
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

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;
 - (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.