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STATUTORY INSTRUMENTS

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**1990 No. 367**

**TOWN AND COUNTRY PLANNING,  
ENGLAND AND WALES**

**The Town and Country Planning (Assessment of  
Environmental Effects) (Amendment) Regulations 1990**

*Made* - - - - 26th February 1990  
*Laid before Parliament* 7th March 1990  
*Coming into force* - - 31st March 1990

The Secretary of State for the Environment as respects England and the Secretary of State for Wales as respects Wales, being designated<sup>(1)</sup> Ministers for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to measures relating to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, in exercise of the powers conferred upon them by the said section 2 hereby make the following Regulations:—

1. These Regulations may be cited as the Town and Country Planning (Assessment of Environmental Effects) (Amendment) Regulations 1990 and shall come into force on 31st March 1990.

2. The Town and Country Planning (Assessment of Environmental Effects) Regulations 1988<sup>(3)</sup> shall be amended by substituting for paragraph (1)2 of Schedule 1 the following—

- (a) “(2) A thermal power station or other combustion installation with a heat output of 300 megawatts or more (not being an installation falling within paragraph (b)); and
- (b) A nuclear power station or other nuclear reactor (excluding a research installation for the production and conversion of fissionable and fertile materials, the maximum power of which does not exceed 1 kilowatt continuous thermal load).”.

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(1) S.I.1988/785.

(2) 1972 c. 68.

(3) S.I. 1988/1199, to which there is an amendment not relevant to these Regulations.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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26th February 1990

*Chris Patten*  
Secretary of State for the Environment

26th February 1990

*Peter Walker*  
Secretary of State for Wales

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are concerned with the implementation in England and Wales of Council Directive [85/337/EEC](#) (OJNo. L175, 5.7.85, p. 40) on the assessment of the effects of certain public and private projects on the environment. They amend the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988, which apply where planning permission is sought of a local planning authority under Part III of the Town and Country Planning Act [1971 \(c. 78\)](#).

The amending Regulations are principally consequential upon the provisions of section 36 of the Electricity Act [1989 \(c. 29\)](#).

By virtue of that section the construction of certain power stations, including nuclear ones, will no longer require the consent of the Secretary of State for Energy. In consequence planning permission will have to be sought for such stations by application to the local planning authority under Part III of the 1971 Act, instead of relying on the deemed planning permission provided with the consent of the Secretary of State. These Regulations extend the 1988 Regulations accordingly. 50p net