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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 101**

**The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017**

**PART 2**

**DETERMINING WHETHER EIA IS REQUIRED**

**General provisions relating to screening**

7.—(1) When making a determination as to whether Schedule 2 development is EIA development the Scottish Ministers must—

- (a) in all cases take into account—
  - (i) such of the selection criteria set out in schedule 3 as are relevant to the development; and
  - (ii) the available results of any relevant assessment; and
- (b) where that determination is made following a request for a screening opinion under regulation 8(1), base their determination on the information provided in accordance with regulation 8(2).

(2) Where the Scottish Ministers adopt a screening opinion—

- (a) that screening opinion must be accompanied by a written statement giving, with reference to the criteria set out in schedule 3 as are relevant to the development, the main reasons for their conclusion as to whether the development is, or is not, EIA development; and
- (b) where the screening opinion is to the effect that development is not EIA development, the statement referred to in paragraph (a) must state any features of the proposed development or proposed measures envisaged to avoid or prevent significant adverse effects on the environment.

(3) The Scottish Ministers may adopt a screening opinion at their own volition.

(4) As soon as possible after adopting a screening opinion, the Scottish Ministers must send a copy of the screening opinion and a copy of the written statement referred to in paragraph (2)(a) to the developer and to the planning authority.