
STATUTORY INSTRUMENTS

2000 No. 1927

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

PART III

PREPARATION OF AN ENVIRONMENTAL STATEMENT

Procedure for a scoping opinion by Secretary of State

7.—(1) A person who is minded to apply for a section 36 consent or a section 37 consent for development which is or may be EIA development may make a written request for the Secretary of State to state in writing his opinion as to the information to be provided in the environmental statement (a “**scoping opinion**”).

(2) A request for a scoping 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 scoping 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) When the Secretary of State considers that he has sufficient information he shall consult—

- (a) the person making the request under paragraph (1);
- (b) the appropriate consultative bodies; and
- (c) any other person who in the opinion of the Secretary of State is likely to be concerned by the proposed development by reason of his specific environmental responsibilities,

and give them three weeks (or such longer period as that person and the Secretary of State may agree) to make representations regarding the content of the scoping opinion.

(5) The Secretary of State shall not give a scoping opinion until he is satisfied that the requirements for consultation provided for in paragraph (4) have been met and he has considered any representations received by him pursuant to such consultation regarding the scoping opinion which he proposes to give.

(6) The Secretary of State shall give a scoping 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 last date by which any person consulted under paragraph (4) is required to make representations (or if earlier, the date by which the Secretary of State has received the last of the representations of such persons),

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

(7) Before giving a scoping opinion the Secretary of State shall, having regard to current knowledge and methods of assessment, take into account—

- (a) the specific characteristics of the proposed development;
- (b) the specific characteristics of that type of development; and
- (c) the environmental features likely to be affected.

(8) Where a person has, at the same time as making a request for a screening opinion under regulation 5(1), asked the Secretary of State for a scoping opinion under paragraph (1), and the Secretary of State has given a screening opinion to the effect that the development is EIA development, the Secretary of State shall begin the procedures relating to scoping on the date on which he gives the screening opinion.

Procedure to facilitate preparation of an environmental statement

8.—(1) A prospective applicant may give the Secretary of State notice in writing that he intends to make an application for a section 36 consent or a section 37 consent in relation to any development and to submit an environmental statement with his application.

(2) A notice under paragraph (1) shall include the information necessary to identify, or be accompanied by documents identifying, the location and the nature and purpose of the proposed development, and shall indicate the main environmental consequences to which the prospective applicant proposes to refer to in his environmental statement.

(3) Where the Secretary of State receives such a notice as is mentioned in paragraph (1), he shall—

- (a) give notice to the appropriate consultative bodies (and such other persons that are in his opinion likely to be concerned by the proposed development by reason of their specific environmental responsibilities) in writing of the name and address of the prospective applicant and of the duty imposed upon them by regulation 15 to make information available to the prospective applicant; and
- (b) give notice to the prospective applicant in writing of the names and addresses of the consultative bodies and persons so notified.

(4) Where an application for a section 36 consent or a section 37 consent in relation to development has been made without an environmental statement, and—

- (a) the Secretary of State has given notice to the applicant pursuant to regulation 6 that the development constitutes EIA development; or
- (b) the applicant has informed the Secretary of State that he proposes to submit an environmental statement,

the Secretary of State shall take the action specified in paragraph (3)(a) and (b) which shall be read as if references to the prospective applicant were references to the applicant.