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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 320**

**The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000**

**PART IV**

**PUBLICITY AND PROCEDURES**

**Publicity where an application is accompanied by an environmental statement**

**9.—**(1) In any case where an applicant for a section 36 consent or a section 37 consent which relates to EIA development has provided the Scottish Ministers with an environmental statement the applicant shall publish in two successive weeks in one or more local newspapers circulating in the locality in which the land to which the application relates is situated (or, if the proposed development is in, on, over or under the sea, in such newspapers as are likely to come to the attention of those likely to be affected by the proposed development) a notice containing the information specified in paragraph (2).

(2) A notice to which paragraph (1) applies shall—

- (a) describe the application in question and state that it is accompanied by an environmental statement;
- (b) state that copies of the environmental statement may be inspected at or obtained from an address in the locality in which the land to which the application relates is situated (or, if the proposed development is in, on, over or under the sea, an address in Scotland) and specify the amount of any payment required to be made for a copy of the environmental statement; and
- (c) state a date, not less than four weeks after the date on which the notice is to be last published in accordance with paragraph (1), by which any persons may make representations in relation to the application in question to the Scottish Ministers and specify the address to which any such representations are to be sent.

(3) A notice under paragraph (1) may be combined with any other notice which the applicant may be required to publish in respect of his application.

(4) A reasonable charge reflecting printing and distribution costs may be made in relation to the supply of a copy of an environmental statement to any person except that the copies served pursuant to regulation 11(1) or (3) shall be supplied free of charge.

**Publicity of opinions, determinations and decisions**

**10.—**(1) The Scottish Ministers shall send to the planning authority within whose area the land which is the subject of the proposed application is situated (or, in relation to a proposed development in, on, over or under the sea, such planning authority or planning authorities as the Scottish Ministers consider appropriate) a copy of—

- (a) any screening opinion or determination under regulation 6; and

(b) any scoping opinion,

and the relevant planning authority shall take steps to ensure that such documents are made available for public inspection at all reasonable hours at the place where the register is kept.

(2) If an application for a section 36 consent or a section 37 consent is made and any documents relating to it are sent to a planning authority pursuant to paragraph (1), the planning authority shall take steps to ensure that the documents received pursuant to paragraph (1) are also placed on Part I of the register (together with a copy of any environmental statement served on the planning authority pursuant to regulation 11).

(3) Where an application for a section 36 consent or a section 37 consent which relates to EIA development is determined by the Scottish Ministers, the Scottish Ministers shall inform the public by issuing a press notice (or by such other means as they consider appropriate) and shall send to the planning authority within whose area the land which is the subject of the application is situated (or, in relation to a development in, on, over or under the sea, such planning authority or planning authorities as the Scottish Ministers consider appropriate) a statement containing—

- (a) the content of any decision and any conditions attached to any consent granted;
- (b) the main reasons and considerations on which the decision is based; and
- (c) a description where necessary of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development,

and that planning authority shall make such statement available for public inspection at all reasonable hours at a place where the register is kept.

(4) The Scottish Ministers shall also make the information contained in the press or other notice issued pursuant to paragraph (3) available to any EEA State consulted in accordance with regulation 12.

### **Procedure where Scottish Ministers receive an environmental statement**

**11.**—(1) Where an applicant submits to the Scottish Ministers an environmental statement relating to an application for a section 36 consent or section 37 consent and also serves a copy of the environmental statement on any appropriate consultative body, he shall—

- (a) serve with it a copy of the application and any plan submitted with it (unless he has already served those documents on the consultative body in question);
- (b) inform the consultative body that representations may be made to the Scottish Ministers; and
- (c) inform the Scottish Ministers of the name of every consultative body whom he has so served and of the date on which he did so.

(2) Where the Scottish Ministers receive an environmental statement in connection with an application for a section 36 consent or section 37 consent they shall, within two weeks of receiving the environmental statement—

- (a) give notice to—
  - (i) the appropriate consultative bodies upon whom the applicant has not served a copy of the environmental statement; and
  - (ii) any other person that in their opinion is likely to be concerned by the proposed development by reason of his specific environmental responsibilities

that an environmental statement will be taken into consideration in determining the application, ascertain whether any such consultative body or person wishes to receive a copy of the environmental statement and inform them that they may make representations or express their views; and

- (b) give the applicant notice of the copies of the environmental statement required by those consultative bodies or persons and of the names and addresses of the consultative bodies or persons concerned.

(3) The applicant shall serve copies of the environmental statement on any consultative body or person of whom he receives notice pursuant to paragraph (2)(b) and shall inform the Scottish Ministers of the date on which he did so.

(4) The Scottish Ministers shall not determine the application until the later of fourteen days from the last date on which a copy of the environmental statement was served in accordance with this regulation and the date stated on the notice published by the applicant pursuant to regulation 9(1).

