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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement Council Directive [85/337/EEC](#) (O.J. No. L 175, 5.7.1985, p.40) as amended by Council Directive [97/11/EC](#) (O.J. No. L 73, 14.3.1997, p.5) on the assessment of certain public and private projects on the environment insofar as it relates to applications for consent to construct, extend or operate a power station or install or keep installed overhead electricity lines under sections 36 and 37 of the Electricity Act 1989.

These Regulations revoke the Electricity and Pipe-line Works (Assessment of Environmental Effects) Regulations 1990 (as amended by the Electricity and Pipe-line Works (Assessment of Environmental Effects) (Amendment) Regulations 1996 and the Electricity and Pipe-line Works (Assessment of Environmental Effects) (Amendment) Regulations 1997), subject to savings in respect of applications for consent which are received prior to 1st September 2000.

The regulations made in 1990, as amended in 1996 and 1997, implemented Directive [85/337/EEC](#) in its unamended form. These Regulations substantially remake the provisions of those earlier regulations, with the amendments necessary to implement Directive [97/11/EC](#).

The main changes made by Directive [97/11/EC](#) that are relevant to these Regulations are as follows—

- (a) overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres have been added to the list of projects for which environmental impact assessment (EIA) is mandatory;
- (b) a case-by-case examination or determination set by reference to specified criteria is required in relation to every project of the types specified in Annex II to the Directive (Schedule 2 to these Regulations);
- (c) advice on the content of an environmental statement must be given to any developer who requests it;
- (d) the Secretary of State (a competent authority for the purposes of the Directive) must give reasons for his decision on granting or refusing development consent for a development for which EIA is required; and
- (e) detailed procedures are established for consulting other European Economic Area States on projects which are likely to have significant environmental effects in their territories.

Regulations 3 and 4 of these Regulations (together with certain definitions in regulation 2(1) and with Schedules 1 and 2) set out what constitutes EIA development and prohibit the granting of consent under section 36 or 37 of the Electricity Act 1989 unless the Secretary of State has taken into account the environmental information (defined in regulation 2) which is before him. All development listed in Schedule 1 is EIA development. Development listed in Schedule 2 constitutes EIA development if it is likely to have significant effects on the environment. Other types of development which require consent under section 36 or 37 of the Electricity Act 1989 may also constitute EIA development if likely to have significant effects on the environment.

Regulations 5 and 6 set out the procedures for determining whether or not particular development is EIA development. A person who intends to put in an application for consent may apply for a “screening opinion” from the Secretary of State. If the Secretary of State determines that the development does constitute EIA development, he must notify the developer and provide a written statement, giving full reasons for his determination.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 7 enables a person to seek a “scoping opinion” from the Secretary of State on the information to be included in an environmental statement. The types of information which may be required are set out in Schedule 4 to these Regulations. The Secretary of State must consult those persons defined in regulation 2 as consultative bodies before adopting a scoping opinion.

Regulation 8 sets out procedures to facilitate the production of an environmental statement. The consultative bodies are notified of the proposed development and the name and address of the applicant, so that they may provide him with any information relevant to the environmental statement in accordance with regulation 15.

Regulation 9 sets out the procedures for publicity which the applicant is required to comply with. Regulation 10 sets out the procedures for publicising the opinions, determinations and decisions of the Secretary of State. Regulation 11 sets out the procedures for serving a copy of the environmental statement on the consultative bodies. Regulation 12 provides for consultation with other members of the European Economic Area.

Regulation 13 sets out the procedures whereby the Secretary of State may require further information from the applicant and regulation 14 sets out the procedures for publicity which the applicant is required to comply with in relation to any such further information.

Regulation 15 sets out the obligation of the consultative bodies, and any other person who the Secretary of State has specifically determined is to be consulted as part of the consultation process, to provide to the applicant information which is relevant to the environmental statement. Regulation 16 deals with service of notices and regulation 17 deals with revocation, transitional and savings.

A regulatory impact assessment has been placed in the Library of each House of Parliament and copies are available from Consents Planning Division, Department of Trade and Industry, Energy Policy, Technology, Analysis and Coal Directorate, 1 Victoria Street, London SW1H 0ET (telephone 020 7215 5000).