
STATUTORY INSTRUMENTS

1999 No. 293

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

PART V

**PUBLICITY AND PROCEDURES ON SUBMISSION
OF ENVIRONMENTAL STATEMENTS**

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

13.—(1) When an applicant making an EIA application submits to the relevant planning authority a statement which he refers to as an environmental statement for the purposes of these Regulations he shall provide the authority with three additional copies of the statement for transmission to the Secretary of State and, if at the same time he serves a copy of the statement on any other body, he shall—

- (a) serve with it a copy of the application and any plan submitted with the application (unless he has already served these documents on 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 whom he has so served and of the date of service.

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

- (a) send to the Secretary of State, within 14 days of receipt of the statement, three copies 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; and
- (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.

(3) The applicant shall send the copies required for the purposes of paragraph (2)(c) to the relevant planning authority.

(4) 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

14.—(1) Where an application for planning permission has been made without a statement which the applicant refers to as an environmental statement for the purposes of these Regulations and the applicant proposes to submit such a statement, he shall, before submitting it, comply with paragraphs (2) to (4).

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

- (a) his name and that he is the applicant for planning permission 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 him;
- (c) the address or location and the nature of the proposed development;
- (d) that a copy of the application and of any plan and other documents submitted with it together with a copy of the environmental statement 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) The applicant shall, unless he has not, and was not reasonably able to acquire, such rights as would enable him to do so, 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.

(4) The notice mentioned in paragraph (3) must—

- (a) be left in position for not less than seven 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.

(5) 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 he has posted a notice on the land in compliance with this regulation and when he did so, and that the notice was left in position for not less than seven days in the 28 days immediately preceding the date of the submission of the statement, or that, without any fault or intention on his part, it was removed, obscured or defaced before seven days had elapsed and he took reasonable steps for its protection or replacement, specifying the steps taken; or
 - (ii) that the applicant was unable to comply with paragraphs (3) and (4) above because he did not have the necessary rights to do so; that he has taken such reasonable steps as are open to him to acquire those rights; and has been unable to do so, specifying the steps taken.

(6) Where an applicant indicates that he proposes to provide such a statement and in such circumstances as are 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 sought) suspend consideration of the application or appeal until receipt of the statement and the other documents mentioned in paragraph (5); 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.

(7) If any person issues a certificate which purports to comply with the requirements of paragraph (5)(b) and which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) Where it is proposed to submit an environmental statement in connection with an appeal, this regulation applies with the substitution, except in paragraph (2)(a), 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

15. Where an applicant for planning permission has submitted to the relevant planning authority in connection with his application a statement which he refers to as an environmental statement for the purposes of these Regulations, 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 three copies of the statement and, where relevant, the further information unless, in the case of a referred application, the relevant planning authority have done so when referring the application to him.

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

16.—(1) This regulation applies where an applicant submits 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, a statement which the applicant or appellant refers to as an environmental statement for the purposes of these Regulations.

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

(3) If at the same time as he submits a statement to the Secretary of State the applicant or appellant serves a copy of it on any other body, he shall comply with regulations 13(1)(a) and 13(1)(b) as if the reference in regulation 13(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 13(1)(c).

(4) The Secretary of State shall comply with regulation 13(2) (except sub-paragraph (a) of that regulation) and the applicant or appellant with regulation 13(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 13(4) as if it referred to him instead of to the relevant planning authority.

Availability of copies of environmental statements

17. An applicant for planning permission or an appellant who submits in connection with his application or appeal a statement which he refers to as an environmental statement for the purposes of these Regulations 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 8 of the Order or regulation 14 as the address at which such copies may be obtained.

Charges for copies of environmental statements

18. 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 17.

Further information and evidence respecting environmental statements

19.—(1) Where the relevant planning authority, the Secretary of State or an inspector is dealing with an application or appeal in relation to which the applicant or appellant has submitted a statement which he refers to as an environmental statement for the purposes of these Regulations, and is of the opinion that the statement should contain additional information in order to be an environmental statement, they or he 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, except in so far as the further information is provided for the purposes of an inquiry held under the Act and the request for that 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) 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 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 him;
- (c) the address or location and the nature of the proposed development;
- (d) that further information is available in relation to an environmental statement which has already been provided;
- (e) that a copy of the further information may be inspected by members of the public at all reasonable hours;
- (f) 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 21 days later than the date on which the notice is published);
- (g) an address (whether or not the same as that given pursuant to sub-paragraph (f)) in the locality in which the land is situated at which copies of the further information may be obtained;
- (h) that copies may be obtained there so long as stocks last;
- (i) if a charge is to be made for a copy, the amount of the charge;
- (j) that any person wishing to make representations about the further information should make them in writing, before the date specified in accordance with sub-paragraph (f), to the relevant planning authority, the Secretary of State or the inspector (as the case may be); and
- (k) the address to which representations should be sent.

(4) The recipient of the further 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 is the relevant planning authority they shall send to the Secretary of State three copies 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 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), 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 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 in accordance with paragraph (1) shall ensure that a reasonable number of copies of the information is 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 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 his environmental statement.