
STATUTORY INSTRUMENTS

2017 No. 571

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

PART 9

ROMP Applications

Determination of conditions and right of appeal on non-determination

55.—(1) Where it falls to—

- (a) a relevant mineral planning authority to determine a Schedule 1 or a Schedule 2 application, paragraph 2(6)(b) of Schedule 2 to the 1991 Act, paragraph 9(9) of Schedule 13 to the 1995 Act or paragraph 6(8) of Schedule 14 to the 1995 Act shall not have effect to treat the authority as having determined the conditions to which any relevant planning permission is to be subject unless either the relevant mineral planning authority has adopted a screening opinion or the Secretary of State has made a screening direction to the effect that the ROMP development in question is not EIA development;
- (b) a relevant mineral planning authority or the Secretary of State to determine a Schedule 1 application or a Schedule 2 application—
 - (i) section 69(1) (register of applications, etc) of the Act, and any provisions of the Order made by virtue of that section, shall have effect with any necessary amendments as if references to applications for planning permission included ROMP applications under paragraph 9(1) of Schedule 13 to the 1995 Act and paragraph 6(1) of Schedule 14 to the 1995 Act; and
 - (ii) where the relevant mineral planning authority is not the authority required to keep the register, the relevant mineral planning authority must provide the authority required to keep it with such information and documents as that authority requires to comply with section 69 of the Act (Register of applications, etc) (as applied by paragraph (i)), with regulation 28 as applied by regulation 47, and with regulation 54(4).

(2) Where it falls to the relevant mineral planning authority or the Secretary of State to determine an EIA application which is made under paragraph 2(2) of Schedule 2 to the 1991 Act, paragraph 4(4) of that Schedule shall not apply.

(3) Where it falls to the relevant mineral planning authority to determine an EIA application, the authority must give written notice of their determination of the ROMP application within 16 weeks beginning with the date of receipt by the authority of the ROMP application or such extended period as may be agreed in writing between the applicant and the authority.

(1) Section 69 of the Act was substituted by section 118 of, and paragraphs 1 and 3 of Schedule 6 to, the Planning and Compulsory Purchase Act 2004 and amended by section 112 of, and paragraphs 1 and 7 of Schedule 12 to, the Localism Act 2011; section 190 of the Planning Act 2008; section 30 of, and paragraphs 2 and 8 of Part 2 of Schedule 4 to, the Infrastructure Act 2015 (c. 7); and section 150 of, and paragraphs 1 and 10 of Schedule 12 to, the Housing and Planning Act 2016.

- (4) For the purposes of paragraph (3) a ROMP application is received by the relevant mineral planning authority when it receives—
- (a) a document referred to by the applicant as an environmental statement for the purposes of these Regulations;
 - (b) any documents required to accompany that statement; and
 - (c) any additional information which the authority has notified the applicant that the environmental statement should contain.
- (5) Where paragraph (1)(a) applies—
- (a) paragraph 5(2)(2) of Schedule 2 to the 1991 Act, paragraph 11(1) of Schedule 13 to the 1995 Act and paragraph 9(1) of Schedule 14 to the 1995 Act (right of appeal) shall have effect as if there were also a right of appeal to the Secretary of State where the relevant mineral planning authority has not given written notice of their determination of the ROMP application in accordance with paragraph (3); and
 - (b) paragraph 5(5) of Schedule 2 to the 1991 Act, paragraph 11(2) of Schedule 13 to the 1995 Act and paragraph 9(2) of Schedule 14 to the 1995 Act (right of appeal) shall have effect as if they also provided for notice of appeal to be made within 6 months from the expiry of the 16 week or other period agreed pursuant to paragraph (3).
- (6) In determining for the purposes of—
- (a) paragraph 6(b) of Schedule 2 to the 1991 Act, paragraph 9(9) of Schedule 13 to the 1995 Act and paragraph 6(8) of Schedule 14 to the 1995 Act (determination of conditions); or
 - (b) paragraph 5(5) of Schedule 2 to the 1991 Act, paragraph 11(2) of Schedule 13 to the 1995 Act and paragraph 9(2) of Schedule 14 to the 1995 Act (right of appeal),

the time which has elapsed without the relevant mineral planning authority giving the applicant written notice of their determination in a case where the authority has notified an applicant in accordance with regulation 11(1) that the submission of an environmental statement is required and the Secretary of State has given a screening direction in relation to the ROMP development in question, no account shall be taken of any period before the issue of the direction.

(2) Paragraph 5 was amended by section 198 of the Planning Act 2008.