
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).

⁽¹⁾ [S.I. 1992/223](#); relevant amending instrument is [S.I. 1997/1871](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(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.