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STATUTORY INSTRUMENTS

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**2017 No. 571**

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

PART 11

Exemptions

**Projects serving national defence purposes in Scotland**

**60.**—(1) If a development comprises or forms part of a project having national defence as its sole purpose and in the opinion of the Secretary of State compliance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017<sup>(1)</sup> would have an adverse effect on those purposes, the Secretary of State may direct that those Regulations shall not apply to a project specified in the direction.

(2) The Secretary of State must notify the Scottish Ministers prior to making a direction under paragraph (1).

(3) The Secretary of State must send a copy of a direction made under paragraph (1) to the Scottish Ministers and the relevant planning authority.

**Projects serving national defence purposes in Wales**

**61.**—(1) If a development comprises or forms part of a project having national defence as its sole purpose and in the opinion of the Secretary of State compliance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017<sup>(2)</sup> would have an adverse effect on those purposes, the Secretary of State may direct that these Regulations shall not apply to a project specified in the direction.

(2) The Secretary of State must notify the Welsh Ministers prior to making a direction under paragraph (1).

(3) The Secretary of State must send a copy of a direction made under paragraph (1) to the Welsh Ministers and the relevant planning authority.

**Projects serving national defence purposes in Northern Ireland**

**62.**—(1) If a development comprises or forms part of a project having national defence as its sole purpose and in the opinion of the Secretary of State compliance with the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015<sup>(3)</sup> would have an adverse effect on those purposes, the Secretary of State may direct that those Regulations shall not apply to a project specified in the direction.

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(1) [S.S.I. 2017/102](#).

(2) [S.I. 2017/567 \(W.134\)](#).

(3) [S.R. \(NI\) 2015 No. 74](#).

(2) The Secretary of State must notify the Department of Infrastructure prior to making a direction under paragraph (1).

(3) The Secretary of State must send a copy of a direction made under paragraph (1) to the Department for Infrastructure.

(4) Where the Department for Infrastructure receives a copy of a direction as described in paragraph (2), but it is not, or would not be, the body responsible for determining an application for planning permission for the development in question, it must send a copy of the direction to the relevant district council.

## **Exemptions**

**63.**—(1) The Secretary of State may direct that a proposed development is exempt from the requirements of these Regulations where—

- (a) the circumstances are exceptional and the Secretary of State considers that—
  - (i) compliance with these Regulations in respect of the development would have an adverse effect on the fulfilment of the development’s purpose; and
  - (ii) (despite an EIA not being carried out) the objectives of the Directive will be met; or
- (b) the development comprises or forms part of a development having national defence as its sole purpose, or comprises a development having the response to civil emergencies as its sole purpose, and in the opinion of the Secretary of State compliance with these Regulations would have an adverse effect on those purposes.

(2) Where a direction is given under paragraph (1) the Secretary of State must send a copy of that direction to the relevant planning authority.

(3) The Secretary of State must not make a direction under paragraph (1)(a) that a project is exempt unless—

- (a) the Secretary of State has considered whether another form of assessment is appropriate; and
- (b) where the Secretary of State considers that the development is likely to have significant effects on the environment in another EEA State, or where another EEA State likely to be significantly affected so requests, the Secretary of State has carried out a form of consultation with that EEA State broadly equivalent to the form described in regulation 58 or 59, as appropriate, or is satisfied that such an equivalent consultation has been carried out, before planning permission or subsequent consent is granted in respect of the development.

(4) After the Secretary of State directs that a development is exempt under paragraph (1)(a), the Secretary of State must as soon as practicable make available to the public—

- (a) the determination, including an explanation of the reasons for it; and
- (b) the information obtained under any other assessment considered appropriate by the Secretary of State under paragraph (3)(a).

(5) Before planning permission or subsequent consent is given in respect of a development which is exempt under paragraph (1)(a), the relevant planning authority or Secretary of State, as appropriate, must take into account the results of —

- (a) any other assessment considered appropriate by the Secretary of State under paragraph (3)(a); and
- (b) any consultation with another EEA State carried out under paragraph (3)(b) about the development.

(6) Before planning permission or subsequent consent is given in respect of a development to which a determination under paragraph (1)(a) applies, the Secretary of State must inform the European Commission of the matters referred to in paragraph (4).

(7) The effect of a direction under paragraph (1) is that these Regulations do not apply to it save to the extent set out in this regulation.