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Stephen Tromans  
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# Environmental Impact Assessment - Law and Practice



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# Environmental Impact Assessment — Law and Practice

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**Environmental Impact  
Assessment — Law  
and Practice**

# Preface

Environmental impact assessment is currently one of the fastest-expanding areas of environmental and planning law. To read the cases as they have developed is an object lesson in how environmentally-concerned private individuals can use the law to oppose powerful commercial or public interests, and in many instances win. In this respect, the UK law reflects the development of EIA jurisprudence in the US a quarter-century ago, when citizens' groups opposed to major government projects seized on the procedural requirements of EIA as a powerful weapon. The difference is that in the UK the leading cases have by and large been brought not by large citizens' groups, but by a few concerned individuals. It is furthermore remarkable to see how the courts in the UK have embraced the importance of EIA not simply as a technocratic aid to better decisions, but as a participative and democratic means of involving the public in decisions on projects.

This book seeks to provide a practical and comprehensive guide to environmental impact assessment law. It starts from the basic foundations of EC law and moves on to consider the issues of screening and procedures. It also deals with EIA outside the context of town and country planning law, and with procedures for challenging decisions on EIA grounds.

The fast-evolving nature of the case law means that by the time the book is published it will almost certainly be to some degree out of date. In general the law is stated as at 6 June 2003, the most recent decision to be covered fully being *R (PPG11 Ltd) v Dorset County Council*, though it has been possible to make some additions and changes of a more minor nature at later proof stage, including brief references to the Court of Appeal decision in *R (Prokopp) v London Underground Limited* (7 July 2003). However, the law has now sufficiently developed and settled to enable reasonably clear guidance to be provided on the pitfalls which may await those practising in this area. As to those pitfalls, it need hardly be said that challenges on EIA grounds present very real and serious threats to development schemes. It is hoped that this book will assist not only planning authorities and developers in recognising and avoiding such traps, but also those representing the public in ensuring that the law and its underlying purposes are respected. EIA should, it is suggested, be seen neither as an onerous set of hurdles nor as a charter for Nimbys, but as a positive set of procedures which will improve the quality of decisions, protect and enhance the environment, and also in the long run benefit developers and investors. I am therefore delighted that Karl Fuller of the Institute of Environmental Management & Assessment (IEMA) has contributed a chapter dealing with good practice in EIA, which should help lawyer readers in understanding how and why the legal requirements are of such importance. Thanks are due to his colleagues Andrew Bailey and Stefanie Simmons, who assisted him in this.

Thanks are also due to the publishers for their encouragement and assistance, and to members of the planning and environment group at my chambers, 39 Essex Street, who have collectively vast practical experience of EIA law, and whose comments and insights have undoubtedly enriched the end product.

Stephen Tromans  
39 Essex Street

# Table of statutes

References in this table to *Statutes* are to Halsbury's Statutes of England (Fourth Edition) showing the volume and page at which the annotated text of the Act may be found

Paragraph numbers in **bold type** indicate where the section is set out in part or in full

PARA	PARA
Ancient Monuments and Archaeological Areas Act 1979.....	Highways Act 1980— <i>contd</i> .....
3.62	s 105B..... 7.14
Coast Protection Act 1949.....	(2)..... 7.13
7.43	C..... 7.14
Countryside and Rights of Way Act 2000	Sch 1..... 7.14
s 75(1)..... 7.60	Human rights Act 1998
Sch 9..... 7.60	s 7..... 8.07
Crown Proceedings Act 1947	31(6)..... 8.17
s 18..... 8.30	Land Drainage Act 1991
Electricity Act 1989..... 7.04	s 72(1)..... 7.29; App 5
s 36, 37..... 7.35; App 6	Local Government Act 1972
Environment Act 1995	s 270(1)..... 5.12
s 96..... 6.34	Local Government, Planning and Land Act
Sch 13..... 6.34, 6.36, 6.39, 6.40	1980
para 9..... 6.39	Sch 32..... 6.18
(9)..... 6.38	Merchant Shipping Act 1988..... 7.43
Sch 14..... 6.34, 6.36	National Parks and Access to the Countryside
para 6(8)..... 6.38	Act 1949..... 3.62
Environmental Protection Act 1990	Norfolk and Suffolk Broads Act
Pt I (ss 1–28)..... 6.77	1988..... 3.62; App 5
s 11..... 6.77	Orkney County Council Act 1974
Pt II (ss 29–78)..... 6.74	s 11..... 7.27
Freedom of Information Act 2000	Petroleum Act 1998..... App 6
s 74..... 1.18	s 3..... 7.22
Gas Act 1995..... App 6	14..... 7.24
Greater London Authority Act 1999..... 3.25	Pipe-lines Act 1962..... 7.17, 7.18; App 6
Harbours Act 1964..... 7.07, 7.42, 7.45, 7.46	s 1..... 7.04
s 14, 16..... 7.40	(1)..... 7.17
57(1)..... 7.40	Planning and Compensation Act 1991
Sch 2..... 7.46	s 5..... App 5
3..... 7.45; App 6	22..... 2.02, 2.54; 6.34
para 1, 3–6, 8, 10, 15, 16,	Sch 2..... 2.02, 2.54; 6.34, 6.36, 6.38
18–20..... 7.45	para 2(6)..... 2.54
32..... 7.46	(b)..... 6.38
Health and Safety at Work etc Act 1974	Sch 7
s 18–26, 33–42..... 7.37	para 18..... App 5
Highways Act 1980.. 7.03, 7.12, 7.13; App 6	Radioactive Substances Act 1993..... 6.06
s 10, 14, 16..... 7.12	Supreme Court Act 1981
Pt VA (ss 105A–105C)..... 7.13	s 31(3)..... 8.36
s 105A(1), (2)..... 7.13	(6)..... 8.12, 8.17
(3)(a), (b)..... 7.13	Town and Country Planning Act 1990 .. 3.04;
(4), (6)..... 7.13	

