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STATUTORY INSTRUMENTS

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**2017 No. 572**

**The Infrastructure Planning (Environmental  
Impact Assessment) Regulations 2017**

**Accepted application—effect of screening opinion not taking account of all relevant information**

19.—(1) Where—

- (a) an Examining authority is examining an application for an order granting development consent; and
- (b) paragraph (2) applies,

the Examining authority must comply with the requirements in paragraph (3).

(2) This paragraph applies if—

- (a) the proposed development has been the subject of a screening opinion to the effect that it is not EIA development; and
- (b) the Examining authority is of the view that the screening opinion did not take into account information that is material to the decision as to whether the proposed development is EIA development.

(3) The requirements mentioned in paragraph (1) are that—

- (a) the Examining authority must suspend consideration of the application until it has adopted a further screening opinion;
- (b) if the Examining authority considers that there is insufficient information with which to adopt such an opinion, the Examining authority must request the applicant to provide additional information;
- (c) the Examining authority must adopt a further screening opinion provided there is sufficient information with which to do so; and
- (d) the Examining authority must adopt a further screening opinion within 21 days of a suspension of an application as described in sub-paragraph (a), or where the Examining authority has requested additional information in accordance with sub-paragraph (b), within 21 days of receiving that information.

(4) Where the Examining authority requests that the applicant provide additional information pursuant to sub-paragraph (3)(b), the applicant must prepare such additional information as falls within regulation 8(3) by reference to the requirements of regulation 8(6).

(5) Where, pursuant to paragraph (3), the Examining authority adopts a screening opinion to the effect that the proposed development is EIA development, the Examining authority must—

- (a) issue with the opinion a written statement stating the main reasons for the conclusion, with reference to the relevant criteria listed in Schedule 3 to these Regulations;
- (b) send to the applicant a copy of the opinion and a copy of the written statement mentioned in sub-paragraph (a); and
- (c) suspend consideration of the application until the requirements of paragraph (6) and, where appropriate, paragraph (7), are satisfied.

- (6) The requirements mentioned in paragraph (5)(c) are that the applicant must—
- (a) provide the Examining authority with a copy of the environmental statement;
  - (b) publish a notice (in accordance with sub-paragraph (c)) which sets out the following information—
    - (i) the name and address of the applicant;
    - (ii) that the applicant has made an application to the Secretary of State for an order granting development consent for EIA development;
    - (iii) that the Secretary of State has accepted the application and the reference number of the application;
    - (iv) that consideration of the application by the Examining authority has been suspended until an environmental statement has been provided and publicised;
    - (v) a summary of the main proposals, specifying the location or route of the proposed development;
    - (vi) that the environmental statement is available for inspection free of charge—
      - <sup>F1</sup>(aa) . . . . .
      - (bb) on a website maintained by or on behalf of the Secretary of State;
    - <sup>F2</sup>(via) the address of the website where the environmental statement may be inspected;
    - (vib) the place on the website where the environmental statement may be inspected;
    - (vic) a telephone number which can be used to contact the applicant for enquiries in relation to the environmental statement;]
    - (vii) the latest date on which those documents will be available for inspection [<sup>F3</sup>on the website] (being a date not earlier than the deadline referred to in sub-paragraph (b)(x));
    - (viii) whether a charge will be made for copies of any of those documents and the amount of any charge;
    - (ix) details of how to respond to the publicity; and
    - (x) a deadline for receipt of responses being not less than 30 days following the date on which the notice is last published;
  - (c) publish the notice—
    - (i) for at least 2 successive weeks in one or more local newspapers circulating in the vicinity of the land in which the proposed development is situated;
    - (ii) once in a national newspaper;
    - (iii) once in the London Gazette and if land in Scotland is affected, the Edinburgh Gazette; and
    - (iv) in the case of offshore development, once in Lloyds List and once in an appropriate fishing trade journal.
  - (d) display the notice at, or as close as reasonably practicable to, the site of the proposed development at a place accessible to the public;
  - <sup>F4</sup>(e) where a person has been notified to the applicant under regulation 11(1)(c), serve on that person a copy of that notice, at the same time as the notice is published;]
  - (f) arrange for the notice to be published on a website maintained by or on behalf of the Secretary of State;
  - (g) send to the consultation bodies a copy of the environmental statement and a notice setting out the information specified in sub-paragraph (b)(i) to (v);

- (h) inform those bodies—
    - (i) how and to whom they may make representations; and
    - (ii) of the deadline for making representations which must be not less than 30 days later than the last date on which the additional information was sent in accordance with sub-paragraph [F5(g)]; and
  - (i) certify to the Examining authority in the form set out in certificate 2 in Schedule 5 that the applicant has complied with the requirements of sub-paragraphs (b) to (h).
- (7) Where the proposed development consists of, or includes, works with a route or alignment exceeding 5 kilometres in length—
- (a) the requirements set out in paragraph (6)(c)(i) shall be taken to include a requirement to publish the notice referred to in paragraph (6)(b) for at least 2 successive weeks in one or more local newspapers circulating in the vicinity of the land along the route or alignment of the works described in the application; and
  - (b) the requirements set out in paragraph (6)(d) to display the notice referred to in paragraph (6)(b) shall be taken to include a requirement to display the notice at intervals of not more than 5 kilometres along the whole proposed route or alignment of the works described in the application, except where this is impracticable due to the land in question being covered in water.
- (8) Regulation 11 (procedure to facilitate preparation of environmental statements) applies to an application for an order granting development consent for EIA development that has been suspended under sub-paragraph (3)(a), subject to the following modifications—
- (a) in paragraphs (1), (3) and (5) of regulation 11, for “the Secretary of State”, in each place, substitute “ the Examining authority ”; and
  - (b) in regulation 11(2)—
    - (i) sub-paragraph (a) shall not apply; and
    - (ii) in sub-paragraph (b)(i) for “the Secretary of State” substitute “ the Examining authority ”.

#### Textual Amendments

- F1** Reg. 19(6)(b)(vi)(aa) omitted (31.12.2020 immediately before 11 p.m.) by virtue of [The Infrastructure Planning \(Publication and Notification of Applications etc.\) \(Amendment\) Regulations 2020 \(S.I. 2020/1534\)](#), regs. 1, **5(2)(a)** (with reg. 7)
- F2** Reg. 19(6)(b)(via)-(vic) inserted (31.12.2020 immediately before 11 p.m.) by [The Infrastructure Planning \(Publication and Notification of Applications etc.\) \(Amendment\) Regulations 2020 \(S.I. 2020/1534\)](#), regs. 1, **5(2)(b)** (with reg. 7)
- F3** Words in reg. 19(6)(b)(vii) inserted (31.12.2020 immediately before 11 p.m.) by [The Infrastructure Planning \(Publication and Notification of Applications etc.\) \(Amendment\) Regulations 2020 \(S.I. 2020/1534\)](#), regs. 1, **5(2)(c)** (with reg. 7)
- F4** Reg. 19(6)(e) substituted (1.10.2018) by [The Town and Country Planning and Infrastructure Planning \(Environmental Impact Assessment\) \(Amendment\) Regulations 2018 \(S.I. 2018/695\)](#), regs. 1, **6(4)(a)**
- F5** Word in reg. 19(6)(h)(ii) substituted (1.10.2018) by [The Town and Country Planning and Infrastructure Planning \(Environmental Impact Assessment\) \(Amendment\) Regulations 2018 \(S.I. 2018/695\)](#), regs. 1, **6(4)(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, Section 19.