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*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. (See end of Document for details)*

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## STATUTORY INSTRUMENTS

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### **2017 No. 571**

## **TOWN AND COUNTRY PLANNING**

### **The Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

<i>Made</i>	- - - -	<i>18th April 2017</i>
<i>Laid before Parliament</i>		<i>19th April 2017</i>
<i>Coming into force</i>		<i>16th May 2017</i>

## **THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017**

### PART 1

#### General

1. Citation, commencement and application
2. Interpretation
3. Prohibition on granting planning permission or subsequent consent for EIA development
4. Environmental impact assessment process

### PART 2

#### Screening

5. General provisions relating to screening
6. Requests for screening opinions of the relevant planning authority
7. Requests for screening directions of the Secretary of State

### PART 3

#### Procedures relating to applications for planning permission

8. Applications which appear to require screening opinion
9. Subsequent applications where environmental information previously provided
10. Subsequent applications where environmental information not previously provided

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11. EIA applications made to a relevant planning authority without an environmental statement
12. EIA applications made directly to the Secretary of State without an environmental statement
13. Application referred to the Secretary of State without an environmental statement
14. Appeal to the Secretary of State without an environmental statement

#### PART 4

##### Preparation of environmental statements

15. Scoping opinions of the local planning authority
16. Scoping directions of the Secretary of State
17. Procedure to facilitate preparation of environmental statements

#### PART 5

##### Publicity and procedures on submission of environmental statements and decision making

18. Environmental statements
19. Procedure where an environmental statement is submitted to a local planning authority
- 19A. Exceptions to requirements in relation to publication of notice, inspection of copies and availability of copies for the period from 24th December 2020 to 31st December 2021
20. Publicity where an environmental statement is submitted after the planning application
21. Provision of copies of environmental statements, any other information and further information for the Secretary of State on referral or appeal
22. Procedure where an environmental statement is submitted to the Secretary of State
23. Availability of copies of environmental statements
- 23A. Exception to requirement to ensure availability of copies of environmental statements
24. Charges for copies of environmental statements
25. Further information and evidence respecting environmental statements
- 25A. Exceptions to requirements in relation to publication of notice, inspection of copies and availability of copies for the period from 24th December 2020 to 30th June 2021
- 25B. Exceptions to requirements in relation to inspection of copies and availability of copies for the period from 1st July 2021 to 31st December 2021
26. Consideration of whether planning permission or subsequent consent should be granted
27. Co-ordination

#### PART 6

##### Availability of directions etc and notification of decisions

28. Availability of opinions, directions etc for inspection
29. Information to accompany decisions
30. Duty to inform the public and the Secretary of State of final decisions

## PART 7

### Restrictions of grants of permission

31. New simplified planning zone schemes or enterprise zone orders
32. Local development orders
33. Neighbourhood development orders
- 33A Other orders made by a local planning authority
- 33B Miscellaneous orders and notices made by the Secretary of State

## PART 8

### Unauthorised development

34. Interpretation
35. Duty to ensure objectives of the Directive are met
36. Prohibition on the grant of planning permission for unauthorised EIA development
37. Screening opinions of the local planning authority
38. Screening directions of the Secretary of State
39. Provision of information
40. Appeal to the Secretary of State without a screening opinion or screening direction
41. Appeal to the Secretary of State without an environmental statement
42. Procedure where an environmental statement is submitted to the Secretary of State
43. Further information and evidence respecting environmental statements
44. Publicity for environmental statements or further information
45. Public inspection of documents
46. Significant transboundary effects

## PART 9

### ROMP Applications

47. General application of the Regulations to ROMP applications
48. Modification of provisions on prohibition of granting planning permission or subsequent consent
49. Modification of provisions on application to local planning authority without an environmental statement
50. Disapplication of regulations and modifications of provisions on application referred to or appealed to the Secretary of State without an environmental statement
51. Substitution of references to section 78 right of appeal and modification of provisions on appeal to the Secretary of State without an environmental statement
52. Modification of provisions on preparation, publicity and procedures on submission of environmental statements
53. Modification of provisions on application to the High Court and giving of directions
54. Suspension of minerals development
55. Determination of conditions and right of appeal on non-determination
56. ROMP application by a mineral planning authority
57. ROMP applications: duty to make a prohibition order after two years suspension of permission