	PARA
Town and Country Planning Act 1990— <i>contd</i>	
.....	sApp 5
s 31(6).....	8.19
55.....	App 5
(1).....	3.04
56.....	6.19
61A, 61C.....	6.80
D.....	6.83
69.....	6.38
73.....	6.03, 6.66, 6.68, 6.69
(2).....	6.66
A.....	6.03, 6.70
(3)(a), (b).....	6.70
76A.....	6.85
77.....	3.10; 6.34; App 5
78.....	6.26; 8.02; App 5
82(2).....	6.18
88(1).....	6.18
90(2A).....	7.54
92(2)(a).....	6.62
(3).....	6.62
106... 6.32, 6.60; 8.09, 8.13, 8.20; App 5	
172.....	<b>App 5</b>
(1)(b).....	6.30
174.....	App 5
(2).....	App 5
177.....	8.02
(1).....	App 5
(a).....	6.21, 6.22
191.....	6.71
(2).....	6.71
(4).....	6.73
(6).....	6.71
192.....	6.73
Pt XII (ss 284–292).....	8.02

	PARA
Town and Country Planning Act 1990— <i>contd</i>	
s 284(1)(f).....	8.05
288.....	
8.02, 8.04, 8.05, 8.06, 8.07, 8.30,	
8.35, 8.39, 8.44, 8.45	
(1).....	8.03, 8.34
(3).....	8.05
(5).....	8.05, 8.45
(b).....	8.44
(9).....	8.04
Sch 4A.....	6.81
Transport Act 2000	
Pt II (ss 108–162).....	1.12
Transport and Works Act 1992 ... 7.42, 7.54;	
.....	App 6
Pt I (ss 1–125).....	7.56
6, 6A.....	7.56
9.....	7.54
14(3A), (3AA).....	7.56
16(1).....	7.54
Water Consolidation (Consequential	
Provisions) Act 1991	
s 2(2)	
Sch 2	
Pt 1	
para 1(1), (2).....	7.52
Water Resources Act 1991	
Pt II Ch II (ss 24–72).....	7.52, 7.53
Wildlife and Countryside Act 1981	
Pt II (ss 28–52).....	7.60
s 28.....	3.62
29(3).....	3.62
Zetland County Council Act 1974	
s 11.....	7.27

# Table of statutory instruments

	PARA		PARA
Civil Procedure Rules 1998, SI 1998/3132		Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2001, SI 2001/394	7.11
Pt 3		Electricity and Pipe-Line Works (Assessment of Environmental Effects) Regulations 1989, SI 1989/167	7.04
r 3.1(2)(a)	8.24	Electricity and Pipe-Line Works (Assessment of Environmental Effects) Regulations 1990, SI 1990/442	7.04, 7.17; App 6
Pt 8		Electricity Works (Assessment of Environmental Effects) (England and Wales) Regulations 2000, SI 2000/1927	7.11, 7.35; App 6
r 8.2	8.32	reg 1(2)	7.35
Pt 19	8.31	(3)	7.17
PD 19	8.30	2	7.17
Pt 53	8.32	5-7	7.35
Pt 54		Pt IV (regs 9-14)	7.35
r 54.4	8.32	reg 12	7.35
54.5	8.12	Sch 1	7.35
(1)	8.08, 8.09, 8.32	Sch 2	7.35
54.6(1), (2)	8.32	Electricity Works (Assessment of Environmental Effects) (Scotland) Regulations 2000, SSI 2000/320	7.11
(3)	8.33	Environmental Assessment (Afforestation) Regulations 1988, SI 1988/1207	7.05
54.7	8.32	Environmental Assessment (Salmon Farming in Marine Waters) Regulations 1988, SI 1988/1218	7.08
54.8(1)-(4)	8.32	Environmental Impact Assessment (Fish Farming in Marine Waters) Regulations 1999, SI 1999/367	7.11, 7.27; App 6
54.9(1)	8.32	reg 1(3)	7.27
54.10	8.32	2(1)	7.27
54.11	8.32	3, 4, 6, 8, 9, 11, 15	7.28
54.12(1), (3), (4)	8.32	Sch 1	7.28
54.13, 54.15	8.32	Sch 2	7.28
54.19	8.46	Sch 3	7.28
PD 54	8.33		
Sch 1 RSC			
Ord 77			
r 4(2)(a), (b)	8.30		
Ord 94	8.30, 8.31		
r 1(1), (2)	8.30		
2(1)	8.30		
(2)(a), (d)	8.30		
3(1), (2), (4)	8.30		
Conservation (Natural Habitats etc) Regulations 1994, SI 1994/2716	App 5		
Pt IV (regs 47-85)	1.13		
reg 10	3.63		
48(5), (6)	1.14		
49	1.14		
Controlled Waste Regulations 1992, SI 1992/588	App 5		



