
STATUTORY INSTRUMENTS

2011 No. 1824

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

PART 5

Publicity and Procedures on Submission of Environmental Statements

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

16.—(1) An applicant who makes an EIA application shall submit to the relevant planning authority a statement, referred to as an “environmental statement” for the purposes of these Regulations, and shall provide the authority with 1 additional copy of the statement for transmission to the Secretary of State. If at the same time the applicant serves a copy of the statement to any other body, the applicant shall—

- (a) serve with it a copy of the application and any plan submitted with the application (unless these have already been provided to 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 so served and of the date of service.

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

- (a) send to the Secretary of State, within 14 days of receipt of the statement, 1 copy 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;
- (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 are 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 17(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.

(4) Where an applicant submits an environmental statement to the authority in accordance with paragraph (1), the provisions of article 13 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 13(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”.

(5) 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

17.—(1) Where an application for planning permission or a subsequent application has been made without an environmental statement and the applicant proposes to submit such a statement, the applicant shall, before submitting it, comply with paragraphs (2) to (5).

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

- (a) the applicant's name, that an application is being made 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 the Secretary of State;
- (c) the address or location and the nature of the proposed development;
- (d) that—
 - (i) a copy of the application, any accompanying plan and other documents, and a copy of the environmental statement, and
 - (ii) 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.

(3) An applicant who is notified under regulation 10(2), 11(4) or 12(5) of such a person as mentioned in any of those paragraphs shall serve a notice on every such person; 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.

(4) The applicant shall 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. This provision shall not apply if the applicant has not, and is not reasonably able to acquire, such rights as would enable the applicant to comply.

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

- (a) be left in position for not less than 7 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.
- (6) 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 a notice was posted on the land in compliance with this regulation and when this was done, and that the notice was left in position for not less than 7 days in the 28 days immediately preceding the date of the submission of the statement, or that, without any fault or intention on the applicant's part, it was removed, obscured or defaced before 7 days had elapsed and the applicant took reasonable steps for its protection or replacement, specifying the steps taken; or
 - (ii) that the applicant was unable to comply with paragraphs (4) and (5) because the applicant did not have the necessary rights to do so; that any reasonable steps available to acquire those rights have been taken but unsuccessfully, specifying the steps taken.

(7) Where an applicant indicates that it is proposed to provide a statement in the circumstances 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 (6); 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.

(8) Where it is proposed to submit an environmental statement in connection with an appeal, this regulation applies with the substitution 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

18. Where an applicant for planning permission or subsequent consent has submitted to the relevant planning authority in connection with that application an environmental statement, 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 1 copy of the statement and, where relevant, the further information unless, in the case of a referred application, the relevant planning authority have already done so.

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

19.—(1) This regulation applies where an applicant submits an environmental statement 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.

(2) The applicant or appellant shall submit 2 copies of the statement to the Secretary of State who shall send 1 copy to the relevant planning authority.

(3) An applicant or appellant who submits an environmental statement to the Secretary of State may provide a copy of it to any other body, and if so shall comply with regulations 16(1)(a) and (b) as if the reference in regulation 16(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 16(1)(c).

(4) The Secretary of State shall comply with regulation 16(2) (except sub-paragraph (a) of that regulation) and the applicant or appellant with regulation 16(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 16(5) as if it referred to the Secretary of State or the inspector instead of to the relevant planning authority.

Availability of copies of environmental statements

20. An applicant for planning permission or subsequent consent, or an appellant, who submits an environmental statement in connection with an application or appeal, 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 13 of the Order or regulation 17 as the address at which such copies may be obtained.

Charges for copies of environmental statements

21. 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 20.

Further information and evidence respecting environmental statements

22.—(1) A relevant planning authority, Secretary of State or inspector dealing with an application or appeal in relation to which the applicant or appellant has submitted an environmental statement, if of the opinion that the statement should contain additional information in order to be an environmental statement, 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 the Secretary of State;

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

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

(e) that further information or any other information is available in relation to an environmental statement which has already been provided;

- (f) that a copy of the further information or any other information and of any environmental statement which relates to any planning permission or subsequent application may be inspected by members of the public at all reasonable hours;
 - (g) 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);
 - (h) an address (whether or not the same as that given pursuant to sub-paragraph (g)) in the locality in which the land is situated at which copies of the further information or any other information may be obtained;
 - (i) that copies may be obtained there so long as stocks last;
 - (j) if a charge is to be made for a copy, the amount of the charge;
 - (k) 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 (g), to the relevant planning authority, the Secretary of State or the inspector (as the case may be); and
 - (l) 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 1 copy 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 are 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 the environmental statement.