
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 101

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

PART 2

DETERMINING WHETHER EIA IS REQUIRED

Screening opinions – time period for decision

9.—(1) Following a request for a screening opinion under regulation 8(1), the Scottish Ministers must adopt a screening opinion on or before the relevant date or, where notice is given under paragraph (2), the date specified in the notice as the date by which the Scottish Ministers are to adopt a screening opinion.

(2) Where the Scottish Ministers consider that due to exceptional circumstances relating to the nature, complexity, location or size of the proposed development that it is not practicable for them to adopt a screening opinion within the period of 90 days beginning with the date of receipt of the request, they may extend that period by notice in writing given to the developer.

(3) Notice under paragraph (2) must state the Scottish Ministers' justification for the extension and specify the date by which the Scottish Ministers are to adopt a screening opinion pursuant to the request.

(4) For the purposes of this regulation—

(a) “the relevant date” means the earlier of—

(i) the date of expiry of the period of three weeks, or such longer period as may be agreed in writing between the Scottish Ministers and the developer, beginning with the date by which the planning authority is required to give its views under regulation 8(6) (or if earlier of the date on which the Scottish Ministers received the views of the planning authority; or

(ii) the date occurring 90 days beginning with the date of receipt of the request;

(b) the date on which a request for a screening opinion under regulation 8(1) is to be taken to have been received is the date on which the last of the items or information required to be contained in or accompany a request for a screening opinion in accordance with regulation 8(2) is received by the Scottish Ministers.