

---

## EXPLANATORY NOTE

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

These Regulations are concerned with the further implementation in England and Wales of Council Directive [85/337/EEC](#) (OJNo. L175, 5.7.85, p 40).

Article 3(10) of the Town and Country Planning (General Permitted Development) Order 1995 (S.I. [1995/418](#)) excludes certain descriptions of development (which, if they were the subject of an application for planning permission, would require environmental assessment, in accordance with the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (“the Environmental Assessment Regulations”), before permission could be granted) from the descriptions of development for which planning permission would otherwise be granted by article 3(1).

Regulation 3 of these Regulations enables a person (other than a relevant planning authority or a person who proposes to undertake development jointly with such an authority) who is minded to undertake what appears to him to be development for which planning permission might, but for article 3(10) of the Order, be granted by article 3(1) to seek an opinion from the authority as to whether an application for the proposed development would be a Schedule 1 application or a Schedule 2 application within the meaning of the Environmental Assessment Regulations.

Regulation 4 enables a person who has obtained an opinion under regulation 3 that an application for the development concerned would be a Schedule 1 application or a Schedule 2 application to refer the matter to the Secretary of State for his direction.

Where the prospective developer is the relevant planning authority or a person who proposes to undertake development jointly with that authority, regulation 5 enables the authority or that person to seek an opinion from the Secretary of State as to whether an application for the proposed development would be a Schedule 1 application or a Schedule 2 application within the meaning of the Environmental Assessment Regulations.

Regulation 6 requires authorities to make available for public inspection copies of opinions, directions and statements of reasons given for the purposes of the Regulations.

A Compliance Cost Assessment has been prepared in connection with these Regulations and article 3(10) of the Town and Country Planning (General Permitted Development) Order 1995. It has been placed in the Libraries of the Houses of Parliament. Copies may be obtained from PD5A Division, Room C15/03, Department of the Environment, 2 Marsham Street, London SW1P 3EB (Telephone 0171-276 3865) or from the Planning Division, Welsh Office, Cathays Park, Cardiff, CF1 3NQ (Telephone 01222 823882).