

SCHEDULE 1

Regulations 5, 9 and 11

Development requiring environmental impact assessment in any event

1. Development to provide any of the following—
 - (a) a nuclear generating station;
 - (b) a thermal generating station with a heat output of 300 megawatts or more;
 - (c) an electric line installed above ground with—
 - (i) a voltage of 220 kilovolts or more; and
 - (ii) a length of more than 15 kilometres.
2. Development to provide a change to or extension of a generating station, or an electric line, of a description set out in paragraph 1 where the change or extension in itself meets the thresholds, if any, or description set out in that paragraph.

SCHEDULE 2

Regulations 5 and 11

Development requiring screening if no EIA report provided

1. Development to provide a generating station (other than a generating station of a description set out in paragraph 1 of Schedule 1).
2. Development to provide either of the following electric lines (other than an electric line of a description set out in paragraph 1 of Schedule 1)—
 - (a) an electric line installed above ground with a voltage of 132 kilovolts or more;
 - (b) an electric line installed above ground in a sensitive area.
3. Development to provide a change to or extension of—
 - (a) a generating station (other than a change or extension set out in paragraph 2 of Schedule 1); or
 - (b) an electric line of a description set out—
 - (i) in paragraph 1 of Schedule 1 (other than a change or extension set out in paragraph 2 of that Schedule); or
 - (ii) in paragraph 2 of this Schedule,

where the generating station or electric line is already authorised, executed or in the process of being executed and the change or extension may have significant adverse effects on the environment.

4. In this Schedule, “sensitive area” means any of the following—
 - (a) a site of special scientific interest within the meaning of Part 2 of the Wildlife and Countryside Act 1981⁽¹⁾;
 - (b) a National Park within the meaning of the National Parks and Access to the Countryside Act 1949⁽²⁾;
 - (c) the Broads within the meaning of the Norfolk and Suffolk Broads Act 1988⁽³⁾;
 - (d) a site or other place or other thing which is cultural heritage or natural heritage within the meaning of the Convention concerning the Protection of the World Cultural and Natural

⁽¹⁾ 1981 c.69. “Site of special scientific interest” is defined in section 52(1).

⁽²⁾ 1949 c.97. See the definition in section 5(3).

⁽³⁾ 1988 c.4. “The Broads” is defined in section 2(3).

Status: This is the original version (as it was originally made).

Heritage adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organisation at Paris on 16th November 1972⁽⁴⁾ and is included in the World Heritage List mentioned in Article 11 of that Convention;

- (e) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979⁽⁵⁾;
- (f) an area of outstanding natural beauty within the meaning of Part 4 of the Countryside and Rights of Way Act 2000⁽⁶⁾;
- (g) a European site as defined in regulation 8(1) of the Conservation of Habitats and Species Regulations 2010;
- (h) a Ramsar site (that is to say, a wetland designated under paragraph 1 of Article 2 of the Ramsar Convention (as defined in section 37A of the Wildlife and Countryside Act 1981⁽⁷⁾) for inclusion in the list of wetlands of international importance referred to in that Article).

SCHEDULE 3

Regulations 11, 12 and 15

Selection criteria for screening development

Characteristics of development

1. The characteristics of the development must be considered, having regard in particular to—
 - (a) the size and design of the whole development;
 - (b) cumulation with other existing and approved developments;
 - (c) the use of natural resources, in particular land, soil, water and biodiversity;
 - (d) the production of waste;
 - (e) pollution and nuisances;
 - (f) the risk of major accidents and disasters that are relevant to the development, including those caused by climate change, in accordance with scientific knowledge;
 - (g) the risks to human health (for example, due to water contamination or air pollution).

Location of development

2. The environmental sensitivity of geographical areas likely to be affected by the development must be considered, having regard in particular to—
 - (a) the existing and approved land use;
 - (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
 - (c) the absorption capacity of the natural environment, paying particular attention to the following areas—
 - (i) wetlands, riparian areas and river mouths;
 - (ii) coastal zones and the marine environment;

⁽⁴⁾ See Command Paper 9424.

⁽⁵⁾ 1979 c.46. “Scheduled monument” is defined in section 1(11).

