
STATUTORY INSTRUMENTS

2017 No. 571

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

PART 2

Screening

General provisions relating to screening

5.—(1) Subject to paragraph (3) and regulation 63, the occurrence of an event mentioned in paragraph (2) shall determine for the purpose of these Regulations that development is EIA development.

(2) The events referred to in paragraph (1) are—

- (a) the submission by the applicant or appellant in relation to that development of a statement referred to by the applicant or appellant as an environmental statement for the purposes of these Regulations; or
- (b) the adoption by the relevant planning authority of a screening opinion to the effect that the development is EIA development.

(3) A direction of the Secretary of State shall determine for the purpose of these Regulations whether development is or is not EIA development.

(4) Where a relevant planning authority or the Secretary of State has to decide under these Regulations whether Schedule 2 development is EIA development, the relevant planning authority or Secretary of State must take into account in making that decision—

- (a) any information provided by the applicant;
- (b) the results of any relevant EU environmental assessment which are reasonably available to the relevant planning authority or the Secretary of State; and
- (c) such of the selection criteria set out in Schedule 3 as are relevant to the development.

(5) Where a relevant planning authority adopts a screening opinion under regulation 6(6), or the Secretary of State makes a screening direction under regulation 7(5), the authority or the Secretary of State, as the case may be, must—

- (a) state the main reasons for their conclusion with reference to the relevant criteria listed in Schedule 3;
- (b) if it is determined that proposed development is not EIA development, state any features of the proposed development and measures envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment; and
- (c) send a copy of the opinion or direction to the person who proposes to carry out, or who has carried out, the development in question.

(6) The Secretary of State may make a screening direction either—

- (a) of the Secretary of State's own volition; or

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(b) if requested to do so in writing by any person.

(7) The Secretary of State may direct that particular development of a description mentioned in column 1 of the table in Schedule 2 is EIA development whether or not the conditions contained in sub-paragraphs (a) and (b) of the definition of “Schedule 2 development” are satisfied in relation to that development.

(8) Where the Secretary of State makes a screening direction in accordance with paragraph (6), the Secretary of State must—

(a) take such steps as appear to be reasonable to the Secretary of State in the circumstances, having regard to the requirements of regulation 6(2) and (3), to obtain information about the proposed development in order to inform a screening direction;

(b) take into account in making that screening direction—

(i) the information gathered in accordance with sub-paragraph (a);

(ii) the results of any relevant EU environmental assessment which are reasonably available to the Secretary of State; and

(iii) such of the selection criteria set out in Schedule 3 as are relevant to the development.

(9) The Secretary of State must make a screening direction under paragraph (6)(a) within—

(a) 3 weeks beginning with the date on which the Secretary of State obtains sufficient information to inform a screening direction; or

(b) such longer period, not exceeding 90 days, as may reasonably be required, beginning with the date on which the Secretary of State obtains sufficient information to inform a screening direction, but this is subject to paragraph (10).

(10) Where the Secretary of State considers that due to exceptional circumstances relating to the proposed development that it is not practicable to adopt a screening direction under paragraph (6) (a) within the period specified in paragraph (9), the Secretary of State may extend that period by notice in writing given to the person bringing forward the development which is the subject of the proposed screening direction.

(11) The Secretary of State must state in any notice given under paragraph (10) the reasons justifying the extension and the date when the determination is expected.

(12) The Secretary of State must send a copy of any screening direction to the relevant planning authority.

Requests for screening opinions of the relevant planning authority

6.—(1) A person who is minded to carry out development may request the relevant planning authority to adopt a screening opinion.

(2) A person making a request for a screening opinion in relation to development where an application for planning permission has been or is proposed to be submitted must provide the following—

(a) a plan sufficient to identify the land;

(b) a description of the development, including in particular—

(i) a description of the physical characteristics of the development and, where relevant, of demolition works;

(ii) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;

(c) a description of the aspects of the environment likely to be significantly affected by the development;

