
STATUTORY INSTRUMENTS

2017 No. 571

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

PART 7

Restrictions of grants of permission

Local development orders

32.—(1) This regulation applies in relation to Schedule 2 development for which a local planning authority proposes to grant planning permission by local development order.

(2) Where this regulation applies, the local planning authority must not make a local development order unless it has prepared the information referred to in regulation 6(2) in accordance with regulation 6(4) and adopted a screening opinion, or the Secretary of State has made a screening direction; and regulation 5 shall apply in relation to that screening with the following modifications.

(3) In regulation 5—

- (a) paragraph (2)(a) shall not apply;
- (b) in paragraph (2)(b) for “relevant” substitute “local”;
- (c) in paragraph (4)(a) for “provided by the applicant” substitute “prepared by the local planning authority in accordance with regulation 32(2)”; and
- (d) in paragraph (11) for “relevant” substitute “local”;

(4) Paragraphs (5) and (6) apply where—

- (a) the local planning authority adopts a screening opinion; or
- (b) the Secretary of State makes a screening direction under these Regulations,

to the effect that the development is EIA development.

(5) The local planning authority must not make a local development order which would grant planning permission for EIA development unless—

- (a) an environmental statement has been prepared in relation to that development; and
- (b) the EIA has been carried out in respect of that development.

(6) In a case to which this regulation applies these Regulations apply subject to the following modifications—

- (a) in regulation 2(1), in the definition of “any other information” for “applicant or the appellant as the case may be” substitute “local planning authority”;
- (b) regulations 3, 6 to 14, 17, 21 and 22 shall not apply;
- (c) in regulation 15—
 - (i) for paragraph (1) substitute—

“(1) Where a proposed local development order is EIA development, the local planning authority may state in writing its opinion as to the scope and level of

- detail of the information to be provided in the environmental statement (“a scoping opinion”).”;
- (ii) in paragraph (2) for “A request under paragraph (1) must include—” substitute “Before issuing an opinion in accordance with paragraph (1) the local planning authority must prepare—”;
 - (iii) in paragraph (2)(a) omit “in relation to an application for planning permission—”;
 - (iv) omit paragraph (2)(b);
 - (v) omit paragraph (3);
 - (vi) for paragraph (4) substitute—
 - “(4) An authority must not adopt a scoping opinion until they have consulted the consultation bodies.”;
 - (vii) omit paragraph (5);
 - (viii) in paragraph (6)(a), for “provided by the applicant” substitute “prepared by the local planning authority in accordance with paragraph (2)”;
 - (ix) for paragraph (7) substitute—
 - “(7) A local planning authority may under regulation 16(1) ask the Secretary of State to make a direction as to the information to be provided in the environmental statement (a “scoping direction”)”; and
 - (x) omit paragraphs (8) and (9);
- (d) in regulation 16—
- (i) for paragraph (1) substitute—
 - “(1) A request made under this paragraph pursuant to regulation 15(7) must include—
 - (a) the information referred to in regulation 15(2)(a); and
 - (b) any representations that the local planning authority making the request wishes to make.”;
 - (ii) omit paragraph (2);
 - (iii) in paragraph (3)—
 - (aa) for “person” substitute “local planning authority”; and
 - (bb) omit “; and may request the relevant planning authority to provide such information as they can on any of those points.”;
 - (iv) in paragraph (4)(b) for “person who made the request and to the relevant” substitute “local”;
- (e) in regulation 18—
- (i) omit paragraphs (1) and (2); and
 - (ii) in paragraph (5)(a) and (b) for “developer” substitute “local planning authority”;
- (f) for regulation 19 substitute—

“Procedure where an environmental statement is prepared in relation to a local development order

19.—(1) Where a statement, referred to as an “environmental statement” for the purposes of these Regulations, has been prepared in relation to EIA development for which a local planning authority proposes to grant planning permission by a local development order, the local planning authority must—

- (a) send a copy of the statement to the consultation bodies and inform them that they may make representations; and
 - (b) notify any particular person of whom the authority is aware, who 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, of an address in the locality in which the land is situated where a copy of the statement may be obtained and the address to which representations may be sent.
- (2) The local planning authority must not make the local development order until the expiry of 30 days from the last date on which a copy of the statement was served in accordance with this regulation.”;
- (g) in regulation 20—
 - (i) omit paragraph (1);
 - (ii) for paragraph (2) substitute—

“(2) The local planning authority must publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

 - (a) the name and address of the local planning authority;
 - (b) the address or location and the nature of the development referred to in the proposed local development order;
 - (c) that a copy of the draft local development order and of any plan or other documents accompanying it together with a copy of the environmental statement may be inspected by members of the public at all reasonable hours;
 - (d) 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 30 days later than the date on which the notice is published);
 - (e) details of a website maintained by or on behalf of the authority on which those documents may be inspected, and the latest date on which they will be available for access (being a date not less than 30 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 (d)) in the locality in which the land is situated at which copies of the statement may be obtained;
 - (g) that copies of the statement may be obtained there so long as stocks last;
 - (h) if a charge is to be made for a copy of the statement, the amount of the charge; and
 - (i) that any person wishing to make representations about the local development order should make them in writing, before the latest date named in accordance with sub-paragraph (d) or (e), to the local planning authority.”;
 - (iii) omit paragraph (3);
 - (iv) in paragraph (4), for “applicant”, in each place, substitute “local planning authority”; and
 - (v) omit paragraphs (6) to (10);
 - (h) for regulation 23 substitute—

