) and (3) were omitted;

(f) regulation 16 shall apply as if paragraph (2) were omitted.

(2) An authority which is minded to make a planning application [or a subsequent application] in relation to which it would be the relevant planning authority may adopt a screening opinion or request the Secretary of State in writing to make a screening direction, and paragraphs (3) and (4) of regulation 6 shall apply to such a request as they apply to a request made pursuant to regulation 5(6).

(3) A relevant planning authority which proposes to carry out development which they consider may be—

- (a) development of a description specified in Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995<sup>(39)</sup> other than development of a description specified in article 3(12) of that Order; or
  - (b) development for which permission would be granted but for regulation 23(1),
- may adopt a screening opinion or request the Secretary of State to make a screening direction, and paragraphs (3) and (4) of regulation 6 shall apply to such a request as they apply to a request made pursuant to regulation 5(6).

(4) A request under paragraph (2) or (3) shall be accompanied by—

- (a) a plan sufficient to identify the land;
- (b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and
- (c) such other information or representations as the authority may wish to provide or make.

(5) An authority making a request under paragraph (2) or (3) shall send to the Secretary of State any additional information he may request in writing to enable him to make a direction.

**Restriction of grant of permission by old simplified planning zone schemes or enterprise zone orders**

**23.**—(1) Any:

- (a) adoption or approval of a simplified planning zone scheme;
- (b) order designating an enterprise zone; or
- (c) approval of a modified scheme in relation to an enterprise zone,

which has effect immediately before the commencement of these Regulations to grant planning permission shall, on and after that date, cease to have effect to grant planning permission for Schedule 1 development, and cease to have effect to grant planning permission for Schedule 2 development unless either:

- (i) the relevant planning authority has adopted a screening opinion; or
- (ii) the Secretary of State has made a screening direction,

to the effect that the particular proposed development is not EIA development.

(2) Paragraph (1) shall not affect the completion of any development begun before the commencement of these Regulations.

**Restriction of grant of permission by new simplified planning zone schemes or enterprise zone orders**

**24.** No:

- (a) adoption or approval of a simplified planning zone scheme<sup>(40)</sup>;
- (b) order designating an enterprise zone<sup>(41)</sup> made; or
- (c) modified scheme in relation to an enterprise zone approved,

after the commencement of these Regulations shall:

- (i) grant planning permission for EIA development; or
- (ii) grant planning permission for Schedule 2 development unless that grant is made subject to the prior adoption of a screening opinion or prior making of a screening direction that the particular proposed development is not EIA development.

---

<sup>(39)</sup> S.I. 1995/418, to which there are amendments not relevant to these Regulations.

<sup>(40)</sup> See section 83 and Schedule 7 to the Town and Country Planning Act 1990 (c. 8).

<sup>(41)</sup> See sections 88 and 89 of the Town and Country Planning Act 1990 (c. 8) and Schedule 32 to the Local Government, Planning and Land Act 1980 (c. 65).

### **[Restriction of grant of planning permission by local development order**

**24A.**—(1) This regulation applies to Schedule 2 development for which a local planning authority propose to grant planning permission by local development order.

(2) Where this regulation applies, the local planning authority shall not make a LDO unless they have adopted a screening opinion or the Secretary of State has made a screening direction.

(3) Paragraphs (4) to (6) apply where—

- (a) the local planning authority adopt a screening opinion; or
- (b) the Secretary of State makes a screening direction under these Regulations,

to the effect that the development is EIA development.

(4) The local planning authority shall not make a local development order which would grant planning permission for EIA development unless—

- (a) an environmental statement has been prepared in relation to that development; and
- (b) the authority has first taken the environmental information into consideration, and they state in their decision that they have done so.

(5) In a case to which this regulation shall have effect these Regulations shall apply subject to the following modifications—

- (a) regulations 3, 5 to 9, 12, 15 and 16 shall not apply;
- (b) in regulation 4—
  - (i) paragraph (2)(a) shall not apply;
  - (ii) in paragraph (2)(b) for “relevant” substitute “local”;
  - (iii) in paragraph (4) for “relevant” substitute “local”;
  - (iv) in paragraph (6) omit sub-paragraph (ii); and
  - (v) in paragraph (9) for “relevant” substitute “local”;

(c) for regulation 10(1) substitute—

“Where a proposed LDO is EIA development, the local planning authority, upon receiving a request, may state in writing its opinion as to the information to be provided in the environmental statement (“a scoping opinion”).”;

(d) in regulation 11 in paragraphs (1)(a) and (3) for “relevant” substitute “local”;

(e) for regulation 13 substitute—

### **“Procedure where an environmental statement is prepared in relation to a local development order**

**13.**—(1) Where a statement referred to as the environmental statement has been prepared in relation to EIA development for which a local planning authority proposes to grant planning permission by a local development order, the local planning authority shall—

- (a) send to the Secretary of State two copies of the statement;
- (b) send a copy of the statement to the consultation bodies and inform them that they may make representations; and
- (c) notify any particular person of whom the authority is aware, who is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of a site notice or by local advertisement, of an address in the locality in which the land is situated where a copy of the statement may be obtained and the address to which representations may be sent.

(2) The local planning authority shall not make the local development order until the expiry of 14 days from the last date on which a copy of the statement was served in accordance with this regulation.”;

(f) in regulation 14—

- (i) omit paragraph (1);
- (ii) for paragraph (2) substitute—
 

“The local planning authority shall publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

  - (a) the name and address of the local planning authority;
  - (b) the address or location and the nature of the development referred to in the proposed LDO;
  - (c) that a copy of the draft LDO and of any plan or other documents accompanying it together with a copy of the environmental statement may be inspected by members of the public at all reasonable hours;
  - (d) an address in the locality in which the land is situated at which those documents may be inspected, and the latest date on which they will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);
  - (e) an address (whether or not the same as that given under sub-paragraph (d)) in the locality in which the land is situated at which copies of the statement may be obtained;
  - (f) that copies may be obtained there so long as stocks last;
  - (g) if a charge is to be made for a copy, the amount of the charge; and
  - (h) that any person wishing to make representations about the LDO should make them in writing, before the date specified in accordance with sub-paragraph (d), to the local planning authority.”;
- (iii) in paragraph (3)—
  - (aa) omit “The applicant” and substitute “The local planning authority” and
  - (bb) omit “he” and “him” and substitute “the authority”;
- (iv) omit paragraphs (5) to (8);
- (g) for regulation 17 substitute—

**“Availability of copies of environmental statements**

17. The local planning authority shall ensure that a reasonable number of copies of the statement referred to as the environmental statement prepared in relation to EIA development for which the authority proposes to grant planning permission by a local development order are available at—

- (a) their principal office during normal office hours; and
- (b) at such other places within their area as they consider appropriate.”;
- (h) in regulation 19—
  - (i) for paragraph (1) substitute—
 

“(1) Where a statement referred to as an environmental statement for the purposes of these Regulations has been submitted and the local planning authority is of the opinion that the statement should contain additional information in order to be an environmental statement, the local planning authority shall ensure that additional information is provided and such information provided is referred to in these Regulations as “further information””;
  - (ii) for paragraph (3) substitute—
 

“(3) The local planning authority shall publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

    - (a) the name and address of the local planning authority;
    - (b) the address or location and the nature of the development referred to in the proposed LDO;

- (c) that further information is available in relation to an environmental statement which has already been provided;
- (d) that a copy of the further information may be inspected by members of the public at all reasonable hours;
- (e) an address in the locality in which the land is situated at which the further information may be inspected, and the latest date on which it will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);
- (f) an address (whether or not the same as that given under sub-paragraph (e)) in the locality in which the land is situated at which copies of the further information may be obtained;
- (g) that copies may be obtained there so long as stocks last
- (h) if a charge is to be made for a copy, the amount of the charge;
- (i) that any person wishing to make representations about the further information should make them in writing, before the date specified in accordance with sub-paragraph (e), to the local planning authority;
- (j) the address to which representations should be sent.”;

(iii) for paragraph (4) substitute—

“The local planning authority shall send a copy of the further information to each person to whom, in accordance with the Regulations, the statement to which it relates was sent and to the Secretary of State.”;

(iv) omit paragraphs (5) and (6);

(v) for paragraph (7) substitute—

“Where information is provided under paragraph (1) the local planning authority shall not make the LDO before the expiry of 14 days after the date on which the further information was sent to all persons to whom the statement which it relates was sent or the expiry of 21 days after the date that notice of it was published in a local newspaper, whichever is the later.”;

(vi) in paragraph (8)—

(aa) omit “The applicant or appellant who provides further information in accordance with paragraph (1)” and substitute “The local planning authority”; and

(bb) after “number of copies of the” insert “further”;

(vii) for paragraph (10) substitute—

“The local planning authority may in writing require such evidence to be provided as it may reasonably call for to verify any information in the environmental statement.”;

(i) in regulation 20—

(i) for paragraph (1) substitute—

“(1) Where particulars of a draft local development order are placed on Part III of the register, the local planning authority shall take steps to secure that there is also placed on that Part a copy of any relevant—

- (a) scoping opinion;
- (b) screening opinion;
- (c) screening direction;
- (d) direction under regulation 4(4);
- (e) the statement referred to as the environmental statement including any further information;
- (f) statement of reasons accompanying any of the above.”;

- (ii) omit paragraph (2);
- (j) in regulation 21—
  - (i) in paragraph (1) for “Where an EIA application is determined by a local planning authority” substitute “Where a local planning authority make a local development order which is EIA development”; and
  - (ii) omit paragraphs (2) and (3); and
- (k) in regulation 27—
  - (i) in paragraph (1) for sub-paragraph (a) substitute—
    - “(a) it comes to the attention of the Secretary of State that EIA development proposed to be carried out in England for which a local planning authority propose to grant planning permission by a local development order is likely to have significant effects on the environment in another EEA state; or”; and
  - (ii) in paragraphs (3) and (6) for “application” substitute “proposed local development order”.

