STATUTORY INSTRUMENTS

## 2017 No. 571

### TOWN AND COUNTRY PLANNING

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

Made	18th April 2017
Laid before Parliament	19th April 2017
Coming into force	16th May 2017

### THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017

#### PART 1

#### General

- 1. Citation, commencement and application
- 2. Interpretation
- 3. Prohibition on granting planning permission or subsequent consent for EIA development
- 4. Environmental impact assessment process

#### PART 2

#### Screening

- 5. General provisions relating to screening
- 6. Requests for screening opinions of the relevant planning authority
- 7. Requests for screening directions of the Secretary of State

#### PART 3

#### Procedures relating to applications for planning permission

- 8. Applications which appear to require screening opinion
- 9. Subsequent applications where environmental information previously provided
- 10. Subsequent applications where environmental information not previously provided

- 11. EIA applications made to a relevant planning authority without an environmental statement
- 12. EIA applications made directly to the Secretary of State without an environmental statement
- 13. Application referred to the Secretary of State without an environmental statement
- 14. Appeal to the Secretary of State without an environmental statement

#### PART 4

#### Preparation of environmental statements

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

#### PART 5

Publicity and procedures on submission of environmental statements and decision making

- 18. Environmental statements
- 19. Procedure where an environmental statement is submitted to a local planning authority
- 19A Exceptions to requirements in relation to publication of notice, inspection of copies and availability of copies for the period from 24th December 2020 to 31st December 2021
- 20. Publicity where an environmental statement is submitted after the planning application
- 21. Provision of copies of environmental statements, any other information and further information for the Secretary of State on referral or appeal
- 22. Procedure where an environmental statement is submitted to the Secretary of State
- 23. Availability of copies of environmental statements
- 23A Exception to requirement to ensure availability of copies of environmental statements
- 24. Charges for copies of environmental statements
- 25. Further information and evidence respecting environmental statements
- 25A Exceptions to requirements in relation to publication of notice, inspection of copies and availability of copies for the period from 24th December 2020 to 30th June 2021
- 25B Exceptions to requirements in relation to inspection of copies and availability of copies for the period from 1st July 2021 to 31st December 2021
- 26. Consideration of whether planning permission or subsequent consent should be granted
- 27. Co-ordination

#### PART 6

#### Availability of directions etc and notification of decisions

- 28. Availability of opinions, directions etc for inspection
- 29. Information to accompany decisions
- 30. Duty to inform the public and the Secretary of State of final decisions

#### PART 7

#### Restrictions of grants of permission

- 31. New simplified planning zone schemes or enterprise zone orders
- 32. Local development orders
- 33. Neighbourhood development orders
- 33A Other orders made by a local planning authority
- 33B Miscellaneous orders and notices made by the Secretary of State

#### PART 8

#### Unauthorised development

- 34. Interpretation
- 35. Duty to ensure objectives of the Directive are met
- 36. Prohibition on the grant of planning permission for unauthorised EIA development
- 37. Screening opinions of the local planning authority
- 38. Screening directions of the Secretary of State
- 39. Provision of information
- 40. Appeal to the Secretary of State without a screening opinion or screening direction
- 41. Appeal to the Secretary of State without an environmental statement
- 42. Procedure where an environmental statement is submitted to the Secretary of State
- 43. Further information and evidence respecting environmental statements
- 44. Publicity for environmental statements or further information
- 45. Public inspection of documents
- 46. Significant transboundary effects

#### PART 9

#### **ROMP** Applications

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

#### PART 10

#### Development with significant transboundary effects

- 58. Development in England likely to have significant effects in an EEA State
- 59. Projects in an EEA State likely to have significant transboundary effects

#### PART 11

#### Exemptions

- 60. Projects serving national defence purposes in Scotland
- 61. Projects serving national defence purposes in Wales
- 62. Projects serving national defence purposes in Northern Ireland
- 63. Exemptions

#### PART 12

#### Miscellaneous

- 64. Objectivity and bias
- 65. Service of notices etc
- 66. Application to the High Court
- 67. Hazardous waste and material change of use
- 68. Extension of the period for an authority's decision on a planning application
- 69. 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
- 70. Application to the Crown
- 71. Review
- 72. Amendment of the Town and Country Planning (Development Management Procedure) (England) Order 2015
- 73. Amendment of the Town and Country Planning (General Permitted Development) (England) Order 2015
- 74. Amendment of the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013
- 75. Amendment of the Neighbourhood Planning (General) Regulations 2012
- 76. Revocation and transitional provisions Signature

SCHEDULE 1 — DESCRIPTIONS OF DEVELOPMENT FOR THE PURPOSES OF THE DEFINITION OF "SCHEDULE 1 DEVELOPMENT"

#### Interpretation

- Descriptions of development
- 1. Descriptions of development
- 2. (1) Thermal power stations and other combustion installations with a...
- 3. (1) Installations for the reprocessing of irradiated nuclear fuel.
- 4. (1) Integrated works for the initial smelting of cast-iron and...
- 5. Installations for the extraction of asbestos and for the processing...
- 6. Integrated chemical installations, that is to say, installations for the...
- 7. (1) Construction of lines for long-distance railway traffic and of...
- 8. (1) Inland waterways and ports for inland-waterway traffic which permit...

- 9. Waste disposal installations for the incineration, chemical treatment (as defined...
- 10. Waste disposal installations for the incineration or chemical treatment (as...
- 11. Groundwater abstraction or artificial groundwater recharge schemes where the annual...
- 12. (1) Works for the transfer of water resources, other than...
- 13. Waste water treatment plants with a capacity exceeding 150,000 population...
- 14. Extraction of petroleum and natural gas for commercial purposes where...
- 15. Dams and other installations designed for the holding back or...
- 16. Pipelines with a diameter of more than 800 millimetres and...
- 17. Installations for the intensive r earing of poultry or pigs...
- 18. Industrial plants for— (a) the production of pulp from timber...
- 19. Quarries and open-cast mining where the surface of the site...
- 20. Construction of overhead electrical power lines with a voltage of...
- 21. Installations for storage of petroleum, petrochemical or chemical products with...
- 22. Storage sites pursuant to Chapter 3 of Part 1 of...
- 23. Installations for the capture of carbon dioxide streams for the...
- 24. Any change to or extension of development listed in this...

#### 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...

# SCHEDULE 3 — SELECTION CRITERIA FOR SCREENING SCHEDULE 2 DEVELOPMENT

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

# SCHEDULE 4 — INFORMATION FOR INCLUSION IN ENVIRONMENTAL STATEMENTS

- 1. A description of the development, including in particular:
- 2. A description of the reasonable alternatives (for example in terms...
- 3. A description of the relevant aspects of the current state...
- 4. A description of the factors specified in regulation 4(2) likely...
- 5. A description of the likely significant effects of the development...
- 6. A description of the forecasting methods or evidence, used to...
- 7. A description of the measures envisaged to avoid, prevent, reduce...
- 8. A description of the expected significant adverse effects of the...
- 9. A non-technical summary of the information provided under paragraphs 1...
- 10. A reference list detailing the sources used for the descriptions...

Explanatory Note

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.