“Availability of copies of environmental statements

23. The local planning authority must ensure that—

- (a) a reasonable number of copies of the statement referred to as the environmental statement prepared in relation to EIA development for which the authority proposes to grant planning permission by a local development order are available at—
 - (i) their principal office during normal office hours; and
 - (ii) such other places within their area as they consider appropriate; and
- (b) the environmental statement can be accessed at the website referred to in the notice required under regulation 20(2)(f).”;

(i) in regulation 25—

(i) for paragraph (1) substitute—

“(1) Where an environmental statement has been submitted and the local planning authority is of the opinion, in order to satisfy the requirements of regulation 18(3) and (4), it is necessary for the statement to be supplemented with additional information which is directly relevant to reaching a reasoned conclusion on the likely significant effects of the development described in the application in order to be an environmental statement, the local planning authority must ensure that additional information is provided and such information provided is referred to in these Regulations as “further information”.”;

(ii) for paragraph (3) substitute—

“(3) The local planning authority must publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

- (a) the name and address of the local planning authority;
- (b) the address or location and the nature of the development referred to in the proposed local development order;
- (c) that further information is available in relation to an environmental statement which has already been provided;
- (d) that a copy of the further information 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 the further information may be inspected, and the latest date on which it will be available for inspection (being a date not less than 30 days later than the date on which the notice is published);
- (f) details of a website maintained by or on behalf of the authority on which the further information or any other information may be inspected, and the latest date on which they will be available for access (being a date not less than 30 days later than the date on which the notice is published);
- (g) 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 further information may be obtained;
- (h) that copies of the further information may be obtained there so long as stocks last;
- (i) if a charge is to be made for a copy of the further information, the amount of the charge;

- (j) that any person wishing to make representations about the further information should make them in writing, before the latest date specified in accordance with sub-paragraph (e) or (f), to the local planning authority; and
 - (k) the address to which representations should be sent.”;
- (iii) for paragraph (4) substitute—
 - “(4) The local planning authority must send a copy of the further information to each person to whom, in accordance with these Regulations, the statement to which it relates was sent and to the Secretary of State.”;
- (iv) omit paragraphs (5) and (6);
- (v) for paragraph (7) substitute—
 - “(7) Where information is provided under paragraph (1) the local planning authority must not make the local development order before the expiry of 30 days after the latest of—
 - (a) 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;
 - (b) the date that notice of it was published in a local newspaper; or
 - (c) the date that notice of it was published on a website.”;
- (vi) in paragraph (8)—
 - (aa) for “The applicant or appellant who provides further information or any other information, in accordance with paragraph (1)” substitute “The local planning authority”;
 - (bb) in sub-paragraph (a) after “number of copies of the” insert “further or other”;
 - (cc) in sub-paragraph (b) omit “required by the relevant planning authority”;
- (vii) in paragraph (9), for “relevant” substitute “local”; and
- (viii) omit paragraph (11);
- (j) in regulation 26(1) for “an application or appeal” substitute “whether to make a local development order”;
- (k) in regulation 28—
 - (i) for paragraph (1) substitute—
 - “(1) Where particulars of a draft local development order are placed on Part 3 of the register, the local planning authority must take steps to secure that there is also placed on that Part a copy of any relevant—
 - (a) scoping opinion;
 - (b) screening opinion;
 - (c) screening direction;
 - (d) direction under regulation 63;
 - (e) the statement referred to as the environmental statement including any further information;
 - (f) statement of reasons accompanying any of the above.”;
 - (ii) in paragraph (2)—
 - (aa) for “relevant planning authority” substitute “local planning authority” in both places; and

- (bb) for “an application is made for planning permission or subsequent consent for the development in question” substitute “particulars of a draft local development order are placed on Part 3 of the register”;
- (l) in regulation 29—
 - (i) for paragraph (1) substitute—

“(1) Where a local planning authority makes a local development order granting permission for development which constitutes EIA development it must prepare a statement setting out the information specified in paragraph (2)(a).”; and
 - (ii) omit paragraph (2)(b);
- (m) in regulation 30—
 - (i) in paragraph (1) for “Where an EIA application is determined by a local planning authority” substitute “Where a local planning authority makes a local development order granting permission for development which constitutes EIA development”; and
 - (ii) omit paragraphs (2) and (3); and
- (n) in regulation 58—
 - (i) in paragraph (1) for sub-paragraph (a) substitute—

“(a) it comes to the attention of the Secretary of State that EIA development proposed to be carried out in England for which a local planning authority proposes to grant planning permission by a local development order is likely to have significant effects on the environment in another EEA state; or”; and
 - (ii) in paragraphs (3) and (6) for “application” substitute “proposed local development order”.