
STATUTORY INSTRUMENTS

1999 No. 293

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

PART I
GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and shall come into force on 14th March 1999.

(2) Subject to paragraph (3), these Regulations shall apply throughout England and Wales.

(3) Paragraphs (2) and (5)(a) of regulation 14 shall not apply to the Isles of Scilly and, in relation to the Isles of Scilly, the reference in paragraph (6) of that regulation to paragraph (5) of that regulation shall be construed as a reference to paragraph (5)(b).

Interpretation

2.—(1) In these Regulations—

“the Act” means the Town and Country Planning Act 1990⁽¹⁾ and references to sections are references to sections of that Act;

“the consultation bodies” means—

- (a) any body which the relevant planning authority is required to consult, or would, if an application for planning permission for the development in question were before them, be required to consult by virtue of article 10 (consultations before the grant of permission) of the Order or of any direction under that article; and
- (b) the following bodies if not referred to in sub-paragraph (a)—
 - (i) any principal council for the area where the land is situated, if not the relevant planning authority;
 - (ii) where the land is situated in England, the Countryside Commission⁽²⁾ and the Nature Conservancy Council for England⁽³⁾;
 - (iii) where the land is situated in Wales, the Countryside Council for Wales⁽⁴⁾; and
 - (iv) the Environment Agency⁽⁵⁾;

(1) 1990 c. 8.

(2) See section 1(1) of the National Parks and Access to the Countryside Act 1949 (c. 97), as substituted by the Environmental Protection Act 1990 (c. 43), section 130 and Schedule 8, paragraph 1.

(3) See section 128 of the Environmental Protection Act 1990.

(4) See section 130 of the Environmental Protection Act 1990.

(5) See section 1(1) of the Environment Act 1995 (c. 25).

“the Directive” means Council Directive [85/337/EEC](#)(**6**);

“EIA application” means an application for planning permission for EIA development;

“EIA development” means development which is either—

- (a) Schedule 1 development; or
- (b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location;

“environmental information” means the environmental statement, including any further information, any representations made by any body required by these Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development;

“environmental statement” means a statement—

- (a) that includes such of the information referred to in Part I of Schedule 4 as is reasonably required to assess the environmental effects of the development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile, but
- (b) that includes at least the information referred to in Part II of Schedule 4;

“exempt development” means development which comprises or forms part of a project serving national defence purposes or in respect of which the Secretary of State has made a direction under regulation 4(4);

“further information” has the meaning given in regulation 19(1);

“General Regulations” means the Town and Country Planning General Regulations 1992(**7**);

“inspector” means a person appointed by the Secretary of State pursuant to Schedule 6 to the Act(**8**) to determine an appeal;

“the land” means the land on which the development would be carried out or, in relation to development already carried out, has been carried out;

“the Order” means the Town and Country Planning (General Development Procedure) Order 1995(**9**);

“principal council” has the meaning given by sub-section (1) of section 270 (general provisions as to interpretation) of the Local Government Act 1972(**10**);

“register” means a register kept pursuant to section 69 (registers of applications etc.) and “appropriate register” means the register on which particulars of an application for planning permission for the relevant development have been placed or would fall to be placed if such an application were made;

“relevant planning authority” means the body to whom it falls, fell, or would, but for a direction under section 77(**11**) (reference of applications to Secretary of State), fall to determine an application for planning permission for the development in question;

“Schedule 1 application” and “Schedule 2 application” mean an application for planning permission for Schedule 1 development and Schedule 2 development respectively;

(6) O.J. No. L 175, 5.7.1985, p. 40. Council Directive [85/337/EEC](#) was amended by Council Directive [97/11/EC](#), O.J. No. L 73, 14.3.1997, p. 5.

(7) [S.I. 1992/1492](#). Relevant amending instruments are [S.I. 1992/1982](#) and [S.I. 1997/3006](#).

(8) Schedule 6 was amended by the Environment Act [1995 \(c. 25\)](#), Schedule 22, paragraph 44.

