
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 101

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

PART 1

INTRODUCTORY

Interpretation

2.—(1) In these Regulations—

“the 1997 Act” means the Town and Country Planning (Scotland) Act 1997;

“the 2000 Regulations” means the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000^{M1};

“additional information” means—

- (a) supplementary information required in accordance with regulation 19(2); or
- (b) any other information provided by the developer which, in the opinion of the Scottish Ministers, is substantive information about a matter to be included in the EIA report in accordance with regulation 5(2);

“application for multi-stage consent” means an application for approval, consent or agreement required by a condition included in an Electricity Act consent where (in terms of the condition) that approval, consent or agreement must be obtained from the Scottish Ministers before all or part of the development permitted by the Electricity Act consent may be begun;

“application website” means a website maintained by the developer for the purpose of making publicly available information relating to applications to which these Regulations apply;

“the consultation bodies” means—

- (a) the planning authority;
- (b) Scottish Natural Heritage;
- (c) the Scottish Environment Protection Agency; and
- (d) Historic Environment Scotland;

“decision notice” has the meaning given in regulation 21;

“developer”—

- (a) means, in relation to—
 - (i) an application for Electricity Act consent, the applicant;
 - (ii) a variation application, the applicant,
 - (iii) an application for multi-stage consent, the applicant; and
- (b) for the purposes of regulations 7 to 9, 12 and 13 includes a prospective applicant

“development” means the carrying out of building, engineering or other operations in, on, over or under land or sea in pursuance of any application to which these Regulations apply and includes building, engineering and other operations ancillary to such operations;

“the Directive” means Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment ^{M2}[^{F1}, as it had effect immediately before IP completion day];

“EIA application” means an application for Electricity Act consent for EIA development;

[^{F2}“EIA development” means—

- (a) in the case of an application for Electricity Act consent, development which is either—
 - (i) Schedule 1 development; or
 - (ii) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location; and
- (b) in the case of a variation application, a proposed variation which is either—
 - (i) Schedule 1 development; or
 - (ii) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location;]

“EIA report” has the meaning given in regulation 5;

“Electricity Act consent” means consent under section 36 (consent required for construction etc. of generating stations) or section 37 (consent required for overhead lines) of the Electricity Act 1989;

“electronic communication” has the meaning given in section 15(1) (general interpretation) of the Electronic Communications Act 2000 ^{M3};

[^{F3}“emergency period” means the period beginning on 24 April 2020 and ending on the date on which Part 1 of the Coronavirus (Scotland) Act 2020 expires in accordance with section 12 of that Act;]

“environmental impact assessment” has the meaning given in regulation 4;

“environmental information” means—

- (a) the EIA report submitted in respect of the proposed development;
- (b) any additional information submitted in respect of the development;
- (c) any representations made by any consultation body, or other public body, consulted in respect of the development in accordance with these Regulations; and
- (d) any representations duly made by any other person about the environmental effects of the development;

“environmental statement” has the same meaning as in the 2000 Regulations as they had effect immediately prior to the date on which these Regulations came into force;

“the land” means the land on which the development would be carried out;

“multi-stage consent” means an approval, consent or agreement given pursuant to an application for multi-stage consent;

[^{F4}“proposed variation” has the meaning given in regulation 28(3);]

“prospective applicant” means a person who, as the case may be, is minded to—

- (a) apply for an Electricity Act consent;
- (b) make a variation application; or
- (c) make an application for multi-stage consent;

“register” means a register kept pursuant to section 36^{M4} (registers of applications etc.) of the 1997 Act;

“relevant assessment” means, in relation to a proposed development, an assessment, or verification, of effects on the environment carried out pursuant to national legislation) which is relevant to the assessment of the environmental impacts of the proposed development;

“Schedule 1 development” means development^{F5}, or a change to or extension of development, described] in schedule 1;

“Schedule 2 development” means development^{F6}, or a change to or extension of development, described] in schedule 2;

“scoping opinion” means an opinion adopted by the Scottish Ministers as to the scope and level of detail of information to be provided in the EIA report;

“screening opinion” means an opinion adopted by the Scottish Ministers as to whether development is, or is not, EIA development;

“supplementary information” has the meaning given in regulation 19(2); ^{F7}and]

^{F8} ...

“variation application” means an application made to the Scottish Ministers under section 36C(1) of the Electricity Act 1989 (variation of section 36 consents) to vary a consent under section 36 of that Act.

(2) Subject to paragraph (3), expressions used both in these Regulations and in the Electricity Act 1989 have the same meaning for the purposes of these Regulations as they have for the purposes of that Act.

(3) Expressions used both in these Regulations and in the Directive (whether or not also used in the Electricity Act 1989) have the same meaning for the purposes of these Regulations as they have for the purposes of the Directive.

