

---

STATUTORY INSTRUMENTS

---

**2000 No. 1927**

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

**PART II**

**SCREENING**

**Procedure for a screening opinion by Secretary of State**

5.—(1) A person who is minded to apply for a section 36 consent or a section 37 consent for development which he considers may be EIA development may make a written request to the Secretary of State for a screening opinion.

(2) A request for a screening opinion shall be accompanied by—

- (a) a plan sufficient to identify the site which is the subject of the proposed development;
- (b) a brief description of the nature and purpose of the proposed development and of its possible effects on the environment; and
- (c) such further information or representations as the person making the request may wish to provide or make.

(3) The Secretary of State, on receiving a request for a screening opinion shall, if he considers that he has not been provided with sufficient information to give an opinion, within three weeks of the receipt of the request by him give notice to the person making the request of the particular points on which he requires further information.

(4) Where the Secretary of State considers that he has sufficient information he shall consult the local planning authority within whose area the land which is the subject of the proposed application is situated (or, in relation to a proposed development in, on, over or under the sea, such local planning authority or local planning authorities as he considers appropriate) as to its views on whether the proposed development is EIA development, unless the person requesting a screening opinion has already conveyed that authority's views to the Secretary of State.

(5) A local planning authority shall give its views to the Secretary of State within three weeks of the date on which it was consulted under paragraph (4) (or such longer period as the Secretary of State may determine).

(6) When the Secretary of State considers that he has sufficient information he shall give a screening opinion within three weeks of whichever is the latest of—

- (a) the date of receipt of the request by the Secretary of State;
- (b) the date by which he has received all the further information required by him in a notice given under paragraph (3); and
- (c) the date by which the local planning authority is required to give its views under paragraph (5) (or, if earlier, the date by which the Secretary of State has received the views of the local planning authority),

or within such longer period as may be agreed in writing with the person making the request.

(7) Where the Secretary of State determines that the application for consent is for EIA development, he shall provide with the screening opinion a written statement giving full reasons for his determination.

**Application made without an environmental statement**

6.—(1) Where an application is made to the Secretary of State for a section 36 consent or a section 37 consent but—

- (a) the application is not accompanied by a document referred to by the applicant as an environmental statement; and
- (b) the proposed development has not previously been the subject of a screening opinion,

the Secretary of State shall make a determination as to whether or not the application for consent is for EIA development within three weeks of whichever is the latest of—

- (i) the date of receipt of the application by the Secretary of State;
- (ii) the date by which he has received all the further information required by him in a notice given pursuant to a notice under regulation 5(3) as applied by paragraph (2); and
- (iii) the date by which the local planning authority is required to give its views under regulation 5(5) as applied by paragraph (2) (or, if earlier, the date by which the Secretary of State has received the views of the local planning authority),

or within such longer period as may be agreed in writing with the applicant and give notice to the applicant in writing accordingly, giving full reasons for his determination.

(2) When making any determination under paragraph (1) the Secretary of State may have recourse to procedures laid down in regulation 5 as if the applicant had made a request for a screening opinion and in particular may require the applicant to provide the information set out in regulation 5(2), may require further information in accordance with regulation 5(3) and consult the relevant local planning authority in accordance with regulation 5(4) and regulation 5(5).

(3) The applicant may, within three weeks beginning with the date a notice is given pursuant to paragraph (1) that the proposed development is EIA development, write to the Secretary of State to inform him that he proposes to provide an environmental statement.

(4) If pursuant to paragraph (1) the Secretary of State determines that the proposed development is EIA development and the applicant takes no action in accordance with paragraph (3) the consent applied for shall be deemed to be refused at the end of the three week period referred to in paragraph (3).