
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 102

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

PART 4

PREPARATION OF ENVIRONMENTAL IMPACT ASSESSMENT REPORTS

Scoping opinions of the planning authority

- 17.—(1) A developer may request the planning authority 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 planning authority consider that they have not been provided with sufficient information to adopt a scoping opinion, they must within the period of 21 days beginning with the date of receipt of the request under paragraph (1) notify the developer of the points on which they require further information.
- (4) The planning authority receiving a request under paragraph (1) must not adopt a scoping opinion in response to a request under paragraph (1) until they have consulted—
- (a) the consultation bodies;
 - (b) the Health and Safety Executive where they would be required to be consulted under paragraph 3 or 4 of schedule 5 to the Development Management Procedure Regulations in relation to an application for planning permission for the proposed development;
 - (c) the Office for Nuclear Regulation where it would be required to be consulted under paragraph 3A of schedule 5 to the Development Management Procedure Regulations in relation to an application for planning permission for the proposed development; and
 - (d) any other public body which the planning authority considers 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 planning authority when adopting a scoping opinion must take into account 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.
- (6) Subject to paragraph (7), the planning authority must within the period of 35 days beginning with the date of receipt of a request under paragraph (1), or such longer period as may be agreed in writing with the developer, adopt a scoping opinion and send a copy to the developer.
- (7) Where—

- (a) a developer has, at the same time as making a request for a screening opinion under regulation 8(1), made a request for a scoping opinion under paragraph (1); and
- (b) the planning authority have adopted a screening opinion to the effect that the development is EIA development,

the planning authority must within the period of 35 days beginning with the date on which that screening opinion was adopted, or such longer period as may be agreed in writing with the developer, adopt a scoping opinion and send a copy to the developer.

(8) Where a planning authority fail to adopt a scoping opinion within the relevant period mentioned in paragraph (6) or (7), the developer may request the Scottish Ministers to make a scoping direction.

(9) Paragraph (8) applies even if the planning authority have not received the information which they have sought under paragraph (3).

(10) Where a request has been made to the planning authority to adopt a screening opinion but no request has been made under paragraph (1), the planning authority may at their own volition adopt a scoping opinion and paragraphs (3) to (6) and (11) apply in relation to such a scoping opinion as if a request had been made under paragraph (1) on the date on which the planning authority adopt the screening opinion.

(11) Where a planning authority has adopted a scoping opinion neither they nor the Scottish Ministers are precluded from requiring additional information to be provided by the developer in connection with any EIA report submitted in connection with an application for planning permission for the same development as referred to in the scoping opinion.

(12) A later scoping opinion supersedes the terms of an earlier scoping opinion.

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, Section 17.