(6) In paragraphs (6)(b)(i), and (c)(i) and paragraph (12) of article 2B of the Order after “local development order” insert “the environmental statement” in each place where the words occur.]

## Unauthorised development

### *Prohibition on the grant of planning permission for unauthorised EIA development*

**25.**—(1) The Secretary of State [or an inspector] shall not grant planning permission [or subsequent consent] under sub-section (1) of section 177(42) (grant or modification of planning permission on appeals against enforcement notices) in respect of EIA development which is the subject of an enforcement notice under section 172 (issue of enforcement notice) (“unauthorised EIA development”) unless he has first taken the environmental information into consideration, and he shall state in his decision that he has done so.

### *Screening opinions of the local planning authority*

(2) Where it appears to the local planning authority by whom or on whose behalf an enforcement notice is to be issued that the matters constituting the breach of planning control comprise or include Schedule 1 development or Schedule 2 development they shall, before the enforcement notice is issued, adopt a screening opinion.

(3) Where it appears to the local planning authority by whom or on whose behalf an enforcement notice is to be issued that the matters constituting the breach of planning control comprise or include EIA development they shall serve with a copy of the enforcement notice a notice (“regulation 25 notice”) which shall—

- (a) include the screening opinion required by paragraph (2) and the written statement required by regulation 4(6); and
- (b) require a person who gives notice of an appeal under section 174(43) to submit to the Secretary of State with the notice four copies of an environmental statement relating to that EIA development.

(4) The authority by whom a regulation 25 notice has been served shall send a copy of it to—

- (a) the Secretary of State; and
- (b) the consultation bodies; [and
- (c) any particular person of whom the authority is aware, who is likely to be affected by, or has an interest in, the regulation 25 notice].

(5) Where an authority provide the Secretary of State with a copy of a regulation 25 notice they shall also provide him with a list of the other persons to whom a copy of the notice has been or is to be sent.

(42) Section 172 was substituted by the Planning and Compensation Act 1991 (c. 34), section 5.

(43) Section 174 was amended by the Planning and Compensation Act 1991 (c. 34), section 6(1) and Schedule 7, paragraph 22. See also section 177(5) which was amended by the Planning and Compensation Act 1991, Schedule 7, paragraph 24.

*Screening directions of the Secretary of State*

(6) Any person on whom a regulation 25 notice is served may apply to the Secretary of State for a screening direction and the following shall apply—

- (a) an application under this paragraph shall be accompanied by—
  - (i) a copy of the regulation 25 notice;
  - (ii) a copy of the enforcement notice which accompanied it; and
  - (iii) such other information or representations as the applicant may wish to provide or make;
- (b) the applicant shall send to the authority by whom the regulation 25 notice was served, at such time as he applies to the Secretary of State, a copy of the application under this paragraph and of any information or representations provided or made in accordance with sub-paragraph (a)(iii);
- (c) if the Secretary of State considers that the information provided in accordance with sub-paragraph (a) is insufficient to enable him to make a direction, he shall notify the applicant and the authority of the matters in respect of which he requires additional information; and the information so requested shall be provided by the applicant within such reasonable period as may be specified in the notice;
- (d) the Secretary of State shall send a copy of his direction to the applicant;
- (e) without prejudice to sub-paragraph (d), where the Secretary of State directs that the matters which are alleged to constitute the breach of planning control do not comprise or include EIA development, he shall send a copy of the direction to every person to whom a copy of the regulation 25 notice was sent.

*Provision of information*

(7) The relevant planning authority and any person, other than the Secretary of State, to whom a copy of the regulation 25 notice has been sent (“the consultee”) shall, if requested by the person on whom the regulation 25 notice was served, enter into consultation with that person to determine whether the consultee has in his possession any information which that person or the consultee consider relevant to the preparation of an environmental statement and, if they have, the consultee shall make any such information available to that person.

(8) The provisions of regulations 12(5) and 12(6) shall apply to information under paragraph (7) as they apply to any information falling within regulation 12(4).

*Appeal to the Secretary of State without a screening opinion or screening direction*

(9) Where on consideration of an appeal under section 174 it appears to the Secretary of State that the matters which are alleged to constitute the breach of planning control comprise or include Schedule 1 development or Schedule 2 development [...], the Secretary of State shall, before any notice is served pursuant to paragraph (12), make [...] a screening direction.

(9A) Where an inspector is dealing with an appeal under section 174 and a question arises as to whether the matters which are alleged to constitute the breach of planning control comprise or include Schedule 1 development or Schedule 2 development, the inspector shall refer that question to the Secretary of State;

(9B) Before he receives a screening direction the inspector shall not determine the application which is deemed to have been made by virtue of the appeal under section 174 (“the deemed application”) except to refuse that application;

(9C) Where a question is referred to the Secretary of State under paragraph (9A) he shall make a screening direction within three weeks beginning with the date on which the question was referred to him or such longer period as he may reasonably require;

(9D) The Secretary of State shall send a copy of any screening direction made pursuant to paragraph (9C) forthwith to the inspector.

(10) If the Secretary of State considers that he has not been provided with sufficient information to make a screening direction he shall notify the applicant and the authority by whom the regulation 25 notice was served of the matters in respect of which he requires additional

information; and the information so requested shall be provided by the applicant within such reasonable period as may be specified in the notice.

(11) If an appellant to whom notice has been given under paragraph (10) fails to comply with the requirements of that notice:

- (a) the application which is deemed to have been made by virtue of the appeal made under section 174 [...]; and
- (b) the appeal in so far as it is brought under the ground mentioned in section 174(2)(a) (“the ground (a) appeal”),

shall lapse at the end of the period specified in the notice.

*Appeal to the Secretary of State without an environmental statement*

(12) Where the Secretary of State [or an inspector] is considering an appeal under section 174 and the matters which are alleged to constitute the breach of planning control comprise or include unauthorised EIA development, and the documents submitted to him for the purposes of the appeal do not include a statement referred to by the appellant as an environmental statement for the purposes of these Regulations, the following procedure shall apply—

- (a) the Secretary of State shall, subject to sub-paragraph (b), within the period of three weeks beginning with the day on which he receives the appeal, or such longer period as he may reasonably require, notify the appellant in writing of the requirements of sub-paragraph (c) below;
- (b) notice need not be given under sub-paragraph (a) where the appellant has submitted a statement which he refers to as an environmental statement for the purposes of these Regulations to the Secretary of State for the purposes of an appeal under section 78 (right to appeal against planning decisions and failure to take such decisions) which—
  - (i) relates to the development to which the appeal under section 174 relates; and
  - (ii) is to be determined at the same time as that appeal under section 174;and that statement, any further information, [any other information] and the representations (if any) made in relation to it shall be treated as the environmental statement and representations for the purpose of paragraph (1) of this regulation;
- (c) the requirements of this sub-paragraph are that the appellant shall, within the period specified in the notice or such longer period as the Secretary of State may allow, submit to the Secretary of State four copies of an environmental statement relating to the unauthorised EIA development in question;
- (d) the Secretary of State shall send to the relevant planning authority a copy of any notice sent to the appellant under sub-paragraph (a);
- (e) if an appellant to whom notice has been given under sub-paragraph (a) fails to comply with the requirements of sub-paragraph (c), the deemed application and the ground (a) appeal (if any) shall lapse at the end of the period specified or allowed (as the case may be);
- (f) as soon as reasonably practicable after the occurrence of the event mentioned in sub-paragraph (e), the Secretary of State shall notify the appellant and the local planning authority in writing that the deemed application and the ground (a) appeal (if any) have lapsed.

