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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 101**

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

**PART 3**

**PROCEDURES CONCERNING APPLICATIONS  
FOR ELECTRICITY ACT CONSENT**

**EIA application made without an EIA report**

**11.**—(1) This regulation applies where an EIA application which is before the Scottish Ministers for determination is not accompanied by a report referred to by the developer as an EIA report.

(2) Where this regulation applies the Scottish Ministers must notify the developer in writing that the submission of an EIA report is required.

(3) Notice under paragraph (2) must be given—

- (a) within three weeks beginning with the date on which the application is made; or
- (b) where the Scottish Ministers adopt a screening opinion after the date on which the application is made, within seven days beginning with the date of adoption of that screening opinion.

(4) A developer who receives notice under paragraph (2) may within three weeks beginning with the date of the notice write to the Scottish Ministers stating that an EIA report will be provided and may under regulation 12 ask the Scottish Ministers to adopt a scoping opinion.

(5) If the developer does not write in accordance with paragraph (4), the Scottish Ministers are under no duty to deal with the application, and at the end of the three week period the Scottish Ministers must inform the developer in writing that no further action is being taken on the application.

(6) Where the Scottish Ministers have given notice under paragraph (2), they are to determine the application only by refusing Electricity Act consent if the developer does not submit an EIA report