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STATUTORY INSTRUMENTS

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**2017 No. 571**

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

**PART 5**

**Publicity and procedures on submission of  
environmental statements and decision making**

**Publicity where an environmental statement is submitted after the planning application**

**20.**—(1) Where an application for planning permission or a subsequent application has been made without an environmental statement and the applicant proposes to submit such a statement, the applicant must, before submitting it, comply with paragraphs (2) to (5).

(2) The applicant must publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

- (a) the applicant's name, that an application is being made for planning permission or subsequent consent to the relevant planning authority or the Secretary of State, and the name and address of the relevant planning authority or (in the case of an application made to the Secretary of State) the name and address of the Secretary of State;
- (b) the date on which the application was made and, if it be the case, that it has been made or referred to the Secretary of State for determination or is the subject of an appeal to the Secretary of State;
- (c) the address or location and the nature of the proposed development;
- (d) that—
  - (i) a copy of the application for planning permission, any accompanying plan and other documents, and a copy of the environmental statement, and
  - (ii) in the case of a subsequent application, a copy of the planning permission in respect of which that subsequent application has been made and supporting documents,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 those documents may be inspected, and the latest date on which they will be available for inspection (being a date not less than 30 days later than the date on which the notice is published);
- (f) details of a website maintained by or on behalf of the authority on which the environmental statement and the other documents referred to in sub-paragraph (d) have been made available in accordance with paragraph (7), and the latest date on which they will be available for access (being a date not less than 30 days later than the date on which the notice is published);
- (g) 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 statement may be obtained;
- (h) that copies of the statement may be obtained there so long as stocks last;

- (i) if a charge is to be made for a copy, the amount of the charge;
  - (j) that any person wishing to make representations about the application should make them in writing, before the latest date named in accordance with sub-paragraph (e) or (f), to the relevant planning authority or (in the case of an application made or referred to the Secretary of State, or of an appeal) to the Secretary of State; and
  - (k) the address to which representations should be sent.
- (3) An applicant who is notified under regulation 11(2), 12(5), 13(5) or 14(6) of such a person as mentioned in any of those provisions must serve a notice on every such person; and the notice must contain the information specified in paragraph (2).
- (4) The applicant must post on the land a notice containing the information specified in paragraph (2), but this provision does not apply if the applicant has not, and is not reasonably able to acquire, such rights as would enable the applicant to comply.
- (5) The notice mentioned in paragraph (4) must—
- (a) be left in position for not less than 7 days in the 28 days immediately preceding the date of the submission of the statement; and
  - (b) be affixed firmly to some object on the land and sited and displayed in such a way as to be easily visible to, and readable by, members of the public without going on to the land.
- (6) The environmental statement, when submitted, must be accompanied by—
- (a) a copy of the notice mentioned in paragraph (2) certified by or on behalf of the applicant as having been published in accordance with paragraph (2); and
  - (b) a certificate by or on behalf of the applicant which states either—
    - (i) that a notice was posted on the land in compliance with this regulation, when this was done, and that the notice was left in position for not less than 7 days of the 28 days immediately preceding the date of the submission of the environmental statement, or that, without any fault or intention on the applicant's part, it was removed, obscured or defaced before 7 days had elapsed and the applicant took reasonable steps for its protection or replacement, specifying the steps taken; or
    - (ii) that the applicant was unable to comply with paragraphs (4) and (5) because the applicant did not have the necessary rights to do so; that any reasonable steps available to acquire those rights have been taken but unsuccessfully, specifying the steps taken.
- (7) The relevant planning authority must make the environmental statement available for inspection on a website maintained by or on behalf of the authority.
- (8) Where an applicant indicates that it is proposed to provide an environmental statement in the circumstances mentioned in paragraph (1), the relevant planning authority, the Secretary of State or the inspector, as the case may be, must (unless disposed to refuse the permission or subsequent consent sought) suspend consideration of the application or appeal until receipt of the environmental statement and the other documents mentioned in paragraph (6); and must not determine it during the period of 30 days beginning with the last date on which the environmental statement and the other documents so mentioned are published in accordance with this regulation.
- (9) Where it is proposed to submit an environmental statement in connection with an appeal, this regulation applies as if for references to the applicant there were substituted references to the appellants.
- (10) The requirement in paragraph (2) to publish a notice in a local newspaper and the requirement in paragraph (6)(a) do not apply to the Isles of Scilly and, in relation to the Isles of Scilly, the reference in paragraph (8) to paragraph (6) must be construed as a reference to paragraph (6)(b).