

[^{F1}SCHEDULE 2

Regulation 11(4)

SCREENING OPINIONS

F1 Regulations revoked (S.) (16.5.2017) by [The Marine Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/115\)](#), **reg. 42(a)** (with regs. 1(2), 40, 41)

Request for a screening opinion

- 1.—(1) A request for a screening opinion must be accompanied by—
- (a) a chart or map (or both) sufficient to identify the location of the project and of the regulated activity;
 - [^{F2}(b) a description of the project, including in particular—
 - (i) a description of the physical characteristics of the whole project and, where relevant, of demolition works; and
 - (ii) a description of the location of the project, with particular regard to the environmental sensitivity of geographical areas likely to be affected;
 - (c) a description of the aspects of the environment likely to be significantly affected by the project; and
 - (d) a description of any likely significant effects of the project on the environment, to the extent of the information available on such effects resulting from—
 - (i) the expected residues and emission and the production of waste, where relevant,
 - (ii) the use of natural resources, in particular soil, land, water and biodiversity; and]
 - [^{F3}(e) such further information or representations as the applicant may wish to provide or make, including a description of any features of the project or measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.]
- [^{F4}(1A) The selection criteria set out in Schedule 1 must be taken into account, where relevant, when compiling the information required by paragraph (1)(b) to (d) above.
- (1B) The applicant must take into account any other relevant and reasonably obtainable assessment carried out in accordance with [^{F5}a retained EU obligation] under the law of any part of the United Kingdom other than under the EIA Directive.]
- (2) Where the regulated activity comprises the whole of (or forms part of) a project in respect of which the applicant has made an application to a consenting authority other than the regulator, an applicant seeking a screening opinion must—
- (a) inform the appropriate authority and the regulator (if the regulator is not also the appropriate authority) of any such application;
 - (b) if any such consenting authority has requested an environmental statement in respect of that project, inform the appropriate authority and the regulator (if the regulator is not also the appropriate authority) of that request; and
 - (c) if so requested by the appropriate authority, provide the appropriate authority with a copy of any environmental statement and of any other environmental information provided to any such consenting authority.

F2 Sch. 2 para. 1(1)(b)-(d) substituted (16.5.2017) by [The Marine Works \(Environmental Impact Assessment\) \(Amendment\) Regulations 2017 \(S.I. 2017/588\)](#), regs. 1(1), **30(2)** (with reg. 34)

F3 Sch. 2 para. 1(1)(e) inserted (16.5.2017) by [The Marine Works \(Environmental Impact Assessment\) \(Amendment\) Regulations 2017 \(S.I. 2017/588\)](#), regs. 1(1), **30(3)** (with reg. 34)

Changes to legislation: There are currently no known outstanding effects for the The Marine Works (Environmental Impact Assessment) Regulations 2007, SCHEDULE 2. (See end of Document for details)

- F4** Sch. 2 para. 1(1A)(1B) inserted (16.5.2017) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588), regs. 1(1), **30(4)** (with reg. 34)
- F5** Words in Sch. 2 para. 1(1B) substituted (31.12.2020) by The Environment, Food and Rural Affairs (Environmental Impact Assessment) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/25), regs. 1(1), **6(13)**; 2020 c. 1, Sch. 5 para. 1(1)

Payment of a fee for a screening opinion

- 2.—(1) The appropriate authority may require an applicant to pay a reasonable fee in respect of—
- (a) the administrative expenses of providing a screening opinion; and
 - (b) the cost of carrying out any examinations or tests that, in the opinion of the appropriate authority, are necessary or expedient to enable the appropriate authority to produce its screening opinion.
- (2) If the appropriate authority considers that it is appropriate to do so, it may—
- (a) require the applicant to make a reasonable advance payment against the fee that it is entitled to charge for its screening opinion;
 - (b) determine the balance of the fee payable after carrying out the work necessary to produce its screening opinion in accordance with the remaining provisions of this Schedule; and
 - (c) require the applicant to pay the balance of the fee that it is entitled to charge prior to the notification of its screening opinion.

Procedure for reaching a screening opinion

3.—(1) The appropriate authority must, if it considers that it has not been provided with sufficient information to enable it to give a screening opinion, notify the applicant in writing of the matters on which it requires further information and the applicant must supply that further information to the appropriate authority within such period as the appropriate authority may reasonably require.

