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STATUTORY INSTRUMENTS

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**2017 No. 580**

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

**PART 2**

Environmental impact assessment

CHAPTER 4

Procedure

**EIA report: publicity**

**22.**—(1) Subject to paragraphs (2) and (3), after providing the relevant authority with the EIA report, the developer must publish a notice in accordance with paragraphs (4) and (5).

(2) If the relevant authority informs the developer that—

- (a) the relevant authority thinks that the development is likely to have significant effects on the environment in an EEA state <sup>M1</sup>F1 ... or
- (b) an EEA state <sup>F1</sup>... has made a request under paragraph (1) of regulation 24 (development affecting <sup>F2</sup>... EEA states),

the developer must not publish the notice until after the relevant authority notifies the developer in writing that the relevant authority has sent the EEA state the information referred to in that paragraph.

(3) Where the application is for a section 36 variation, the developer must not publish the notice until after the developer is notified under regulation 4(6) of the Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013 <sup>M2</sup>F3, or in a case where the Welsh Ministers are the relevant authority, under regulation 4(6) of the Electricity (Offshore Generating Stations) (Variation of Consents) (Wales) Regulations 2019,] that the application is suitable for publication.

(4) The notice must be published—

- (a) in the London Gazette or, if the development will be carried out in relevant waters that are to be treated as adjacent to Northern Ireland for the purposes referred to in article 3(1) of the Adjacent Waters Boundaries (Northern Ireland) Order 2002 <sup>M3</sup>, in the Belfast Gazette; and
- (b) in 2 successive weeks in a local newspaper or newspapers circulating in the locality in which the development will be carried out or, if the development will be carried out in relevant waters—
  - (i) in 2 successive weeks in a local newspaper or newspapers likely to come to the attention of persons likely to be affected by the development;
  - (ii) in a national newspaper or newspapers;
  - (iii) in Lloyd's List; and

- (iv) in an appropriate fishing trade journal that is published at intervals not exceeding 1 month (if such a journal is in circulation).
- (5) The notice must—
- (a) describe the application;
  - (b) state that an environmental impact assessment will be undertaken in respect of the development and, where the relevant authority so informs the developer, that the development is likely to have significant effects on the environment in an EEA state <sup>F1</sup>...
  - (c) state the nature of the possible decisions that may be taken in relation to the application;
  - (d) state that a copy of the EIA report may be accessed at the application website free of charge and give the address of the application website;
  - (e) state that a copy of the EIA report may be inspected free of charge and give an address at which and the times at which it may be inspected (and the address must be in the locality in which the development will be carried out or, if the development will be carried out in relevant waters, an address in England or Wales that is reasonably accessible to persons likely to be affected by the development);
  - (f) state how a copy of the EIA report may be obtained and the amount of any payment required;
  - (g) state that representations about the EIA report and the application may be made to the relevant authority and give the address to which and the date by which they must be sent (which must not be earlier than 30 days after the date on which the last notice is published);
  - (h) set out how any further environmental information subsequently provided by the developer will be made available to the public and the procedures for making representations about the further environmental information (see regulations 26, 28, 29 and 30);
  - (i) set out how any additional environmental information provided to the relevant authority will be made available to the public (see regulations 28, 29 and 31);
  - (j) set out the circumstances in which a public inquiry into the application may be held under the Electricity Act 1989.
- (6) The notice may be combined with any other notice that the developer is required to publish in connection with the application.
- (7) The developer must send a copy of each notice published under paragraph (4) to the relevant authority together with evidence of the date and place of publication.
- (8) As soon as reasonably practicable after receiving a copy of the notice, 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 carried out in relevant waters, any local planning authority that the relevant authority thinks appropriate.
- (9) The developer must make a copy of the EIA report available for inspection free of charge at the address and times referred to in paragraph (5)(e).

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#### Textual Amendments

- F1** Words in [reg. 22\(2\)\(5\)](#) omitted (31.12.2020) by virtue of [The Pipe-lines, Petroleum, Electricity Works and Oil Stocking \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1325\)](#), [regs. 1\(1\), 10\(5\)](#); 2020 c. 1, Sch. 5 para. 1(1)

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**Changes to legislation:** *There are currently no known outstanding effects for the The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017, Section 22. (See end of Document for details)*

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- F2** Word in reg. 22(2)(b) omitted (31.12.2020) by virtue of The Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018 (S.I. 2018/1325), regs. 1(1), **10(6)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 22(3) inserted (1.4.2019) by The Electricity Works (Environmental Impact Assessment) (England and Wales) (Amendment) (Wales) Regulations 2019 (S.I. 2019/292), regs. 1, **2(4)**

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**Marginal Citations**

- M1** “EEA state” is defined in Schedule 1 to the [Interpretation Act 1978 \(c.30\)](#).
- M2** [S.I. 2013/1570](#). Schedule 5 to these Regulations amends [S.I. 2013/1570](#).
- M3** [S.I. 2002/791](#).

**Changes to legislation:**

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