PARA	PARA		
Environmental Impact Assessment (Fish Farming in Marine Waters) Regulations (Northern Ireland) 1999, SI 1999/415 .....	7.11	Environmental Information Regulations 1992, SI 1992/3240 .....	1.15; 4.22, 4.23; App 5
Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, SI 1999/2228 .....	7.11; App 6	reg 4 .....	4.23
reg 2(1) .....	7.32	Harbour Works (Assessment of Environmental Effects) (No 2) Regulations 1989, SI 1989/424 .....	7.07, App 6
3(1)(b) .....	7.32	Harbour Works (Assessment of Environmental Effects) Regulations 1988, SI 1988/1336 .....	7.07
(2) .....	7.32	Harbour Works (Assessment of Environmental Effects) Regulations 1999, SI 1999/3445 ..	7.11, 7.41; App 6
4 .....	7.33	reg 2(1) .....	7.42
(1)(c) .....	7.32	3 .....	7.42
5, 6, 9-11, 13-24 .....	7.33	4 .....	7.43
Environmental Impact Assessment (Forestry) Regulations (Northern Ireland) 2000, 2000/84 .....	7.11	5 .....	7.43
Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999/43 .....	7.11	(1) .....	7.43
Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999, SI 1999/1783 .....	7.11, 7.29; App 6	6 .....	7.43
reg 2(1) .....	7.30	7, 8 .....	7.44
3(1) .....	7.31	9(1)-(4) .....	7.43
(3) .....	7.52	10-14 .....	7.43
4 .....	7.31	Sch 1 .....	7.43
5(1), (2), (5) .....	7.31	Harbour Works (Assessment of Environmental Effects) (Scotland) Regulations 1992, SSI 1992/1421 ..	7.07
7, 10 .....	7.31	Harbour Works (Environmental Impact Assessment) Regulations (Northern Ireland) 2003, SI 2003 No 136 .....	7.11
12(1), (4) .....	7.31	Highways (Assessment of Environmental Effects) Regulations 1988, SI 1988/1241 .....	7.03, 7.15; App 6
14 .....	7.31	Highways (Assessment of Environmental Effects) Regulations 1999, SI 1999/369 .....	7.11, 7.12, 7.13, 7.15; App 6
Sch 1 .....	7.31	reg 3 .....	7.15
Sch 2 .....	7.31	Highways (Inquiries Procedure) Rules 1994, SI 1994/3263 .....	7.14
Environmental Impact Assessment (Scotland) Regulations 1999, SSI 1999/1 .....	5.10; 7.11; App 6	Land Drainage Improvement Works (Assessment of Environmental Effects) Regulations 1988 (SI 1988/1217 .....	7.06; App 5
reg 13, 14 .....	5.10	Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999, SI 1999/2892 .....	7.11, 7.36; App 6
Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) (England) Regulations 2001, SI 2001/3966 .....	7.11, 7.48	reg 2(1) .....	7.36
reg 3(2) .....	7.48	3(2), (3) .....	7.36
4 .....	7.48	4 .....	7.36
5 .....	7.48	6, 8-13 .....	7.37
(10) .....	7.48	16 .....	7.37
6 .....	7.48	Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001, SI 2001/1754 .....	7.21
7, 9-12 .....	7.49	Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1998, SI 1998/968 .....	7.22; App 6
13 .....	7.49		
(11) .....	7.49		
14-25 .....	7.49		
Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) Regulations (Northern Ireland) 2001, SI 2001/435 .....	7.11		
Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) (Scotland) Regulations 2002, SSI 2002/6 .....	7.11		
Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) (Wales) Regulations 2001, SI 2002/2127 (W 214) .....	7.11		

PARA	PARA
Offshore Petroleum Production and Pipelines (Assessment of Environmental Effects) Regulations 1999, SI 1999/360 ..... 7.11, ..... 7.22; App 6	Town and Country Planning (Applications) Regulations 1988, SI 1988/1812
reg 3(1) ..... 7.22, 7.23, 7.24	reg 2 ..... 6.47
4(1) ..... 7.22	Town and Country Planning (Assessment of Environmental Effects) (Amendment) Regulations 1992, SI 1992/1494 ..... 6.08
4(4) ..... 7.23	Town and Country Planning (Assessment of Environmental Effects) (Amendment) Regulations 1994, SI 1994/677
5(2) ..... 7.24	reg 2 ..... 5.25
6 ..... 7.24, 7.25	reg 2 ..... 5.25
9, 10, 12 ..... 7.25	Schedule
Pipe-line Works (Environmental Impact Assessment) Regulations 2000, SI 2000/1928 ..... 7.11, 7.17; App 6	para 12 ..... 5.25
reg 4, 5, 7, 10 ..... 7.17	Town and Country Planning (Assessment of Environmental Effects) Regulations 1988, SI 1988/1199 .... 1.20, 1.21; 2.04, ..... 2.16, 2.27; 3.28, 3.35, 3.102; ..... 4.11, 4.31; 5.09; 6.50; 8.02; ..... App 3; App 5
Pollution Prevention and Control (England and Wales) Regulations 2000, SI 2000/1973 ..... 6.74	reg 1-3 ..... App 3
Sch 1 ..... 6.76	4 ..... App 3
Sch 4	(2) ..... 2.07; 5.47; 6.54
para 1(1)(m) ..... 6.76	5-8 ..... App 3
Public Gas Transporter Pipe-line (Environmental Impact Assessment) Regulations 1999, SI 1999/1672 .... 7.11, ..... 7.18, 7.19; App 6	9 ..... 3.22, 3.75; 5.09; App 3
reg 1(3)(a), (b) ..... 7.18	10, 11 ..... 5.09; App 3
2(1), (2) ..... 7.18	12 ..... 5.09
3(1), (2), (5) ..... 7.19	13-15 ..... 5.09; App 3
4 ..... 7.18	16 ..... App 3
6, 7, 9-11, 13 ..... 7.20	17 ..... 6.08
14 ..... 7.19, 7.20	18 ..... 5.09; App 3
15-18 ..... 7.20	19 ..... App 3
Sch 1 ..... 7.20	20 ..... 5.09; App 3
Sch 2 ..... 7.20	21 ..... 5.09, 5.24, 5.25; App 3
Sch 3	22, 23 ..... App 3
Pt 1 ..... 7.19	24 ..... App 3
Pt 2 ..... 7.19	25 ..... 6.54; 8.02; App 3
Roads (Environmental Impact Assessment) (Northern Ireland) 1999, SI 1999/89 ..... 7.11	25A ..... 6.08; App 3
Rules of the Supreme Court 1965, SI 1965/1776	Sch 1 ..... 2.07; App 3
Ord 53	para 1-9 ..... App 3
r 4 ..... 8.12	Sch 2 ..... 2.07; App 3
(1) ..... 8.09	para 1-13 ..... App 3
Special Road Schemes and Highways Orders (Procedure) Regulations 1993, SI 1993/169 ..... 7.14	Sch 3 ..... 6.52; App 3
Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000, SI 2000/1625	para 1-4 ..... App 3
r 6(13) ..... 5.22	Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Amendment) Regulations 1995, SI 1995/2259 .. App 5
14(7) ..... 5.22	Town and Country Planning (Environmental Assessment and Unauthorised Development) Regulations 1995, SI 1995/2258 ..... 6.21; App 5
15(2) ..... 5.22	Town and Country Planning (Environmental Impact Assessment) (England and Wales) (Amendment) Regulations 2000, SI 2000/2867 ..... 6.36; App 9
Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) Rules 1992, SI 1992/2039 ..... App 5	reg 1 ..... App 9
	2 ..... App 9
	(1), (4) ..... 5.37
	Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, SI 1999/293 ..... 1.20, 1.21; 2.01, 2.09, ..... 2.43; 3.99, 3.107; 4.11, 4.32;

