
SCOTTISH STATUTORY INSTRUMENTS

1999 No. 1

**The Environmental Impact Assessment
(Scotland) Regulations 1999**

PART II

TOWN AND COUNTRY PLANNING

CHAPTER 7

DEVELOPMENT BY PLANNING AUTHORITIES

Development by planning authority – preliminary

22.—(1) Before a planning authority take any action under regulation 4 of the 1981 Regulations in respect of development which appears to them to be Schedule 1 or Schedule 2 development, they shall—

- (a) consult such of the consultation bodies as they consider appropriate and then adopt a screening opinion; or
- (b) request the Scottish Ministers in writing to make a screening direction.

(2) Where a planning authority are minded to undertake development which appears to them to be Schedule 1 or Schedule 2 development and which they consider may be development—

- (a) of a description specified in Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992(1) (other than development of a description specified in article 3(10) of that Order); or
- (b) for which permission would be granted but for regulation 27(1),

they shall—

- (i) consult such of the consultation bodies as they consider appropriate and then adopt a screening opinion; or
- (ii) request the Scottish Ministers in writing to make a screening direction.

(3) Any approach for consultation or request to the Scottish Ministers under paragraph (1) or (2) shall be accompanied by—

- (a) a plan sufficient to identify the land on which the development would be carried out;
- (b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and
- (c) such other information or representations as the authority may wish to provide or make.

(4) Paragraphs (3) and (4) of regulation 6 shall apply to a request under paragraph (1)(b) or (2)(ii) of this regulation as they apply to a request made pursuant to regulation 5(6).

(5) Where the screening opinion of the planning authority is to the effect that their development is EIA development or the Scottish Ministers make a screening direction to that effect, the planning authority shall prepare an environmental statement in respect of the development.

(6) This regulation and regulations 23 to 26 shall not apply in a case where the notices and consultation of a planning authority under regulation 4(2) of the 1981 Regulations were given and carried out respectively, or the application of a planning authority was made, before 1st August 1999.

Provision of information to planning authority

23. In preparing an environmental statement, the planning authority shall inform the consultation bodies that they are doing so and any body so informed shall make available to the planning authority any information in their possession which they or the planning authority consider relevant to the preparation of the environmental statement.

Publicity for environmental statement prepared by planning authority

24.—(1) After an environmental statement has been prepared, the planning authority shall—

- (a) place a copy of the environmental statement in Part I of the register together with the copy of the notice of intention to develop required to be placed there by regulation 8 of the 1981 Regulations;
- (b) make available copies of the environmental statement for inspection by, and sale to, the public; and
- (c) in addition to publishing a notice in a local newspaper under regulation 4(1) of the 1981 Regulations, publish such a notice in The Edinburgh Gazette.

(2) The notice to be so published shall contain, in addition to the information specified in regulation 4(1) of the 1981 Regulations, a statement—

- (a) that an environmental statement has been prepared;
- (b) that copies of the environmental statement may be inspected and acquired at the same address and times as the plans of the development may be inspected;
- (c) of the cost of a copy of the environmental statement; and
- (d) that representations may be made in writing to the planning authority within 4 weeks of the date of publication under paragraph (1)(c) (or the later date of such publication where the notices were not published on the same day).

(3) In addition to the consultations carried out under regulation 4(2)(b) of the 1981 Regulations, the planning authority shall consult the consultation bodies on the environmental statement, shall send each of them a copy thereof and shall inform them that they may make representations.

(4) The information to be provided by the planning authority, when complying under regulation 4(2)(c) of the 1981 Regulations with the requirements of any development order or direction, shall include information to the same effect as is specified in sub-paragraphs (a) to (d) of paragraph (2) of this regulation.

Granting of planning permission to planning authority

25.—(1) No planning permission shall be deemed to have been granted under regulation 5(1) of the 1981 Regulations where, if the development were the subject of an application for planning permission, it would be an EIA application.

(2) Where paragraph (1) applies, the provisions of regulation 6 of the 1981 Regulations shall apply as if the development were one of the classes of case specified in paragraph (1) of regulation 6 of the 1981 Regulations.

(3) When complying with the provisions of regulation 6 of the 1981 Regulations in respect of a development to which paragraph (1) of this regulation applies, the planning authority shall accompany their notice of intention to develop with a copy of the environmental statement and the Scottish Ministers shall consider the environmental statement and issue a decision as to whether or not to require the planning authority to make an application to them for planning permission and shall state in their decision that they have considered the statement.

Intimation of decision

26. Where the Scottish Ministers decide under regulation 25(3) that the planning authority are not required to make an application to them for planning permission, they shall take the steps described in paragraph (2) of regulation 21 and the authority shall comply with paragraph (3) of that regulation.