*Procedure where an environmental statement is submitted to the Secretary of State*

(13) Where the Secretary of State receives (otherwise than as mentioned in paragraph (12)(b)) in connection with an enforcement appeal a statement which the appellant refers to as an environmental statement for the purposes of these Regulations he shall—

- (a) send a copy of that statement to the relevant planning authority, advise the authority that the statement will be taken into consideration in determining the deemed application and the ground (a) appeal (if any), and inform them that they may make representations; and

- (b) notify the persons to whom a copy of the relevant regulation 25 notice was sent that the statement will be taken into consideration in determining the deemed application and the ground (a) appeal (if any), and inform them that they may make representations and that, if they wish to receive a copy of the statement or any part of it, they must notify the Secretary of State of their requirements within seven days of the receipt of the Secretary of State's notice; and
- (c) respond to requirements notified in accordance with sub-paragraph (b) by providing a copy of the statement or of the part requested (as the case may be).

*Further information and evidence respecting environmental statements*

(14) Regulations 19(1) and 19(10) shall apply to statements provided in accordance with this regulation with the following modifications—

- (a) where the Secretary of State [or an inspector] notifies the appellant under regulation 19(1), the appellant shall provide the further information within such period as the Secretary of State [or the inspector] may specify in the notice or such longer period as the Secretary of State [or the inspector] may allow;
- (b) if an appellant to whom a notice has been given under sub-paragraph (a) fails to provide the further information within the period specified or allowed (as the case may be), the deemed application and the ground (a) appeal (if any) shall lapse at the end of that period.

(15) Paragraph (13) shall apply in relation to further information received by the Secretary of State in accordance with paragraph (14) [and any other information] as it applies to such a statement as is referred to in that paragraph.

*Publicity for environmental statements or further information*

(16) Where an authority receive a copy of a statement or further information by virtue of paragraph (13)(a) [or any other information] they shall publish [by local advertisement] a notice stating—

- (a) the name of the appellant and that he has appealed to the Secretary of State against the enforcement notice;
- (b) the address or location of the land to which the notice relates and the nature of the development;
- [(bb) sufficient information to enable any planning permission for the development to be identified;
- (c) that a copy of the statement or further information [or any other information] [and of any planning permission] may be inspected by members of the public at all reasonable hours;
- (d) an address in the locality in which the land is situated at which the statement or further information [or any other information] may be inspected, and the latest date on which it will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);
- (e) that any person wishing to make representations about any matter dealt with in the statement or further information [or any other information] should make them in writing, no later than 14 days after the date named in accordance with sub-paragraph (d), to the Secretary of State; and
- (f) the address to which any such representations should be sent.

(17) The authority shall as soon as practicable after publication of a notice in accordance with paragraph (16) send to the Secretary of State a copy of the notice certified by or on behalf of the authority as having been published [by local advertisement] on a date specified in the certificate.

(18) Where the Secretary of State receives a certificate under paragraph (17) he [or an inspector] shall not determine the deemed application or the ground (a) appeal in respect of the development to which the certificate relates until the expiry of 14 days from the date stated in the published notice as the last date on which the statement or further information was available for inspection.

### *Public inspection of documents*

(19) The relevant planning authority shall make available for public inspection at all reasonable hours at the place where the appropriate register (or relevant part of that register) is kept a copy of—

- (a) every regulation 25 notice given by the authority;
- (b) every notice received by the authority under paragraph (12)(d); and
- (c) every statement and all further information received by the authority under paragraph (13)(a);

and copies of those documents shall remain so available for a period of two years or until they are entered in Part II of the register in accordance with paragraph (20), whichever is the sooner.

(20) Where particulars of any planning permission granted by the Secretary of State [or an inspector] under section 177(44) are entered in Part II of the register the relevant planning authority shall take steps to secure that that Part also contains a copy of any of the documents referred to in paragraph (19) as are relevant to the development for which planning permission has been granted.

(21) The provisions of regulations 21(2) and 21(3) apply to a deemed application and a grant of planning permission under section 177 as they apply to an application for and grant of planning permission under Part III of the Act.

### **Unauthorised development with significant transboundary effects**

**26.**—(1) Regulation 27 shall apply to unauthorised EIA development as if—

- (a) for regulation 27(1)(a) there were substituted—
  - “(a) on consideration of an appeal under section 174 the Secretary of State is of the opinion that the matters which are alleged to constitute the breach of planning control comprise or include EIA development and that the development has or is likely to have significant effects on the environment in another [EEA State]; or”
- (b) in regulation 27(3)(a) the words “a copy of the application concerned” were replaced by the words “a description of the development concerned”;
- (c) in regulation 27(3)(b) the words “to which that application relates” were omitted; and
- (d) in regulation 27(6) the word “application” was replaced by the word “appeal”.

### **ROMP Applications**

#### *General application of the Regulations to ROMP applications*

**26A.**—(1) These Regulations shall apply to—

- (a) a ROMP application as they apply to an application for planning permission;
- (b) a ROMP subsequent application as they apply to a subsequent application;
- (c) ROMP development as they apply to development in respect of which an application for planning permission is, has been, or is to be made;
- (d) a relevant mineral planning authority as they apply to a relevant planning authority;
- (e) a person making a ROMP application as they apply to an applicant for planning permission;
- (f) a person making a ROMP subsequent application as they apply to a person making a subsequent application;
- (g) the determination of a ROMP application as they apply to the granting of a planning permission; and
- (h) the granting of ROMP subsequent consent as they apply to the granting of subsequent consent,

---

(44) See section 177(8) Town and Country Planning Act 1990.

subject to the modifications and additions set out below.

*Modification of provisions on prohibition of granting planning permission or subsequent consent*

(2) In regulation 3(1) (prohibition on granting planning permission or subsequent consent without consideration of environmental information)—

- (a) in sub-paragraphs (a),(c) and (d) for the words “of these Regulations” substitute “ of the Town and Country Planning (Environmental Impact Assessment)(England and Wales)(Amendment) Regulations 2000(45)”;
- (b) in sub-paragraph (b) for the words “3 or 4 (applications for planning permission)” substitute “11 (other consents)”;
- (c) in the case of a ROMP application, for the words “determined in accordance with paragraph (3) of article 20 (time periods for decision) of the Order”, substitute “ the date on which a ROMP application has been made which complies with the provisions of paragraphs 2(3) to (5) and 4(1) of Schedule 2 to the 1991 Act, 9(2) of Schedule 13 to the 1995 Act, or 6(2) of Schedule 14 to the 1995 Act”;

*Modification of provisions on application to local planning authority without an environmental statement*

(3) In the case of a ROMP application, in regulation 7(5) (application made to a local planning authority without an environmental statement)—

- (a) for the word “three” substitute “six”; and
- (b) after “the notification” insert “, or within such other period as may be agreed with the authority in writing”.

*Disapplication of Regulations and modifications of provisions on application referred to or appealed to the Secretary of State without an environmental statement*

(4) In the case of a ROMP application, regulations 7(7) and (9), 8(5) and (6), 9(6) and (7), 22 and 32 shall not apply.

(5) In the case of a ROMP application, in regulation 8(4) (application referred to the Secretary of State without an environmental statement) and in regulation 9(5) (appeal to the Secretary of State without an environmental statement)—

- (a) for the word “three” substitute “six”;
- (b) after “the notification” insert “, or within such other period as may be agreed with the Secretary of State in writing.”.

*Substitution of references to section 78 right of appeal and modification of provisions on appeal to the Secretary of State without an environmental statement*

(6) In the case of a ROMP application, in regulations 9(1) and 15(b), for the references to “section 78 (right to appeal against planning decisions and failure to take such decisions)” substitute—

“paragraph 5(2) of Schedule 2 to the 1991 Act, paragraph 11(1) of Schedule 13 to the 1995 Act or paragraph 9(1) of Schedule 14 to the 1995 Act (right of appeal)”.

(7) In the case of a ROMP application, in regulation 9(2) (appeal to the Secretary of State without an environmental statement) omit the words “, except by refusing planning permission or subsequent consent.”.

*Modification of provisions on preparation, publicity and procedures on submission of environmental statements*

(8) In the case of a ROMP application, in regulations 10(9) and 11(6) for the words “an application for planning permission or a subsequent application” substitute “a ROMP application which relates to another planning permission which authorises”.

(9) In the case of a ROMP application, in regulation 13 (procedure where an environmental statement is submitted to a local planning authority) after paragraph (3) insert—

---

45) S.I. 2000/2867.

“(3A) Where an applicant submits an environmental statement to the authority in accordance with paragraph (1), the provisions of article 8 of and Schedule 3 to the Order (publicity for applications for planning permission) shall apply to a ROMP application under paragraph—

- (a) 2(2) of Schedule 2 to the 1991 Act; and
- (b) 6(1) of Schedule 14 to the 1995 Act<sup>(46)</sup>

as they apply to a planning application falling within paragraph 8(2) of the Order except that for the references in the notice in Schedule 3 to the Order to “planning permission” there shall be substituted “determination of the conditions to which a planning permission is to be subject” and that notice shall refer to the relevant provisions of the 1991 or 1995 Act pursuant to which the application is made.”.

