
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (S.I. 1999/293) as amended by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) (Amendment) Regulations (S.I. 2000/2867) and the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2006 (S.I. 2006/3295) implemented, in England and Wales, Council Directive [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment (O.J. No. L175, 5.7.1985, p.40), as amended by Council Directive [97/11/EC](#) (O.J. No. L73, 14.3.1997, p.5) and Council Directive [2003/35/EC](#) (O.J.No. L156, 25.6.2003, p.17), in relation to applications to mineral planning authorities to determine the conditions to which a mineral planning permission is subject under Schedule 2 to the Planning and Compensation Act 1991 and Schedules 13 and 14 to the Environment Act 1995 (“ROMP applications”).

The 2000 Regulations applied the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (“the 1999 Regulations”), with modifications, to ROMP applications made on or after the commencement of the 2000 Regulations (15th November 2000) which had yet to be determined.

These Regulations apply in relation to England only. They apply the 1999 Regulations, with modifications, to ROMP applications made before 15th November 2000 which are undetermined on 22nd July 2008 (“undetermined ROMP applications”). They also make provisions which apply to all ROMP applications.

The 1999 Regulations are modified so that screening opinions must be provided for all undetermined ROMP applications as soon as reasonably practicable on or after 22nd July 2008 and acceptance of the screening opinion or an application for a screening direction should be made in writing within three weeks of the screening opinion. Where an applicant receives a screening opinion requiring EIA, a screening direction may be requested from the Secretary of State within 3 weeks or such longer period as is agreed with the Secretary of State (*regulation 2(2) and (4)*). Regulation 6 of the 1999 Regulations is modified to make similar provision in relation to screening directions for applications which have been called in for determination by the Secretary of State, and for appeals made to the Secretary of State (*regulation 2(3), (5) and (6)*).

Regulation 10 of the 1999 Regulations is modified so that scoping opinions must be provided for all undetermined ROMP applications as soon as reasonably practicable after screening, and acceptance of the scoping opinion or an application for a scoping direction from the Secretary of State should be made in writing within three weeks of the scoping opinion (*regulations 2(7) and 2(8)*). Regulation 11 of the 1999 Regulations is modified to make similar provision in relation to scoping directions for applications which have been called in for determination by the Secretary of State, and for appeals to the Secretary of State (*regulations 2(9) and 2(10)*). Mineral planning authorities or the Secretary of State must warn applicants or appellants of the consequences of not providing a new environmental statement within 4 months of the scoping opinion or direction (or such extended period as is agreed in writing) (*regulations 2(8) and 2(10)*).

Provision is made for requests for further information to enable screening and scoping, and the notifications accompanying screening and scoping opinions and directions, to be placed on the planning register (*regulation 2(11)*).

Regulation 26A of the 1999 Regulations is modified to amend the time periods within which applicants or appellants of undetermined ROMP applications must supply information, and applies the sanction of suspension of permission where these time periods are not complied with (*regulation 2(12)*).

Changes to legislation: *There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Mineral Permissions and Amendment) (England) Regulations 2008. (See end of Document for details)*

Regulation 3 amends the 1999 Regulations by applying the sanction of automatic suspension under regulation 26A of the 1999 Regulations to all ROMP applications for the non-provision of information to enable mineral planning authorities or the Secretary of State to make screening or scoping opinions or directions.

Regulation 4 imposes a duty on mineral planning authorities to make a prohibition order in relation to the whole or part of a minerals site as they see fit where regulation 26A(17) of the 1999 Regulations has not been complied with and, as a consequence, permission for minerals development has been suspended for two years.

An impact assessment has been prepared in relation to these Regulations. It has been placed in the library of each House of Parliament and copies may be obtained from Planning Resources and Environment Policy Division, Department for Communities and Local Government, Zone 1/J5, Eland House, Bressenden Place, London, SW1E 5DU (Telephone: 020 7944 3876).

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Mineral Permissions and Amendment) (England) Regulations 2008.