
STATUTORY INSTRUMENTS

1988 No. 1199

The Town and Country Planning (Assessment of Environmental Effects) Regulations 1988

Procedure to facilitate preparation of environmental statements

8.—(1) A prospective applicant may give the local planning authority notice in writing that he intends to make a Schedule 1 or Schedule 2 application and to submit an environmental statement with his application.

(2) A notice under paragraph (1) shall include the information necessary to identify, or be accompanied by documents identifying, the land and the nature and purpose of the proposed development, and shall indicate the main environmental consequences to which the prospective applicant proposes to refer in his environmental statement.

(3) Paragraph (4) applies where—

(a) the local planning authority receive in relation to a proposed planning application—

(i) such a notice as is mentioned in paragraph (1); or

(ii) such a statement as is mentioned in regulation 4(4)(iii); or

(iii) a copy of a direction by the Secretary of State under regulation 6 that a proposed application would be a Schedule 1 or Schedule 2 application; or

(b) an authority proposes to prepare an environmental statement in connection with an application for planning permission to be made to the Secretary of State under regulation 7 of the General Regulations;

but only paragraph (4)(a) shall apply by virtue of sub paragraph (b).

(4) Where this paragraph applies, the authority in question shall—

(a) notify the bodies mentioned in paragraph (5) in writing of the name and address of the prospective applicant and of the duty imposed upon them by regulation 22 to make information available to the prospective applicant;

(b) inform the prospective applicant in writing of the names and addresses of the bodies so notified.

(5) The bodies referred to in paragraph (4) are—

(a) any body which the local planning authority would be required by article 15 of the General Development Order(1) or any direction under that article to consult if the application were before them;

(b) the following bodies if not referred to in subparagraph (a),—

(i) any principal council for the area where the land is situated, if not the local planning authority;

(ii) the Countryside Commission;

(iii) the Nature Conservancy Council;

- (c) where the proposed development is a development of a description referred to in paragraph (6), Her Majesty's Inspectorate of Pollution.
- (6) The development referred to in paragraph (5)(c) is any development which in the opinion of the local planning authority will—
 - (a) involve mining operations, or manufacturing industry or the disposal of waste; and
 - (b) is likely either—
 - (i) to give rise to waste, the disposal of which requires an authorisation under the Radioactive Substances Act 1960⁽²⁾, or to discharges (other than of domestic sewage) which are controlled waste or special waste or are likely to require the licence or consent of a water authority; or
 - (ii) to involve works specified in Schedule 1 to the Health and Safety (Emissions to the Atmosphere) Regulations 1983⁽³⁾.
- (7) Paragraph (4) shall apply (but subject to the modifications mentioned in paragraph (8)) where a Schedule 1 or Schedule 2 application has been made without an environmental statement and—
 - (i) the Secretary of State has given a direction to the effect that the consideration of environmental information is required before planning permission can be granted; or
 - (ii) the applicant has informed the local planning authority or, where the application has been referred to the Secretary of State or is the subject of an appeal, the Secretary of State, that he proposes to submit an environmental statement.
- (8) In its application by virtue of paragraph (7), paragraph (4) shall have effect—
 - (a) as if references to the prospective applicant were references to the applicant or appellant, as appropriate; and
 - (b) where the application has been referred to the Secretary of State or is the subject of an appeal, as if references to the local planning authority in paragraphs (4) and (6) were references to the Secretary of State and regulation (5)(a) referred to such bodies as the Secretary of State considers would be required to be consulted by or under article 15 of the General Development Order if the case were before the local planning authority.

(2) 1960 c. 34.
(3) S.I. 1983/943.