(10) In the case of a ROMP application, in regulation 14 (publicity where an environmental statement is submitted after the planning application)—

- (a) in paragraph (2)(a) for the words “and that he is the applicant for planning permission or subsequent consent” substitute—

“, that he has applied for determination of the conditions to which a planning permission is to be subject, the relevant provisions of the 1991 or 1995 Act pursuant to which the application is made”;

- (b) for paragraph (6) substitute—

“(6) Where an applicant indicates that he proposes to provide such a statement and in such circumstances as are mentioned in paragraph (1), the relevant planning authority, the Secretary of State or the inspector, as the case may be, shall suspend consideration of the application or appeal until the date specified by the authority or the Secretary of State for submission of the environmental statement and compliance with paragraph (5); and shall not determine it during the period of 21 days beginning with the date of receipt of the statement and the other documents mentioned in paragraph (5).”.

(11) In the case of a ROMP application, in regulation 15 (provision of copies of environmental statements and further information for the Secretary of State on referral or appeal), in paragraph (a) for “section 77” substitute “paragraph 7(1) of Schedule 2 to the 1991 Act, paragraph 13(1) of Schedule 13 to the 1995 Act or paragraph 8(1) of Schedule 14 to the 1995 Act”.

(12) In the case of a ROMP application, in regulation 17 (availability of copies of environmental statements) after “the Order” insert “(as applied by regulation 13(3A) or by paragraph 9(5) of Schedule 13 to the 1995 Act),”.

(13) In the case of a ROMP application, in regulation 19 (further information and evidence respecting environmental statements)—

- (a) in paragraph (3) for the words “applicant for planning permission or subsequent consent or the appellant (as the case may be)” substitute—

“person who has applied for or who has appealed in relation to the determination of the conditions to which the planning permission is to be subject, the relevant provisions of the 1991 or 1995 Act pursuant to which the application is made”;

- (b) in paragraph (7) after the words “application or appeal” insert “until the date specified by them or him for submission of the further information”.

#### *Modification of provisions on application to the High Court and giving of directions*

(14) In the case of a ROMP application, for regulation 30 (application to the High Court) substitute—

### **“Application to the High Court**

**30.** For the purposes of Part 12 of the Act (validity of certain decisions), the reference in section 288, as applied by paragraph 9(3) of Schedule 2 to the 1991 Act, paragraph 16(4) of

---

<sup>(46)</sup> The provisions of the Order are not applied to applications under paragraph 9(1) of Schedule 13 to the 1995 Act as they are applied by paragraph 9(5) of Schedule 13 to the 1995 Act.

Schedule 13 to the 1995 Act or paragraph 9(4) of Schedule 14 to the 1995 Act, to action of the Secretary of State which is not within the powers of the Act shall be taken to extend to the determination of a ROMP application by the Secretary of State in contravention of regulation 3.”.

(15) The direction making power substituted by regulation 35(8) shall apply to ROMP development as it applies to development in respect of which a planning application is made.

*Suspension of minerals development*

(16) Where the authority, the Secretary of State or an inspector is dealing with a ROMP application or an appeal arising from a ROMP application and notifies the applicant or appellant, as the case may be, that—

- (a) the submission of an environmental statement is required under regulation 7(2), 8(2) or 9(4) then such notification shall specify the period within which the environmental statement and compliance with regulation 14(5) is required; or
- (b) a statement should contain additional information under regulation 19(1) then such notification shall specify the period within which that information is provided.

(17) Subject to paragraph (18), the planning permission to which the ROMP application relates shall not authorise any minerals development (unless the Secretary of State has made a screening direction to the effect that ROMP development is not EIA development) if the applicant or the appellant does not—

- (a) write to the authority or Secretary of State within the six week or other period agreed pursuant to regulation 7(5), 8(4) or 9(5);
- (b) submit an environmental statement and comply with regulation 14(5) within the period specified by the authority or the Secretary of State in accordance with paragraph (16) or within such extended period as is agreed in writing;
- (c) provide additional information within the period specified by the authority, the Secretary of State or an inspector in accordance with paragraph (16) or within such extended period as is agreed in writing; or
- (d) where a notification under regulation 5(3), 6(3), 10(3) or 11(3) has been received, provide the additional information requested within three weeks beginning with the date of the notification, or within such extended period as may be agreed in writing with the authority or Secretary of State, as the case may be.

(18) Where paragraph (17) applies, the planning permission shall not authorise any minerals development from the end of—

- (a) the relevant six week or other period agreed in writing as referred to in paragraph (17)(a);
- (b) the period specified or agreed in writing as referred to in paragraphs (17)(b) and (c), (“suspension of minerals development”) until the applicant has complied with all of the provisions referred to in paragraph 17 which are relevant to the application or appeal in question.

(19) Particulars of the suspension of minerals development and the date when that suspension ends must be entered in the appropriate part of the register as soon as reasonably practicable.

(20) Paragraph (17) shall not affect any minerals development carried out under the planning permission before the date of suspension of minerals development.

(21) For the purposes of paragraphs (17) to (20) “minerals development” means development consisting of the winning and working of minerals, or involving the depositing of mineral waste.]

*Determination of conditions and right of appeal on non-determination*

(22) Where it falls to—

- (a) a mineral planning authority to determine a Schedule 1 or a Schedule 2 application, paragraph 2(6)(b) of Schedule 2 to the 1991 Act, paragraph 9(9) of Schedule 13 to the 1995 Act or paragraph 6(8) of Schedule 14 to the 1995 Act shall not have effect to treat the authority as having determined the conditions to which any relevant planning permission is to be subject unless either the mineral planning authority has adopted a

screening opinion or the Secretary of State has made a screening direction to the effect that the ROMP development in question is not EIA development;

- (b) a mineral planning authority or the Secretary of State to determine a Schedule 1 or a Schedule 2 application—
  - (i) section 69 (register of applications, etc), and any provisions of the Order made by virtue of that section, shall have effect with any necessary amendments as if references to applications for planning permission included ROMP applications under paragraph 9(1) of Schedule 13 to the 1995 Act and paragraph 6(1) of Schedule 14 to the 1995 Act<sup>(47)</sup>; and
  - (ii) where the relevant mineral planning authority is not the authority required to keep the register, the relevant mineral planning authority must provide the authority required to keep it with such information and documents as that authority requires to comply with section 69 as applied by sub-paragraph (i), with regulation 20 as applied by paragraph (1), and with paragraph (19).

(23) Where it falls to the mineral planning authority or the Secretary of State to determine an EIA application which is made under paragraph 2(2) of Schedule 2 to the 1991 Act, paragraph 4(4) of that Schedule shall not apply.

(24) Where it falls to the mineral planning authority to determine an EIA application, the authority shall give written notice of their determination of the ROMP application within 16 weeks beginning with the date of receipt by the authority of the ROMP application or such extended period as may be agreed in writing between the applicant and the authority.

(25) For the purposes of paragraph (24) a ROMP application is not received by the authority until—

- (a) a document referred to by the applicant as an environmental statement for the purposes of these Regulations;
- (b) any documents required to accompany that statement; and
- (c) any additional information which the authority has notified the applicant that the environmental statement should contain,

has been received by the authority.

(26) Where paragraph (22)(a) applies—

- (a) paragraph 5(2) of Schedule 2 to the 1991 Act, paragraph 11(1) of Schedule 13 to the 1995 Act and paragraph 9(1) of Schedule 14 to the 1995 Act (right of appeal) shall have effect as if there were also a right of appeal to the Secretary of State where the mineral planning authority have not given written notice of their determination of the ROMP application in accordance with paragraph (24); and
- (b) paragraph 5(5) of Schedule 2 to the 1991 Act, paragraph 11(2) of Schedule 13 to the 1995 Act and paragraph 9(2) of Schedule 14 to the 1995 Act (right of appeal) shall have effect as if they also provided for notice of appeal to be made within six months from the expiry of the 16 week or other period agreed pursuant to paragraph (24).

(27) In determining for the purposes of paragraphs—

- (a) 2(6)(b) of Schedule 2 to the 1991 Act, 9(9) of Schedule 13 to the 1995 Act and 6(8) of Schedule 14 to the 1995 Act (determination of conditions); or
- (b) paragraph 5(5) of Schedule 2 to the 1991 Act, paragraph 11(2) of Schedule 13 to the 1995 Act and paragraph 9(2) of Schedule 14 to the 1995 Act (right of appeal) as applied by paragraph (26)(b),

the time which has elapsed without the mineral planning authority giving the applicant written notice of their determination in a case where the authority have notified an applicant in accordance with regulation 7(2) that the submission of an environmental statement is required and the

---

<sup>(47)</sup> These provisions are not applied to applications under paragraph 2(2) of Schedule 2 to the 1991 Act as they are applied by paragraph 9 of Schedule 2 to the 1991 Act.

