

2015 No. 660

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015

<i>Made</i>	- - - -	<i>11th March 2015</i>
<i>Laid before Parliament</i>		<i>12th March 2015</i>
<i>Coming into force</i>	- -	<i>6th April 2015</i>

The Secretary of State has been designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to measures relating to the environment.

The Secretary of State, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and section 71A(1) and (2) of the Town and Country Planning Act 1990^(c), and having taken into account the selection criteria in Annex III to Council Directive 2011/92/EU^(d) as adopted by the European Parliament and the Council of the European Union on 13th December 2011, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 and come into force on 6th April 2015.

Interpretation

2.—(1) In these Regulations, “the 2011 Regulations” means the Town and Country Planning (Environmental Impact Assessment) Regulations 2011^(e).

(2) Expressions used in these Regulations have the same meaning as they have for the purposes of the 2011 Regulations.

Amendment of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011

3.—(1) Paragraph 2 of Schedule 2 to the 2011 Regulations is amended as follows.

(2) In the Table, for paragraphs 10(a) to (c) in Column 1 and the corresponding entry in Column 2, substitute—

(a) S.I. 2008/301.

(b) 1972 c.68.

(c) 1990 c.8. Section 71A was inserted into the Town and Country Planning Act 1990 by section 15 of the Planning and Compensation Act 1991 (c.34), and was amended by S.I. 2011/1043.

(d) O.J. No. L 26, 28.1.2012, p.1.

(e) S.I. 2011/1824.

“(a) Industrial estate development projects;	The area of the development exceeds 5 hectares.
(b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas;	(i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or (ii) the development includes more than 150 dwellings; or (iii) the overall area of the development exceeds 5 hectares.
(c) Construction of intermodal transshipment facilities and of intermodal terminals (unless included in Schedule 1);	The area of the development exceeds 0.5 hectare.”

Transitional and savings provisions

4. Where, prior to the date on which these Regulations come into force, an event has occurred, or a direction is made, which determines for the purposes of regulation 4(1) or (3), as the case may be, of the 2011 Regulations that development is EIA development then nothing in these Regulations affects that determination.

5.—(1) This regulation applies to a subsequent application in respect of EIA development which—

- (a) was determined to be EIA development prior to the date on which these Regulations come into force;
- (b) relates to development which is no longer Schedule 2 development as a result of these Regulations; and
- (c) would otherwise be an application to which regulation 8(1) of the 2011 Regulations applies.

(2) In cases where this regulation applies, the development shall continue to be treated as Schedule 2 development for the purposes of regulation 8 of the 2011 Regulations.

Signed by authority of the Secretary of State for Communities and Local Government

Brandon Lewis
Minister of State

11th March 2015

Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (“the 2011 Regulations”). The 2011 Regulations implement, in relation to town and country planning, EU Directive 2011/92/EU (“the Directive”) on the assessment of the effects of certain public and private projects on the environment. The Directive requires that development consent for projects which are likely to have significant effects on the environment should be granted only after an assessment of those effects. The 2011 Regulations require that projects which are above a certain size, or meet prescribed criteria, must be screened to determine whether they are likely to have significant environmental effects and, consequently, are subject to the requirement for an environmental impact assessment.

These Regulations raise and amend the thresholds at which certain types of development project will need to be screened in order to determine whether an environmental impact assessment is required under the Directive. These changes are made having taken into account the selection criteria in Annex III to the Directive as adopted by the European Parliament and the Council of the European Union on 13th December 2011. These changes will reduce the number of projects that have to be screened by local planning authorities.

The threshold for industrial estate development projects is raised from areas exceeding 0.5 hectares to areas exceeding 5 hectares.

In the case of urban development projects, the existing threshold of 0.5 hectares is raised and amended such that a project will need to be screened if—

- the development includes more than 1 hectare of development which is not dwellinghouse development; or
- the development includes more than 150 dwellinghouses; or
- the area of the development exceeds 5 hectares.

The existing screening threshold of 0.5 hectare for the construction of intermodal transshipment facilities and of intermodal terminals remains unchanged by these Regulations.

The amendments made to the Directive by EU Directive 2014/52/EU will be transposed at a later date.

A validation impact assessment is being prepared in relation to these Regulations. The assessment will be placed in the library of each House of Parliament and be available on www.legislation.gov.uk. Copies will be available from the Planning Directorate, Department for Communities and Local Government, Fry Building, 2 Marsham Street, London SW1P 4DF.

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