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## STATUTORY INSTRUMENTS

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# 2017 No. 571

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

### PART 11

#### Exemptions

##### Exemptions

**63.**—(1) The Secretary of State may direct that a proposed development is exempt from the requirements of these Regulations where—

- (a) the circumstances are exceptional and the Secretary of State considers that—
  - (i) compliance with these Regulations in respect of the development would have an adverse effect on the fulfilment of the development's purpose; and
  - (ii) (despite an EIA not being carried out) the objectives of the Directive will be met; or
- (b) the development comprises or forms part of a development having national defence as its sole purpose, or comprises a development having the response to civil emergencies as its sole purpose, and in the opinion of the Secretary of State compliance with these Regulations would have an adverse effect on those purposes.

(2) Where a direction is given under paragraph (1) the Secretary of State must send a copy of that direction to the relevant planning authority.

(3) The Secretary of State must not make a direction under paragraph (1)(a) that a project is exempt unless—

- (a) the Secretary of State has considered whether another form of assessment is appropriate; and
- (b) where the Secretary of State considers that the development is likely to have significant effects on the environment in [F1an] EEA State, or where [F1an] EEA State likely to be significantly affected so requests, the Secretary of State has carried out a form of consultation with that EEA State broadly equivalent to the form described in regulation 58 or 59, as appropriate, or is satisfied that such an equivalent consultation has been carried out, before planning permission or subsequent consent is granted in respect of the development.

(4) After the Secretary of State directs that a development is exempt under paragraph (1)(a), the Secretary of State must as soon as practicable make available to the public—

- (a) the determination, including an explanation of the reasons for it; and
- (b) the information obtained under any other assessment considered appropriate by the Secretary of State under paragraph (3)(a).

(5) Before planning permission or subsequent consent is given in respect of a development which is exempt under paragraph (1)(a), the relevant planning authority or Secretary of State, as appropriate, must take into account the results of —

(a) any other assessment considered appropriate by the Secretary of State under paragraph (3)(a); and

(b) any consultation with [<sup>F2</sup>an] EEA State carried out under paragraph (3)(b) about the development.

<sup>F3</sup>(6) .....

(7) The effect of a direction under paragraph (1) is that these Regulations do not apply to it save to the extent set out in this regulation.

#### Textual Amendments

- F1** Word in reg. 63(3)(b) substituted (31.12.2020) by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232), regs. 1(2), **6(10)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in reg. 63(5)(b) substituted (31.12.2020) by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232), regs. 1(2), **6(10)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Reg. 63(6) omitted (31.12.2020) by virtue of The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232), regs. 1(2), **6(10)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Section 63.