

STATUTORY INSTRUMENTS

2017 No. 572

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

Consideration of whether development consent should be granted

21.—(1) When deciding whether to make an order granting development consent for EIA development the Secretary of State must—

- (a) examine the environmental information;
- (b) reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the examination referred to in sub-paragraph (a) and, where appropriate, any supplementary examination considered necessary;
- (c) integrate that conclusion into the decision as to whether an order is to be granted; and
- (d) if an order is to be made, consider whether it is appropriate to impose monitoring measures.

(2) The reasoned conclusion referred to in paragraph (1)(b) must be up to date at the time that the decision as to whether the order is to be granted is taken, and that conclusion shall be taken to be up to date if in the opinion of the Secretary of State it addresses the significant effects of the proposed development on the environment that are likely to arise as a result of the development described in the application.

(3) When considering whether to impose a monitoring measure under paragraph (1)(d), the Secretary of State must—

- (a) if monitoring is considered to be appropriate, consider whether to make provision for potential remedial action;
- (b) take steps to ensure that the type of parameters to be monitored and the duration of the monitoring are proportionate to the nature, location and size of the proposed development and the significance of its effects on the environment; and
- (c) consider, in order to avoid duplication of monitoring, whether any existing monitoring arrangements carried out in accordance with an obligation under the law of any part of the United Kingdom, other than under [^{F1}any law that implemented] the Directive, are more appropriate than imposing a monitoring measure.

Textual Amendments

- F1** Words in [reg. 21\(3\)\(c\)](#) inserted (31.12.2020) by [The Environmental Assessments and Miscellaneous Planning \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1232\)](#), [regs. 1\(2\), 7\(4\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, Section 21.