

---

STATUTORY INSTRUMENTS

---

**2000 No. 1927**

**The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000**

**PART I  
GENERAL**

**Citation, commencement, application and extent**

1.—(1) These Regulations may be cited as the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000 and shall come into force on 1st September 2000.

(2) These Regulations apply in the case of—

- (a) any application under section 36 of the Electricity Act 1989<sup>(1)</sup> for consent to construct, extend or operate a generating station; or
- (b) any application under section 37 of the Electricity Act 1989 for consent to install or keep installed an electric line above ground,

which is received by the Secretary of State on or after the date on which these Regulations come into force.

(3) These Regulations extend throughout England and Wales.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Electricity Act 1989 and references to sections are references to sections of the Act;

“the consultative bodies” means—

- (a) (other than in relation to development which is or is to be situated in the English area) the local planning authority and any principal council for the area where the land is situated, if not the local planning authority;
- (b) where the application or proposed application relates to a site in England, the Countryside Agency<sup>(2)</sup> and the Nature Conservancy Council for England<sup>(3)</sup>;
- (c) where the application or proposed application relates to a site in Wales, the Countryside Council for Wales<sup>(4)</sup>; and

---

(1) 1989 c. 29.

(2) See section 1(1) of the National Parks and Access to the Countryside Act 1949 (c. 97), as substituted by the Environment Protection Act 1990 (c. 43), section 130 and Schedule 8, paragraph 1 and as amended by S.I.1999/416.

(3) See section 128 of the Environment Protection Act 1990.

(4) See section 130 of the Environment Protection Act 1990.

(d) where the application or proposed application relates to a section 36 consent, the Environment Agency<sup>(5)</sup>;

“development” means the carrying out of building, engineering or other operations in, on, over or under land or sea in pursuance of any application to which these Regulations apply;

“EEA State” means a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992<sup>(6)</sup> as adjusted by the Protocol signed at Brussels on 17th March 1993<sup>(7)</sup>;

“EIA development” means development which is—

- (a) Schedule 1 development;
- (b) Schedule 2 development which falls within regulation 3(2); or
- (c) any other development which the Secretary of State determines is EIA development in accordance with regulation 3(4);

“electric line” has the same meaning as in section 64;

“the English area” means the area so defined in Article 1(2) of the Civil Jurisdiction (Offshore Activities) Order 1987<sup>(8)</sup>;

“environmental information” means the environmental statement prepared by the applicant, any representations duly made by any consultative body or any other person consulted pursuant to regulation 11(2)(a)(ii) and any representations duly made by any other person about the likely environmental effects of the proposed development;

“environmental statement” means a statement prepared in respect of development in accordance with regulation 4(1) (including any further information submitted by the applicant pursuant to a requirement under regulation 13(1));

“generating station” has the same meaning as in section 64;

“local planning authority” has the same meaning as is assigned to “relevant planning authority” by sub-paragraph (a), (aa) or (ab) (as the case may be) of paragraph 2(6) of Schedule 8 to the Act<sup>(9)</sup>;

“principal council” has the same meaning as in section 270(1) of the Local Government Act 1972<sup>(10)</sup>;

“register” means the register kept pursuant to section 69 of the Town and Country Planning Act 1990<sup>(11)</sup>;

“Schedule 1 development” means development of a description set out in Schedule 1;

“Schedule 2 development” means development of a description set out in Schedule 2;

“scoping opinion” means a written statement of opinion of the Secretary of State given in accordance with regulation 7;

“screening opinion” means a written statement of opinion of the Secretary of State as to whether the development in question is EIA development;

---

<sup>(5)</sup> See section 1(1) of the Environment Act 1995 (c. 25).

<sup>(6)</sup> Cm 2073.

<sup>(7)</sup> Cm 2183.

<sup>(8)</sup> S.I. 1987/2197.

<sup>(9)</sup> Paragraph 2(6) of Schedule 8 to the Act was amended by (i) the Local Government (Wales) Act 1994 (c. 19), section 20(4) and Schedule 6, paragraph 22 and (ii) by the Environment Act 1995 (c. 25), section 78 and Schedule 10, paragraph 30. The amendment referred to in (i) came into force after the amendment referred to in (ii), and consequently sub-paragraph (3) of the said paragraph 30 applies, and not sub-paragraph (4) or (5) thereof.

<sup>(10)</sup> 1972 c. 70.

<sup>(11)</sup> 1990 c. 8.

“section 36 consent” means a consent under section 36 to construct, extend or operate a generating station; and

“section 37 consent” means a consent under section 37 to install or keep installed an electric line above ground.

(2) Except where the context otherwise requires, in these Regulations any reference to a numbered regulation or Schedule is a reference to the regulation in or the Schedule to these Regulations bearing that number and any reference in a regulation to a paragraph is a reference to a paragraph of that regulation.

### **Prohibition of grant of consent without consideration of environmental information**

3.—(1) The Secretary of State shall not grant a section 36 consent or a section 37 consent which relates to EIA development unless the requirements of regulation 4 have been satisfied.

(2) Schedule 2 development shall constitute EIA development if one of the events set out in paragraph (3) has occurred.

(3) The events referred to in paragraph (2) are:

- (a) the submission by the applicant in relation to the proposed development of a document referred to by the applicant as an environmental statement for the purposes of these Regulations; or
- (b) a determination by the Secretary of State (whether pursuant to a request for a screening opinion or regulation 6), having taken into account such of the criteria set out in Schedule 3 as are relevant to the development, that the application relates to EIA development as the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

(4) In spite of the fact that any development is not Schedule 1 development or Schedule 2 development, the Secretary of State may, having taken into account such of the criteria set out in Schedule 3 as are relevant to the development, make a determination (whether pursuant to a request for a screening opinion or regulation 6) that an application for a section 36 consent or a section 37 consent is for EIA development as the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

### **Procedure for grant of consent where an environmental statement is required**

4.—(1) An applicant shall submit in relation to any application for a section 36 consent or a section 37 consent which relates to EIA development an environmental statement which includes—

- (a) at least the information referred to in Part II of Schedule 4; and
- (b) such of the information referred to in Part I of Schedule 4 as is reasonably required to assess the environmental effects of the development and which, having regard in particular to current knowledge and methods of assessment, the applicant can reasonably be required to compile, taking into account the terms of any scoping opinion given.

(2) In relation to any application for a section 36 consent or a section 37 consent which relates to EIA development, the Secretary of State shall not grant the required consent unless—

- (a) he is satisfied that the applicant has complied with his obligations under paragraph (1);
- (b) he has taken into consideration the environmental information (including without limitation any views expressed by other EEA States under regulation 12) and states in his decision in relation to that consent that he has done so; and
- (c) the procedures laid down in regulations 9, 11, 12, 13 and 14 have been followed in so far as they are applicable.

---

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

---