STATUTORY INSTRUMENTS

2015 No. 660

TOWN AND COUNTRY PLANNING, ENGLAND

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

Made - - - -	*11th March 2015*
Laid before Parliament	*12th March 2015*
Coming into force - -	*6th April 2015*

The Secretary of State has been designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) 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(**3**), and having taken into account the selection criteria in Annex III to Council Directive 2011/92/EU(**4**) 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(**5**).

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

(**1**) S.I. 2008/301.
(**2**) 1972 c.68.
(**3**) 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.
(**4**) O.J. No. L 26, 28.1.2012, p.1.
(**5**) S.I. 2011/1824.

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) 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 transhipment 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.