
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009⁽¹⁾ (“the 2009 Regulations”). The 2009 Regulations implemented, in relation to nationally significant infrastructure projects, the Directive on the assessment of the effects of certain public and private projects on the environment.⁽²⁾

The main changes to the 2009 Regulations are—

- an amendment to clarify that any person may ask the Secretary of State to exercise the power of direction (regulation 4);
- an amendment so that a person who proposes to make a subsequent application is no longer required to provide an updated environmental statement (regulation 5(1)). However, the relevant authority may require an updated environmental statement, if the environmental information already before them is not adequate to assess the environmental effects of the subsequent application (new regulation 18A(3), inserted by regulation 11);
- a requirement for the reasons for the negative screening decisions to be provided in writing (regulation 5(4));
- the removal of unnecessary criminal offences (regulations 7, 8(b), 9(b), 10(b) and 11).

An impact assessment has been prepared in relation to these Regulations. The assessment has been placed in the library of each House of Parliament and can be found on the Department for Communities and Local Government website <http://www.communities.gov.uk/corporate/publications/impact-assessments/>.

(1) S.I. 2009/2263, , amended by S.I. 2011/2741.

(2) This Directive has recently been codified and is now 2011/92/EU, O.J. L26/1, 28.1.2012.