
STATUTORY INSTRUMENTS

2011 No. 1824

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

PART 13

Miscellaneous

Service of notices etc

58. 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(1) (service of notices).

Application to the High Court

59. For the purposes of Part 12 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 31.

Hazardous waste and material change of use

60. 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 section 55(1) (meaning of “development” and “new development”).

Extension of the period for an authority’s decision on a planning application

61.—(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 10(1) 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, articles 29 (time periods for decision) and 30 (applications made under planning condition) of the Order shall have effect as if for each of the references in article 29(2)(a) and (b) and 30 to a period of 13 and 8 weeks respectively there were substituted a reference to a period of 16 weeks.

(1) Section 329 was amended by the Town and Country Planning (Electronic Communications) (England) Order 2003 (S.I. 2003/956).

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

62. 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.

Application to the Crown

63.—(1) These regulations shall apply to the Crown with the following modifications.

(2) In regulation 11 (application referred to the Secretary of State without an environmental statement)—

- (a) in paragraph (1)—
 - (i) before “referred” insert “made or”; and
 - (ii) before “referral” insert “making or the”; and
- (b) in paragraph (2), before “referred” insert “made or”.

Review

64.—(1) Before the end of each review period, the Secretary of State must—

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other Member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) “Review period” means—

- (a) the period of 5 years beginning with the day on which these Regulations came into force, and
- (b) subject to paragraph (5), each successive period of 5 years.

(5) If a report under this regulation is laid published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.

Revocation of statutory instruments and transitional provisions

65.—(1) The statutory instruments in Schedule 5 are 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 in relation to—

- (a) any application lodged or received by an authority before the commencement of these Regulations,
 - (b) any undetermined ROMP application to which those instruments apply in accordance with the Town and Country Planning (Environmental Impact Assessment) (Mineral Permissions and Amendment) (England) Regulations 2008⁽²⁾,
 - (c) any appeal in relation to an application under paragraph (a) or (b), or
 - (d) 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 in relation to any such application, appeal, or matter.

Consequential amendments

- 66.** The instruments in Schedule 6 are amended to the extent shown in that Schedule.

(2) [S.I. 2008/1556](#).