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STATUTORY INSTRUMENTS

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**2017 No. 572**

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

**Procedure for establishing whether environmental impact assessment is required**

**8.—(1)** A person who proposes to make an application for an order granting development consent must, before carrying out consultation under section 42(1) (duty to consult) either—

- (a) ask the Secretary of State to adopt a screening opinion in respect of the development to which the application relates; or
- (b) notify the Secretary of State in writing that the person proposes to provide an environmental statement in respect of that development.

(2) A person who proposes to make a subsequent application may, before submitting that application—

- (a) ask the relevant authority to adopt a subsequent screening opinion in respect of the proposed development; or
- (b) notify the relevant authority in writing that the person proposes to provide an updated environmental statement in respect of the proposed development.

(3) A person making a request under paragraph (1)(a) must provide the following information—

- (a) a plan sufficient to identify the land;
- (b) a description of the development, including in particular—
  - (i) a description of the physical characteristics of the whole development and, where relevant, of demolition works;
  - (ii) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;
- (c) a description of the aspects of the environment likely to be significantly affected by the development; and
- (d) to the extent the information is available, a description of any likely significant effects of the development on the environment resulting from—
  - (i) the expected residues and emissions and the production of waste, where relevant; and
  - (ii) the use of natural resources, in particular soil, land, water and biodiversity.

(4) A person making a request under paragraph (2)(a) must provide the following information—

- (a) the reference number applied by the Secretary of State to the application for an order granting development consent in respect of which the applicant proposes to make a subsequent application;
- (b) a description of any aspects of the environment likely to be significantly affected by the development which were not identified at the time the order granting development consent was made; and

- (c) to the extent the information is available, a description of any likely significant effects on the environment not identified at the time the order granting development consent was made resulting from—
- (i) the expected residues and emissions and the production of waste, where relevant; and
  - (ii) the use of natural resources, in particular soil, land, water and biodiversity.
- (5) A person requesting a screening opinion or subsequent screening opinion may also provide details of any features of the proposed development and any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.
- (6) A person compiling the information set out in paragraphs (3), (4) and (5) must, where relevant, take into account—
- (a) the criteria set out in Schedule 3 to these Regulations; and
  - (b) the results of any relevant EU environmental assessment which is reasonably available to them.
- (7) Where—
- (a) the Secretary of State has received a request under paragraph (1)(a); or
  - (b) the relevant authority has received a request under paragraph (2)(a),
- the Secretary of State, or, as the case may be, the relevant authority, must, if they consider that they have not been provided with sufficient information to adopt an opinion, notify in writing the person making the request of the points on which they require additional information.
- (8) The Secretary of State or the relevant authority must adopt a screening opinion or a subsequent screening opinion within 21 days beginning with the date of receipt of a request made pursuant to paragraph (1)(a) or (2)(a), or where the Secretary of State or, as the case may be, the relevant authority, has notified the person making the request that it requires additional information, within 21 days of receiving that information.
- (9) Where the Secretary of State or the Examining authority adopts a screening opinion, or the Secretary of State makes a screening direction under regulation 7, the Secretary of State or the Examining authority, must—
- (a) state the main reasons for the conclusion of the Examining authority or the Secretary of State, as appropriate, with reference to the relevant criteria listed in Schedule 3 to these Regulations;
  - (b) if it is determined that the proposed development is not EIA development, state in that opinion or direction any features of the proposed development and measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment;
  - (c) send a copy of that opinion or direction and a copy of the written statement required by sub-paragraph (a) to the applicant; and
  - (d) where the Examining authority adopts the opinion, send a copy of the opinion and a copy of the written statement to the Secretary of State.
- (10) Where the relevant authority adopts a subsequent screening opinion to the effect that an updated environmental statement is required to enable it to determine a subsequent application it must—
- (a) issue with the opinion a written statement stating the main reasons for the conclusion of the relevant authority, with reference to the relevant criteria listed in Schedule 3 to these Regulations; and
  - (b) send a copy of the opinion and a copy of the written statement required by sub-paragraph (a) to the applicant and to the Secretary of State.