Secretary of State has given a screening direction in relation to the ROMP development in question no account shall be taken of any period before the issue of the direction.

*ROMP application by a mineral planning authority*

(28) Where a mineral planning authority proposes to make or makes a ROMP application to the Secretary of State under regulation 11 (other consents) of the General Regulations which is a Schedule 1 or a Schedule 2 application (or proposed application), these Regulations shall apply to that application or proposed application as they apply to a ROMP application referred to the Secretary of State under paragraph 7(1) of Schedule 2 to the 1991 Act, paragraph 13(1) of Schedule 13 to the 1995 Act or paragraph 8(1) of Schedule 14 to the 1995 Act (reference of applications to the Secretary of State) subject to the following modifications—

- (a) subject to paragraph (29) below, regulations 5, 6, 7, 9, 10, 11, 13 (save for the purposes of regulations 16(3) and (4)) 15 and 21(1) shall not apply;
- (b) in regulation 4 (general provisions relating to screening)—
  - (i) in paragraph (4), omit the words “and shall send a copy of such direction to the relevant planning authority”;
  - (ii) paragraph (9) shall be omitted;
- (c) in regulation 8(2) (application referred to the Secretary of State without an environmental statement), omit the words “and shall send a copy of that notification to the relevant planning authority”;
- (d) in regulation 12 (procedure to facilitate preparation of environmental statements)—
  - (i) in sub-paragraph (3)(b) for the words “7(4)(a), or 8(4) or 9(5)” substitute “8(4)”;
  - (ii) in paragraph (4) omit the words “the relevant planning authority and”;
- (e) in regulation 14(2) (publicity where an environmental statement is submitted after the planning application)—
  - (i) in sub-paragraph (a) omit the words “and the name and address of the relevant planning authority”;
  - (ii) for sub-paragraph (b) substitute—

“(b) the date on which the application was made and that it has been made to the Secretary of State under regulation 11 of the General Regulations;”;
- (f) in regulation 16 (procedure where an environmental statement is submitted to the Secretary of State), in paragraph (2) omit the words “who shall send one copy to the relevant planning authority”;
- (g) in regulation 19(3) (further information and evidence respecting environmental statements)—
  - (i) in sub-paragraph (a) omit the words “and the name and address of the relevant planning authority”;
  - (ii) for sub-paragraph (b) substitute—

“(b) the date on which the application was made and that it has been made to the Secretary of State under regulation 11 of the General Regulations;”;
- (h) regulations 20 (availability of opinions, directions etc for inspection) and 21(2) (duties to inform the public and the Secretary of State of final decisions) shall apply as if the references to a “relevant planning authority” were references to a mineral planning authority.

(29) A mineral planning authority which is minded to make a ROMP application to the Secretary of State under regulation 11 of the General Regulations may request the Secretary of State in writing to make a screening direction, and paragraphs (3) and (4) of regulation 6 shall apply to such a request as they apply to a request made pursuant to regulation 5(6) except that in paragraph (3) the words “, and may request the relevant planning authority to provide such information as they can on any of those points” shall be omitted.

(30) A request under paragraph (29) shall be accompanied by—

- (a) a plan sufficient to identify the land;
- (b) a brief description of the nature and purpose of the ROMP development and of its possible effects on the environment; and
- (c) such other information as the authority may wish to provide or make.

(31) An authority making a request under paragraph (29) shall send to the Secretary of State any additional information he may request in writing to enable him to make a direction.]

**ROMP applications: duty to make a prohibition order after two years suspension of permission**

**26B.**—(1) This regulation applies if, in relation to a minerals development—

- (a) a period of two years beginning with the suspension date has expired, and
- (b) the steps specified in regulation 26(A)(17) have yet to be taken.

(2) The “suspension date” is the date on which the suspension of minerals development (within the meaning of regulation 26A(18)) begins.

(3) Paragraph 3 of Schedule 9 to the Act has effect in relation to any part of a site as it has effect in relation to the whole site.

(4) Sub-paragraph (1) of that paragraph has effect as if for the words from “the mineral planning authority may by order” to the end there were substituted—

“the mineral planning authority—

- (i) must by order prohibit the resumption of the winning and working or the depositing; and
- (ii) may in the order impose, in relation to the site, any such requirement as is specified in sub-paragraph (3).”.

(5) In sub-paragraphs (2)(a) and (b) of that paragraph, references to winning and working or depositing are to be read as references to winning and working or depositing for which permission is not suspended by virtue of regulation 26A(18).

(6) Paragraph 4(7) of Schedule 9 to the Act has effect as if for “have effect” there were substituted “authorise that development

## PART 8

### Development with Significant Transboundary Effects

**Development in England .. likely to have significant effects in another [EEA State]**

**27.**—(1) Where—

- (a) it comes to the attention of the Secretary of State that development proposed to be carried out in England ... is the subject of an EIA application and is likely to have significant effects on the environment in another [EEA State]; or
- (b) another [EEA State] likely to be significantly affected by such development so requests,

the Secretary of State shall—

- (i) send to the [EEA State] as soon as possible and no later than their date of publication in The London Gazette referred to in sub-paragraph (ii) below, the particulars mentioned in paragraph (2) and, if he thinks fit, the information referred to in paragraph (3); and
- (ii) publish the information in sub-paragraph (i) above in a notice placed in The London Gazette indicating the address where additional information is available; and
- (iii) give the [EEA State] a reasonable time in which to indicate whether it wishes to participate in the procedure for which these Regulations provide.

- (2) The particulars referred to in paragraph (1)(i) are—
- (a) a description of the development, together with any available information on its possible significant effect on the environment in another Member State; and
  - (b) information on the nature of the decision which may be taken.

(3) Where a [EEA State] indicates, in accordance with paragraph (1)(iii), that it wishes to participate in the procedure for which these Regulations provide, the Secretary of State shall as soon as possible send to that [EEA State] the following information—

- (a) a copy of the application concerned;
- [(aa) a copy of any planning permission relating to the development;]
- (b) [a copy of any] environmental statement in respect of the development to which that application relates; and
- (c) relevant information regarding the procedure under these Regulations,

but only to the extent that such information has not been provided to the [EEA State] earlier in accordance with paragraph (1)(i).

- (4) The Secretary of State, insofar as he is concerned, shall also—
- (a) arrange for the particulars and information referred to in paragraphs (2) and (3) [and any further information and any other information] to be made available, within a reasonable time, to the authorities referred to in Article 6(1) of the Directive and the public concerned in the territory of the [EEA State] likely to be significantly affected; and
  - (b) ensure that those authorities and the public concerned are given an opportunity, before planning permission for the development is granted, to forward to the Secretary of State, within a reasonable time, their opinion on the information supplied.

- (5) The Secretary of State shall in accordance with Article 7(4) of the Directive—
- (a) enter into consultations with the [EEA State] concerned regarding, inter alia, the potential significant effects of the development on the environment of that [EEA State] and the measures envisaged to reduce or eliminate such effects; and
  - (b) determine in agreement with the other [EEA State] a reasonable period of time for the duration of the consultation period.

(6) Where a [EEA State] has been consulted in accordance with paragraph (5), on the determination of the application concerned the Secretary of State shall inform the [EEA State] of the decision and shall forward to it a statement of—

- (a) the content of the decision and any conditions attached thereto;
- (b) the main reasons and considerations on which the decision is based [including, if relevant, information about the participation of the public]; and
- (c) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development.

### **Projects in another [EEA State] likely to have significant transboundary effects**

**28.—**(1) Where the Secretary of State receives from another [EEA State] pursuant to Article [7(1) or] 7(2) of the Directive information which that [EEA State] has gathered from the developer of a proposed project in that [EEA State] which is likely to have significant effects on the environment in England ..., the Secretary of State shall, in accordance with Article 7(4) of the Directive:

- (a) enter into consultations with that [EEA State] regarding, inter alia, the potential significant effects of the proposed project on the environment in England .. and the measures envisaged to reduce or eliminate such effects; and
- (b) determine in agreement with that [EEA State] a reasonable period, before development consent for the project is granted, during which members of the public in England ..

may submit to the competent authority in that [EEA State] representations pursuant to Article 7(3)(b) of the Directive.

- (2) The Secretary of State, insofar as he is concerned, shall also—
- (a) arrange for the information referred to in paragraph (1) to be made available, within a reasonable time, both to the authorities in England ... which he considers are likely to be concerned by the project by reason of their specific environmental responsibilities, and to the public concerned in England . . .
  - (b) ensure that those authorities and the public concerned in England .. are given an opportunity, before development consent for the project is granted, to forward to the competent authority in the relevant [EEA State], within a reasonable time, their opinion on the information supplied; [and
  - (c) so far as he has received such information, notify those authorities and the public concerned of the content of any decision of the competent authority of the relevant EEA State; and in particular—
    - (i) any conditions attached to it;
    - (ii) the main reasons and considerations on which the decision was based including, if relevant, information about the participation of the public; and
    - (iii) a description of the main measures to avoid, reduce and, if possible, offset any major adverse effects that have been identified].