	PARA
Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, SI 1999/293— <i>contd</i>	
..... 6.08, 5.01, 5.12, 5.13; 6.46, 6.56;	
..... 7.01, 7.13, 7.19; 8.05; 9.31;	
..... <b>App 1</b> ; App 5; App 6; <b>App 7</b>	
reg 1 ..... <b>App 1</b>	
2 ..... <b>App 1</b>	
(1) ..... 3.03, 3.10, 3.12, 3.14, 3.61,	
..... 3.70; 4.08, 4.16; 5.12,	
..... 5.27; 6.36; App 5; <b>App 7</b>	
(a), (b) ..... <b>4.09</b>	
(2) ..... 3.03, 3.04; 6.19	
3 ..... 3.108; 5.30; 6.37; 8.02,	
..... 8.04, 8.03, 8.05, 8.30;	
..... <b>App 1</b> ; App 5	
(2) ..... 3.03; 4.08, 4.24, 4.33;	
..... 5.27, 5.29, 5.30, 8.22,	
..... 8.23, 8.45; <b>App 7</b>	
Pt II (regs 4-6) ..... 3.03	
4 ..... <b>App 1</b>	
(1) ..... 3.06, 3.10	
(a) ..... 3.20	
(2) ..... 3.06	
(a) ..... 3.06, 3.07; App 5	
(b) ..... 3.10, 3.108; 8.21	
(3) ..... 3.08, 3.10, 3.108; 8.23	
(4) ..... 3.03, 3.04, 3.50, 3.52,	
..... 3.108; 6.42; App 5	
(5) ..... 3.03, 3.70, 3.90; App 5	
(6) ..... 3.102; 6.23; App 5	
(7) ..... 3.20, 3.108; App 5	
(8) 3.65, 3.68, 3.108; App 5; <b>App 7</b>	
(9) ..... App 5	
5 ..... 3.11, 3.93, 3.94; 4.18; 6.10,	
..... 6.45; App 5; <b>App 1</b>	
(1) ..... 3.12, 3.14, 3.24; App 5	
(2) ..... 3.12, 3.93	
(3) ..... 3.13, 3.14, 3.15, 3.93;	
..... 6.11; App 5	
(4) ..... 3.13, 3.14, 3.15	
(5) ..... 3.13; App 5	
(6) ..... 3.14, 3.15; App 5	
(a) ..... 3.21	
(7) ..... 3.14	
6 ..... 3.11; 6.10; <b>App 1</b> ; App 5	
(1), (2) ..... 3.14	
(3) ..... 3.14, 3.15; 6.10	
(4) ..... 3.14, 3.15	
(5) ..... App 5	
Pt III (regs 7-9) ..... 3.15	
reg 7 ..... 3.11, 3.15, 3.22; <b>App 1</b> ; App 5	
(1) ..... 3.15, 3.24, 3.93; App 5	
(2) ..... 3.109; 5.18, 5.26; App 5	
(3) 3.16, 3.20, 3.21, 3.109; App 5	
(4) ..... 3.17; App 5	
(a) ..... 4.23	
(5), (6) ..... 3.17; App 5	
(7) ..... 3.17; App 5	
(a)-(c) ..... 3.17	
8 ..... 3.11, 3.15; 6.14; <b>App 1</b> ; App 5	

	PARA
Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, SI 1999/293— <i>contd</i>	
reg 8(1) ..... 3.15, 3.24	
(3) ..... 3.16	
(4) ..... 3.17, 3.18; 4.23	
(5), (6) ..... 3.18	
9 ..... 3.11, 3.15; <b>App 1</b> ; App 5	
(1) ..... 3.15, 3.24	
(2) ..... 3.16, 3.68	
(3) ..... 3.16	
(4) ..... 3.17; 3.16	
(5) ..... 3.19; 4.23	
(6), (7) ..... 3.19	
Pt IV (regs 10-12) ..... 4.13	
reg 10 ..... 4.13; 6.12; <b>App 1</b> ; App 5	
(1) ..... 3.62; 4.14	
(2) ..... 4.15; App 5	
(3) ..... 4.15	
(4) ..... 4.16, 4.17	
(5) ..... 4.18; App 5	
(6) ..... 4.16, 4.19	
(7) ..... 4.17, 4.19; App 5	
(8) ..... 4.17	
(9) ..... 4.21	
(10) ..... 4.17	
11 ..... 4.13, 4.17, 4.19; 6.12;	
..... <b>App 1</b> ; App 5	
(1) ..... 4.17, 4.19	
(2)-(5) ..... 4.19	
(6) ..... 4.21	
12 ..... 4.13, 4.22, 4.23;	
..... <b>App 1</b> ; App 5	
(1), (2) ..... 4.22	
(3) ..... 4.22, 4.23	
(4) ..... 4.22; 6.12	
(5), (6) ..... 4.23	
Pt V (regs 13-19) ..... 5.08	
reg 13 ..... 5.08, 5.20; 6.13, 6.14; <b>App 1</b> ;	
App 5	
(1) ..... 5.13	
(2) ..... 5.14	
(c) ..... 5.13	
(4) ..... 5.14; 6.13; App 5	
14 ..... 5.08, 5.18, 5.20, 5.23; 6.13;	
..... <b>App 1</b> ; App 5; <b>App 7</b>	
(2)(a)-(i) ..... 5.18	
(j) ..... 5.18, 5.20	
(3), (4) ..... 5.10, 5.18	
(5) ..... 3.18, 3.19; 5.18; App 5	
(6) ..... 5.18; App 5	
(7) ..... 5.18	
(8) ..... 5.20	
16 ..... 5.08, 5.20; <b>App 1</b> ; App 5	
(2) ..... 5.20	
17, 18 ..... 5.08, 5.17, 5.20; 6.15;	
..... <b>App 1</b> ; App 5	
19 ..... 4.21, 4.24, 4.25, 4.27; 5.08,	
..... 5.23, 5.24, 5.25; 6.14;	
..... <b>App 1</b> ; App 5; <b>App 7</b>	
(1) ..... 4.08, 4.24; 5.25; App 5	

