
STATUTORY INSTRUMENTS

2017 No. 580

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

PART 2

Environmental impact assessment

CHAPTER 2

Screening decisions

When relevant authority must or may make screening decision after application made

11.—(1) This regulation applies where a person (the “developer”) makes an application for a section 36 or 37 consent, or a section 36 variation, for the following development (other than development in respect of which the relevant authority has made a screening decision that the development is EIA development)—

- (a) development of a description set out in Schedule 2;
- (b) other development (but not development of a description set out in Schedule 1).

(2) If the application is for development referred to in paragraph (1)(a) and is not accompanied by an EIA report, the relevant authority must make a screening decision in respect of the development before dealing further with the application.

(3) But the relevant authority is not required to make a screening decision if, before the screening decision is made, the developer provides an EIA report to the relevant authority.

(4) If the application is for development referred to in paragraph (1)(b), the relevant authority may decide, having regard to the criteria set out in Schedule 3, to make a screening decision in respect of the development before determining the application.

(5) Where the relevant authority is required, or decides, to make a screening decision under this regulation, the relevant authority must—

- (a) notify the developer in writing that the relevant authority will make a screening decision; and
- (b) unless the developer has already done so, request the developer to provide the information referred to in regulation 12.

(6) If the relevant authority makes a screening decision under this regulation that the development for which the application is made is EIA development—

- (a) when sending the screening decision to the developer, the relevant authority must notify the developer 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;

Changes to legislation: *There are currently no known outstanding effects for the The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017, Section 11. (See end of Document for details)*

- (b) 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.

Changes to legislation:

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