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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 3**

Miscellaneous

**Transitional provision**

**42.**—(1) The following applications for a section 36 or 37 consent or a section 36 variation must be dealt with under the 2000 Regulations as if they had not been revoked (and not under these Regulations)—

- (a) an application received by a relevant authority before 16th May 2017 if an environmental statement (within the meaning of the 2000 Regulations) is also received by the relevant authority before that date;
- (b) an application for development in respect of which the relevant authority receives a request for a scoping opinion under regulation 7 of the 2000 Regulations before 16th May 2017.

(2) Where a relevant authority receives a request for a screening opinion under regulation 5 of the 2000 Regulations before 16th May 2017, the request must be dealt with under those Regulations as if they had not been revoked.

(3) Where, before 16th May 2017, a relevant authority receives an application for a section 36 or 37 consent or a section 36 variation and the question of whether or not the application is for EIA development (within the meaning of the 2000 Regulations) falls to be determined under regulation 6 of those Regulations, that question must be determined under those Regulations as if they had not been revoked.

(4) Where a relevant authority receives a request for a scoping opinion under regulation 7 of the 2000 Regulations before 16th May 2017, the request must be dealt with under those Regulations as if they had not been revoked.

<sup>[F1]</sup>(4A) For the purposes of this regulation, the 2000 Regulations must be treated as if, immediately before being revoked, they had been amended as follows—

- (a) in regulations 4(2)(b) and 12(1)(i) and in the heading of regulation 12, omit “other”;
- (b) in regulation 9(2)(a) and both places it occurs in regulation 12(1), for “another EEA State” substitute “an EEA State”;
- (c) in regulation 12(3), for “referred to in Article 6(1) of Council [Directive 85/337/EEC](#)” substitute “designated by the EEA State concerned to be consulted about the project”;
- (d) in Schedule 3—
  - (i) in paragraph 2(c)(v), for “EEA States’ legislation” substitute “domestic legislation or legislation of EEA States;”;

- (ii) in paragraph 2(c)(vi), for the words after “designated by” to the end substitute “national legislation or Natura 2000 as defined in regulation 3(1) of the Conservation of Habitats and Species Regulations 2017;”;
- (iii) in paragraph 2(c)(vii), for “legislation of the European Union” substitute “retained EU law”]

(5) For the purposes of these Regulations, a determination under regulation 5 or 6 of the 2000 Regulations that an application for a section 36 or 37 consent, or a section 36 variation, is for EIA development (within the meaning of the 2000 Regulations) must be treated as a screening decision under these Regulations that the application is for EIA development (within the meaning of these Regulations).

(6) In this regulation, “2000 Regulations” means the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000.

(7) This regulation is subject to—

- (a) regulation 38 (exemptions for defence and civil emergencies);
- (b) regulation 39 (exemptions where EIA development requires marine licence, etc. for which environmental impact assessment is also required).

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**Textual Amendments**

- F1** Reg. 42(4A) inserted (31.12.2020) by [The Pipe-lines, Petroleum, Electricity Works and Oil Stocking \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1325\)](#), regs. 1(1), **10(9)**; 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

There are currently no known outstanding effects for the The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017, Section 42.