## PART 9

### Miscellaneous

#### **Service of notices etc**

**29.** Any notice or other document to be sent, served or given under these Regulations may be served or given in a manner specified in section 329 (service of notices).

#### **Application to the High Court**

**30.** For the purposes of Part XII of the Act (validity of certain decisions), the reference in section 288 to action of the Secretary of State which is not within the powers of the Act shall be taken to extend to a grant of planning permission [or subsequent consent] by the Secretary of State in contravention of regulations 3 or 25(1).

#### **Hazardous waste and material change of use**

**31.** A change in the use of land or buildings to a use for a purpose mentioned in paragraph 9 of Schedule 1 involves a material change in the use of that land or those buildings for the purposes of paragraph (1) of section 55 (meaning of “development” and “new development”).

#### **Extension of the period for an authority's decision on a planning application**

**32.—(1)** In determining for the purposes of section 78 (right to appeal against planning decisions and failure to take such decisions) the time which has elapsed without the relevant planning authority giving notice to the applicant of their decision in a case where—

- (a) the authority have notified an applicant in accordance with regulation 7(2) that the submission of an environmental statement is required; and
- (b) the Secretary of State has given a screening direction in relation to the development in question,

no account shall be taken of any period before the issue of the direction.

(2) Where it falls to an authority to determine an EIA application, article 20 (time periods for decision) of the Order shall have effect as if—

- (a) for each of the references in paragraph (2)(a) and (b) of that article to a period of 13 and 8 weeks respectively there were substituted a reference to a period of 16 weeks<sup>(48)</sup>;
- (b) after paragraph (3)(b) of that article there were inserted—
  - “(ba) the environmental statement required to be submitted in respect of the application has been submitted, together with the documents required to accompany that statement; and”.

### **Extension of the power to provide in a development order for the giving of directions as respects the manner in which planning applications are dealt with**

33. The provisions enabling the Secretary of State to give directions which may be included in a development order by virtue of section 60 (permission granted by development order) shall include provisions enabling him to direct that development which is both of a description mentioned in Column 1 of the table in Schedule 2, and of a class described in the direction is EIA development for the purposes of these Regulations.

### **Revocation of Statutory Instruments and transitional provisions**

34.—(1) The instruments in Schedule 5 are hereby revoked to the extent shown in that Schedule.

(2) Nothing in paragraph (1) shall affect the continued application of the Instruments revoked by that paragraph to any application lodged or received by an authority before the commencement of these Regulations, to any appeal in relation to such an application, or to any matter in relation to which a local planning authority has before that date issued an enforcement notice under section 172; and these Regulations shall not apply to any such application, appeal, or matter.

### **Miscellaneous and consequential amendments**

35.—(1) In section 55(2)(b) of the Act after the words “improvement of the road” there are inserted the words “but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment”.

(2) In Article 3(6) (Use Classes) of the Town and Country Planning (Use Classes) Order 1987<sup>(49)</sup>, after sub-paragraph (i) there are inserted the words:

“(j) as a waste disposal installation for the incineration, chemical treatment (as defined in Annex IIA to Directive 75/442/EEC<sup>(50)</sup> under heading D9), or landfill of waste to which Directive 91/689/EEC<sup>(51)</sup> applies.”

(3) For paragraphs (10) and (11) of article 3 (permitted development) of the Town and Country Planning (General Permitted Development) Order 1995<sup>(52)</sup> there is substituted—

“(10) Subject to paragraph (12), Schedule 1 development or Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (“the EIA Regulations”) is not permitted by this Order unless:

- (a) the local planning authority has adopted a screening opinion under regulation 5 of those Regulations that the development is not EIA development;

---

<sup>(48)</sup> Article 20(2)(b) of the Town and Country Planning (General Development Procedure) Order 1990 (S.I. 1995/419) was inserted by article 7(3) of the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006 (S.I. 2006/1062).

<sup>(49)</sup> S.I. 1987/764. Relevant amending instruments are S.I. 1991/1567, S.I. 1992/610, and S.I. 1994/724.

<sup>(50)</sup> O.J. No. L 194, 25.7.1975, p. 39. Council Directive 75/442/EEC was amended by Council Directive 91/156/EEC (O.J. No. L 78, 26.3.1991, p. 32), and by Commission Decision 94/3/EC (O.J. No. L5, 7.1.1994, p.15).

<sup>(51)</sup> O.J. No. L 337, 31.12.1991, p. 20. Council Directive 91/689/EEC was amended by Council Directive 94/31/EC (O.J. No. L 168, 2.7.1994, p. 28).

<sup>(52)</sup> S.I. 1995/418, to which there are amendments not relevant to these Regulations.

- (b) the Secretary of State has made a screening direction under regulation 4(7) or 6(4) of those Regulations that the development is not EIA development; or
- (c) the Secretary of State has given a direction under regulation 4(4) of those Regulations that the development is exempted from the application of those Regulations.

(11) Where:

- (a) the local planning authority has adopted a screening opinion pursuant to regulation 5 of the EIA Regulations that development is EIA development and the Secretary of State has in relation to that development neither made a screening direction to the contrary under regulation 4(7) or 6(4) of those Regulations nor directed under regulation 4(4) of those Regulations that the development is exempted from the application of those Regulations; or

- (b) the Secretary of State has directed that development is EIA development,

that development shall be treated, for the purposes of paragraph (10), as development which is not permitted by this Order.”.

(4) For the words “3rd June 1995” in articles 3(12)(e) and 3(12)(f) of the Town and Country Planning (General Permitted Development) Order 1995 there are substituted the words “14th March 1999”.

(5) For Class A of Part 13 in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 there is substituted—

“A

The carrying out by a local highway authority—

- (a) on land within the boundaries of a road, of any works required for the maintenance or improvement of the road, where such works involve development by virtue of section 55(2)(b) of the Act; or
- (b) on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway.”

(6) In sub-paragraph (a) of article 8(2) of the Order for the words “the subject of an E.A. Schedule 1 or E.A. Schedule 2 application” there are substituted the words “an EIA application”.

(7) In article 8(7) of the Order for the definitions of “E.A. Schedule 1 application” and “E.A. Schedule 2 application” there is substituted—

““EIA application” has the meaning given in regulation 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, and “environmental statement” means a statement which the applicant refers to as an environmental statement for the purposes of those Regulations”.

(8) For article 14(2) of the Order there is substituted—

“(2) The Secretary of State may give directions that development which is both of a description set out in Column 1 of the table in Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, and of a class described in the direction is EIA development for the purposes of those Regulations.”.

### **Projects serving national defence purposes in Scotland**

36.—(1) ...

### **Projects serving national defence purposes in Wales**

37.—(1) ....

## Projects serving national defence purposes in Northern Ireland

38.—(1) ....

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

*Richard Caborn*  
Minister of State  
Department of the Environment,  
Transport and the Regions

*Alun Michael*  
Secretary of State for Wales

10th February 1999

## SCHEDULE 1

Regulation 2(1)

### Descriptions of Development for the Purposes of the Definition of “Schedule 1 Development”

#### Interpretation

In this Schedule—

“airport” means an airport which complies with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organisation (Annex 14)(**53**);

“express road” means a road which complies with the definition in the European Agreement on Main International Traffic Arteries of 15 November 1975(**54**);

“nuclear power station” and “other nuclear reactor” do not include an installation from the site of which all nuclear fuel and other radioactive contaminated materials have been permanently removed; and development for the purpose of dismantling or decommissioning a nuclear power station or other nuclear reactor shall not be treated as development of the description mentioned in paragraph 2(b) of this Schedule.

#### Descriptions of development

The carrying out of development to provide any of the following—

1. Crude-oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.

2.

(a) Thermal power stations and other combustion installations with a heat output of 300 megawatts or more; and

(b) Nuclear power stations and other nuclear reactors (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).

3.

(a) Installations for the reprocessing of irradiated nuclear fuel.

---

(53) See Command Paper 6614.

(54) See Command Paper 6993.

- (b) Installations designed—
  - (i) for the production or enrichment of nuclear fuel,
  - (ii) for the processing of irradiated nuclear fuel or high-level radioactive waste,
  - (iii) for the final disposal of irradiated nuclear fuel,
  - (iv) solely for the final disposal of radioactive waste,
  - (v) solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.

**4.**

- (a) Integrated works for the initial smelting of cast-iron and steel;
- (b) Installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes.

**5.** Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos—

- (a) for asbestos-cement products, with an annual production of more than 20,000 tonnes of finished products;
- (b) for friction material, with an annual production of more than 50 tonnes of finished products; and
- (c) for other uses of asbestos, utilisation of more than 200 tonnes per year.

