

Annex to Section 1

STATUTORY INSTRUMENTS

2007 No.

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Environmental Impact Assessment) (Amendment) (England) Regulations 2007

Made	XX 2007
Laid before Parliament	XX 2007
Coming into force	XX 2007

The Secretary of State, being a designated (a) Minister for the purposes of section 2(2) of the European Communities Act 1972 (b) in relation to matters relating 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 by that section makes the following Regulations:

Citation, commencement and application

- ~~(1)~~ These Regulations may be cited as the Town and Country Planning (Environmental Impact Assessment) (Amendment) (England) Regulations 2007 and shall come into force on XXX 2007.
- ~~(1)~~ The amendments made by these Regulations apply in relation to England only.

Amendment of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

- ~~(1)~~ The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (c) are amended as follows.

(2) In regulation 2(1) (interpretation) insert, in the appropriate place—

“ ^{subsequent} ~~“multi-stage~~ consent” means ~~any consent by a local planning authority or the Secretary of State which~~ ^{the approval of matters required to be submitted under a principal permission before all or part of the development thereby authorised may be carried out} ~~(a) has a condition imposed on a grant of outline planning permission or planning permission requiring further approval of matters, and~~

(a) S.I. 1988/785.

(b) 1972 c.68. The enabling powers of section 2(2) were extended by virtue of the amendment of section 1(2) by section 1 of the European Economic Area Act 1993 (c.51).

(c) S.I. 1999/293, amended by S.I. 2000/2867 and S.I 2006/3295.

~~(b) that approval must be sought and granted before all or part of the development concerned may be carried out~~

^{Subsequent}
~~“multi stage consent development” means development which has yet to be carried out and which is authorised by a planning permission in respect of which an application for multi stage consent has been or is to be made;~~

^{principal}
~~“outline planning permission” has the same meaning as in section 92 of the Town and Country Planning Act 1990(a);”~~

^{Subsequent}
^{Means any consent issued by a relevant planning authority or the Secretary of State which has one or more conditions requiring the approval of further matters before all or part of the development thereby authorised may be carried out}

- (3) After regulation 26A (general application of the regulations to ROMP applications) insert—

Applications for approval of ^{Subsequent} multi stage consent

26B.—(1) These Regulations, except regulation 26A, shall apply to—

- (a) an application for ^{Subsequent} multi stage consent as they apply to an application for planning permission;
- (b) proposed ^{Subsequent} multi stage consent development as they apply to development in respect of which an application for planning permission is, has been, or is to be made;
- (c) a person making an application for ^{Subsequent} multi stage consent as they apply to an applicant for planning permission;
- (d) the determination of an application for ^{Subsequent} multi stage consent as they apply to the ~~granting of a planning permission,~~ ^{determination of an application for}

subject to the modifications and additions set out below.

- (2) In regulation 5 (requests for screening opinions of the ^{relevant} local planning authority) after paragraph (2)(a) insert—

^{Subsequent} “(aa) ^{in the case of an application for a subsequent consent} sufficient information to enable the ^{relevant} local planning authority to identify the ~~outline planning permission or planning permission~~ ^{relevant} in respect of which the application for ~~approval of multi stage~~ ^{Principal} consent is being made;”

- (3) In regulation 7 (application made to a ^{relevant} local planning authority without an environmental statement)—

- (a) for sub-paragraph (1)(b) substitute—

“(b) the development in question—

- (i) has not been the subject of a screening opinion or screening direction; or

- an application for subsequent*
- (ii) in the case of ~~a multi-stage~~ consent, was subject to a screening opinion or direction, before the ~~outline planning permission or planning~~ permission was granted, to the effect that it is not EIA development; and;”;
- (b) after sub-paragraph (7)(c) insert—
- principal*
- in the case of an application for a subsequent consent,*
 (d) ~~a copy of the outline planning permission or planning~~ *principal* permission; and
- in the case of an application for a subsequent consent,*
 (e) documents or information relating to the application for ~~outline planning permission or planning~~ *principal* permission that are relevant to the application for ~~approval of multi-stage consent.~~ *principal* *subsequent*.”
- (4) In regulation 8 (application referred to the Secretary of State without an environmental statement) for sub-paragraph (1)(b) substitute—
- “(b) the development in question—
- (i) has not been the subject of a screening opinion or screening direction; or
- an application for subsequent*
 (ii) in the case of ~~a multi-stage~~ consent, was subject to a screening opinion or direction, before the ~~outline planning permission or~~ *principal* ~~planning~~ permission was granted, to the effect that it is not EIA development; and”.
- (5) In regulation 9 (appeal to the Secretary of State without an environmental statement) for sub-paragraph (1)(b) substitute—
- “(b) the development in question—
- (i) has not been the subject of a screening opinion or screening direction; or
- an application for subsequent*
 (ii) in the case of ~~a multi-stage~~ consent, was subject to a screening opinion or direction, before the ~~outline planning permission or~~ *principal* ~~planning~~ permission was granted, to the effect that it is not EIA development; and;”.
- (6) In regulation 10 (scoping opinions of the ~~local~~ *relevant* planning authority) ~~for after~~ sub-paragraph (2)(a) ~~substitute~~ *insert*—
- (aa)* ~~(a)~~ sufficient information to enable the ~~local~~ *relevant* planning authority to *principal* identify the ~~outline planning permission or planning~~ permission in respect of which any application for approval of a ~~multi-stage subsequent~~ consent is being made;”.
- In the case of an application for a subsequent consent,*
- (7) In regulation 14 (publicity where an environmental statement is submitted after the planning application) after sub-paragraph (2)(d) insert—

“(dd) in the case of an application for ~~approval of a multi-stage~~ ^{subsequent} consent, that a copy of the ~~outline planning permission or planning~~ ^{principal} permission and supporting documents may be inspected by members of the public at all reasonable hours;”.

(8) In regulation 17 (availability of copies of environmental statements) omit the words “or posted pursuant to article 8 of the Order”.

(9) In regulation 19 (further information and evidence respecting environmental statements)—

(a) after sub-paragraph (3)(c) insert—

“(cc) ~~if outline planning permission or planning permission has already been granted,~~ ^{in the case of an application for a subsequent consent,} sufficient information to identify ~~that the principal~~ ^{that the principal} ~~outline planning permission or planning~~ permission;”;

(b) after sub-paragraph 3(e) insert—

“(ee) ~~that a copy of the environmental statement submitted with the application for outline planning permission or planning~~ ^{in the case of an application for a subsequent consent,} ~~principal~~ permission may be inspected by members of the public at all reasonable hours”.

Signed by authority of the Secretary of State

Name Date.....

Parliamentary Under Secretary of State
Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

(to be drafted)