
STATUTORY INSTRUMENTS

2011 No. 1824

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

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.

(a) (4) (a) The Secretary of State may direct that these Regulations shall not apply in relation 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.

(5) 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.

(6) 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.

(7) Where a local planning authority adopts a screening opinion under regulation 5(5), or the Secretary of State makes a screening direction under paragraph (3)—

- (a) that opinion or direction shall be accompanied by a written statement giving clearly and precisely the full reasons for that conclusion; and
- (b) 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 (a) to the person who proposes to carry out, or who has carried out, the development in question.

(8) The Secretary of State may make a screening direction either—

- (a) of the Secretary of State's own volition; or
- (b) if requested to do so in writing by any person.

(9) 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.

(10) The Secretary of State shall send a copy of any screening direction and a copy of the written statement required by paragraph (7)(a) 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 in relation to an application for planning permission 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 person making the request may wish to provide or make.

(3) A request for a screening opinion in relation to a subsequent application shall be accompanied by—

- (a) a plan sufficient to identify the land;
- (b) 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;
- (c) an explanation of the likely effects on the environment which were not identified at the time that the planning permission was granted; and
- (d) such other information or representations as the person making the request may wish to provide or make.

(4) 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.

(5) An authority shall adopt a screening opinion within 3 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.

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

(7) Where an authority—

- (a) fails to adopt a screening opinion within the relevant period mentioned in paragraph (5); or
- (b) adopts 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.

(8) The person may make a request pursuant to paragraph (7) even if the authority have not received additional information which they have sought under paragraph (4).

Requests for screening directions of the Secretary of State

6.—(1) A person who pursuant to regulation 5(7) requests the Secretary of State to make a screening direction shall submit with the request—

- (a) a copy of the request to the relevant planning authority under regulation 5(1) and the documents which accompanied it;
- (b) a copy of any notification received under regulation 5(4) and of any response sent;
- (c) a copy of any screening opinion received from the authority and of any accompanying statement of reasons; and
- (d) any representations that the person wishes to make.

(2) A person making a request pursuant to regulation 5(7) shall send to the relevant planning authority a copy of that request and of any representations that person makes to the Secretary of State.

(3) If the Secretary of State considers that sufficient information to make a screening direction has not been provided, the Secretary of State shall give notice in writing to the person making the request pursuant to regulation 5(7) of the points on which additional information is required, 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 3 weeks beginning with the date of receipt of a request pursuant to regulation 5(7) or such longer period as may be reasonably required.

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