



The City of London Law Society

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Response

RESPONSE TO CONSULTATION ON PROPOSALS FOR AMENDING THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 1999 (SI 1999/293)

The City of London Law Society (CLLS) represents over 13,000 City lawyers, through individual and corporate membership including some of the largest international law firms in the world. These law firms advise a variety of clients from multinational companies and financial institutions to Government departments, often in relation to complex, multi-jurisdictional legal issues.

The CLLS responds to a variety of consultations on issues of importance to its members through its 17 specialist committees. This response has been prepared by the CLLS Planning and Environmental Law Committee. This Committee is made up of solicitors who are expert in their field.

Attached is a manuscript mark-up of the draft regulations contained in the Annex to Section 1 of the Consultation Paper. This mark-up should be read in conjunction with the comments below.

1. It is not necessary to define "outline planning permission". The existing regulations do not define the term "permission" but it is used to mean both detailed and outline planning permissions.
2. The definition of "multi-stage consent" is confusing and does not work. There needs to be two definitions, one referring to the principal permission which requires the further submission of details for approval, and another referring to actual approval of those details. The CLLS suggests the following definitions:
 - "principal permission" means any consent issued by a relevant planning authority or the Secretary of State which has one or more conditions requiring the approval of further matters before all or part of the development thereby authorised may be carried out
 - "subsequent consent" means the approval of matters required to be submitted under a principal permission before all or part of the development thereby authorised may be carried out.
3. The definition of "subsequent consent development" should be amended to mean "development in respect of which an application for subsequent consent has been or is to be made".

4. The new regulations should adopt the existing defined term of "relevant planning authority", as opposed to "local planning authority".
5. An inconsistent approach has been adopted to the amendment of Regulations 5(2) and 10(2). The former inserts a new requirement (aa) and thereby retains the requirement in (a) to provide a plan sufficient to identify the land. The latter proposes the substitution of the requirement in (a). I would suggest the retention of Regulation 10(2)(a), with the proposed new requirement being inserted as Regulation 10(2)(aa).

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