	PARA
Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, SI 1999/293— <i>contd</i>	
reg 19(2)	5.21, 5.22; App 5
(3)	5.21, 5.22, 5.25; App 5
(4)-(9)	5.21, 5.22; App 5
(10)	4.25
Pt VI (regs 20, 21)	5.08
reg 20	5.08; 6.15; <b>App 1</b> ; App 5
(1)	3.50; App 5
(a)	3.15; 5.16
(b)	3.15; 5.16; App 5
(c), (d)	4.20; 5.16
(e), (f)	5.16; App 5
(g)	5.16, 5.21
(h)	5.16
(2)	3.50; 4.20
21	5.29, 5.30, 5.31; 6.15; <b>App 1</b> ; App 5
(1)	5.29, 5.31
(c)(i), (ii)	5.31
(iii)	5.32, 5.33
(2)-(3)	5.29
Pt VII (regs 22-26)	6.01
reg 22	6.01, 6.08; <b>App 1</b> ; App 5
(1)(a)	6.10
(b)	6.11
(c), (d)	6.12
(e)	6.13
(f)	6.14
(2), (5)	6.10
23	6.01; <b>App 1</b> ; App 5
(1)	6.18
(2)	6.19
24	6.01, 6.20; <b>App 1</b> ; App 5
25	6.01, 6.22, 6.23, 6.24; 8.02, 8.03, 8.30; <b>App 1</b> ; App 5
(1)	6.22; 8.04, 8.05; App 5
(2)-(5)	6.23, 6.26
(6)	6.23, 6.26
(c), (d)	App 5
(7)	6.24
(9)	6.25, 6.26
(10), (11)	6.25
(12)	6.26
(a)-(c)	6.26
(d)	App 5
(e)	6.26
(13)	App 5
(a)	6.27; App 5
(b), (c)	6.27
(14)	6.27
(15)	App 5
(16), (17)	6.27; App 5
(18), (19)	6.27
(20), (21)	6.28
26	6.01, 6.29; <b>App 1</b> ; App 5
26A	6.01, 6.36, 6.38; <b>App 1</b>
(1)	6.36
(2)	6.36, 6.37
(3)	6.36

	PARA
Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, SI 1999/293— <i>contd</i>	
reg 26A(3)(a)	6.37
(4)	6.36
(5)	6.36
(a)	6.37
(6)-(8)	6.36
(9)	6.36, 6.37
(10)-(13)	6.36
(14)	6.36; 8.02
(15), (16)	6.36
(17), (18)	6.36, 6.38
(19)	6.36
(20), (21)	6.36, 6.38
(22)	6.36
(a), (b)	6.38, 6.40
(23)-(26)	6.36, 6.38
(27)	6.36
(28)-(30)	6.36, 6.38
27 ...	5.37, 5.38; 6.29; <b>App 1</b> ; App 5
(1)-(6)	5.38
28	5.37, 5.40; <b>App 1</b> ; App 5
(1)(a), (b)	5.40
(2)(a), (b)	5.40
29	<b>App 1</b>
30	8.02, 8.05, 8.30; <b>App 1</b>
31	3.44; <b>App 1</b>
32	<b>App 1</b> ; App 5
(1)	5.26
(2)(a), (b)	5.26; App 5
33	<b>App 1</b>
34	6.43; <b>App 1</b>
35	6.43; <b>App 1</b> ; App 5
(3)	6.42; App 5
Sch 1	3.03, 3.05, 3.11, 3.15, 3.28, 3.30, 3.41, 3.44, 3.45, 3.49, 3.60; 6.11, 6.14, 6.18, 6.20, 6.23, 6.25, 6.67, 6.68, 6.70; <b>App 1</b> ; App 5; App 6; <b>App 7</b>
para 1-8	<b>App 1</b>
9	3.44; <b>App 1</b>
para 10-20	<b>App 1</b>
Sch 2	3.03, 3.05, 3.11, 3.15, 3.23, 3.27, 3.28, 3.33, 3.41, 3.44, 3.46, 3.46, 3.49, 3.53, 3.55, 3.61, 3.65, 3.67, 3.68, 3.70, 3.74, 3.76, 3.90; 4.57; 6.11, 6.14, 6.18, 6.20, 6.23, 6.25, 6.40, 6.41, 6.67, 6.68, 6.70; <b>App 1</b> ; App 5; App 6; <b>App 7</b>
Table	
para 1(d), (e)	3.63
2(c)	3.63
3(e), (h), (i)	3.63
6(c)	3.63
10	App 6
(b)	3.55, 3.56, 3.57
(i)	6.31
(m)	3.63
11	3.57, 3.58