(4) In these Regulations, unless the context otherwise requires—

(a) references to a planning authority—

(i) in relation to development in, on, over or under land, are references to the planning authority within whose area the proposed development is situated; and

(ii) in relation to development in, on, over or under sea, are references to such planning authority or planning authorities as the Scottish Ministers consider appropriate in respect of the proposed development; and

(b) in relation to an application for multi-stage consent, “development” means as the case may be, the works to construct, extend or operate a generating station or the works to install an electric line above ground ^{F9}granted consent by the Electricity Act consent in respect of which such application is made], taken together with any ^{F10}multi-stage] consent previously granted in connection with such ^{F11}Electricity Act] consent.

(5) References in regulations 6(2)(b) and (3), 10(1)(c), 11(1), 12(7), 14 to 18, 25(1), 26(1) and 27(2) to an EIA report include a reference to a report referred to by the developer as an EIA report.

(6) In these Regulations, where an developer submits a revised, updated or supplementary EIA report (or a report which that person refers to as such) references to an EIA report are to be treated as including a reference to that revised, updated or supplementary EIA report.

Textual Amendments

- F1** Words in reg. 2(1) inserted (31.12.2020) by [The Town and Country Planning and Electricity Works \(EU Exit\) \(Scotland\) \(Miscellaneous Amendments\) Regulations 2019](#) (S.S.I. 2019/80), regs. 1, **6(2)(a)** (as amended by [S.S.I. 2020/310](#), regs. 1, **2(2)(7)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F2** Words in reg. 2(1) substituted (18.12.2017) by [The Electricity Works \(Environmental Impact Assessment\) \(Scotland\) Amendment Regulations 2017](#) (S.S.I. 2017/451), regs. 1, **2(2)(a)**
- F3** Words in reg. 2(1) inserted (24.4.2020) by [The Electricity Works \(Miscellaneous Temporary Modifications\) \(Coronavirus\) \(Scotland\) Regulations 2020](#) (S.S.I. 2020/123), regs. 1(1), **4(2)**
- F4** Words in reg. 2(1) inserted (18.12.2017) by [The Electricity Works \(Environmental Impact Assessment\) \(Scotland\) Amendment Regulations 2017](#) (S.S.I. 2017/451), regs. 1, **2(2)(b)**
- F5** Words in reg. 2(1) substituted (18.12.2017) by [The Electricity Works \(Environmental Impact Assessment\) \(Scotland\) Amendment Regulations 2017](#) (S.S.I. 2017/451), regs. 1, **2(2)(c)**
- F6** Words in reg. 2(1) substituted (18.12.2017) by [The Electricity Works \(Environmental Impact Assessment\) \(Scotland\) Amendment Regulations 2017](#) (S.S.I. 2017/451), regs. 1, **2(2)(d)**
- F7** Word in reg. 2(1) inserted (31.12.2020) by [The Town and Country Planning and Electricity Works \(EU Exit\) \(Scotland\) \(Miscellaneous Amendments\) Regulations 2019](#) (S.S.I. 2019/80), regs. 1, **6(2)(b)** (as amended by [S.S.I. 2020/310](#), regs. 1, **2(2)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F8** Words in reg. 2(1) omitted (31.12.2020) by virtue of [The Town and Country Planning and Electricity Works \(EU Exit\) \(Scotland\) \(Miscellaneous Amendments\) Regulations 2019](#) (S.S.I. 2019/80), regs. 1, **6(2)(c)** (as amended by [S.S.I. 2020/310](#), regs. 1, **2(2)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F9** Words in reg. 2(4)(b) inserted (22.2.2020) by [The Electricity Works \(Environmental Impact Assessment\) \(Scotland\) Amendment Regulations 2019](#) (S.S.I. 2019/427), regs. 1, **2(2)(a)**
- F10** Word in reg. 2(4)(b) inserted (22.2.2020) by [The Electricity Works \(Environmental Impact Assessment\) \(Scotland\) Amendment Regulations 2019](#) (S.S.I. 2019/427), regs. 1, **2(2)(b)**
- F11** Words in reg. 2(4)(b) inserted (22.2.2020) by [The Electricity Works \(Environmental Impact Assessment\) \(Scotland\) Amendment Regulations 2019](#) (S.S.I. 2019/427), regs. 1, **2(2)(c)**

Marginal Citations

- M1** [S.S.I. 2000/320](#) as relevantly amended by [S.S.I. 2008/246](#).
- M2** OJ L 26, 28.1.2012, p.1 as amended by Directive 2014/52/EU.
- M3** [2000 c.7](#), as amended by paragraph 158 of schedule 17 of the [Communications Act 2003](#) (c.21).
- M4** Section 36 was amended by the [Planning etc. \(Scotland\) Act 2006](#) (asp 17), **section 12**, by [S.S.I. 2007/268](#) and by [S.S.I. 2009/256](#).

Changes to legislation:

There are currently no known outstanding effects for the The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, Section 2.