
STATUTORY INSTRUMENTS

2017 No. 580

The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017

PART 2

Environmental impact assessment

CHAPTER 1

General

Environmental impact assessment required for EIA development

6. Where an application is made for a section 36 or 37 consent, or a section 36 variation, for EIA development, the relevant authority must not grant the application unless an environmental impact assessment has been undertaken in respect of the development.

Environmental impact assessment

7.—(1) An environmental impact assessment means a process consisting of—

- (a) the preparation of an EIA report in accordance with regulation 17 by a person (the “developer”) applying for a section 36 or 37 consent, or a section 36 variation, for EIA development and the provision by the developer to the relevant authority of the EIA report and any further environmental information;
- (b) the compliance with the obligations under regulations 22 to 31 that apply in each individual case by the developer and the other persons on whom those obligations are imposed;
- (c) the examination by the relevant authority of—
 - (i) the EIA report;
 - (ii) any further environmental information; and
 - (iii) any additional environmental information;.
- (d) the reasoned conclusion by the relevant authority on the significant effects of the development on the environment, taking into account the results of—
 - (i) the examination referred to in sub-paragraph (c); and
 - (ii) where appropriate, the relevant authority’s own supplementary examination; and
- (e) the inclusion of the relevant authority’s reasoned conclusion in the decision notice required by regulation 33.

(2) The environmental impact assessment must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the development on the following factors—

- (a) population and human health;

- (b) biodiversity (for example, fauna and flora), with particular attention to habitats and species protected under the Habitats Directive or the Wild Birds Directive;
 - (c) land (for example, land take), soil (for example, organic matter, erosion, compaction, sealing), water (for example, hydromorphological changes, quantity and quality), air and climate (for example, greenhouse gas emissions, impacts relevant to adaptation);
 - (d) material assets, cultural heritage (including architectural and archaeological aspect) and the landscape;
 - (e) the interaction between the factors referred to in sub-paragraphs (a) to (d).
- (3) The effects to be identified, described and assessed under paragraph (2) must include—
- (a) the operational effects of the development, where the development will have operational effects;
 - (b) the expected effects arising from the vulnerability of the development to the risks of major accidents and disasters that are relevant to the development.
- (4) The relevant authority must ensure that it has, or has access to, sufficient expertise for the purpose of conducting the examination referred to in paragraph (1)(c) or any supplementary examination.
- (5) When granting an application referred to in paragraph (1)(a), the relevant authority must be satisfied that the reasoned conclusion referred to in paragraph (1)(d) is up to date.

Co-ordination of environmental impact assessment with Habitats Regulations assessment

8.—(1) Where in relation to EIA development there is, in addition to the requirement to undertake an environmental impact assessment under these Regulations, also a requirement to undertake a Habitats Regulations assessment, the relevant authority must, where appropriate, ensure that the environmental impact assessment and the Habitats Regulations assessment are co-ordinated.

(2) In this regulation, “Habitats Regulations assessment” means an assessment under regulation 25 of the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(1) or regulation 61 of the Conservation of Habitats and Species Regulations 2010(2).

Procedure when application for Schedule 1 development, etc. not accompanied by EIA report or request for scoping opinion

9.—(1) This regulation applies where an application for a section 36 or 37 consent, or a section 36 variation, for—

- (a) development of a description set out in Schedule 1; or
- (b) development in respect of which the relevant authority has made a screening decision that the development is EIA development,

is not accompanied by an EIA report or a request for a scoping opinion under regulation 18.

(2) As soon as reasonably practicable after receiving the application, the relevant authority must notify the person (the “developer”) making the application in writing that, unless the developer within 21 days after receiving the notification either informs the relevant authority in writing that the developer intends to provide an EIA report or requests a scoping opinion under regulation 18, the application will be refused.

(3) If the developer does not so inform the relevant authority or make such a request within that period, the relevant authority must refuse the application.

(1) [S.I. 2007/1842](#). Regulation 25 was amended by paragraph 7(4) of Schedule 6 to [S.I. 2010/490](#); article 4(2) of [S.I. 2010/1513](#); paragraph 278 of Schedule 4 to [S.I. 2013/755](#); and regulation 12 of [S.I. 2016/912](#).

(2) [S.I. 2010/490](#). Regulation 61 was amended by regulation 20 of [S.I. 2012/1927](#).

