
STATUTORY INSTRUMENTS

2011 No. 1824

**The Town and Country Planning (Environmental
Impact Assessment) Regulations 2011**

PART 8

Restrictions of Grants of Permission

Old simplified planning zone schemes or enterprise orders

27.—(1) Any—

- (a) adoption or approval of a simplified planning zone scheme⁽¹⁾;
- (b) order designating an enterprise zone⁽²⁾; or
- (c) approval of a modified scheme in relation to an enterprise zone,

which has effect immediately before the commencement of these Regulations to grant planning permission shall, on and after that date, cease to have effect to grant planning permission for Schedule 1 development, and cease to have effect to grant planning permission for Schedule 2 development unless either:

- (i) the relevant planning authority has adopted a screening opinion; or
- (ii) the Secretary of State has made a screening direction,

to the effect that the particular proposed development is not EIA development.

(2) Paragraph (1) shall not affect the completion of any development begun before the commencement of these Regulations.

New simplified planning zone schemes or enterprise zone orders

28. No—

- (a) adoption or approval of a simplified planning zone scheme;
- (b) order designating an enterprise zone made; or
- (c) modified scheme in relation to an enterprise zone approved,

after the commencement of these Regulations shall:

- (i) grant planning permission for EIA development; or
- (ii) grant planning permission for Schedule 2 development unless that grant is made subject to the prior adoption of a screening opinion or prior making of a screening direction that the particular proposed development is not EIA development.

⁽¹⁾ See section 83 and Schedule 7 to the Town and Country Planning Act 1990 (c. 8).

⁽²⁾ See sections 88 and 89 of the Town and Country Planning Act 1990 (c. 8) and Schedule 32 to the Local Government, Planning and Land Act 1980 (c. 65).

Local development orders

29.—(1) This regulation applies in relation to Schedule 2 development for which a local planning authority propose to grant planning permission by local development order.

(2) Where this regulation applies, the local planning authority shall not make a local development order unless they have adopted a screening opinion or the Secretary of State has made a screening direction.

(3) Paragraphs (4) to (6) apply where—

- (a) the local planning authority adopts a screening opinion; or
- (b) the Secretary of State makes a screening direction under these Regulations,

to the effect that the development is EIA development.

(4) The local planning authority shall not make a local development order which would grant planning permission for EIA development unless—

- (a) an environmental statement has been prepared in relation to that development; and
- (b) the authority has first taken the environmental information into consideration, and they state in their decision that they have done so.

(5) In a case to which this regulation shall have effect these Regulations shall apply subject to the following modifications—

- (a) regulations 3, 5 to 12, 15, 18 and 19 shall not apply;
- (b) in regulation 4—
 - (i) paragraph (2)(a) shall not apply;
 - (ii) in paragraph (2)(b) for “relevant” substitute “local”;
 - (iii) in paragraph (4)(b) for “relevant” substitute “local”;
 - (iv) in paragraph (10) for “relevant” substitute “local”;
- (c) for regulation 13(1) substitute—

“(1) Where a proposed local development order is EIA development, the local planning authority shall state in writing its opinion as to the information to be provided in the environmental statement (“a scoping opinion”).”
- (d) in regulation 14(1)(a) and (3) for “relevant” substitute “local”;
- (e) for regulation 16 substitute—

“Procedure where an environmental statement is prepared in relation to a local development order

16.—(1) Where a statement, referred to as an “environmental statement” for the purposes of these Regulations, has been prepared in relation to EIA development for which a local planning authority proposes to grant planning permission by a local development order, the local planning authority shall—

- (a) send to the Secretary of State 1 copy of the statement;
- (b) send a copy of the statement to the consultation bodies and inform them that they may make representations; and
- (c) notify any particular person of whom the authority are aware, who is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of a site notice or by local advertisement, of an address in the locality in which the land is situated where a copy of the statement may be obtained and the address to which representations may be sent.

(2) The local planning authority shall not make the local development order until the expiry of 14 days from the last date on which a copy of the statement was served in accordance with this regulation.”;

(f) in regulation 17—

(i) omit paragraph (1);

(ii) for paragraph (2) substitute—

“(2) The local planning authority shall publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

(a) the name and address of the local planning authority;

(b) the address or location and the nature of the development referred to in the proposed local development order;

(c) that a copy of the draft local development order and of any plan or other documents accompanying it together with a copy of the environmental statement may be inspected by members of the public at all reasonable hours;

(d) an address in the locality in which the land is situated at which those documents may be inspected, and the latest date on which they will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);

(e) an address (whether or not the same as that given under sub-paragraph (d)) in the locality in which the land is situated at which copies of the statement may be obtained;

(f) that copies may be obtained there so long as stocks last;

(g) if a charge is to be made for a copy, the amount of the charge; and

(h) that any person wishing to make representations about the local development order should make them in writing, before the date specified in accordance with sub-paragraph (d), to the local planning authority.”;

(iii) in paragraph (4), for “applicant” substitute “local planning authority”.