PARA	PARA
Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, SI 1999/293— <i>contd</i>	Town and Country Planning (General Development Procedure) Order 1995, SI 1995/419— <i>contd</i>
Sch 2	Sch 2
Table	Pt 6 .....
para 11(b), (d), (e) .....	para A.1(i) .....
12 .....	A.2(2)(d) .....
(a) .....	B.1(e) .....
13 .....	D.1 .....
(a) .....	Pt 7 .....
Sch 3 .....	Pt 8
3.03, 3.70, 3.90; 4.57; <b>App 1</b> ;	Class D .....
App 5; App 6; <b>App 7</b>	Pt 11
para 1-3 .....	Class A(b) .....
<b>App 1</b>	Pt 12
Sch 4 .....	Class B .....
4.28, 4.29, 4.32, 4.42, 4.48,	Pt 14 .....
4.56; <b>App 1</b> ; App 5;	Pt 15 .....
App 6; <b>App 7</b>	Class A(b) .....
Pt I .....	Pt 17
4.09, 4.28, 4.50; App 5	Class B .....
para 1 .....	D .....
<b>App 1</b>	F(a) .....
(a)-(c) .....	Pt 20
<b>4.48</b>	Class A, B .....
2 .....	Pt 21
<b>App 1</b>	Class B .....
3 ... 4.28, 4.57; <b>App 1</b> ; App 5	Sch 3 .. 5.15; 6.37; App 5; <b>App 7</b> ; <b>App 8</b>
4 ... 4.28, 4.56; <b>App 1</b> ; App 5	Town and Country Planning (General Permitted Development) Order 1995, SI 1995/418 .....
5-7 .....	App 5; App 6
<b>App 1</b>	art 3(10) .....
Pt II .....	Sch 2 .....
4.28, 4.55; App 5	Town and Country Planning (Inquiries Procedure) (England and Wales) Rules 2000, SI 2000/1624
para 1 .....	r 6(13) .....
<b>App 1</b>	13(7) .....
2 .....	14(2) .....
<b>App 1</b> ; App 5	Town and Country Planning (Inquiries Procedure) Rules 1992, SI 1992/2038
3 .....	r 6, 13 .....
4.28; <b>App 1</b>	Town and Country Planning (Use Classes) Order 1987, SI 1987/764 ...
4 .....	6.73; App 5
4.50; <b>App 1</b>	Transfer of Functions (Fishery Harbours) Order 2001, SI 2001/3503 .....
5 .....	7.42
<b>App 1</b> ; App 5	Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003, SI 2001/164 .....
Sch 5 .....	7.11,
<b>App 1</b>	7.52
Town and Country Planning General Development Order 1988, SI 1988/1813	reg 3(1), (2) .....
Sch 2 .....	4-8, 16 .....
7.06	Water Resources (Licences) Regulations 1965, SI 1965/534 .....
Pts 14 and 15 .....	7.52
7.06	Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000, SI 2000/2190 ..
Town and Country Planning (General Development Procedure) Order 1995, SI 1995/419 .....	7.54,
5.08,	7.56; App 6
6.02; App 5	reg 3 .....
6.02; App 5	7.56
art 1 .....	Transport and Works (Applications and Objections Procedure) Rules 1992, SI 1992/2902 .....
<b>App 8</b>	App 6
1(2) .....	
5.15; 6.47	
3(1) .....	
6.42, 6.43, 6.48	
(2) .....	
6.48; App 5	
(10) ... 6.42, 6.43; 7.26, 7.39, 7.51	
(11) .....	
6.42	
(12) .....	
6.43, 6.44; 7.39	
(b) .....	
7.29	
4 .....	
6.61; 7.18	
8 .....	
5.15, 5.18; 6.37; App 5;	
<b>App 7</b> ; <b>App 8</b>	
(2)(a) .....	
5.15	
(3) .....	
5.15	
10 .....	
5.12; 6.73; App 5; <b>App 8</b>	
(u)(ii) .....	
3.62; App 5	
14 .....	
5.39	
(1), (2) .....	
App 5	
20(2) .....	
5.26	
(3)(ba) .....	
5.26	
25 .....	
6.38	
(3) .....	
5.16	
Sch 1 .....	
6.42	
Sch 2 .....	
6.42; App 6	

PARA	PARA
Transport and Works (Applications and Objections Procedure) Rules 1992, SI 1992/2902— <i>contd</i> Sch 1 para 2(d) ..... 4.51	Transport and Works (Assessment of Environmental Effects) Regulations 1998, SI 1998/2226 ..... 7.54, 7.56
Transport and Works (Assessment of Environmental Effects) Regulations 1995, SI 1995/1541 ..... 7.56	Transport and Works (Assessment of Environmental Effects) Regulations 2000, SI 2000/3199 ..... 7.54, 7.56 reg 3 ..... 7.56

# Table of cases

## A

- Aannemersbedrijf PK Kraaijeveld BV v Gedeputeerde Staten van Zuid-Holland: C-72/95  
[1996] ECR I-5403, [1997] All ER (EC) 134, [1997] Env LR 265, ECJ ..... **2.28, 2.30,**  
**2.31, 2.32, 2.33, 2.48, 3.40**
- Algemene Transport-en Expeditie Onderneming van Gend en Loos NV v Nederlandse  
Belastingadministratie: 26/62 [1963] ECR 1, [1963] CMLR 105, ECJ ..... **2.44**
- Amministrazione delle Finanze dello Stato v Simmenthal SpA: 106/77 [1978] ECR 629,  
[1978] 3 CMLR 263, ECJ ..... **2.41, 2.66**
- Anisminic Ltd v Foreign Compensation Commission [1969] 2 AC 147, [1969] 1 All ER 208,  
[1969] 2 WLR 163, 113 Sol Jo 55, HL ..... **8.07**

