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## STATUTORY INSTRUMENTS

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# 1999 No. 293

## The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

### PART IX

#### MISCELLANEOUS

##### Miscellaneous and consequential amendments

**35.**—(1) In section 55(2)(b) of the Act after the words “improvement of the road” there are inserted the words “ but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment ”.

(2) In Article 3(6) (Use Classes) of the Town and Country Planning (Use Classes) Order 1987<sup>M1</sup>, after sub-paragraph (i) there are inserted the words:

“(j) as a waste disposal installation for the incineration, chemical treatment (as defined in Annex IIA to Directive 75/442/EEC<sup>M2</sup> under heading D9), or landfill of waste to which Directive 91/689/EEC<sup>M3</sup> applies.”

(3) For paragraphs (10) and (11) of article 3 (permitted development) of the Town and Country Planning (General Permitted Development) Order 1995<sup>M4</sup> there is substituted—

“(10) Subject to paragraph (12), Schedule 1 development or Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (“the EIA Regulations”) is not permitted by this Order unless:

- (a) the local planning authority has adopted a screening opinion under regulation 5 of those Regulations that the development is not EIA development;
- (b) the Secretary of State has made a screening direction under regulation 4(7) or 6(4) of those Regulations that the development is not EIA development; or
- (c) the Secretary of State has given a direction under regulation 4(4) of those Regulations that the development is exempted from the application of those Regulations.

(11) Where:

- (a) the local planning authority has adopted a screening opinion pursuant to regulation 5 of the EIA Regulations that development is EIA development and the Secretary of State has in relation to that development neither made a screening direction to the contrary under regulation 4(7) or 6(4) of those Regulations nor directed under regulation 4(4) of those Regulations that the development is exempted from the application of those Regulations; or
- (b) the Secretary of State has directed that development is EIA development,

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that development shall be treated, for the purposes of paragraph (10), as development which is not permitted by this Order.”

(4) For the words “3rd June 1995” in articles 3(12)(e) and 3(12)(f) of the Town and Country Planning (General Permitted Development) Order 1995 there are substituted the words “ 14th March 1999 ”.

(5) For Class A of Part 13 in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 there is substituted—

“A. The carrying out by a local highway authority—

- (a) on land within the boundaries of a road, of any works required for the maintenance or improvement of the road, where such works involve development by virtue of section 55(2)(b) of the Act; or
- (b) on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway.”

(6) In sub-paragraph (a) of article 8(2) of the Order for the words “the subject of an E.A. Schedule 1 or E.A. Schedule 2 application” there are substituted the words “ an EIA application ”.

(7) In article 8(7) of the Order for the definitions of “E.A. Schedule 1 application” and “E.A. Schedule 2 application” there is substituted—

““EIA application” has the meaning given in regulation 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, and “environmental statement” means a statement which the applicant refers to as an environmental statement for the purposes of those Regulations.”

(8) For article 14(2) of the Order there is substituted—

“(2) The Secretary of State may give directions that development which is both of a description set out in Column 1 of the table in Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, and of a class described in the direction is EIA development for the purposes of those Regulations.”