(iv) omit paragraphs (6) to (9);

(g) for regulation 20 substitute—

“Availability of copies of environmental statements

20. The local planning authority shall ensure that a reasonable number of copies of the statement referred to as the environmental statement prepared in relation to EIA development for which the authority propose to grant planning permission by a local development order are available at—

(a) their principal office during normal office hours; and

(b) at such other places within their area as they consider appropriate.”;

(h) in regulation 22—

(i) for paragraph (1) substitute—

“(1) Where an environmental statement has been submitted and the local planning authority is of the opinion that the statement should contain additional information in order to be an environmental statement, the local planning authority shall ensure that additional information is provided and such information provided is referred to in these Regulations as “further information””;

(ii) for paragraph (3) substitute—

“(3) The local planning authority shall publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

- (a) the name and address of the local planning authority;
- (b) the address or location and the nature of the development referred to in the proposed local development order;
- (c) that further information is available in relation to an environmental statement which has already been provided;
- (d) that a copy of the further information may be inspected by members of the public at all reasonable hours;
- (e) an address in the locality in which the land is situated at which the further information may be inspected, and the latest date on which it will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);
- (f) an address (whether or not the same as that given under sub-paragraph (e)) in the locality in which the land is situated at which copies of the further information may be obtained;
- (g) that copies may be obtained there so long as stocks last;
- (h) if a charge is to be made for a copy, the amount of the charge;
- (i) that any person wishing to make representations about the further information should make them in writing, before the date specified in accordance with sub-paragraph (e), to the local planning authority;
- (j) the address to which representations should be sent.”;

(iii) for paragraph (4) substitute—

“(4) The local planning authority shall send a copy of the further information to each person to whom, in accordance with the Regulations, the statement to which it relates was sent and to the Secretary of State.”;

(iv) omit paragraphs (5) and (6);

(v) for paragraph (7) substitute—

“(7) Where information is provided under paragraph (1) the local planning authority shall not make the local development order before the expiry of 14 days after the date on which the further information was sent to all persons to whom the statement which it relates was sent or the expiry of 21 days after the date that notice of it was published in a local newspaper, whichever is the later.”;

(vi) in paragraph (8)—

(aa) for “The applicant or appellant who provides further information or any other information in accordance with paragraph (1)” substitute “The local planning authority”; and

(bb) after “number of copies of the” insert “further or other”;

(vii) for paragraph (10) substitute—

“(10) The local planning authority may in writing require the applicant or appellant to provide such evidence as they may reasonably call for to verify any information in the environmental statement.”;

(i) in regulation 23—

(i) for paragraph (1) substitute—

- “(1) Where particulars of a draft local development order are placed on Part 3 of the register, the local planning authority shall take steps to secure that there is also placed on that Part a copy of any relevant—
- (a) scoping opinion;
 - (b) screening opinion;
 - (c) screening direction;
 - (d) direction under regulation 4(4);
 - (e) the statement referred to as the environmental statement including any further information;
 - (f) statement of reasons accompanying any of the above.”;
- (ii) omit paragraph (2);
- (j) in regulation 24—
- (i) in paragraph (1) for “Where an EIA application is determined by a local planning authority” substitute “Where a local planning authority make a local development order granting permission for development which constitutes EIA development”; and
 - (ii) omit paragraphs (2) and (3); and
- (k) in regulation 53—
- (i) in paragraph (1) for sub-paragraph (a) substitute—
 - “(a) it comes to the attention of the Secretary of State that EIA development proposed to be carried out in England for which a local planning authority propose to grant planning permission by a local development order is likely to have significant effects on the environment in another EEA state; or”;
 - (ii) in paragraphs (3) and (6) for “application” substitute “proposed local development order”.
- (6) In paragraphs (6)(a), (6)(b)(i), and (c)(i) and paragraph (10) of article 34 of the Order after “local development order” insert “, the environmental statement” in each place where the words occur.