### **Projects affecting other EEA States**

12.—(1) Where—

- (a) an applicant submits to the Scottish Ministers an application for EIA development and it appears to the Scottish Ministers that the proposed EIA development is likely to have significant effects on the environment in another EEA State; or
- (b) another EEA State likely to be significantly affected by any proposed EIA development so requests,

the Scottish Ministers shall send to the EEA State in question as soon as possible and no later than the date on which the environmental statement in respect of that proposed EIA development is made available to the public in accordance with regulation 9 (except in a case where a request is made by an EEA State after that date)—

- (i) a description of the proposed EIA development, together with any available information on its possible significant effects on the environment in the other EEA State; and
- (ii) a notice explaining the nature of the decision as to whether or not to grant consent for the proposed EIA development and informing the EEA State in question that it may, within such reasonable period as may be specified in the notice, indicate that it wishes to participate in the procedure provided by these Regulations.

(2) Where an EEA State indicates that it wishes to participate in the procedure provided by these Regulations in relation to the proposed EIA development, the Scottish Ministers shall, save to the extent they have already done so, send to that EEA State—

- (a) a copy of the application for consent in respect of the proposed EIA development;
- (b) the environmental statement in respect of the proposed EIA development; and
- (c) to the extent that it is not included in the items referred to in sub-paragraph (a) or (b) and subject to regulation 15(2), any other available information which is relevant to the proposed EIA development.

(3) The Scottish Ministers shall also—

- (a) arrange for the information referred to in paragraph (1) and (2) to be made available, within a reasonable time, to the authorities referred to in Article 6(1) of Council Directive [85/337/EEC\(1\)](#) and the public concerned in the territory of the EEA State likely to be significantly affected; and
- (b) ensure that those authorities and the public concerned are given an opportunity, before consent for the development is given, to forward to the Scottish Ministers, within a reasonable time, their opinion on the information supplied.

(4) The Scottish Ministers shall enter into consultations with the EEA State concerned, for such reasonable period as may have been agreed with that EEA State, regarding, among other things, the

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(1) O.J. No. L 175, 5.7.85, p.40, amended by Council Directive [97/11/EC](#) O.J. No. L 73, 14.3.97, p.5.

possible significant effects of the proposed EIA development on the environment in that EEA State and the measures envisaged to reduce or eliminate such effects.

(5) Where the Scottish Ministers notify an applicant for EIA development that the provisions of this regulation apply in respect of the development, the applicant shall not make available to the public in accordance with regulation 9 the items referred to in that regulation until the Scottish Ministers have notified the applicant that they have sent to the EEA State concerned the information referred to in paragraph (1)(i) and (ii).

#### **Further information and evidence in respect of an environmental statement**

**13.**—(1) The Scottish Ministers, when dealing with an application for a section 36 consent or a section 37 consent in relation to which an environmental statement has been provided, may in writing require the applicant to provide such further information as may be specified concerning any matter which is required to be, or may be, dealt with in the environmental statement.

(2) The Scottish Ministers may in writing require an applicant to produce such evidence as they may reasonably call for to verify any information in the applicant's environmental statement.

#### **Publicity in relation to further information and timing of determination**

**14.**—(1) In any case where an applicant for a section 36 consent or a section 37 consent which relates to EIA development is required in accordance with regulation 13 to provide further information the applicant shall publish in two successive weeks in one or more local newspapers circulating in the locality in which the land to which the application relates is situated (or, if the proposed development is in, on, over or under the sea, in such newspapers as are likely to come to the attention of those likely to be affected by the proposed development) a notice containing the information specified in paragraph (2).

(2) A notice to which paragraph (1) applies shall—

- (a) describe the application in question and state that further information is available supplementing the environmental statement which has already been produced;
- (b) state that copies of the further information may be inspected at or obtained from an address in the locality in which the land to which the application relates is situated (or, if the proposed development is in, on, over or under the sea, an address in Scotland) and specify the amount of any payment required to be made for a copy of the further information; and
- (c) state a date not less than four weeks after the date on which the notice is to be last published in accordance with paragraph (1) by which any person may make representations in relation to the further information to the Scottish Ministers and specify the address to which any such representations are to be sent.

(3) The applicant shall serve a copy of the further information on any person on whom was served a copy of the environmental statement under regulation 11(1) or (3) together with a copy of the notice mentioned in paragraph (1).

(4) A reasonable charge reflecting printing and distribution costs may be made in relation to the supply of a copy of the further information to any person except that the copies served pursuant to paragraph (3) shall be supplied free of charge.

(5) The Scottish Ministers shall not determine the application until the later of fourteen days from the last date on which a copy of the further information was served in accordance with this regulation or the date stated in the notice published pursuant to paragraph (1).