(2) The applicant must supply the appropriate authority with such number of additional copies of the documentation as the appropriate authority may reasonably require.

(3) The appropriate authority need not deal further with the request for a screening opinion until the applicant has complied with the requirements of sub-paragraphs (1) and (2).

(4) Where an applicant has failed to comply with the requirements of sub-paragraph (1) or (2) within such reasonable period as the appropriate authority has specified, or such longer period as the appropriate authority may reasonably allow—

- (a) the regulator may treat the application to which the request relates as having been withdrawn, and
- (b) the appropriate authority (if the regulator is not also the appropriate authority) may direct the regulator to do so.

[^{F6}(5) Where the appropriate authority must give a screening opinion under these Regulations, the authority must take into account in making that decision—

- (a) any information provided by the applicant in accordance with paragraph 1(1);
- (b) the results of any relevant EU environmental assessment which are reasonably available to the authority; and
- (c) such of the selection criteria set out in Schedule 1 as are relevant to the project.]

- F6** Sch. 2 para. 3(5) inserted (16.5.2017) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588), regs. 1(1), **30(5)** (with reg. 34)

Consultation

4.—(1) The appropriate authority must consult such of the consultation bodies as it considers appropriate before giving a screening opinion.

(2) When carrying out any consultation under sub-paragraph (1), the appropriate authority must allow the consultation body a reasonable period within which to respond, and that period must not be less than 28 days from the date of the letter to the consultation body from the appropriate authority or such other period as may be agreed between the consultation body and the appropriate authority.

[^{F7}Giving a screening opinion

4A. Where the appropriate authority gives a screening opinion, the screening opinion must—

- (a) state the main reasons for the conclusion with reference to the relevant criteria listed in Schedule 1; and
- (b) if it is determined that the regulated activity does not require an environmental impact assessment, state any features of the project or measures envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment.]

F7 Sch. 2 para. 4A inserted (16.5.2017) by [The Marine Works \(Environmental Impact Assessment\) \(Amendment\) Regulations 2017 \(S.I. 2017/588\)](#), regs. 1(1), **30(6)** (with reg. 34)

[^{F8}Notification of a screening opinion

5.—(1) Where the applicant requests a screening opinion under regulation 11(1) in accordance with paragraph 1(1), the appropriate authority must provide its screening opinion to—

- (a) the applicant;
- (b) if the appropriate authority is not also the regulator, the regulator; and
- (c) such of the consultation bodies as it consulted in accordance with paragraph 4.

(2) The appropriate authority must provide the opinion as soon as possible within a period of 90 days beginning with the day on which the request is made.

(3) In exceptional cases, where the nature, complexity, location or size of the project demands a longer period for determination, the appropriate authority may extend the period specified in sub-paragraph (2), informing the applicant in writing of the reasons justifying the extension and of the date on which its screening opinion is expected.]

F8 Sch. 2 para. 5 substituted (16.5.2017) by [The Marine Works \(Environmental Impact Assessment\) \(Amendment\) Regulations 2017 \(S.I. 2017/588\)](#), regs. 1(1), **30(7)** (with reg. 34)

Availability of screening opinions for inspection

6.—(1) Subject to sub-paragraph (2), the appropriate authority must ensure that, as soon as possible after being sent to the applicant, its screening opinion is—

- (a) publicised in such manner as it considers appropriate; and

[^{F9}(b) in the case of an activity requiring regulatory approval under the 1985 Act^[^{F10}or the 2009 Act], made available on the relevant Public Register.]

(2) Sub-paragraph (1) does not require disclosure of any excluded information.]

Changes to legislation: There are currently no known outstanding effects for the The Marine Works (Environmental Impact Assessment) Regulations 2007, SCHEDULE 2. (See end of Document for details)

- F9** Sch. 2 para. 6(1)(b) substituted (6.4.2011) by [The Marine Works \(Environmental Impact Assessment\) \(Amendment\) Regulations 2011 \(S.I. 2011/735\)](#), regs. 1, **11**
- F10** Words in Sch. 2 para. 6(1)(b) substituted (16.5.2017) by [The Marine Works \(Environmental Impact Assessment\) \(Amendment\) Regulations 2017 \(S.I. 2017/588\)](#), regs. 1(1), **30(8)** (with reg. 34)

Changes to legislation:

There are currently no known outstanding effects for the The Marine Works (Environmental Impact Assessment) Regulations 2007, SCHEDULE 2.