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## PART 10

### Development with significant transboundary effects

- 58. Development in England likely to have significant effects in an EEA State
- 59. Projects in an EEA State likely to have significant transboundary effects

## PART 11

### Exemptions

- 60. Projects serving national defence purposes in Scotland
- 61. Projects serving national defence purposes in Wales
- 62. Projects serving national defence purposes in Northern Ireland
- 63. Exemptions

## PART 12

### Miscellaneous

- 64. Objectivity and bias
  - 65. Service of notices etc
  - 66. Application to the High Court
  - 67. Hazardous waste and material change of use
  - 68. Extension of the period for an authority's decision on a planning application
  - 69. Extension of the power to provide in a development order for the giving of directions as respects the manner in which planning applications are dealt with
  - 70. Application to the Crown
  - 71. Review
  - 72. Amendment of the Town and Country Planning (Development Management Procedure) (England) Order 2015
  - 73. Amendment of the Town and Country Planning (General Permitted Development) (England) Order 2015
  - 74. Amendment of the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013
  - 75. Amendment of the Neighbourhood Planning (General) Regulations 2012
  - 76. Revocation and transitional provisions
- Signature

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## SCHEDULE 1 — DESCRIPTIONS OF DEVELOPMENT FOR THE PURPOSES OF THE DEFINITION OF “SCHEDULE 1 DEVELOPMENT”

### Interpretation

#### Descriptions of development

- 1. Descriptions of development
- 2. (1) Thermal power stations and other combustion installations with a...
- 3. (1) Installations for the reprocessing of irradiated nuclear fuel.
- 4. (1) Integrated works for the initial smelting of cast-iron and...
- 5. Installations for the extraction of asbestos and for the processing...
- 6. Integrated chemical installations, that is to say, installations for the...
- 7. (1) Construction of lines for long-distance railway traffic and of...
- 8. (1) Inland waterways and ports for inland-waterway traffic which permit...

9. Waste disposal installations for the incineration, chemical treatment (as defined...
10. Waste disposal installations for the incineration or chemical treatment (as...
11. Groundwater abstraction or artificial groundwater recharge schemes where the annual...
12. (1) Works for the transfer of water resources, other than...
13. Waste water treatment plants with a capacity exceeding 150,000 population...
14. Extraction of petroleum and natural gas for commercial purposes where...
15. Dams and other installations designed for the holding back or...
16. Pipelines with a diameter of more than 800 millimetres and...
17. Installations for the intensive rearing of poultry or pigs...
18. Industrial plants for— (a) the production of pulp from timber...
19. Quarries and open-cast mining where the surface of the site...
20. Construction of overhead electrical power lines with a voltage of...
21. Installations for storage of petroleum, petrochemical or chemical products with...
22. Storage sites pursuant to Chapter 3 of Part 1 of...
23. Installations for the capture of carbon dioxide streams for the...
24. Any change to or extension of development listed in this...

SCHEDULE 2 — DESCRIPTIONS OF DEVELOPMENT AND APPLICABLE THRESHOLDS AND CRITERIA FOR THE PURPOSES OF THE DEFINITION OF “SCHEDULE 2 DEVELOPMENT”

1. In the table below— “area of the works” includes any...

SCHEDULE 3 — SELECTION CRITERIA FOR SCREENING SCHEDULE 2 DEVELOPMENT

1. Characteristics of development
2. Location of development
3. Types and characteristics of the potential impact

SCHEDULE 4 — INFORMATION FOR INCLUSION IN ENVIRONMENTAL STATEMENTS

1. A description of the development, including in particular:
2. A description of the reasonable alternatives (for example in terms...
3. A description of the relevant aspects of the current state...
4. A description of the factors specified in regulation 4(2) likely...
5. A description of the likely significant effects of the development...
6. A description of the forecasting methods or evidence, used to...
7. A description of the measures envisaged to avoid, prevent, reduce...
8. A description of the expected significant adverse effects of the...
9. A non-technical summary of the information provided under paragraphs 1...
10. A reference list detailing the sources used for the descriptions...

Explanatory Note

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