
STATUTORY INSTRUMENTS

2018 No. 1232

**The Environmental Assessments and Miscellaneous
Planning (Amendment) (EU Exit) Regulations 2018**

PART 2

Amendments to primary legislation

Amendments to the Town and Country Planning Act 1990

2.—(1) The Town and Country Planning Act 1990(1) is amended as follows.

(2) In section 61E(8) (neighbourhood development orders) for “EU obligation” substitute “retained EU obligation”.

(3) In section 336(1) (interpretation), in the definition of “waste” at the end of paragraph (a), before the “and” insert “as last amended by Council Regulation (EU) 2017/997,”.

(4) In Schedule 4B (process for making neighbourhood development orders), in paragraphs 8(2)(f), 13B(1)(c)(ii) and 13B(6)(a), for “EU obligations” substitute “retained EU obligations”.

(5) In Schedule 4C (community right to build orders), in paragraph 10(5)(a), for “EU obligations” substitute “retained EU obligations”.

Amendments to the Planning and Compulsory Purchase Act 2004

3.—(1) The Planning and Compulsory Purchase Act 2004(2) is amended as follows.

(2) In section 38A(6) (meaning of “neighbourhood development plan”) for “EU obligation” substitute “retained EU obligation”.

(3) In Schedule A2 (modification of neighbourhood development plans)—

(a) in paragraphs 11(2)(d) and 14(6)(a), for “EU obligations” substitute “retained EU obligations”; and

(b) in paragraph 14(4), for “EU obligation” substitute “retained EU obligation”.

Amendments to the Planning Act 2008

4.—(1) The Planning Act 2008(3) is amended as follows.

(2) In Schedule 6 (changes to, and revocation of, orders granting development consent)—

(a) in paragraph 3(7)(a) for “EU law” substitute “relevant retained EU law”; and

(1) 1990 c. 8. Section 61E was inserted by paragraph 2 of Schedule 9 to the Localism Act 2011 (c. 20). Schedule 4B and 4C were inserted by Schedules 10 and 11 to the Localism Act 2011. Paragraph 13B was inserted by section 141 of the Housing and Planning Act 2016 (c. 22).

(2) 2004 c. 5. Section 38A was inserted by paragraph 7 of Schedule 9 to the Localism Act 2011. Schedule A2 was inserted by section 4(10) of, and Schedule 1 to, the Neighbourhood Planning Act 2017 (c. 20).

(3) 2008 c. 29. Paragraph 3 of Schedule 6 was amended by S.I. 2011/1043. There are other amendments not relevant to this instrument.

- (b) in paragraph 3(8) for the definition of “EU law” substitute—
- ““relevant retained EU law” means—
- (a) any right, power, obligation, liability or restriction that—
 - (i) was created or arose by or under the EU Treaties before exit day, and
 - (ii) forms part of retained EU law, and
 - (b) any remedy or procedure that—
 - (i) was provided for by or under the EU Treaties before exit day, and
 - (ii) forms part of retained EU law,
- as modified from time to time..”.