#### STATUTORY INSTRUMENTS

#### 2011 No. 1824

#### TOWN AND COUNTRY PLANNING

# The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

Made - - - - 19th July 2011
Laid before Parliament 26th July 2011
Coming into force 24 August 2011

## THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011

#### PART 1

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

#### PART 2

- 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

- 7. Applications which appear to require screening opinion
- Subsequent applications where environmental information previously provided
- 9. Subsequent applications where environmental information not previously provided
- Application made to a local planning authority without an environmental statement
- 11. Application referred to the Secretary of State without an environmental statement
- 12. Appeal to the Secretary of State without an environmental statement

#### PART 4

- 13. Scoping opinions of the local planning authority
- 14. Scoping directions of the Secretary of State
- 15. Procedure to facilitate preparation of environmental statements

#### PART 5

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

#### PART 6

etc

- 23. Availability of opinions, directions etc for inspection
- 24. Duties to inform the public and the Secretary of State of final decisions

#### PART 7

- 25. Modifications where application by a local planning authority
- 26. Screening opinions and directions

#### PART 8

- 27. Old simplified planning zone schemes or enterprise orders
- 28. New simplified planning zone schemes or enterprise zone orders
- 29. Local development orders

#### PART 9

- 30. Interpretation
- 31. Prohibition on the grant of planning permission for unauthorised EIA development
- 32. Screening opinions of the local planning authority
- 33. Screening directions of the Secretary of State
- 34. Provision of information
- 35. Appeal to the Secretary of State without a screening opinion or screening direction
- 36. Appeal to the Secretary of State without an environmental statement
- 37. Procedure where an environmental statement is submitted to the Secretary of State
- 38. Further information and evidence respecting environmental statements
- 39. Publicity for environmental statements or further information

Status: This is the original version (as it was originally made).

- 40. Public inspection of documents
- 41. Significant transboundary effects

#### PART 10

- 42. General application of the Regulations to ROMP applications
- 43. Modification of provisions on prohibition of granting planning permission or subsequent consent
- 44. Modification of provisions on application to local planning authority without an environmental statement
- 45. Disapplication of Regulations and modifications of provisions on application referred to or appealed to the Secretary of State without an environmental statement
- 46. Substitution of references to section 78 right of appeal and modification of provisions on appeal to the Secretary of State without an environmental statement
- 47. Modification of provisions on preparation, publicity and procedures on submission of environmental statements
- 48. Modification of provisions on application to the High Court and giving of directions
- 49. Suspension of minerals development
- 50. Determination of conditions and right of appeal on non-determination
- 51. ROMP application by a mineral planning authority
- 52. ROMP applications: duty to make a prohibition order after two years suspension of permission

#### PART 11

- 53. Development in England likely to have significant effects in another EEA State
- 54. Projects in another EEA State likely to have significant transboundary effects

#### PART 12

- 55. Projects serving national defence purposes in Scotland
- 56. Projects serving national defence purposes in Wales
- 57. Projects serving national defence purposes in Northern Ireland

#### PART 13

- 58. Service of notices etc
- 59. Application to the High Court
- 60. Hazardous waste and material change of use
- 61. Extension of the period for an authority's decision on a planning application
- 62. 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
- 63. Application to the Crown
- 64. Review
- 65. Revocation of statutory instruments and transitional provisions
- 66. Consequential amendments Signature

SCHEDULE 1 — Descriptions of development for the purposes of the definition of "Schedule 1 development"

Interpretation

Descriptions of development

SCHEDULE 2 — 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...
- 2. The table below sets out the descriptions of development and...

#### SCHEDULE 3 — Selection criteria for screening Schedule 2 development

- 1. Characteristics of development
- 2. Location of development
- 3. Characteristics of the potential impact

### SCHEDULE 4 — Information for inclusion in environmental statements PART 1

- 1. Description of the development, including in particular—
- 2. An outline of the main alternatives studied by the applicant...
- 3. A description of the aspects of the environment likely to...
- 4. A description of the likely significant effects of the development...
- 5. A description of the measures envisaged to prevent, reduce and...
- 6. A non-technical summary of the information provided under paragraphs 1...
- 7. An indication of any difficulties (technical deficiencies or lack of... PART 2
- 1. A description of the development comprising information on the site,...
- 2. A description of the measures envisaged in order to avoid,...
- 3. The data required to identify and assess the main effects...
- 4. An outline of the main alternatives studied by the applicant...
- 5. A non-technical summary of the information provided under paragraphs 1...

#### SCHEDULE 5 — Statutory instruments revoked

#### SCHEDULE 6 — Consequential amendments

- The Town and Country Planning (General Permitted Development) Order 1995
- 2. In article 3(10), for "the Town and Country Planning (Environmental...
- 3. In article 3(11) for "regulation 4(7)" substitute "regulation 4(8)".
- 4. The Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999
- 5. In regulation 2(1), for the definition of "the 1999 EIA...
- 6. In regulation 4(3), for "the 1999 EIA Regulations" (at both...
- 7. The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999
- 8. In regulation 3(1)(c)(ii), for "the Town and Country Planning (Environmental...
- 9. The Town and Country Planning (Major Infrastructure Project Inquiries Procedure) (England) Rules 2005
- In regulation 2(1), for the definition of "environmental statement", substitute...

- 11. The Planning (National Security Directions and Appointed Representatives) (England) Rules 2006
- 12. In regulation 6(8), for the definition of "EIA application", substitute...
- 13. Environmental Impact Assessment (Agriculture) (England) (No 2) Regulations 2006
- 14. In regulation 3(2)(b), for "the Town and Country Planning (Environmental...
- 15. The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2007
- 16. In regulation 2(1), in the definition of "dredging", for "the...
- 17. The Town and Country Planning (Development Management Procedure) (England) Order 2010
- 18. In regulation 2(1), in the definition of "EIA development", "environmental...
- 19. For regulation 25(2), substitute—(2) The Secretary of State may...
- 20. In regulation 34(13), for "the Town and Country Planning (Environmental...

**Explanatory Note**