

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2017 No. 101**

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

**PART 4**

**PREPARATION OF ENVIRONMENTAL IMPACT ASSESSMENT REPORTS**

**Request for scoping opinions**

- 12.**—(1) A developer may request the Scottish Ministers to adopt a scoping opinion.
- (2) A request under paragraph (1) must include—
- (a) a description of the location of the development, including a plan sufficient to identify the land;
  - (b) a brief description of the nature and purpose of the development and of its likely significant effects on the environment; and
  - (c) such other information or representations as the developer may wish to provide or make.
- (3) If the Scottish Ministers consider that they have not been provided with sufficient information, they must, within three weeks of receipt of the request under paragraph (1), notify the developer of the points on which they require further information.
- (4) The Scottish Ministers must not adopt a scoping opinion in response to a request under paragraph (1) until they have consulted—
- (a) the consultation bodies; and
  - (b) any other public body which the Scottish Ministers consider is likely to have an interest in the proposed development by reason of that body's specific environmental responsibilities or local and regional competencies.
- (5) The Scottish Ministers when adopting a scoping opinion must take into account—
- (a) the information provided by the developer, in particular information provided by the developer in respect of the specific characteristics of the development, including its location and technical capacity and its likely impact on the environment; and
  - (b) any representations made to them in response to consultation undertaken in accordance with paragraph (4).
- (6) The Scottish Ministers must, within the period of 9 weeks beginning with the date of receipt of a request or such longer period as they may reasonably require, adopt a scoping opinion and send a copy of the scoping opinion to the developer and to the planning authority.
- (7) The adoption of a scoping opinion by the Scottish Ministers does not preclude the Scottish Ministers from requiring of the developer information in connection with any EIA report submitted in connection with an application for Electricity Act consent for the same development as referred to in the scoping opinion.

(8) Where the developer has, at the same time as making a request for a screening opinion under regulation 8(1), made a request under paragraph (1), and the Scottish Ministers have adopted a screening opinion to the effect that the development is EIA development, the Scottish Ministers are to begin the procedures relating to scoping on the date on which they give the screening opinion.

(9) The Scottish Ministers may at their own volition adopt a scoping opinion and paragraphs (4), (5) and (7) apply in relation to such a scoping opinion as they apply where a request is made under paragraph (1).

### **Procedure to facilitate preparation of EIA reports**

**13.**—(1) A developer who intends to submit an EIA report to the Scottish Ministers under these Regulations may give notice in writing to the Scottish Ministers under this paragraph.

(2) A notice under paragraph (1) must include the information necessary to identify the location of, and the nature and purpose, of the development, and must indicate the main environmental consequences to which the developer proposes to refer in the EIA report.

(3) Where the Scottish Ministers receive notice under paragraph (1) or a written statement made pursuant to regulation 11(4) from a developer they must—

(a) notify—

(i) the consultation bodies; and

(ii) any other public body which the Scottish Ministers consider is likely to have an interest in the proposed development by reason of that body's specific environmental responsibilities or local and regional competencies,

in writing of the name and address of the developer and of the duty imposed on those bodies by paragraph (4) to make information available to the developer; and

(b) inform in writing the developer of the names and addresses of the bodies so notified.

(4) Subject to paragraph (5), any body notified in accordance with paragraph (3) must, if requested by the developer—

(a) enter into consultation with the developer to determine whether the body has in its possession any information which that body or the developer considers to be relevant to the preparation of the EIA report; and

(b) if the body has any such information, the body must make any that information available to the developer.

(5) In relation to a person to which the Environmental Information (Scotland) Regulations 2004<sup>(1)</sup> apply, paragraph (4) does not require disclosure of information which the person—

(a) may refuse to disclose under regulation 10(1) (exceptions from duty to make environmental information available) of those Regulations; or

(b) is prevented from disclosing by regulation 11(1) (personal data) of those Regulations.

(6) In relation to a person to which the Environmental Information Regulations 2004<sup>(2)</sup> apply, paragraph (4) does not require disclosure of information which the person—

(a) may refuse to disclose under regulation 12(1) (exceptions to the duty to disclose environmental information) of those Regulations; or

(b) is prevented from disclosing by regulation 13(1) (personal data) of those Regulations.

(7) A reasonable charge reflecting the cost of making the relevant information available may be made by a body which makes information available in accordance with paragraph (4).

(1) S.S.I. 2004/520.

(2) S.I. 2004/3391.

