

Environment, Planning and Countryside Committee

EPC(2) 12-06 (p4)

Date: Thursday 28th September 2006

Venue: Committee room 2, Senedd

The Town And Country Planning (Environmental Impact Assessment) (Amendment) (Wales) Regulations 2006

Purpose

1. These Regulations were notified to the Environment, Planning and Countryside Committee at their meeting on 01 February 2006 via the list of forthcoming legislation and identified for detailed scrutiny (EPC(2) 02-06 (p4)).

Summary

2. These Regulations require the following changes to procedures in relation to planning applications that require Environmental Impact Assessment (EIA):

- additional direct notification of EIA applications for persons unlikely to become aware of the proposal through existing EIA consultation methods (site notices or press notices), including non-governmental organisations;

- advertisement to additionally include publication via a local planning authority's website;

- voluntarily submitted information to be publicised in the same manner currently undertaken for information required by the competent authority; and

- clarification that extensions or changes to projects listed in Schedule 1 of the existing Regulations automatically require EIA where they meet the relevant thresholds.

Background

3. EIA is a procedure that draws together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing them, are properly understood by the public and the relevant authority before it makes its decision.

4. The 'Public Participation' Directive is the product of substantial debate and negotiation since the original enactment of Directive 85/337/EEC in 1985. The latest amendments, contained in Directive 2003/35/EC, reflect European wide agreement that environmental factors should be properly considered in decision making and that the public should be able to fully access environmental information and participate in such decision making.

5. The process of EIA within the land use planning system is prescribed by the Town and Country Planning (EIA) (England and Wales) Regulations 1999 (as amended). These joint England and Wales Regulations are being updated to transpose the latest EIA Directive identified above.

Consideration

6. The existing Regulations already incorporate most of the requirements of the amended EIA Directive. A consultation document incorporating a draft statutory instrument was the subject of an 8-week consultation between 2 March and 27 April 2005. The consultation was intended to offer the opportunity to comment on the draft proposals to a wide range of interests who may engage with the EIA process. The consultation was sent to around 600 individuals and organisations and was also placed on the Assembly web-site.

7. Given the technical nature of the proposals it is unsurprising there was little interest shown by consultees with only a few responses received. None of the respondents raised objections to the principle of the regulations, with most supporting the changes. Where suggestions were made these tended to say that the Regulations should be more prescriptive in certain areas. The Regulations have had a number of minor drafting changes as a result of the consultation, but the majority of points raised will be incorporated into forthcoming guidance.

8. A draft revised circular and good practice guide on EIA is currently out to consultation. The two documents have been drafted to provide updated guidance on EIA procedures, amended to incorporate the changes that will be introduced through the regulations. They are available on the Assembly Government web-site and the closing date for comments is 6 November 2006.

Financial Implications

9. The changes proposed alter an existing system of consultation undertaken by either Local Planning Authorities, the Assembly Government or applicants for planning permission depending on which regulation applies to the case. The costs associated with these changes are not significant and can be accommodated within existing administrative costs budgets (EPC BU 06/116). The Regulatory Appraisal accompanying the Regulations provides additional details on this.

Cross Cutting Themes

10. EIA provides decision makers with relevant environmental information to ensure decisions on land use development proposals contribute to sustainable development.

11. There are other EIA Regulations that have or will need to be amended in policy areas such as

highways, uncultivated land, land drainage and harbour works. The Highways (Environmental Impact Assessment) (England and Wales) Regulations 2006 were brought to the Committee's attention in the Minister's report at its 13 July 2006 meeting (EPC(2) 11-06 (p1) refers).

Action for Committee

12. The Committee is invited to consider the draft Town and Country Planning (Environmental Impact Assessment) (Amendment) (Wales) Regulations 2006 and the supporting documentation, including a draft explanatory memorandum and draft regulatory appraisal.

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