
STATUTORY INSTRUMENTS

2017 No. 571

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

PART 4

Preparation of environmental statements

Scoping opinions of the local planning authority

15.—(1) A person who is minded to make an EIA application may ask the relevant planning authority to state in writing their opinion as to the scope and level of detail of the information to be provided in the environmental statement (a “scoping opinion”).

(2) A request under paragraph (1) must include—

(a) in relation to an application for planning permission—

- (i) a plan sufficient to identify the land;
- (ii) a brief description of the nature and purpose of the development, including its location and technical capacity;
- (iii) an explanation of the likely significant effects of the development on the environment; and
- (iv) such other information or representations as the person making the request may wish to provide or make;

(b) in relation to a subsequent application—

- (i) a plan sufficient to identify the land;
- (ii) sufficient information to enable the relevant planning authority to identify any planning permission granted for the development in respect of which the subsequent application is made;
- (iii) an explanation of the likely significant effects on the environment which were not identified at the time planning permission was granted; and
- (iv) such other information or representations as the person making the request may wish to provide or make.

(3) An authority receiving a request under paragraph (1) must, if it considers that it has not been provided with sufficient information to adopt a scoping opinion, notify the person making the request of the points on which it requires additional information.

(4) An authority must not adopt a scoping opinion in response to a request under paragraph (1) until it has consulted the consultation bodies, but must, subject to paragraph (5), within 5 weeks beginning with the date of receipt of that request for a scoping opinion, or such longer period as may be agreed in writing with the person making the request, adopt a scoping opinion and must send a copy to the person who made the request.

(5) Where a person has, at the same time as making a request for a screening opinion under regulation 6(1), asked the authority for an opinion under paragraph (1), and the authority has adopted a screening opinion to the effect that the development is EIA development, the authority must, within 5 weeks beginning with the date on which that screening opinion was adopted, or such longer period as may be agreed in writing with the person making the request, adopt a scoping opinion and must send a copy to the person who made the request.

(6) Before adopting a scoping opinion the authority must take into account—

- (a) any information provided by the applicant about the proposed development;
- (b) the specific characteristics of the particular development;
- (c) the specific characteristics of development of the type concerned; and
- (d) the environmental features likely to be significantly affected by the development.

(7) Where an authority fails to adopt a scoping opinion within the relevant period mentioned in paragraph (4) or (5), the person who requested the opinion may under regulation 16(1) ask the Secretary of State to make a direction as to the information to be provided in the environmental statement (a “scoping direction”).

(8) Paragraph (7) applies notwithstanding that the authority may not have received the additional information which it has sought under paragraph (3).

(9) An authority which has adopted a scoping opinion following a request under paragraph (1) shall not be precluded from requiring of the person who made the request additional information in connection with any statement that may be submitted by that person as an environmental statement in connection with an application for planning permission or a subsequent application for the same development.

Scoping directions of the Secretary of State

16.—(1) A person who, under regulation 15(7), requests the Secretary of State to make a scoping direction (“scoping direction request”) must submit with the scoping direction request—

- (a) a copy of the scoping opinion request made to the relevant planning authority under regulation 15(1), including any information supplied with that request as required by regulation 15(2);
- (b) a copy of any notification under regulation 15(3) related to that request and of any response;
- (c) a copy of any screening opinion received by the person in relation to that request and of any accompanying statement of reasons; and
- (d) any representations that the person making the scoping direction request wishes to make.

(2) A person making a scoping direction request under paragraph (1) must send to the relevant planning authority a copy of that scoping direction request, but that copy need not include the matters mentioned in sub-paragraphs (a) to (c) of paragraph (1).

(3) If the Secretary of State considers that the information provided pursuant to paragraph (1) is insufficient to make a scoping direction, the Secretary of State must give notice in writing to the person making the scoping direction request of any 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) The Secretary of State—

- (a) must consult the consultation bodies before making a scoping direction in response to a scoping direction request, and

(b) within 5 weeks beginning with the date of receipt of that request, or such longer period as may be reasonably required, must make a scoping direction and send a copy to the person who made the scoping direction request and to the relevant planning authority.

(5) Before making a scoping direction the Secretary of State must take into account the matters specified in regulation 15(6).

(6) Neither the Secretary of State who has made a scoping direction in response to a request under paragraph (1) nor the relevant planning authority shall be precluded from requiring of the person who made the request additional information in connection with any statement that may be submitted by that person as an environmental statement in connection with an application for planning permission or a subsequent application for the same development.

Procedure to facilitate preparation of environmental statements

17.—(1) Any person who intends to submit an environmental statement to the relevant planning authority or the Secretary of State under these Regulations may give notice in writing to that authority or the Secretary of State under this paragraph.

(2) A notice under paragraph (1) must include the information necessary to identify the land and the nature and purpose of the development, and must indicate the main environmental consequences to which the person giving the notice proposes to refer in their environmental statement.

(3) The recipient of—

(a) such notice as is mentioned in paragraph (1); or

(b) a written statement made pursuant to regulation 11(4)(a), 12(6), 13(6) or 14(7),

must—

(i) notify the consultation bodies in writing of the name and address of the person who intends to submit an environmental statement and of the duty imposed on the consultation bodies by paragraph (4) to make information available to that person; and

(ii) inform in writing the person who intends to submit an environmental statement of the names and addresses of the bodies so notified.

(4) Subject to paragraph (5), the relevant planning authority and any body notified in accordance with paragraph (3) must, if requested by the person who intends to submit an environmental statement, consult that person to determine whether the authority or body has in its possession any information which that person or they consider relevant to the preparation of the environmental statement and, if they have, the authority or body must make that information available to that person.

(5) A planning authority or other body which receives a request for information under paragraph (4) must treat it as a request for information under regulation 5(1) of the Environmental Information Regulations 2004(1) (duty to make available environmental information on request).

(1) [S.I. 2004/3391](#) to which there are amendments not relevant to these Regulations.