
STATUTORY INSTRUMENTS

2017 No. 572

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

Application for a scoping opinion

10.—(1) A person who proposes to make an application for an order granting development consent may ask the Secretary of State to state in writing their opinion as to the scope, and level of detail, of the information to be provided in the environmental statement.

(2) A person who proposes to make a subsequent application may ask the relevant authority to state in writing its opinion as to the scope, and level of detail, of the further information to be provided in the updated environmental statement.

(3) A request under paragraph (1) must include—

- (a) a plan sufficient to identify the land;
- (b) a description of the proposed development, including its location and technical capacity;
- (c) an explanation of the likely significant effects of the development on the environment; and
- (d) such other information or representations as the person making the request may wish to provide or make.

(4) A request under paragraph (2) must include—

- (a) the reference number of the order granting development consent in respect of which the applicant proposes to make a subsequent application;
- (b) a description of the proposed development, including its location and technical capacity;
- (c) an explanation of the likely significant effects of the development on the environment which were not identified at the time the order granting development consent was made; and
- (d) such other information or representations as the person making the request may wish to provide or make.

(5) When the Secretary of State or the relevant authority, as the case may be, has received a request for a scoping opinion under paragraph (1) or (2), they 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.

(6) The Secretary of State or the relevant authority must not adopt a scoping opinion in response to a request under paragraph (1) or (2) until they have consulted the consultation bodies, but must, subject to paragraph (7), within 42 days beginning with the date of receipt of that request, or where they have notified the person making the request that they require additional information in order to adopt an opinion, within 42 days of receiving that information, adopt a scoping opinion and send a copy to the person who made the request.

(7) Where a person has, at the same time as making a request for a screening opinion under regulation 8(1), asked the Secretary of State for a scoping opinion under paragraph (1), and the Secretary of State has adopted a screening opinion to the effect that the development is EIA development, the Secretary of State must, within 42 days beginning with the date on which that

screening opinion was adopted or, where the Secretary of State has notified the person making the request that they require additional information in order to adopt an opinion, within 42 days of receiving that information, adopt a scoping opinion and send a copy to the person who made the request.

(8) Where a person has, at the same time as making a request for a subsequent screening opinion under regulation 8(2), asked the relevant authority for a scoping opinion under paragraph (2), and the relevant authority has adopted a subsequent screening opinion to the effect that an updated environmental statement is required to enable it to determine a subsequent application, the relevant authority must, within 42 days beginning with the date on which the subsequent screening opinion was adopted or, where it has notified the person making the request that it requires additional information in order to adopt an opinion, within 42 days of receiving that information, adopt a scoping opinion and send a copy to the person who made the request.

(9) Before adopting a scoping opinion the Secretary of State or the relevant authority must take into account—

- (a) any information provided about the proposed development;
- (b) the specific characteristics of the development;
- (c) the likely significant effects of the development on the environment; and
- (d) in the case of a subsequent application, the environmental statement submitted with the original application.

(10) When the Secretary of State or the relevant authority has adopted a scoping opinion in response to a request under paragraph (1) or (2), neither the Secretary of State nor the relevant authority shall be precluded from requiring of the person who made the request additional information in connection with any statement that may be submitted by that person as an environmental statement or an updated environmental statement in connection with an application for an order granting development consent or a subsequent application for the same development as was referred to in the request.

(11) If a consultation body does not within 28 days of being consulted under paragraph (6) respond stating—

- (a) the information it considers should be provided in the environmental statement or the updated environmental statement; or
- (b) that it does not have any comments,

the Secretary of State or the relevant authority is entitled to assume that the consultation body in question does not have any comments on the information to be provided in the environmental statement or the updated environmental statement.