⁽⁶⁾ 2000 c.37. “Area of outstanding natural beauty” is defined in section 82(3).

⁽⁷⁾ Section 37A was inserted by paragraph 84 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c.16) and was subsequently amended by paragraph 175 of Schedule 2 to S.I. 2013/755.

- (iii) mountain and forest areas;
- (iv) nature reserves and parks;
- (v) areas classified or protected under domestic legislation or legislation of other EEA states;
- (vi) European sites (as defined in regulation 8(1) of the Conservation of Habitats and Species Regulations 2010);
- (vii) areas in which there has already been a failure to meet environmental quality standards that are set out in European Union legislation and are relevant to the development, or in which it is thought that there is such a failure;
- (viii) densely-populated areas;
- (ix) landscapes and sites of historical, cultural or archaeological significance.

Type and characteristics of potential impact

3. The likely significant effect of the development on the environment must be considered in relation to the criteria set out in paragraphs 1 and 2, with regard to the impact of the development on the factors set out in regulation 7(2), taking into account—

- (a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected);
- (b) the nature of the impact;
- (c) the transboundary nature of the impact;
- (d) the intensity and complexity of the impact;
- (e) the probability of the impact;
- (f) the expected onset, duration, frequency and reversibility of the impact;
- (g) the cumulation of the impact with the impact of other existing and approved developments;
- (h) the possibility of effectively reducing the impact.

SCHEDULE 4

Regulations 17 and 27

Information for EIA reports

- 1.** A description of the development, including in particular—
 - (a) a description of the location of the development;
 - (b) a description of the physical characteristics of the whole development, including where relevant, requisite demolition works and the land use requirements during the construction and operational phases;
 - (c) a description of the main characteristics of the operational phase of the development (in particular, any production process), for example, energy demand and energy used, the nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;
 - (d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation) and quantities and types of waste produced during the construction and operational phases.
- 2.** A description of the reasonable alternatives (for example, in terms of development design, technology, location, size and scale) studied by the developer that are relevant to the development

and its specific characteristics and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

3. A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution of the environment without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.

4. A description of the factors set out in regulation 7(2) likely to be significantly affected by the development.

5.—(1) A description of the likely significant effects of the development on the environment resulting from, amongst other things—

- (a) the construction and existence of the development, including, where relevant, demolition works;
- (b) the use of natural resources, in particular, land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
- (c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances and the disposal and recovery of waste;
- (d) the risks to human health, cultural heritage or the environment (for example, due to accidents and disasters);
- (e) the cumulation of effects with other existing and approved developments, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected and the use of natural resources;
- (f) the impact of the development on climate (for example, the nature and magnitude of greenhouse gas emissions) and the vulnerability of the development to climate change;
- (g) the technologies and the substances used.

(2) The description of the likely significant effects on the factors set out in regulation 7(2) must cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development, taking account of the environmental protection objectives established at European Union or domestic level that are relevant to the development, including in particular those established under the Habitats Directive or the Wild Birds Directive.

6. A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example, technical difficulties or lack of knowledge) encountered in compiling the required information and the main uncertainties involved.

7.—(1) A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example, the preparation of a post-development analysis).

(2) The description must explain the extent to which significant adverse effects on the environment are avoided, prevented, reduced or offset and must cover both the construction and operational phases.

8.—(1) A description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and disasters that are relevant to the development.

(2) Relevant information available and obtained through risk assessments under requirements imposed in accordance with European Union legislation such as the Seveso III Directive or the

Nuclear Safety Directive and relevant assessments undertaken under domestic legislation may be used for this purpose provided that the requirements of the EIA Directive are met.

(3) Where appropriate, the description must include measures envisaged to prevent or mitigate the significant adverse effects of accidents and disasters referred to in sub-paragraph (1) on the environment and details of the preparedness for and proposed response to such emergencies.

(4) In this paragraph—

“Nuclear Safety Directive” means Council Directive 2009/71/Euratom of 25th June 2009 establishing a Community framework for the nuclear safety of nuclear installations⁽⁸⁾;

“Seveso III Directive” means [Directive 2012/18/EU](#) of the European Parliament and of the Council of 4th July 2012 on the control of major-accident hazards involving dangerous substances⁽⁹⁾.

