

## Additional Environmental Approvals

The Business and Planning Act 2020 temporarily modifies the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 to enable certain planning permissions and listed building consents in England which have lapsed or are due to lapse during 2020 to be extended.

### **Additional Environmental Approvals**

Unimplemented planning permissions and outline planning consents with time limits for implementation which passed between **23 March 2020 and 19 August 2020** are extended to 1 May 2021, subject to Additional Environmental Approval being granted.

The ability to apply for an Additional Environmental Approval is temporary, up until 31 December 2020. No Additional Environmental Approval may be granted or be deemed to be granted after 31 December 2020.

1. **Who can apply?** This can be made by or on behalf of any person with an interest in the land.
2. **How should I apply for an Additional Environmental Approval?**
  - Applications can only be made in writing and submitted electronically.
  - There is no prescribed form.
  - Applications must be sent to [dctechnicalsupporthub@richmondandwandsworth.gov.uk](mailto:dctechnicalsupporthub@richmondandwandsworth.gov.uk)
3. **Is there a fee?** No.
4. **What must I include in my application for an Additional Environmental Approval?**
  - The date in which the application has been sent.
  - Details of the relevant planning permission and condition to which the application relates.
  - Details of any condition(s) or other agreements which relate to environmental mitigation or enhancement measures.
  - Confirmation as to whether the original permission was subject to an Environmental Impact Assessment and/or a Habitats Regulation Assessment, or screening for either type of assessment.
  - If the original permission was not subject to an Environmental Impact Assessment and/or a Habitats Regulation Assessment, or screening, a brief explanation should be provided as to why you consider it remains the case that neither of these assessments would be needed. If however, you think a screening might be needed, you should provide sufficient information to enable the authority to undertake screening within the 28-day period.
5. **What happens if the original planning permission was subject to an Environmental Impact Assessment and / or a Habitats Regulation Assessment? Or screening?** You should provide the following information in any submission:
  - The original assessment(s) or screening(s) and a summary of the key findings.
  - Information on any mitigation measures secured to address environmental effects, and the progress toward delivering these measures.
  - An environmental report containing a reasoned explanation of why you consider there have been no changes to environmental circumstances which would make the original screening or assessment out of date.

- Any other relevant information which would support the case that the previous screenings or assessments remain up to date.

**6. What happens if insufficient information is provided with the application?**

- The Council will write to you explaining that the application as submitted does not comply with the legislation, and is therefore unable to entertain the application, unless and until 'sufficient information' is provided.
- If you then submit further information, the Council will go on to determine the application. The start date for the determination period will begin from the date on which the 'sufficient information' was sent.
- Further substantive information should not be submitted during the determination period.
- The Government encourages applicants to consider utilising the paid for services provided by [Natural England](#) and [Environment Agency](#) to address any particular complex issues prior to submitting an application for Additional Environmental Approval.

**7. When will the decision be made?** Applications should be determined within 28 days from the submission of the application. The 28 day determination period can be extended, provided:

- both the applicants and the Council agree
- this is made in writing; and
- the extension does not exceed 21 days.

**8. What happens if the Council does not determine the application within 28 days or within the agreed extension of time?** The application is deemed to be granted.

**9. Can the Council impose new conditions on an Additional Environmental Approval?** No. If new conditions are required, then the application should be refused.

**10. What happens if the application is refused?** The Council will set out the reasons for the decision.

**11. Is there a right to appeal?** Yes.

More information on Additional Environmental Approvals can be found on [here](#)

**Automatic extensions:**

**Planning applications:**

- Under section 93A of the Town and Country Planning Act 1990, unimplemented planning permissions with time limits for implementation which were due to lapse between 19 August 2020 and 31 December 2020 are automatically extended to 1 May 2021. You are not required to take any further action in order for this to take effect. However, if you wish to have formal confirmation of this, you may apply for a certificate of lawfulness of proposed development under section 192 of the Town and Country Planning Act 1990.

**Outline planning consents:**

- Time limits for implementation passed between 19 August 2020 and 31 December 2020 are automatically extended to 1 May 2021.

- Any deadline for the submission of applications for the approval of reserved matters, which would otherwise expire between 23 March 2020 and 31 December 2020 is extended to 1 May 2021.

**Listed Building Consents:**

- All listed building consents with a time limit for implementation between 23 March 2020 and 31 December 2020 are extended to 1 May 2021, and it is not necessary to obtain an Additional Environmental Approval.