
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 102

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

PART 1

INTRODUCTORY

Environmental impact assessment

- 4.—(1) An environmental impact assessment is a process consisting of—
- (a) the preparation of an EIA report by the developer;
 - (b) the carrying out of consultation, publication and notification as required by Parts 5 and 6 and, where relevant, Part 10;
 - (c) the examination by the planning authority or the Scottish ministers, as the case may be of the information presented in the EIA report and any other environmental information;
 - (d) the reasoned conclusion by the planning authority or the Scottish Ministers, as the case may be on the significant effects of the development on the environment, taking into account the results of the examination referred to in sub-paragraph (c) and, where appropriate, their own supplementary examination; and
 - (e) the integration of that reasoned conclusion into the decision notice in accordance with regulation 29.

(2) The environmental impact assessment must identify, describe and assess in an appropriate manner, in light of the circumstances relating to the proposed development, the direct and indirect significant effects of the proposed development (including, where the proposed development will have operational effects, such operational effects) on the factors specified in paragraph (3) and the interaction between those factors.

- (3) The factors are—
- (a) population and human health;
 - (b) biodiversity, and in particular species and habitats protected under [^{F1}any law that implemented] Council Directive [92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora ^{M1} and Directive [2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds ^{M2};
 - (c) land, soil, water, air and climate; and
 - (d) material assets, cultural heritage and the landscape.

(4) The effects to be identified, described and assessed under paragraph (2) include the expected effects deriving from the vulnerability of the development to risks, so far as relevant to the development, of major accidents and disasters.

(5) Unless paragraph (6) applies, the environmental impact assessment to be carried out in relation to the determination of an application for planning permission for EIA development must identify

the likely significant effects of the proposed development on the environment before a decision to grant planning permission for that development is made.

(6) This paragraph applies where the planning authority, or the Scottish Ministers, as the case may be—

- (a) consider that the likely significant effects of the development on the environment are not fully identifiable at the time of their determination of the application for planning permission; and
- (b) are minded to grant planning permission for EIA development subject to a multi-stage condition.

(7) The planning authority or the Scottish Ministers, as the case may be must ensure that they have, or have access as necessary to, sufficient expertise to examine the EIA report.

Textual Amendments

- F1** Words in [reg. 4\(3\)\(b\)](#) 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, **5(3)** (as amended by [S.S.I. 2019/274](#), regs. 1, 2(2) and [S.S.I. 2020/310](#), regs. 1, 2(2), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M1** OJ L 206, 22.7.1992, p.7.
M2 OJ L 20, 26.1.2010, p.7.

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, Section 4.