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STATUTORY INSTRUMENTS

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**2018 No. 1232**

**The Environmental Assessments and Miscellaneous  
Planning (Amendment) (EU Exit) Regulations 2018**

**PART 3**

Amendments to secondary legislation

**Amendments to the Infrastructure Planning (Environmental Impact Assessment)  
Regulations 2017**

7.—(1) The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017<sup>(1)</sup> are amended as follows.

(2) In regulation 3(1)—

- (a) at the end of the definition of “the Directive” add “as it had effect immediately before exit day”;
- (b) for the definition of “EU environmental assessment” substitute—

““EU environmental assessment” means an assessment of the effect of anything on the environment carried out under retained EU law other than any law of any part of the United Kingdom that implemented the Directive;”.

(3) In regulation 5(2)(b) after “under” insert “any law that implemented”; and

(4) In regulation 21(3)(c) after “other than under” insert “any law that implemented”.

(5) In regulation 25(3)(c) after “other than under” insert “any law that implemented”.

(6) In regulation 32—

- (a) in paragraphs (1) and (3) for “another”, in each place it occurs, substitute “an”;
- (b) in paragraph (5) for “referred to in Article 6(1) of the Directive” substitute “which the EEA State designated to be consulted about the project”; and
- (c) in paragraph (6)—
  - (i) omit “in accordance with Article 7(4) of the Directive”; and
  - (ii) in sub-paragraph (b) omit “other”.

(7) In regulation 33—

- (a) in paragraphs (3)(b) and (5)(b) for “another”, in each place it occurs, substitute “an”; and
- (b) omit paragraph (6).

(8) In Schedule 1—

- (a) in paragraph 22 after “pursuant to” insert “Chapter 3 of Part 1 of the Energy Act 2008 and any law that implemented”; and

- (b) in paragraph 23 for “pursuant to [Directive 2009/31/EC\(2\)](#)” substitute “(pursuant to Chapter 3 of Part 1 of the Energy Act 2008 and any law that implemented [Directive 2009/31/EC](#))”.
- (9) In Schedule 2, in paragraph 3(j), for “pursuant to [Directive 2009/31/EC](#)” substitute “(pursuant to Chapter 3 of Part 1 of the Energy Act 2008 and any law that implemented [Directive 2009/31/EC](#))”.
- (10) In Schedule 3, in paragraph 2(1)(c)(vi), for “Union legislation” substitute “retained EU law”.
- (11) In Schedule 4—
  - (a) in paragraph 5—
    - (i) for “or Member State” substitute “level (as they had effect immediately before exit day) or United Kingdom”;
    - (ii) after “those established under” insert “the law of any part of the United Kingdom that implemented”; and
  - (b) in paragraph 8—
    - (i) for “EU legislation such as” substitute “retained EU law such as any law that implemented”; and
    - (ii) after “requirements of” insert “any law that implemented”.