
STATUTORY INSTRUMENTS

2017 No. 572

**The Infrastructure Planning (Environmental
Impact Assessment) Regulations 2017**

Obligations of Secretary of State on receipt of application

15.—(1) Where—

- (a) an application has been made for an order granting development consent that includes Schedule 1 or Schedule 2 development but is not accompanied by an environmental statement; and
- (b) either paragraph (5) or (6) applies,

paragraphs (7), (8) and (9) of regulation 8 shall apply as if the receipt of the application were a request made under regulation 8(1)(a).

(2) Where paragraph (1) applies the Secretary of State must, without prejudice to the generality of regulation 8(7), make a request for additional information under that regulation to ensure that the applicant has provided at least the information referred to in regulation 8(3) before giving or adopting a screening direction or opinion.

(3) Where paragraph (2) applies the applicant must prepare the information referred to in regulation 8(3) by reference to the requirements of regulation 8(6).

(4) Where pursuant to paragraph (1), the Secretary of State has adopted a screening opinion to the effect that proposed development is EIA development and complies with regulation 8(9), the Secretary of State must suspend consideration of the application until the applicant has provided an environmental statement.

(5) This paragraph applies if—

- (a) the proposed development has not been the subject of a screening opinion; and
- (b) the application is not accompanied by a statement referred to by the applicant as an environmental statement for the purpose of these Regulations.

(6) This paragraph applies if—

- (a) the proposed development has been the subject of a screening opinion to the effect that it is not EIA development; and
- (b) the Secretary of State is of the view that the screening opinion did not take into account information that is material to the decision as to whether the proposed development is EIA development.

(7) Where paragraph (8) applies, the Secretary of State must—

- (a) issue a written statement giving clearly and precisely the reasons for the conclusion;
- (b) send a copy of that written statement to the applicant; and
- (c) suspend consideration of the application until the applicant has provided the further information required.

(8) This paragraph applies if—

- (a) the applicant has submitted a statement that the applicant refers to as an environmental statement; and
- (b) the Secretary of State is of the view that it is necessary for the statement to contain further information.

(9) Regulations 10 (application for scoping opinion) and 11 (procedure to facilitate preparation of environmental statements) apply to an application for an order granting development consent for EIA development which has been suspended under paragraph (4) as if, in regulation 10(1), for “A person who proposes to make an application” there were substituted “An applicant”.