
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate with amendments the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011⁽¹⁾ (“the 2011 Regulations”) and subsequent amending instruments.

These Regulations also implement amendments to [Directive 2011/92/EU](#) of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment⁽²⁾ (“the Directive”) which were made by [Directive 2014/52/EU](#)⁽³⁾.

These Regulations implement the Directive in respect of the town and country planning system in England only. Regulations 60, 61 and 62 extend to Scotland, Wales and Northern Ireland respectively; they enable the Secretary of State to exempt developments having national defence as their sole purpose from the environmental impact assessment (“EIA”) procedures which would ordinarily be applicable under the town and country planning systems in each of the devolved administrations.

The main changes from the 2009 Regulations are:

- to the circumstances in which a project may be exempt from the EIA process;
- to the introduction of co-ordinated procedures for projects which are also subject to assessment under Council [Directive 92/43/EEC](#)⁽⁴⁾ on the conservation of natural habitats and of wild fauna and flora or [Directive 2009/147/EC](#) of the European Parliament and of the Council on the conservation of Wild Birds⁽⁵⁾;
- to the list of environmental factors to be considered as part of the EIA process;
- to the information to be provided to inform a screening decision and the criteria to be applied when making a screening decision;
- to the way in which an environmental statement is to be prepared, including an amendment to the information to be included in it, the introduction of a requirement that it be based upon a scoping opinion (where one has been obtained) and a requirement that it be prepared by a competent expert;
- to the means by which the public is to be informed of projects which are subject to the EIA process; and
- the introduction of a requirement for decision-makers to avoid conflicts of interest.

These Regulations were notified to the European Commission in accordance with Article 2 of [Directive 2014/52/EU](#)⁽⁶⁾.

It is normal practice to make available to Parliament, alongside primary or secondary legislation giving effect to European Directives, a Transposition Note that sets out how the Government will transpose the main elements of those Directives into UK law. The Transposition Note accompanying the Explanatory Memorandum to these Regulations is available from legislation.gov.uk.

(1) [S.I. 2011/1824](#).

(2) OJNo. L 26, 28.1.2012, p. 1-21.

(3) OJ No. L 124, 25.4.2014, p. 1-18.

(4) OJ No. L 206, 22.7.1992, p.7.

(5) OJ No. L 20, 26.1.2010, p. 7.

(6) OJ No. L 124, 25.4.2014, p. 1-18.

Status: *This is the original version (as it was originally made).*

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.