## B

- BAA plc v Secretary of State for Transport, Local Government and the Regions [2002] EWHC  
1920 (Admin), unreported ..... **3.32, 3.35, 3.101**
- Berkeley v Secretary of State for the Environment [2001] 2 AC 603, [2000] 3 All ER 897,  
[2000] All ER (D) 933, [2000] 3 WLR 420, 81 P & CR 492, [2000] 3 PLR 111,  
[2000] EGCS 86, [2001] JPL 58, HL ..... **2.04, 2.06, 3.54, 3.104, 4.10, 8.34, 8.44**
- Berkeley v Secretary of State for the Environment, Transport and the Regions, London  
Borough of Richmond upon Thames and Berleley Homes (West London) Ltd (No 2)  
[2002] JPL 224 ..... **2.39, 3.54, 3.65, 3.67, 3.68**
- Bizony v Secretary of State for the Environment (1975) 239 Estates Gazette 281, [1976]  
JPL 306 ..... **8.34**
- Bolton Metropolitan Borough Council v Secretary of State for the Environment and  
Manchester Waste Disposal Authority (1990) 61 P & CR 343, [1991] JPL 241,  
CA ..... **8.44**
- Brasserie du Pêcheur SA v Germany: C-46/93 [1996] QB 404, [1996] 2 WLR 506, [1996] ECR  
I-1029, [1996] All ER (EC) 301, [1996] 1 CMLR 889, [1996] IRLR 267, ECJ .... **2.67**
- Brayhead (Ascot) Ltd v Berkshire County Council [1964] 2 QB 303, [1964] 1 All ER 149,  
[1964] 2 WLR 507, 62 LGR 162, 15 P & CR 423, 128 JP 167, [1964] JPL 185,  
108 Sol Jo 178 ..... **5.31**
- British Telecommunications plc v Gloucester City Council [2001] EWHC Admin 1001, [2002]  
2 P & CR 512, [2002] JPL 993 ..... **3.22, 3.75, 3.78, 3.79, 3.98**
- Browne v An Bord Pleanala [1990] 1 CMLR 3, [1990] JEL 209 ..... **2.47**
- Bund Naturschutz in Bayern v Freistaat Bayern: C-396/92 [1994] ECR I-3717, ECJ .... **3.37, 3.38**

## C

- CIA Security International SA v Signalson: C-194/94 [1996] ECR I-2201, [1996] All ER (EC)  
557, [1996] 2 CMLR 781, ECJ ..... **2.57**
- CILFIT Srl and Lanificio di Gavardo v Ministry of Health: 283/81 [1982] ECR 3415, [1983] 1  
CMLR 472, ECJ ..... **2.03, 2.30**

Calcaria Construction Co (York) Ltd v Secretary of State for the Environment (1974) 72 LGR 398, 27 P & CR 435, 118 Sol Jo 421 .....	<b>6.61</b>
Camden London Borough Council v Secretary of State for the Environment [1993] JPL 466 .....	<b>6.61</b>
Comitato di Coordinamento per la Difesa della Cava v Regione Lombardia: C-236/92 [1994] ECR I-483, [1994] Env LR 281, ECJ .....	<b>2.45</b>
Cook v Southend Borough Council [1990] 2 QB 1, [1990] 1 All ER 243, [1990] 2 WLR 61, 88 LGR 408, 154 JP 145, [1989] RVR 215, CA .....	<b>8.34</b>
Costa v ENEL: 6/64 [1964] ECR 585, [1964] CMLR 425, ECJ .....	<b>2.66</b>

**D**

Decision of Dutch Council of State [1994] AB 287 .....	<b>2.47</b>
Dori v Recreb Srl: C-91/92 [1994] ECR I-3325, [1995] All ER (EC) 1, [1995] 1 CMLR 665, ECJ .....	<b>2.52</b>

**E**

EC Commission v Belgium: C-133/94 [1996] ECR I-2323, ECJ .....	<b>3.34</b>
EC Commission v Germany: C-431/92 [1995] ECR I-2189, [1996] 1 CMLR 196, ECJ .....	<b>2.31, 3.40, App 5</b>
EC Commission v Ireland: C-392/96 [2000] QB 636, [2000] 2 WLR 958, [1999] ECR I-5901, [1999] 3 CMLR 727, ECJ .....	<b>2.37, 2.38</b>
Ekvo v Produktschap voor Vee en Vlees: 327/82 [1984] ECR 107, ECJ .....	<b>2.03</b>
Elmbridge Borough Council v Secretary of State for the Environment, Transport and the Regions [2002] Env LR 1 .....	<b>6.54</b>

**F**

Fayrewood Fish Farms v Secretary of State for the Environment and Hampshire County Council [1984] JPL 267 .....	<b>7.26</b>
Fernback v Harrow London Borough Council [2001] EWHC Admin 278, [2001] 18 EG 173 (CS), [2002] Env LR 10 .....	<b>3.109</b>
Fratelli Costanzo SpA v Comune di Milano: 103/88 [1989] ECR 1839, [1990] 3 CMLR 239, ECJ .....	<b>2.57, 2.66</b>

**G**

Gillespie v First Secretary of State [2003] EWHC 8 (Admin), [2003] 1 P & CR 475; affd sub nom Bellway Urban Renewal Southern v Gillespie [2003] EWCA Civ 400, [2003] 14 LS Gaz R 30, [2003] 14 EG 123 (CS), 147 Sol Jo LB 384 .....	<b>3.69, 3.81, 3.97, 3.99, 3.104</b>
Griffiths v Secretary of State for the Environment [1983] 2 AC 51, [1983] 1 All ER 439, [1983] 2 WLR 172, 81 LGR 369, 45 P & CR 299, 266 Estates Gazette 623, 127 Sol Jo 87, HL .....	<b>8.07</b>
Groenendaal, Re [1997] M & R 92 .....	<b>2.63</b>