**6.** Integrated chemical installations, that is to say, installations for the manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another and which are—

- (a) for the production of basic organic chemicals;
- (b) for the production of basic inorganic chemicals;
- (c) for the production of phosphorous-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers);
- (d) for the production of basic plant health products and of biocides;
- (e) for the production of basic pharmaceutical products using a chemical or biological process;
- (f) for the production of explosives.

**7.**

- (a) Construction of lines for long-distance railway traffic and of airports with a basic runway length of 2,100 metres or more;
- (b) Construction of motorways and express roads;
- (c) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road would be 10 kilometres or more in a continuous length.

**8.**

- (a) Inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tonnes;
- (b) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes.

**9.** Waste disposal installations for the incineration, chemical treatment (as defined in Annex IIA to Council Directive 75/442/EEC<sup>(55)</sup> under heading D9), or landfill of [hazardous waste as defined in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005<sup>(56)</sup>].

**10.** Waste disposal installations for the incineration or chemical treatment (as defined in Annex IIA to Council Directive 75/442/EEC under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day.

**11.** Groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million cubic metres.

**12.**

- (a) Works for the transfer of water resources, other than piped drinking water, between river basins where the transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres per year;
- (b) In all other cases, works for the transfer of water resources, other than piped drinking water, between river basins where the multi-annual average flow of the basin of abstraction exceeds 2,000 million cubic metres per year and where the amount of water transferred exceeds 5% of this flow.

**13.** Waste water treatment plants with a capacity exceeding 150,000 population equivalent as defined in Article 2 point (6) of Council Directive 91/271/EEC<sup>(57)</sup>.

**14.** Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes per day in the case of petroleum and 500,000 cubic metres per day in the case of gas.

**15.** Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres.

**16.** Pipelines for the transport of gas, oil or chemicals with a diameter of more than 800 millimetres and a length of more than 40 kilometres.

**17.** Installations for the intensive rearing of poultry or pigs with more than—

- (a) 85,000 places for broilers or 60,000 places for hens;
- (b) 3,000 places for production pigs (over 30 kg); or
- (c) 900 places for sows.

**18.** Industrial plants for—

- (a) the production of pulp from timber or similar fibrous materials;
- (b) the production of paper and board with a production capacity exceeding 200 tonnes per day.

**19.** Quarries and open-cast mining where the surface of the site exceeds 25 hectares, or peat extraction where the surface of the site exceeds 150 hectares.

**20.** Installations for storage of petroleum, petrochemical or chemical products with a capacity of 200,000 tonnes or more.

**21.** [Any change to or extension of development listed in this Schedule where such a change or extension itself meets the thresholds, if any, or description of development set out in this Schedule.]

---

<sup>(55)</sup> O.J. No. L 194, 25.7.1975, p. 39. Council Directive 75/442/EEC was amended by Council Directive 91/156/EEC (O.J. No. L 78, 26.3.1991, p. 32) and by Commission Decision 94/3/EC (O.J. No. L 5, 7.1.1994, p. 15).

<sup>(56)</sup>

<sup>(57)</sup> O.J. No. L 135, 30.5.1991, p. 40.

## SCHEDULE 2

Regulation 2(1)

### Descriptions of Development and Applicable Thresholds and Criteria for the Purposes of the Definition of “Schedule 2 Development”

1. In the table below—

“area of the works” includes any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps or other facilities or stores required for construction or installation;

“controlled waters” has the same meaning as in the Water Resources Act 1991(58);

“floorspace” means the floorspace in a building or buildings.

2. The table below sets out the descriptions of development and applicable thresholds and criteria for the purpose of classifying development as Schedule 2 development.

**Table**

<i>Column 1</i> <i>Description of development</i>	<i>Column 2</i> <i>Applicable thresholds and criteria</i>
<b>1 Agriculture and aquaculture</b>	
(a) Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes;	The area of the development exceeds 0.5 hectare.
(b) Water management projects for agriculture, including irrigation and land drainage projects;	The area of the works exceeds 1 hectare.
(c) Intensive livestock installations (unless included in Schedule 1);	The area of new floorspace exceeds 500 square metres.
(d) Intensive fish farming;	The installation resulting from the development is designed to produce more than 10 tonnes of dead weight fish per year.
(e) Reclamation of land from the sea.	All development.
<b>2 Extractive industry</b>	
(a) Quarries, open cast mining and peat extraction (unless included in Schedule 1);	All development except the construction of buildings or other ancillary structures where the new floorspace does not exceed 1,000 square metres.
(b) Underground mining;	All development.
(c) Extraction of minerals by fluvial [or marine] dredging;	All development.
(d) Deep drillings, in particular—	(i) In relation to any type of drilling, the area of the works exceeds 1 hectare; or
(i) geothermal drilling; .	(ii) in relation to geothermal drilling and drilling for the storage of nuclear waste material, the drilling is within 100 metres of any controlled waters
(ii) drilling for the storage of nuclear waste material;	
(iii) drilling for water supplies;	
with the exception of drillings for investigating the stability of the soil.	
(e) Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale	The area of the development exceeds 0.5 hectare.
<b>3 Energy industry</b>	
(a) Industrial installations for the production of electricity, steam and hot water (unless	The area of the development exceeds 0.5 hectare.

(58) 1991 c. 57. See section 104.

- included in Schedule 1);
- (b) Industrial installations for carrying gas, steam and hot water;
- (c) Surface storage of natural gas;
- (d) Underground storage of combustible gases;
- (e) Surface storage of fossil fuels;
- (f) Industrial briquetting of coal and lignite;
- (g) Installations for the processing and storage of radioactive waste (unless included in Schedule 1);
- (h) Installations for hydroelectric energy production;
- (i) Installations for the harnessing of wind power for energy production (wind farms).
- The area of the works exceeds 1 hectare.
- (i) The area of any new building, deposit or structure exceeds 500 square metres; or
- (ii) a new building, deposit or structure is to be sited within 100 metres of any controlled waters.
- (i) The area of any new building, deposit or structure exceeds 500 square metres; or
- (ii) a new building, deposit or structure is to be sited within 100 metres of any controlled waters.
- (i) The area of any new building, deposit or structure exceeds 500 square metres; or
- (ii) a new building, deposit or structure is to be sited within 100 metres of any controlled waters.
- The area of new floorspace exceeds 1,000 square metres.
- (i) The area of new floorspace exceeds 1,000 square metres; or
- (ii) the installation resulting from the development will require an authorisation or the variation of an authorisation under the Radioactive Substances Act 1993.
- The installation is designed to produce more than 0.5 megawatts.
- (i) The development involves the installation of more than 2 turbines; or
- (ii) the hub height of any turbine or height of any other structure exceeds 15 metres.

#### **4 Production and processing of metals**

- (a) Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting;
- (b) Installations for the processing of ferrous metals—
- (i) hot-rolling mills;
- (ii) smitheries with hammers;
- (iii) application of protective fused metal coats.
- (c) Ferrous metal foundries;
- (d) Installations for the smelting, including the alloyage, of non-ferrous metals, excluding precious metals, including recovered products (refining, foundry casting, etc);
- (e) Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process;
- (f) Manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines;
- (g) Shipyards;
- The area of new floorspace exceeds 1,000 square metres.

(h) Installations for the construction and repair of aircraft;

(i) Manufacture of railway equipment;

(j) Swaging by explosives;

(k) Installations for the roasting and sintering of metallic ores.

#### **5 Mineral industry**

(a) Coke ovens (dry coal distillation);

(b) Installations for the manufacture of cement;

(c) Installations for the production of asbestos and the manufacture of asbestos-based products (unless included in Schedule 1);

(d) Installations for the manufacture of glass including glass fibre;

(e) Installations for smelting mineral substances including the production of mineral fibres;

(f) Manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain.

The area of new floorspace exceeds 1,000 square metres.

#### **6 Chemical industry (unless included in Schedule 1)**

(a) Treatment of intermediate products and production of chemicals;

(b) Production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides;

(c) Storage facilities for petroleum, petrochemical and chemical products.

The area of new floorspace exceeds 1,000 square metres.

The area of new floorspace exceeds 1,000 square metres.

(i) The area of any new building or structure exceeds 0.05 hectare; or

(ii) more than 200 tonnes of petroleum, petrochemical or chemical products is to be stored at any one time.

#### **7 Food industry**

(a) Manufacture of vegetable and animal oils and fats;

(b) Packing and canning of animal and vegetable products;

(c) Manufacture of dairy products;

(d) Brewing and malting;

(e) Confectionery and syrup manufacture;

(f) Installations for the slaughter of animals;

(g) Industrial starch manufacturing installations;

(h) Fish-meal and fish-oil factories;

(i) Sugar factories.

The area of new floorspace exceeds 1,000 square metres.

