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## EXPLANATORY NOTE

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

These Regulations are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. Apart from regulation 9(3)(b), these Regulations are made under the section 8 of that Act and correct deficiencies of the type mentioned in section 8(2)(a) and (g) of that Act – matters which have no practical application to the United Kingdom or are otherwise redundant, and EU references which are no longer appropriate.

These Regulations are also made under section 2(2) of the European Communities Act 1972. Regulation 9(3)(b) is made under that Act.

These Regulations make amendments to subordinate legislation in the field of planning. In particular, the references to complying with or having regard to EU or union law have been replaced with references to complying with or having regard to retained EU law such as domestic law which implemented Directives as set out in regulations 3(b), 5(5)(a), 5(5)(b), 5(6), 6(3)(b), 6(4), 6(5), 6(6)(a), 6(6)(b), 6(7)(a), 6(7)(b), 6(7)(c), 6(8), 8(3)(a), 8(3)(b), 8(4)(a), 8(4)(b), 8(5), 8(6), 8(7)(a), 8(7)(b), 9(3)(b), 9(3)(c), 9(7), 9(9)(a), 9(9)(b), 9(10), 9(11)(a)(ii), 9(11)(b)(i) and 9(11)(b)(ii); references to requests made and documents provided, pursuant to EU law, to Northern Ireland as part of the UK from other Member States are amended in regulations 2(2)(b), 5(3)(b), 7(a), 7(b), 9(5)(b) and 9(6)(b)(iv); while references to Northern Ireland as part of the UK as a Member State are amended in regulations 2(2)(a), 2(2)(c)(ii), 2(3), 5(3)(a), 5(3)(c)(ii), 5(4), 6(9), 6(10), 6(11)(a), 6(11)(b), 6(11)(c), 9(5)(a), 9(5)(c), 9(6)(a), 9(6)(b)(i) and 9(8); also references to Directives are amended to make clear to readers they are referring to the version in force immediately before exit day in regulations 5(2), 6(2), 8(2), 9(2), 9(4), and 9(11)(a)(i); and other amendments in this Statutory Instrument relate to references to obligations or terms in EU law which are redundant and no longer appropriate as detailed in regulations 2(2)(c)(i), 3(a), 3(c), 4, 5(3)(c)(i), 6(3)(a), 6(12), 6(13), 9(3)(a), 9(6)(b)(ii), 9(6)(b)(iii) and 9(6)(c).

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

An Explanatory Memorandum is published alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

**Changes to legislation:**

There are currently no known outstanding effects for the The Planning (Environmental Assessments and Miscellaneous Amendments) (EU Exit) (Northern Ireland) Regulations 2018.