**J**

Jory v Secretary of State for Transport, Local Government and the Regions [2002] EWHC 2724 (Admin), [2003] 03 LS Gaz R 33, [2002] 45 LS Gaz R 36 .....	<b>5.36</b>
--	-------------

**K**

Kincardine and Deeside District Council v Forestry Comrs 1992 SLT 1180, 1991 SCLR 729, [1993] Env LR 151, [1994] 2 CMLR 869 .....	<b>2.47</b>
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**L**

Leung v Imperial College of Science, Technology and Medicine [2002] EWHC 1358 (Admin), [2002] All ER (D) 193 (Jul) .....	<b>8.41</b>
Litster v Forth Dry Dock and Engineering Co Ltd [1990] 1 AC 546, [1989] 1 All ER 1134, [1989] 2 WLR 634, [1989] ICR 341, [1989] IRLR 161, [1989] NLJR 400, 133	



Sol Jo 455, HL .....	2.43
Luxembourg v Linster: C-287/98 [2000] ECR I-6917, ECJ .....	2.03, 2.36, 2.51

## M

Marleasing SA v La Comercial Internacional de Alimentación SA: C-106/89 [1990] ECR I-4135, [1992] 1 CMLR 305, [1993] BCC 421, 135 Sol Jo 15, ECJ .....	2.07, 2.42
Marshall v Southampton and South West Hampshire Area Health Authority (Teaching): 152/84 [1986] QB 401, [1986] 2 All ER 584, [1986] 2 WLR 780, [1986] ECR 723, [1986] 1 CMLR 688, [1986] ICR 335, [1986] IRLR 140, [1986] LS Gaz R 1720, 130 Sol Jo 340, ECJ .....	2.52
Matthews v Secretary of State for the Environment, Transport and the Regions [2001] EWHC Admin 815, [2002] 2 P & CR 558, [2002] JPL 716 .....	8.07

## O

Officier van Justitie v Kolpinghuis Nijmegen BV: 80/86 [1987] ECR 3969, [1989] 2 CMLR 18, ECJ .....	2.52
Okolo v Secretary of State for the Environment [1997] 2 All ER 911, [1997] JPL 1005; revsd [1997] 4 All ER 242, [1997] JPL 1009, CA .....	8.07

## P

Pafitis v Trapeza Kentrikis Ellados AE: C-441/93 [1996] ECR I-1347, [1996] 2 CMLR 551, ECJ .....	2.57
Payne v Caerphilly County Borough Council [2002] EWHC 866 (Admin), [2002] PLCR 496; on appeal [2003] EWCA Civ 71, [2003] All ER (D) 75 (Jan) .....	6.39, 6.40
Poh, Re [1983] 1 All ER 287, [1983] 1 WLR 2, 127 Sol Jo 16, HL .....	8.10
Pubblico Ministero v Ratti: 148/78 [1979] ECR 1629, [1980] 1 CMLR 96, ECJ .....	2.44

## R

R v Bromley London Borough Council, ex p Barker [2000] EGCS 51, [2000] PLCR 399, [2000] JPL 1302n, [2002] Env LR 1; affd sub nom R (on the application of Barker) v Bromley London Borough Council [2001] EWCA Civ 1766 [2001] 49 EG 117 (CS), [2001] All ER (D) 361 (Nov), [2002] Env LR 631 .....	2.10, 3.76, 6.63
R (Barker) v Bromley London Borough Council [2002] Env LR 638 .....	4.32
R v Ceredigion County Council, ex p McKeown [1998] 2 PLR 1, [1997] COD 463, [1998] PLCR 90 .....	8.17
R (Nash) v Chelsea Royal College of Art [2001] EWHC Admin 538, [2001] All ER (D) 133 (Jul) .....	8.41
R v Cornwall County Council, ex p Hardy [2001] Env LR 473, [2001] JPL 786 .....	2.14, 4.41, 4.42, 5.30
R v Cotswold District Council, ex p Barrington Parish Council (1997) 75 P & CR 515, [1997] EGCS 66 .....	6.60
R v Coventry City Council, ex p Arrowcroft Group plc [2001] PLCR 113 .....	6.66
R (on the application of Murray) v Derbyshire County Council [2001] 2 PLR 1, [2001] Env LR 494, [2000] 40 LS Gaz R 44; affd sub nom R (Murray) v Derbyshire County Council [2002] EWCA Civ 31, [2003] QB 503, [2002] 3 WLR 875, [2002] 05 EG 131 (CS), 146 Sol Jo LB 52 .....	8.44
R (PPG 11 Ltd) v Dorset County Council [2003] All ER (D) 68 (Jun) .....	4.45, 4.48
R v Durham County Council, ex p Huddleston [2000] 2 CMLR 229, 80 P & CR 481, [2000] Env LR 463; revsd [2000] 1 WLR 1484, [2000] 2 CMLR 313, [2000] 1 PLR 122, [2000] Env LR 488, [2000] 13 LS Gaz R 43, [2000] EGCS 39, 144 Sol Jo LB 149, CA .....	2.43, 2.54, 2.55, 2.57, 2.62, 6.38
R v Durham County Council, ex p Lowther (2000) 81 P & CR 27, [2001] Env LR 332; affd sub nom R (on the application of Lowther) v Durham County Council [2001] EWCA Civ 781 [2002] 1 P & CR 283, [2001] 3 PLR 83, [2001] 22 EG 154 (CS), [2002] Env LR 349 .....	3.44, 6.77
R (Horner) v Environment Agency and Castle Cement Ltd (CO/961/2001) [2002] EWHC 513 (Admin), unreported .....	6.77
R (on the application of Burkett) v Hammersmith and Fulham London Borough Council [2002] UKHL 23, [2002] 3 All ER 97, [2002] 1 WLR 1593, [2002] 1 P & CR 20, [2002]	