



POLICY INSTRUCTION

Subject: Environmental Impact Assessment: Amendments to and consolidation of the Town and Country Planning (EIA) Regulations 1999 (as amended) and the informal Defence EIA Exemption protocol

Number: PI 02/12

Strategy & Policy Directorate Sponsor:
Pippa Morrison

Date of issue: 14 May 2012

Contact if different from above Sponsor:
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Who should read this: MOD estate staff and Industry Partners involved in all aspects of Town and Country Planning (Environmental Impact Assessment) as this applies to the UK.

When it takes effect: immediately

When it is due to expire: when advised

Sustainable Development

Equality And Diversity Impact Assessment

This policy has been Equality and Diversity Impact Assessed in accordance with the Department's Equality and Diversity Impact Assessment Tool against:

Part 1 Assessment Only (no diversity impact found)

Document Aim: The aim of this Policy Instruction is to inform all MOD project teams and all those contracted to carry out works on the MOD estate about the amendments related to the Town and Country Planning (Environmental Impact Assessment) Regulations following recent consultations in Northern Ireland.

This Policy Instruction should be reads in conjunction with [PI13/11](#)

INTRODUCTION

1. The Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended) and associated statutory instruments transpose the requirements of the European (EIA) Directive (85/337/EEC on the assessment of the effects of certain public and private projects on the environment) into domestic law as this applies to the planning system.

PROPOSED CHANGES

2. Following recent case law, the Department of Environment NI has followed the Communities and Local Government (CLG) and the Scottish Government and amended the Regulations in their jurisdiction.

3. The new Regulations come in to operation in Northern Ireland with effect from 13 March 2012 and consolidate the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999, which apply the EIA Directive to the planning process in Northern Ireland. The key amendments as they relate to MOD comprise:

- Requirements for the reasons for negative screening decisions to be made available on request.
- Apply the thresholds in Schedule 2 to the development as a whole once modified (where there are changes or extensions to existing development).
- Remove the requirement for consultation on the Environmental Statement (ES) at each stage of a multi-stage consent process where the ES provided at outline stage is still adequate for purpose at the later stage.
- Amend the procedures for publicity in respect of additional environmental information received for the purposes of a public enquiry.
- Require the Department to advertise details of the holding of a public inquiry or hearing under Article 31 of the Planning (NI) Order 1991 and of public access to inquiry information.

HOW WILL THIS AFFECT MOD IN ITS REQUEST FOR PLANNING APPROVAL?

4. As for PI13/11, the amendments should enable development to be considered on a case-by-case basis to ensure that the EIA Regulations are not applied disproportionately and the requirement for additional EIA screening can be absorbed without additional administrative burden or undue delays. DIO Secretariat (via liaison with CLG, DIO Ops and Industry Partners) will monitor how the amended regulations are being used by local planning authorities and the effect this has on estate development.

5. Any issues with the application of these amendments should be raised with DIO Secretariat using the contact for this PI.