9. A non-technical summary of the information provided under paragraphs 1 to 8.

10. A reference list detailing the sources used for the descriptions and assessments included in the EIA report.

SCHEDULE 5

Regulation 43

Amendments to other Regulations

Amendments to the Electricity (Applications for Consent) Regulations 1990

1. The Electricity (Applications for Consent) Regulations 1990 are amended in accordance with paragraphs 2 and 3.

2.—(1) Regulation 3 (interpretation) is amended as follows.

(2) In paragraph (1)—

(a) in the definition of “EIA development”, for “regulation 2(1) of the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000” substitute “regulation 5 of the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017”;

(b) for the definition of “screening opinion” substitute—

““screening decision” has the meaning given in regulation 3 of the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017;”.

3.—(1) Regulation 11A (fees payable on request for screening decision) is amended as follows.

(2) In the heading, for “screening opinion” substitute “screening decision”.

(3) In the text of the regulation, for “screening opinion” substitute “screening decision”.

Amendments to the Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013

4. The Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013 are amended in accordance with paragraphs 5 to 10.

⁽⁸⁾ O.J. L 172, 2.7.2009, p. 18.

⁽⁹⁾ O.J. L 197, 24.7.2012, p. 1.

Status: This is the original version (as it was originally made).

- 5.**—(1) Regulation 2 (interpretation) is amended as follows.
- (2) In paragraph (1)—
- (a) in the definition of “the EIA Regulations”, for “the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000” substitute “the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017”;
 - (b) for the definition of “environmental statement” substitute—
““EIA report” has the meaning given in the EIA Regulations;”.
- 6.**—(1) Regulation 3 (content of variation applications) is amended as follows.
- (2) Omit paragraph (4).
- 7.**—(1) Regulation 4 (assessment of suitability for publication) is amended as follows.
- (2) For paragraph (8) substitute—
- “(8) For the purposes of this regulation, a variation application is suitable for publication in accordance with regulation 5 if—
- (a) in a case where an EIA report is required to be prepared in connection with the variation application under the EIA Regulations (because the application is for EIA development within the meaning of those Regulations), an EIA report has been provided to the appropriate authority; and
 - (b) it appears to the appropriate authority that—
 - (i) the applicant wishes to construct, operate or extend a generating station in a way which the relevant section 36 consent does not authorise it to do;
 - (ii) the proposed development does not differ from the generating station to which the relevant section 36 consent refers to such an extent (in its construction, extension, operation or likely environmental effects) that it requires authorisation by—
 - (aa) an order granting development consent within the meaning of section 31 of the Planning Act 2008; or
 - (bb) where the appropriate authority is the MMO, a new section 36 consent (rather than a variation to the relevant section 36 consent); and
 - (iii) there is sufficient information in the application to enable the appropriate authority to determine the application.”.
- 8.**—(1) Regulation 5 (publication) is amended as follows.
- (2) For paragraph (2) substitute—
- “(2) The applicant or, where paragraph (2A) applies, the appropriate authority must publish on a website (the “application website”)—
- (a) a summary of the variation application;
 - (b) the application;
 - (c) a link to the relevant section 36 consent, any section 90 direction given on granting the relevant section 36 consent and any statement (in the form of a decision letter, decision notice or otherwise) given by the appropriate authority under regulation 9(3) of the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000 or regulation 33 of the EIA Regulations on granting the relevant section 36 consent.

(2A) This paragraph applies where the appropriate authority notifies the developer in writing that the appropriate authority will comply with the obligations in paragraph (2).

(2B) The applicant must serve a copy of the application on the relevant planning authority (if any).”.

(3) In paragraph (5)(a), for “paragraph (2)” substitute “paragraphs (2) and (2B) or, where paragraph (2A) applies, the appropriate authority has complied with paragraph (2) and the applicant has complied with paragraph (2B)”.

(4) In paragraph (5)(c), omit “and any environmental statement prepared in connection with the application”.

9. Regulation 7 (application of the EIA Regulations with modifications) is revoked.

10.—(1) Regulation 9 (withdrawal of variation applications) is amended as follows.

(2) In paragraph (2), for “consultative bodies” substitute “consultation bodies”.