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STATUTORY INSTRUMENTS

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**1994 No. 677**

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

**The Town and Country Planning (Assessment of  
Environmental Effects) (Amendment) Regulations 1994**

<i>Made</i>	- - - -	<i>9th March 1994</i>
<i>Laid before Parliament</i>		<i>18th March 1994</i>
<i>Coming into force</i>	- -	<i>8th April 1994</i>

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, and section 71A of the Town and Country Planning Act 1990<sup>(3)</sup>, hereby make the following Regulations—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Town and Country Planning (Assessment of Environmental Effects) (Amendment) Regulations 1994 and shall come into force on 8th April 1994.

(2) In these Regulations “the said 1988 Regulations” means the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988<sup>(4)</sup>.

**Amendments to the 1988 Regulations**

2. The Schedule to these Regulations (which contains amendments to the 1988 Regulations) shall have effect and, accordingly, the provisions of the 1988 Regulations shall apply to development of the classes specified in Schedule 2 to those Regulations by virtue of paragraphs 13 and 14 of the Schedule to these Regulations, so as to provide for consideration to be given, before planning permission for such development is granted, to the likely environmental effects of the proposed development.

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(1) S.I. 1988/785.

(2) 1972 c. 68.

(3) 1990 c. 8; section 71A was inserted by section 15 of the Planning and Compensation Act 1991 (c. 34).

(4) S.I. 1988/1199, to which there are amendments not relevant to these Regulations.

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### **Transitional provision**

3. The amendments made to regulations 2, 14, 15 and 19 of, and Schedule 2 to, the 1988 Regulations by these Regulations shall not apply in relation to applications for planning permission made before the coming into force of these Regulations.

7th March 1994

*John Selwyn Gummer*  
Secretary of State for the Environment

9th March 1994

*John Redwood*  
Secretary of State for Wales

## SCHEDULE

Regulation 2

1. In regulation 2, in the definition of “special road”, for “a special road” substitute “any road which for the purposes of Part I of the New Roads and Street Works Act 1991 is a road subject to a concession and any other road”(5).

2. In regulation 3(a), after “do not apply” insert “in accordance with Article 2(3) of Council Directive 85/337/EEC”(6).

3. In regulation 4(2), after “consideration” insert “and state in their decision that they have done so”.

4. In regulation 5(4), for “of the request” substitute “of receipt of the request”.

5. In regulation 6(4), for “the application” substitute “receipt of the application”.

6. In regulation 8(5)(c), for “Her Majesty’s Inspectorate of Pollution” substitute “the chief inspector for England and Wales appointed under Part I of the Environmental Protection Act 1990”(7).

7. In regulation 9(5), for “(3)” substitute “(2)”.

8. In regulation 14(1), for “an additional copy” substitute “three additional copies”.

9. In regulation 14(2)(b), for “a copy of the statement,” substitute “three copies of the statement, and a copy”.

10. In regulation 15(2), for “two” substitute “four”.

11. In regulation 19, for “a copy” substitute “three copies”.

12. In regulation 21, after paragraph (1) insert the following paragraphs and renumber paragraph (2) as paragraph (10)—

“(2) Paragraphs (3) to (9) shall apply in relation to further information required of an applicant or appellant after those paragraphs come into force except in so far as such further information is required to be provided for the purposes of a local inquiry held under the Act and the request for such further information states that it is to be provided for such purposes.

(3) The recipient of the further information shall publish in a local newspaper circulating in the locality in which the land is situated (hereinafter referred to as “the locality”) 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 local 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;

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(5) 1991 c. 22.

(6) OJ No. L175, 5.7.85, p. 40.

(7) 1990 c. 43.

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- (f) an address in the locality 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 20 days later than the date on which the notice is published);
- (g) an address in the locality (whether or not the same as that given pursuant to sub-paragraph (f)) 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; and
- (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 local planning authority, the Secretary of State or the inspector (as the case may be).

(4) The recipient of the further information shall send a copy of it to each person to whom the environmental statement to which it relates was sent.

(5) Where the recipient of the further information is a local planning authority they shall—

- (a) take steps to secure that a copy of the further information is placed on Part I of the register with the application and the environmental statement; and
- (b) 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 further information is required to be provided, the local 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 environmental statement 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) and for any copy, in excess of one, of the whole or part of the further information supplied to a person pursuant to paragraph (4).”.

**13.** In paragraph 3 of Schedule 2, after sub-paragraph (j) insert the following sub-paragraph—

“(k) a wind generator”.

**14.** In paragraph 10 of Schedule 2, after sub-paragraph (j) insert the following sub-paragraphs—

“(k) a motorway service area

(l) coast protection works”.

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## EXPLANATORY NOTE

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

These Regulations amend the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (“the 1988 Regulations”) which 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.

Schedule 2 to the 1988 Regulations is amended, with the consequence that those Regulations apply to new classes of development. The new classes are introduced by the insertion into Schedule 2 of references to—

- (i) a wind generator;
- (ii) a motorway service area; and
- (iii) coast protection works.

In addition to minor drafting amendments, the Regulations also amend—

- (a) the definitions of “special road” in regulation 2 of the 1988 Regulations, to include roads subject to a concession within the meaning of the New Roads and Street Works Act 1991;
- (b) regulations 5(4) and 6(4) to secure that, in each case, the 3 week period begins with the date of receipt of the relevant request;
- (c) regulation 9(5), to secure that regulation 6(2) applies to applications made under regulation 9(2);
- (d) regulations 14(1) and (2)(b) and 19, with the effect that the number of copies or additional copies of an environmental statement to be provided, sent or supplied pursuant to those provisions is increased from one to three;
- (e) regulation 15(2), with the effect that the number of copies of an environmental statement to be submitted pursuant to that provision is increased from two to four;
- (f) regulation 21, with the consequence that public notice is required to be given of any further information which the applicant or appellant is required to provide under paragraph (1) of the regulation except in so far as the further information is required to be provided for the purposes of a local inquiry held under the Town and Country Planning Act 1990.

Regulation 3 provides that the amendments to regulations 2, 14, 15 and 19 of, and Schedule 2 to, the 1988 Regulations do not apply in relation to applications made before the coming into force of these Regulations.

A Compliance Cost Assessment has been prepared in relation to these Regulations. It has been placed in the libraries of the Houses of Parliament and copies may be obtained from PD5A Division, Department of the Environment, Room C13/06, 2 Marsham Street, London SW1P 3EB (Telephone 071-276-3865) or Planning Division, Welsh Office, Cathays Park, Cardiff CF1 3NQ (Telephone 0222-823882).