- (d) to the extent the information is available, a description of any likely significant effects of the proposed development on the environment resulting from—
 - (i) the expected residues and emissions and the production of waste, where relevant; and
 - (ii) the use of natural resources, in particular soil, land, water and biodiversity; and
 - (e) such other information or representations as the person making the request may wish to provide or make, including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.
- (3) A request for a screening opinion in relation to development where a subsequent application has been or is proposed to be submitted must be accompanied by—
- (a) a plan sufficient to identify the land;
 - (b) sufficient information to enable the relevant planning authority to identify any planning permission granted for the development in respect of which a subsequent application has been made;
 - (c) the information described in paragraph (2)(c) and (d), but only to the extent that this relates to likely significant effects on the environment not previously identified; and
 - (d) such other information or representations as the person making the request may wish to provide or make, including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.
- (4) A person compiling the information set out in paragraph (2) or (3) must, where relevant, take into account—
- (a) the criteria set out in Schedule 3; and
 - (b) the results of any relevant EU environmental assessment which are reasonably available to the person requesting the screening opinion.
- (5) A relevant planning authority receiving a request for a screening opinion must, if they consider that they have not been provided with sufficient information to adopt an opinion, notify in writing the person making the request of the points on which they require additional information.
- (6) A relevant planning authority must adopt a screening opinion within—
- (a) 3 weeks beginning with the date of receipt of a request made pursuant to paragraph (1); or
 - (b) such longer period, not exceeding 90 days from the date on which the person making the request submits the information required under paragraph (2) or (3) as may be agreed in writing with the person making the request.
- (7) Where the relevant planning authority considers that due to exceptional circumstances relating to the circumstances of the proposed development that it is not practicable for it to adopt a screening opinion within the relevant period specified in paragraph (6), the relevant planning authority may extend that period by notice in writing given to the person who made the request for a screening opinion.
- (8) The relevant planning authority must state in any notice given under paragraph (7) the reasons justifying the extension of time and the date when the determination is expected.
- (9) A relevant planning authority which adopts a screening opinion pursuant to paragraph (6) must send a copy to the person who made the request.
- (10) Where a relevant planning authority—
- (a) fails to adopt a screening opinion within the relevant period mentioned in paragraph (6); or
 - (b) adopts an opinion to the effect that the development is EIA development,

the person who requested the opinion may request the Secretary of State to make a screening direction.

(11) A person may make a request pursuant to paragraph (10) even if the relevant planning authority has not received the additional information which it has sought under paragraph (5).

Requests for screening directions of the Secretary of State

7.—(1) A person who pursuant to regulation 6(10) requests the Secretary of State to make a screening direction must submit with the request—

- (a) a copy of the request to the relevant planning authority under regulation 6(1) and the documents which accompanied it;
- (b) a copy of any notification received under regulation 6(5) and of any response sent;
- (c) a copy of any screening opinion received from the authority and any accompanying statement of reasons; and
- (d) any representations that the person wishes to make.

(2) A person making such a request must send to the relevant planning authority a copy of that request and of any representations made to the Secretary of State.

(3) If the Secretary of State considers that sufficient information to make a screening direction has not been provided, the Secretary of State must give notice in writing to the person making the request of the points on which additional information is required, and may request the relevant planning authority to provide such information as they can on any of those points.

(4) A person providing additional information pursuant to a notice under paragraph (3) must, where that information is of a type specified in regulation 6(2) or (3), prepare that information in accordance with the requirements of regulation 6(4).

(5) The Secretary of State must make a screening direction following a request under regulation 5(6)(b) or 6(10) within—

- (a) 3 weeks beginning with the date of receipt of the request; or
- (b) where the Secretary of State gives notice under paragraph (3), such longer period not exceeding 90 days beginning with the date on which the person making the request for a screening direction submits the information required under paragraph (3) as may be reasonably required, but this is subject to paragraph (6).

(6) Where the Secretary of State considers that due to exceptional circumstances relating to the proposed development it is not practicable to make a screening direction within the period specified in paragraph (5), the Secretary of State may extend that period by giving notice in writing to the person who made the request for a screening direction.

(7) The Secretary of State must state in any notice given under paragraph (6) the reasons justifying the extension of time and the date when the determination is expected.

(8) The Secretary of State must send a copy of any screening direction made pursuant to paragraph (5) to—

- (a) the person who made the request;
- (b) the applicant (where the applicant is not the person referred to in sub-paragraph (a)); and
- (c) the relevant planning authority.

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Changes to legislation:

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