(9) [S.I. 1995/419](#). Relevant amendments were made by [S.I. 1996/1817](#). *See also* paragraph 233(1) of Schedule 22 to the Environment Act 1995.

(10) [1972 c. 70](#).

(11) Section 77 was amended by the Planning and Compensation Act 1991, Schedule 7, paragraph 18.

“Schedule 1 development” means development, other than exempt development, of a description mentioned in Schedule 1;

“Schedule 2 development” means development, other than exempt development, of a description mentioned in Column 1 of the table in Schedule 2 where—

- (a) any part of that development is to be carried out in a sensitive area; or
- (b) any applicable threshold or criterion in the corresponding part of Column 2 of that table is respectively exceeded or met in relation to that development;

“scoping direction” and “scoping opinion” have the meanings given in regulation 10;

“screening direction” means a direction made by the Secretary of State as to whether development is EIA development;

“screening opinion” means a written statement of the opinion of the relevant planning authority as to whether development is EIA development;

“sensitive area” means any of the following—

- (a) land notified under sub-section (1) of section 28 (areas of special scientific interest) of the Wildlife and Countryside Act 1981**(12)**;
- (b) land to which sub-section (3) of section 29 (nature conservation orders) of the Wildlife and Countryside Act 1981 applies;
- (c) an area to which paragraph (u)(ii) in the table in article 10 of the Order applies;
- (d) a National Park within the meaning of the National Parks and Access to the Countryside Act 1949**(13)**;
- (e) the Broads**(14)**;
- (f) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage**(15)**;
- (g) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979**(16)**;
- (h) an area of outstanding natural beauty designated as such by an order made by the Countryside Commission, as respects England, or the Countryside Council for Wales, as respects Wales, under section 87 (designation of areas of outstanding natural beauty) of the National Parks and Access to the Countryside Act 1949**(17)** as confirmed by the Secretary of State;
- (i) a European site within the meaning of regulation 10 of the Conservation (Natural Habitats etc.) Regulations 1994**(18)**.

(2) Subject to paragraph (3), expressions used both in these Regulations and in the Act have the same meaning for the purposes of these Regulations as they have for the purposes of the Act.

(3) Expressions used both in these Regulations and in the Directive (whether or not also used in the Act) have the same meaning for the purposes of these Regulations as they have for the purposes of the Directive.

(12) 1981 c. 69, amended by the Wildlife and Countryside (Amendment) Act 1985 (c. 31), the Wildlife and Countryside (Service of Notices) Act 1985 (c. 59), the Norfolk and Suffolk Broads Act 1988 (c. 4) and the Planning (Consequential Provisions) Act 1990 (c. 11).

(13) 1949 c. 97. Relevant amendments were made by the Environment Act 1995 (c. 25), Schedule 10, paragraph 2.

(14) See the Norfolk and Suffolk Broads Act 1988 (c. 4).

(15) See Command Paper 9424.

(16) 1979 c. 46. See the definition in section 1(11).

(17) 1949 c. 97. Section 87 was amended by paragraph 1(12) of Schedule 8 to the Environmental Protection Act 1990 (c. 43).

(18) S.I. 1994/2716.

(4) In these Regulations any reference to a Council Directive is a reference to that Directive as amended at the date these Regulations were made.

(5) In these Regulations references to the Secretary of State shall not be construed as references to an inspector.

Prohibition on granting planning permission without consideration of environmental information

3.—(1) This regulation applies—

- (a) to every EIA application received by the authority with whom it is lodged on or after the commencement of these Regulations; and
- (b) to every EIA application lodged by an authority pursuant to regulation 3 or 4 (applications for planning permission) of the General Regulations on or after that date;

and for the purposes of this paragraph, the date of receipt of an application by an authority shall be determined in accordance with paragraph (3) of article 20 (time periods for decision) of the Order.

(2) The relevant planning authority or the Secretary of State or an inspector shall not grant planning permission pursuant to an application to which this regulation applies unless they have first taken the environmental information into consideration, and they shall state in their decision that they have done so.