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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 258**

**The Environmental Assessment of Plans and  
Programmes (Scotland) Regulations 2004**

**PART 3**

**ENVIRONMENTAL REPORTS**

**Preparation of environmental report**

**16.**—(1) Where an environmental assessment is required by any provision of Part 2 of these Regulations, the responsible authority shall prepare, or secure the preparation of, an environmental report in accordance with paragraphs (2) and (3) of this regulation.

(2) The report shall identify, describe and evaluate the likely significant effects on the environment of implementing—

- (a) the plan or programme; and
- (b) reasonable alternatives,

taking into account the objectives and the geographical scope of the plan or programme.

(3) The report shall include such of the information referred to in Schedule 2 to these Regulations as may reasonably be required, taking account of—

- (a) current knowledge and methods of assessment;
- (b) the contents and level of detail in the plan or programme;
- (c) the stage of the plan or programme in the decision-making process; and
- (d) the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.

(4) Information referred to in Schedule 2 may be provided by reference to relevant information obtained at other levels of decision-making or through other Community legislation.

**Scoping**

**17.**—(1) Before deciding on—

- (a) the scope and level of detail of the information that must be included in the environmental report to be prepared under regulation 16, and
- (b) the consultation period it intends to—
  - (i) specify under regulation 18(2); and
  - (ii) notify under regulation 18(3)(a)(iv),

the responsible authority shall send to the consultation authorities sufficient details of the plan or programme in respect of which an environmental assessment is to be prepared to enable them to form a view on those matters.

(2) Each consultation authority shall send to the responsible authority its views on the matters referred to in paragraph (1) within the period of 5 weeks beginning with the date on which the details referred to in paragraph (1) are received by the consultation authority, and shall copy those views to the other consultation authorities.

(3) The responsible authority shall—

- (a) take account of the views expressed by the consultation authorities under paragraph (2) on the scope and level of detail to be included in the report, and
- (b) advise the Scottish Ministers of the period it intends to specify under regulation 18(2) and notify under regulation 18(3)(a)(iv).

(4) If the Scottish Ministers consider that a period referred to in paragraph (3)(b) is not likely to give the consultation authorities or the public affected or likely to be affected by, or having an interest in, the plan or programme, as the case may be, an early and effective opportunity to express their opinion on the plan or programme and the accompanying environmental report, they shall, within 7 days of receipt of the advice under paragraph (3)(b), specify such other period as they consider will give the consultation authorities, or the public, as the case may be, such an early and effective opportunity.

(5) Where the Scottish Ministers have specified a period under paragraph (4), the responsible authority shall specify under regulation 18(2), or notify under regulation 18(3)(a)(iv), as the case may be, that period.

### **Consultation procedures**

**18.—**(1) The provisions of this regulation apply to every environmental report that has been prepared in accordance with regulation 16 and the plan or programme to which it relates (“the relevant documents”).

(2) As soon as reasonably practicable, and in any event within 14 days of their preparation, the responsible authority shall send a copy of the relevant documents to the consultation authorities and invite them to express their opinion on the relevant documents within such period as it may specify.

(3) The responsible authority shall also—

- (a) within 14 days of the preparation of the relevant documents, publish in accordance with paragraph (5), or secure the publication of, a notice—
  - (i) stating the title of the plan or programme;
  - (ii) stating the address (which may include a website) at which a copy of the relevant documents may be inspected or from which a copy may be obtained;
  - (iii) inviting expressions of opinion on the relevant documents; and
  - (iv) stating the address to which, and the period within which, opinions must be sent;
- (b) keep a copy of the relevant documents available at the authority’s principal office for inspection by the public at all reasonable times and free of charge; and
- (c) publish a copy of the relevant documents on the authority’s website.

(4) The periods referred to in paragraphs (2) and (3)(a)(iv) must be of such length as will ensure that those to whom the invitation is extended are given an early and effective opportunity to express their opinion on the relevant documents.

(5) Publication of a notice under paragraph (3)(a) shall be by such means (including publication in at least one newspaper circulating in the responsible authority’s area) as will ensure that the contents of the notice are likely to come to the attention of the public affected by, or likely to be affected by, or having an interest in, the draft plan or the programme.

**Account to be taken of environmental report and responses to consultation**

**19.** In the preparation of a plan or programme for which an environmental assessment is required, the responsible authority shall take account of—

- (a) the environmental report for that plan or programme;
- (b) every opinion expressed in response to the invitations referred to in regulation 18(2) and (3)(a)(iii); and
- (c) the outcome of any consultation under regulation 14 of the Environmental Assessment of Plans and Programmes Regulations 2004(1).