
STATUTORY INSTRUMENTS

2017 No. 580

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

PART 2

Environmental impact assessment

CHAPTER 3

EIA reports

EIA report: requirements

17.—(1) For the purposes of these Regulations, an EIA report is a report prepared by the person (the “developer”) applying for a section 36 or 37 consent, or a section 36 variation, for development that includes at least the following information—

- (a) a description of the development comprising information on the location, design, size and other relevant features of the development;
- (b) a description of the likely significant effects of the development on the environment;
- (c) a description of the features of the development and any measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;
- (d) a description of the reasonable alternatives studied by the developer that are relevant to the development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment;
- (e) where the application is for a section 36 variation, the main respects in which the developer thinks that the likely significant effects on the environment of the development, as varied, will differ from those set out in—
 - (i) any EIA report or environmental statement prepared in connection with the application for the section 36 consent that it is proposed be varied; and
 - (ii) if the section 36 consent has previously been varied by a section 36 variation, any EIA report or environmental statement prepared in connection with the application for that variation;
- (f) a non-technical summary of the information referred to in sub-paragraphs (a) to (e); and
- (g) any other information set out in Schedule 4 relevant to the specific characteristics of the development and the environmental features likely to be affected.

(2) If the relevant authority has given a scoping opinion under regulation 18 in respect of the development, the EIA report must be based on the most recent scoping opinion (so far as the development remains materially the same as the development in respect of which the scoping opinion was given).

(3) The EIA report must include any information that may reasonably be required to reach a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment.

(4) In preparing the EIA report, the developer must, with a view to avoiding duplication of assessments, take into account any available results of other relevant assessments undertaken under requirements imposed in accordance with European Union legislation or under domestic legislation.

(5) In order to ensure the completeness and quality of the EIA report—

- (a) the developer must ensure that the EIA report is prepared by competent experts; and
- (b) the EIA report must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of the experts.

(6) In paragraph (1)(e), “environmental statement” means an environmental statement under the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000⁽¹⁾.

Developer may request scoping opinion

18.—(1) A person (the “developer”) who makes (or intends to make) an application for a section 36 or 37 consent or a section 36 variation may request the relevant authority to give an opinion in writing (a “scoping opinion”) as to the scope and level of detail of the information to be included in the EIA report in respect of the development to which the application relates.

(2) A request for a scoping opinion must be accompanied by the following—

- (a) a brief description of the nature and purpose of the development, including its specific characteristics, location and technical capacity;
- (b) an explanation of the likely impact on the environment of the development;
- (c) a plan of the site of the development.

(3) The relevant authority must within 21 days after the date on which the relevant authority receives the request consult the following about the scoping opinion—

- (a) every consultation body; and
- (b) any other public authority that, by reason of its specific environmental responsibilities or local or regional competences, the relevant authority thinks is likely to have an interest in the development.

(4) But if the relevant authority thinks that the developer has not provided sufficient information to enable a scoping opinion to be given, the relevant authority must, within 21 days after the date on which the relevant authority receives the request, notify the developer in writing of the further information required (and paragraph (3) does not apply until that further information is provided).

(5) A consultation body or public authority consulted under paragraph (3) must make its representations (if any) within—

- (a) 21 days after the date on which the consultation body or public authority is consulted; or
- (b) any longer period notified in writing by the relevant authority.

(6) Before giving a scoping opinion, the relevant authority must take into account—

- (a) the information provided by the developer;
- (b) any representations received from the consultation bodies and public authorities consulted under paragraph (3);
- (c) the specific characteristics of the development;

(1) [S.I. 2000/1927](#), amended by [S.I. 2007/1977](#). Section 12(5) of the Marine and Coastal Access Act 2009 provides that any reference in [S.I. 2000/1927](#) to the Secretary of State is to be read, so far as relating to the exercise of an electricity consent function (as defined in section 12(2)) of the Secretary of State, as a reference to the Marine Management Organisation.

- (d) the specific characteristics of that type of development;
- (e) the environmental features likely to be affected by the development.
- (7) The relevant authority must give a scoping opinion to the developer within—
 - (a) 21 days after the latest date by which a consultation body or public authority consulted under paragraph (3) is required to make representations or, if earlier, the date on which the relevant authority receives the last of those representations; or
 - (b) any longer period that may be agreed in writing with the developer.
- (8) Where the developer makes a request for a screening decision under regulation 10 and a request for a scoping opinion under this regulation in respect of the same development—
 - (a) the relevant authority must make a screening decision before giving a scoping opinion;
 - (b) if the screening decision is that the development is not EIA development, for the purposes of this regulation, the request for the scoping opinion must be treated as never having been made;
 - (c) if the screening decision is that the development is EIA development, for the purposes of this regulation, the request for the scoping opinion must be treated as having been received on the same day that the screening decision is made.
- (9) The fact that a relevant authority gives a scoping opinion under this regulation does not prevent the relevant authority from requiring information or evidence to be provided under regulation 25(1) in connection with an environmental impact assessment undertaken in respect of the development.

Scoping opinions: publicity

- 19.**—(1) As soon as reasonably practicable after sending the scoping opinion to the developer, the relevant authority must send a copy to—
- (a) every local planning authority for the area in which the development will be carried out; or
 - (b) if the development will be in carried out in relevant waters, any local planning authority that the relevant authority thinks appropriate.
- (2) Where a local planning authority that keeps the planning register receives a copy of the scoping opinion, the local planning authority must ensure that a copy is available for public inspection at all reasonable hours at the place where the planning register is kept for at least 2 years after the date on which the scoping opinion is given.
- (3) The relevant authority must ensure that a copy of the scoping opinion is able to be accessed by the public free of charge at a website maintained by or on behalf of the relevant authority for at least 2 years after the date on which the screening opinion is given.

Procedure to facilitate preparation of EIA report

- 20.**—(1) Where a person (the “developer”) intends to make an application for a section 36 or 37 consent, or a section 36 variation, for development and to provide an EIA report in connection with the application, the developer may in writing request the relevant authority to comply with paragraph (4).
- (2) A request under paragraph (1) must be accompanied by information about the location and the nature and purpose of the development and the main environmental consequences to which the developer proposes to refer in the EIA report.
- (3) Where a person (the “developer”) makes an application for a section 36 or 37 consent, or a section 36 variation, for development that is not accompanied by an EIA report and either—
- (a) the relevant authority makes a screening decision that the development is EIA development; or

- (b) the developer informs the relevant authority in writing that the developer intends to provide an EIA report in connection with the application,

the developer may in writing request the relevant authority to comply with paragraph (4).

(4) Where the relevant authority receives a request under paragraph (1) or (3), the relevant authority must, in writing—

- (a) notify every consultation body and any other public authority that, by reason of its specific environmental responsibilities or local or regional competences, the relevant authority thinks is likely to have an interest in the development, of the name and address of the developer and the duty imposed by regulation 35 (provision of information by consultation bodies, etc.); and
- (b) notify the developer of the name and address of every consultation body and any other public authority notified under sub-paragraph (a).