

**THE INSTITUTION OF ENVIRONMENTAL SCIENCES****CONSULTATION: TOWN AND COUNTRY PLANNING (ASSESSMENT OF ENVIRONMENTAL EFFECTS) REGULATIONS 1998****A Response by the Institution of Environmental Sciences - September 1998****Introduction**

1. This note contains the comments of the Institution of Environmental Sciences on the above Consultation Paper issued by the Department of Environment, Transport and the Regions (DETR) in July 1998.
2. The structure of our note follows the ordering of the Consultation Paper. As relevant we have referred to the paragraph numbers in the Consultation Paper.

***Deciding whether Annex II projects require EIA***

3. We support the recommendation to retain the use of a case by case approach to determining the need for EA supported by 'exclusive' thresholds as stated in paragraph 4. We also endorse the requirement for an EIA to be carried out in 'sensitive areas' in all cases.
4. Paragraph 7 indicates that the Government will review the system after 2 years of operation. We welcome this proposal.

***Contents of Environmental Statements***

5. We agree that the scoping exercise should not be made mandatory, and that a developer should ask for an opinion from the local planning authority as to whether such a scoping exercise is necessary. This should not preclude the local planning authority from asking for further information, a point endorsed in paragraph 10. The timeframe for response from a local planning authority, as 5 week, is reasonable.
6. Paragraph 11 refers to the requirement to consider alternatives, as "provided for in Regulation 3". There does not appear to be any such provision in Regulation 3, although Regulation 2 does appear to make such reference. This may be a typing error.

***Publicising reasons for consent decisions***

7. We support the proposal laid out in paragraph 12 to require the main reasons why a proposal has been given planning consent that was subject to an EIA. This requirement will, in the long run, improve the operation of the planning system by making decision-making more open to scrutiny.

***Extension and clarification of application***

8. We are pleased that 'urban development projects' have been clarified, to include 'leisure centres, sports stadia and multiplex cinema'. However, there is ambiguity over 'shopping centres and car parks'. As this stands in the Schedule this would appear to exclude car parks developed in isolation. Such developments should also be subject to an EIA in our view.

***Development already carried out***

9. We agree with the proposals laid out under paragraphs 17 and 18 regarding refusal of permission to a development undertaken without planning permission, and which has not met the time requirements to supply information where an Environmental Statement is deemed necessary by the local planning authority.