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STATUTORY INSTRUMENTS

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**2009 No. 2263**

**The Infrastructure Planning (Environmental  
Impact Assessment) Regulations 2009**

**Subsequent application for EIA development**

- 18.**—(1) This regulation applies in relation to a subsequent application if either—
- (a) the applicant has notified the relevant authority under regulation 6(2)(b); or
  - (b) the relevant authority has given a screening opinion to the effect that supplementary information is required to enable it to determine a subsequent application.
- (2) Where this regulation applies, the applicant must—
- (a) submit an updated environmental statement with the subsequent application;
  - (b) comply with the requirements of paragraph (3); and
  - (c) certify to the relevant authority in the form set out in certificate 4 in Schedule 5 that the applicant has complied with the requirements of paragraph (3).
- (3) The requirements mentioned in paragraph (2)(b) are that the applicant must—
- (a) publish a notice of the subsequent application (in accordance with paragraph (b)) which sets out the following information—
    - (i) the name and address of the applicant;
    - (ii) that the applicant is making an application for approval of a matter in pursuance of a requirement imposed by an order granting development consent;
    - (iii) the reference number of the order granting development consent;
    - (iv) that the order granting development consent is for EIA development;
    - (v) a summary of the main proposals, specifying the location or route of the proposed development;
    - (vi) that the updated environmental statement and supporting documents are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice;
    - (vii) the latest date on which those documents will be available for inspection (being a date not earlier than the date referred to in sub-paragraph (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 28 days following the date when the notice is last published;
  - (b) publish the notice—
    - (i) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the 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;
  - (c) display the notice at, or as close as reasonably practicable to, the site of the proposed development at a place accessible to the public;
  - (d) where the proposed development consists of, or includes, a linear scheme exceeding five kilometres in length, display the notice at intervals of not more than five kilometres along the whole proposed route of the works, except where this is impracticable due to the land being covered in water;
  - (e) where a person has been notified to the applicant under regulation 9(1)(c), serve on that person a copy of that notice, at the same time as the notice is published;
  - (f) send to the consultation bodies—
    - (i) a notice setting out the details listed at sub-paragraph (a)(i) to (v);
    - (ii) details of how to respond to the consultation;
    - (iii) a deadline for receipt of responses being not less than 28 days following the date when the body receives the notice;
    - (iv) a map showing where the proposed development is to be sited; and
    - (v) a copy of the updated environmental statement and of any supporting documents.
- (4) If any person issues a certificate which purports to certify compliance with the requirements of paragraph (3) and which contains a statement which that person knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to do so and which contains a statement which is false or misleading in a material particular, that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.