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#### **Marginal Citations**

- M1** [S.I. 1987/764](#). Relevant amending instruments are [S.I. 1991/1567](#), [S.I. 1992/610](#), and [S.I. 1994/724](#).
- M2** O.J. No. L 194, 25.7.1975, p. 39. Council Directive 75/442/EEC was amended by Council Directive 91/156/EEC (O.J. No. L 78, 26.3.1991, p. 32), and by Commission Decision 94/3/EC (O.J. No. L5, 7.1.1994, p.15).
- M3** O.J. No. L 337, 31.12.1991, p. 20. Council Directive 91/689/EEC was amended by Council Directive 94/31/EC (O.J. No. L 168, 2.7.1994, p. 28).
- M4** [S.I. 1995/418](#), to which there are amendments not relevant to these Regulations.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- Instrument excl (E) (1.2.2002) by [S.I. 2001/3966 reg 3\(1\)reg 3\(2\)\(b\)](#)
- Regulations applied (Crown) (with modifications) by [S.I. 2006/1282 art. 22](#)
- Regulations applied (with modifications) by [2008 c. 18 s. 10\(5\)](#)
- Regulations applied (with modifications) by [2008 c. 18 s. 14\(1\)](#)
- Regulations extended (with modifications) by [SI 1999/293, reg. 26A\(1\)-\(29\) \(as inserted\) by S.I. 2000/2867 reg. 2\(5\)](#)
- Regulations modified by [SI 1999/293 reg 24A\(5\) \(as inserted\) by S.I. 2006/3295 reg. 17](#)
- Regulations revoked by [S.I. 2011/1824 Sch. 5](#)
- Regulations revoked by [S.I. 2016/58 Sch. 8](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 21 added by [S.I. 2006/3099 reg. 17](#)
- Sch. 2 para. 13(a) words inserted by [S.I. 2006/3295 reg. 24](#)
- reg. 1(4) added by [S.I. 2006/3295 reg. 3\(b\)](#)
- reg. 2(6) added by [S.I. 2000/2867 reg. 2\(2\)\(e\)](#)
- reg. 2(6) word substituted by [S.I. 2008/2335 reg. 3\(3\)\(a\)](#)
- reg. 2(6) words inserted by [S.I. 2006/3295 reg. 4\(2\)](#)
- reg. 2(6) words inserted by [S.I. 2008/2335 reg. 3\(3\)\(b\)](#)
- reg. 2(6) words substituted by [S.I. 2008/2335 reg. 3\(3\)\(c\)](#)
- reg. 4(4)(4A) substituted for reg. 4(4) by [S.I. 2006/3295 reg. 5](#)
- reg. 4(4)(4A) substituted for reg. 4(4) by [S.I. 2006/3099 reg. 4](#)
- reg. 5(2)(aa) inserted by [S.I. 2008/2093 reg. 4](#)
- reg. 5(2)(aa) inserted by [S.I. 2008/2335 reg. 4](#)
- reg. 7(2A) inserted by [S.I. 2006/3295 reg. 6](#)
- reg. 7(2A) inserted by [S.I. 2006/3099 reg. 5](#)
- reg. 8(3A) inserted by [S.I. 2006/3295 reg. 7](#)
- reg. 8(3A) inserted by [S.I. 2006/3099 reg. 6](#)
- reg. 9(4A) inserted by [S.I. 2006/3295 reg. 8](#)
- reg. 9(4A) inserted by [S.I. 2006/3099 reg. 7](#)
- reg. 10(2)(aa) inserted by [S.I. 2008/2093 reg. 6\(1\)\(a\)](#)
- reg. 10(2)(aa) inserted by [S.I. 2008/2335 reg. 6\(1\)\(a\)](#)
- reg. 13(2)(d) added by [S.I. 2006/3295 reg. 9\(b\)](#)
- reg. 13(2)(d) and word inserted by [S.I. 2006/3099 reg. 8\(b\)](#)
- reg. 13(3A) inserted by [S.I. 2008/2093 reg. 7\(1\)](#)
- reg. 13(3A) inserted by [S.I. 2008/2335 reg. 7\(1\)](#)
- reg. 14(2A) inserted by [S.I. 2006/3295 reg. 10](#)
- reg. 14(2A) inserted by [S.I. 2006/3099 reg. 9](#)
- reg. 14(2A) word substituted by [S.I. 2008/2093 reg. 7\(2\)\(d\)](#)
- reg. 14(2A) word substituted by [S.I. 2008/2335 reg. 7\(2\)\(d\)](#)
- reg. 19(3)(bb) inserted by [S.I. 2008/2093 reg. 7\(5\)\(b\)](#)
- reg. 19(3)(bb) inserted by [S.I. 2008/2335 reg. 7\(5\)\(b\)](#)
- reg. 21(1)(c)(iv) added by [S.I. 2006/3295 reg. 15\(c\)](#)
- reg. 21(1)(c)(iv) and word inserted by [S.I. 2006/3099 reg. 12\(c\)](#)

- reg. 24A inserted by S.I. 2006/3295 reg. 17
- reg. 25(4)(c) and word added by S.I. 2006/3295 reg. 18(a)
- reg. 25(4)(c) and word added by S.I. 2006/3099 reg. 14(a)
- reg. 25(9A)-(9D) inserted by S.I. 2008/2093 reg. 9(2)(c)
- reg. 25(9A)-(9D) inserted by S.I. 2008/2335 reg. 9(2)(c)
- reg. 25(16)(bb) inserted by S.I. 2008/2093 reg. 9(2)(g)(i)
- reg. 25(16)(bb) inserted by S.I. 2008/2335 reg. 9(2)(g)(i)
- reg. 26A and heading inserted by S.I. 2000/2867 reg. 2(5)
- reg. 26A(1)-(21) substituted by S.I. 2008/2093 reg. 9(3)
- reg. 26A(3) word substituted by S.I. 2008/2335 reg. 9(3)(a)
- reg. 26A(4) words substituted by S.I. 2008/2335 reg. 9(3)(b)
- reg. 26A(8) words inserted by S.I. 2008/2335 reg. 9(3)(c)
- reg. 26A(9) words substituted by S.I. 2008/2335 reg. 9(3)(d)
- reg. 26A(10)(a) words inserted by S.I. 2008/2335 reg. 9(3)(e)(i)
- reg. 26A(10)(b) words inserted by S.I. 2008/2335 reg. 9(3)(e)(ii)
- reg. 26A(13)(a) words inserted by S.I. 2008/2335 reg. 9(3)(f)
- reg. 26A(17)(a) word substituted by S.I. 2008/2335 reg. 9(3)(g)
- reg. 26A(28)(b) words substituted by S.I. 2008/2335 reg. 9(3)(h)(i)
- reg. 26A(28)(d)(i) word substituted by S.I. 2008/2335 reg. 9(3)(h)(ii)
- reg. 26B inserted by S.I. 2008/2093 reg. 9(4)
- reg. 27(3)(aa) inserted by S.I. 2008/2093 reg. 10(a)
- reg. 27(3)(aa) inserted by S.I. 2008/2335 reg. 10(a)
- reg. 28(2)(c) and word added by S.I. 2006/3295 reg. 20(c)
- reg. 28(2)(c) and word inserted by S.I. 2006/3099 reg. 16(b)
- reg. 36-38 added by S.I. 2006/3295 reg. 22
- reg. 37(2) words substituted by S.I. 2008/2335 reg. 12(a)
- reg. 37(3) words substituted by S.I. 2008/2335 reg. 12(b)