#### **8 Textile, leather, wood and paper industries**

(a) Industrial plants for the production of paper and board (unless included in Schedule 1);

The area of new floorspace exceeds 1,000 square metres.

- (b) Plants for the pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of fibres or textiles;
- (c) Plants for the tanning of hides and skins;
- (d) Cellulose-processing and production installations.

**9. Rubber industry**

Manufacture and treatment of elastomer-based products.

The area of new floorspace exceeds 1,000 square metres.

**10. Infrastructure projects**

- (a) Industrial estate development projects;
- (b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas;
- (c) Construction of intermodal transshipment facilities and of intermodal terminals (unless included in Schedule 1);
- (d) Construction of railways (unless included in Schedule 1);
- (e) Construction of airfields (unless included in Schedule 1);
- (f) Construction of roads (unless included in Schedule 1);
- (g) Construction of harbours and port installations including fishing harbours (unless included in Schedule 1);
- (h) Inland-waterway construction not included in Schedule 1, canalisation and flood-relief works;
- (i) Dams and other installations designed to hold water or store it on a long-term basis (unless included in Schedule 1);
- (j) Tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport;
- (k) Oil and gas pipeline installations (unless included in Schedule 1);
- (l) Installations of long-distance aqueducts;
- (m) Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes,

The area of the development exceeds 0.5 hectare.

The area of the works exceeds 1 hectare.

- (i) The development involves an extension to a runway; or
  - (ii) the area of the works exceeds 1 hectare.
- The area of the works exceeds 1 hectare.

(i) The area of the works exceeds 1 hectare; or,  
(ii) in the case of a gas pipeline, the installation has a design operating pressure exceeding 7 bar gauge.

(i) The area of the works exceeds 1 hectare; or,  
(ii) in the case of a gas pipeline, the installation has a design operating pressure exceeding 7 bar gauge.

All development.

moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works;

(n) Groundwater abstraction and artificial groundwater recharge schemes not included in Schedule 1; The area of the works exceeds 1 hectare.

(o) Works for the transfer of water resources between river basins not included in Schedule 1;

(p) Motorway service areas.

The area of the works exceeds 1 hectare.

The area of the development exceeds 0.5 hectare.

## 11 *Other projects*

(a) Permanent racing and test tracks for motorised vehicles;

(b) Installations for the disposal of waste (unless included in Schedule 1);

(c) Waste-water treatment plants (unless included in Schedule 1);

(d) Sludge-deposition sites;

(e) Storage of scrap iron, including scrap vehicles;

(f) Test benches for engines, turbines or reactors;

(g) Installations for the manufacture of artificial mineral fibres;

(h) Installations for the recovery or destruction of explosive substances;

(i) Knackers' yards.

The area of the development exceeds 1 hectare.

(i) The disposal is by incineration; or  
(ii) the area of the development exceeds 0.5 hectare; or  
(iii) the installation is to be sited within 100 metres of any controlled waters.

The area of the development exceeds 1,000 square metres.

(i) The area of deposit or storage exceeds 0.5 hectare; or

(ii) a deposit is to be made or scrap stored within 100 metres of any controlled waters

(i) The area of deposit or storage exceeds 0.5 hectare; or

(ii) a deposit is to be made or scrap stored within 100 metres of any controlled waters.

The area of new floorspace exceeds 1,000 square metres.

## 12 *Tourism and leisure*

(a) Ski-runs, ski-lifts and cable-cars and associated developments;

(b) Marinas;

(c) Holiday villages and hotel complexes outside urban areas and associated developments;

(d) Theme parks;

(e) Permanent camp sites and caravan sites;

(f) Golf courses and associated developments.

(i) The area of the works exceeds 1 hectare; or  
(ii) the height of any building or other structure exceeds 15 metres.

The area of the enclosed water surface exceeds 1,000 square metres.

The area of the development exceeds 0.5 hectare.

The area of the development exceeds 1 hectare.

**13**

(a) Any change to or extension of development of a description listed in Schedule 1 [(other than a change or extension falling within paragraph 21 of that Schedule)] or in paragraphs 1 to 12 of Column 1 of this table, where that development is already authorised, executed or in the process of being executed, and the change or extension may have significant adverse effects on the environment;

(i) In relation to development of a description mentioned in Column 1 of this table, the thresholds and criteria in the corresponding part of Column 2 of this table applied to the change or extension (and not to the development as changed or extended).

(ii) In relation to development of a description mentioned in a paragraph in Schedule 1 indicated below, the thresholds and criteria in Column 2 of the paragraph of this table indicated below applied to the change or extension (and not to the development as changed or extended):

<i>Paragraph in Schedule 1</i>	<i>Paragraph of this table</i>
1	6(a)
2(a)	3(a)
2(b)	3(g)
3	3(g)
4	4
5	5
6	6(a)
7(a)	10(d) (in relation to railways) or 10(e) (in relation to airports)
7(b) and (c)	10(f)
8(a)	10(h)
8(b)	10(g)
9	11(b)
10	11(b)
11	10(n)
12	10(o)
13	11(c)
14	2(e)
15	10(i)
16	10(k)
17	1(c)
18	8(a)
19	2(a)
20	6(c).

(b) Development of a description mentioned in Schedule 1 undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than two years.

All development

## Selection Criteria for Screening Schedule 2 Development

**Characteristics of development**

1. The characteristics of development must be considered having regard, in particular, to—
  - (a) the size of the development;
  - (b) the cumulation with other development;
  - (c) the use of natural resources;
  - (d) the production of waste;
  - (e) pollution and nuisances;
  - (f) the risk of accidents, having regard in particular to substances or technologies used.

**Location of development**

2. The environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard, in particular, to—
  - (a) the existing land use;
  - (b) the relative abundance, quality and regenerative capacity of natural resources in the area;
  - (c) the absorption capacity of the natural environment, paying particular attention to the following areas—
    - (i) wetlands;
    - (ii) coastal zones;
    - (iii) mountain and forest areas;
    - (iv) nature reserves and parks;
    - (v) areas classified or protected under Member States' legislation; areas designated by Member States pursuant to Council Directive 79/409/EEC<sup>(59)</sup> on the conservation of wild birds and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora<sup>(60)</sup>;
    - (vi) areas in which the environmental quality standards laid down in Community legislation have already been exceeded;
    - (vii) densely populated areas;
    - (viii) landscapes of historical, cultural or archaeological significance.

**Characteristics of the potential impact**

3. The potential significant effects of development must be considered in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to—
  - (a) the extent of the impact (geographical area and size of the affected population);
  - (b) the transfrontier nature of the impact;
  - (c) the magnitude and complexity of the impact;
  - (d) the probability of the impact;
  - (e) the duration, frequency and reversibility of the impact.

---

<sup>(59)</sup> O.J. No. L 103, 25.4.1979, p. 1.

<sup>(60)</sup> O.J. No. L 206, 22.7.1992, p. 7.

## Information for Inclusion in Environmental Statements

## PART 1

1. Description of the development, including in particular—

- (a) a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;
- (b) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;
- (c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed development.

2. An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for his choice, taking into account the environmental effects.

3. A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors.

4. A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:

- (a) the existence of the development;
- (b) the use of natural resources;
- (c) the emission of pollutants, the creation of nuisances and the elimination of waste,

and the description by the applicant of the forecasting methods used to assess the effects on the environment.

5. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.

6. A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.

7. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

## PART 2

1. A description of the development comprising information on the site, design and size of the development.

2. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.

3. The data required to identify and assess the main effects which the development is likely to have on the environment.

4. An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for his choice, taking into account the environmental effects.

5. A non-technical summary of the information provided under paragraphs 1 to 4 of this Part.

## SCHEDULE 5

Regulation 34(1)

### Statutory Instruments Revoked

<i>Title of instrument</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Town and Country Planning (Assessment of Environmental Effects) Regulations 1988	S.I. 1988/1199	The whole of the Regulations
The Town and Country Planning (Assessment of Environmental Effects) (Amendment) Regulations 1990	S.I.1990/367	The whole of the Regulations
The Town and Country Planning (Assessment of Environmental Effects) (Amendment) Regulations 1992	S.I. 1992/1494	The whole of the Regulations
The Town and Country Planning (Simplified Planning Zones) Regulations 1992	S.I. 1992/2414	Regulation 22
The Town and Country Planning (Assessment of Environmental Effects) (Amendment) Regulations 1994	S.I. 1994/677	The whole of the Regulations
The Town and Country Planning (Environmental Assessment and Permitted Development) Regulations 1995	S.I. 1995/417	The whole of the Regulations
The Town and Country Planning (General Permitted Development) Order 1995	S.I. 1995/418	Sub-paragraphs (a) and (c) of article 3(12)
The Town and Country Planning (Environmental Assessment and Unauthorised Development) Regulations 1995	S.I. 1995/2258	The whole of the Regulations

END