
STATUTORY INSTRUMENTS

1992 No. 1494

The Town and Country Planning (Assessment of Environmental Effects) (Amendment) Regulations 1992

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Assessment of Environmental Effects) (Amendment) Regulations 1992 and shall come into force on 17th July 1992.

(2) In these Regulations “the 1988 Regulations” means the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988(1).

Local authority applications

2. After regulation 25 of the 1988 Regulations insert—

“Local authority applications

25A.—(1) In the application of these Regulations to a Schedule 1 or Schedule 2 application (or proposed application) where the local planning authority is also (or would also be) the applicant (whether alone or jointly with any other person), the following modifications shall apply—

- (a) regulations 5 and 6 shall not apply;
- (b) regulation 8(1) to (3) shall not apply but regulation 8(4)(a) shall apply where an authority proposes to make a Schedule 1 or Schedule 2 application and to submit an environmental statement with that application;
- (c) regulation 9 shall not apply;
- (d) regulation 10(5) shall not apply;
- (e) save for the purposes of regulation 15(4) and (5), regulation 14 shall apply as if—
 - (i) in paragraph (1), for “When an applicant” to “other body, he shall” was substituted “When an applicant making a Schedule 1 or Schedule 2 application submits an environmental statement and at the same time serves a copy of the statement or of a part of it on any other body, he shall” and subparagraph (c) was omitted;
 - (ii) in paragraph (2), for subparagraphs (d) and (e) was substituted—
 - “(d) serve on any such body that has expressed a wish to receive a copy of the statement or any part of it such a copy.”;
 - (iii) paragraph (3) was omitted;
- (f) regulation 15 shall apply as if—
 - (i) paragraph (2) was omitted;
 - (ii) for paragraph (3) was substituted—

“(3) The local planning authority shall take steps to secure that a copy of the environmental statement is placed on the register.”.

(2) An authority which is minded to make a planning application in relation to which it would be the local planning authority may request the Secretary of State in writing for a direction as to whether the proposed application would be a Schedule 1 or a Schedule 2 application.

(3) A request made pursuant to paragraph (2) shall be accompanied by—

- (a) a plan sufficient to identify the land;
- (b) a brief description of the nature and purpose of the proposed development and of its possible effects on the environment;
- (c) such other information or representations as the authority may wish to provide or make.

(4) An authority making a request under paragraph (2) shall send to the Secretary of State any further information he may request in writing to enable him to give a direction.”.

Amendments to the 1988 Regulations

3. The Schedule to these Regulations, which contains amendments to the 1988 Regulations, shall have effect.

Transitional provisions

4.—(1) The amendments made to the 1988 Regulations by these Regulations shall not apply in relation to a resolution passed pursuant to regulation 4(1) or 5(2) of the Town and Country Planning General Regulations 1976 (the “1976 Regulations”)(2) before the coming into force of these Regulations (and, accordingly, the 1988 Regulations shall apply in relation to such resolutions, and to resolutions passed pursuant to regulation 4(5) of the 1976 Regulations, or that regulation as applied by regulation 5(4) thereof, in connection with such resolutions, in the form in which they were in force immediately before the coming into force of these Regulations).

(2) The amendment made to regulation 4(1) of the 1988 regulations by paragraph 3 of the Schedule shall not affect the application of that regulation to any Schedule 1 or Schedule 2 application lodged with the Secretary of State by an authority pursuant to regulation 7 of the 1976 Regulations on or after 15th July 1988.

22nd June 1992

Michael Howard
Secretary of State for the Environment

24th June 1992

David Hunt
Secretary of State for Wales

(2) S.I. 1976/1419; amended by S.I. 1981/558 and S.I. 1986/443.