
STATUTORY INSTRUMENTS

1992 No. 1494

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**

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

| | | |
|-------------------------------|---------|-----------------------|
| <i>Made</i> | - - - - | <i>24th June 1992</i> |
| <i>Laid before Parliament</i> | | <i>26th June 1992</i> |
| <i>Coming into force</i> | - - | <i>17th July 1992</i> |

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, being designated⁽¹⁾ Ministers for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to measures relating to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, in exercise of the powers conferred upon them by the said section 2, hereby make the following Regulations—

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⁽³⁾.

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—

(1) S.I.1988/785.
(2) 1972 c. 68.
(3) S.I. 1988/1199.

- (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”)(4) before the coming into force of these Regulations (and, accordingly, the 1988 Regulations shall apply in relation to such resolutions,

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

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

AMENDMENTS TO THE 1988 REGULATIONS

1. For regulation 1(3) substitute—
 - “(3) Subject to paragraph (4), these Regulations apply throughout England and Wales.
 - (4) Paragraphs (2) and (5)(a) of regulation 13 shall not apply to the Isles of Scilly and, in relation to the Isles of Scilly, the reference in paragraph (6) of that regulation to paragraph (5) of that regulation shall be construed as a reference to paragraph (5)(b).
 - (5) These regulations apply to local authority applications mentioned in paragraph (1) of regulation 25A in accordance with the modifications set out in that paragraph.”.
2. In regulation 2(1) omit—
 - (1) “or in a case falling within regulation 17 by the authority” in the definition of “environmental information”;
 - (2) the definition of “the General Regulations”.
3. In regulation 4(1) omit from “and any such application” to “on or after that date”.
4. In regulation 8(3) omit from “or (b) an authority” to the end.
5. Omit regulation 12.
6. Omit regulation 15(6).
7. For regulation 16(2) substitute—
 - “(2) Where it falls to an authority determining an application for planning permission to take environmental information into consideration, article 23 of the Town and Country Planning General Development Order 1988(5) shall have effect as if—
 - (a) for the reference in paragraph (2)(a) of that article to a period of 8 weeks there was substituted a reference to a period of 16 weeks;
 - (b) after paragraph (3)(b) of that article there was inserted—
 - “(ba) the environmental statement required to be submitted in respect of the application has been submitted, together with the documents required to accompany that statement; and”
8. Omit regulation 17.
9. In regulation 18, for “regulation 12 or 13” substitute “article 12B of the Town and Country Planning General Development Order 1988(6) or regulation 13”.
10. In regulation 20, omit “17(9)(iii) or” and for “15 or 17(9)(ii)” substitute “or 15”.
11. For regulation 23 substitute—
 - “23. Where, after environmental information has been taken into consideration, a local planning authority determine an application for planning permission, they shall inform the Secretary of State of the decision taken and provide details of any conditions subject to which any planning permission was granted.”
12. Omit regulation 26.

(5) S.I. 1988/1813; article 23 is amended by S.I. 1992/1493.

(6) S.I. 1988/1813; article 12B was inserted by S.I. 1992/1493.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988.

The main changes are—

- (a) the deletion of regulation 12 of the 1988 Regulations, which set out publicity requirements where a planning application was accompanied by an environmental statement: the publicity requirements in such circumstances are now contained in the Town and Country Planning General Development Order 1988 by virtue of an amendment made to that Order by the Town and Country Planning General Development (Amendment) (No. 4) Order 1992;
- (b) the insertion of a new regulation, regulation 25A, which makes provision for the application of the 1988 Regulations to planning applications where the local planning authority is also the applicant, and the deletion of regulation 17, which related to the previous system (now repealed and replaced by the Town and Country Planning General Regulations 1992) under which planning authorities were generally not required to submit planning applications.