
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 113

The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017

PART 2

DETERMINING WHETHER EIA IS REQUIRED

General provisions relating to screening

11.—(1) When making a determination as to whether a forestry project is an EIA forestry project, the Commissioners, or as the case may be, the Scottish Ministers must—

- (a) in all cases take into account—
 - (i) such of the selection criteria set out in schedule 2 as are relevant to the forestry project proposed; and
 - (ii) the available results of any relevant assessment of the effects of the forestry project proposed; and
- (b) where information is provided to them by virtue of regulation 12(2) or (3) or 14(1)(a), base their determination on that information.

(2) In a case where the forestry project proposed does not exceed any relevant threshold set out in schedule 1, the Commissioners must adopt their opinion or, as the case may be, the Scottish Ministers must make their direction, in accordance with regulation 10 unless there are exceptional circumstances which, taking account of the selection criteria in schedule 2, make it likely that the forestry project will have significant effects on the environment.

(3) Where the Commissioners adopt a screening opinion or the Scottish Ministers make a screening direction—

- (a) that screening opinion or screening direction must be accompanied by a written statement giving, with reference to such criteria set out in schedule 2 which are relevant to the forestry project proposed, the main reasons for their conclusion as to whether the forestry project proposed is, or is not, an EIA forestry project; and
- (b) where the screening opinion or the screening direction is to the effect that the forestry project proposed is not an EIA forestry project, the statement referred to in subparagraph (a) must state any features of the forestry project or proposed measures envisaged to avoid or prevent significant adverse effects on the environment.

(4) As soon as possible after adopting a screening opinion, the Commissioners must send a copy of the screening opinion and a copy of the written statement referred to in paragraph (3)(a) to the applicant.

(5) The Scottish Ministers may make a screening direction either—

- (a) of their own volition; or
- (b) if requested to do so in writing by an applicant under regulation 13(5).

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(6) As soon as possible after making a screening direction, the Scottish Ministers must send a copy of the screening direction and a copy of the written statement referred to in paragraph (3)(a) to—

- (a) the applicant;
- (b) the Commissioners; and
- (c) where the screening direction is made following a request made by a person other than the applicant, to the person who made the request.

(7) A later screening direction supersedes the terms of an earlier screening opinion or screening direction.

(8) In paragraph (2), the reference to circumstances which are, in the opinion of the Commissioners or, as the case may be, the Scottish Ministers, exceptional circumstances must be construed in accordance with paragraph 6 of schedule 1.

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Changes and effects yet to be applied to :

- Regulations power to amend or revoke conferred by [2023 c. 55 s. 164\(3\)Sch. 14 Pt. 2](#)
- reg. 11(1) words omitted by [S.S.I. 2021/44 reg. 10\(9\)\(a\)\(i\)](#)
- reg. 11(1)(b) words omitted by [S.S.I. 2021/44 reg. 10\(9\)\(a\)\(ii\)](#)
- reg. 11(2) words substituted by [S.S.I. 2021/44 reg. 10\(9\)\(b\)](#)
- reg. 11(3) words substituted by [S.S.I. 2021/44 reg. 10\(9\)\(c\)\(i\)](#)
- reg. 11(3)(a) words omitted by [S.S.I. 2021/44 reg. 10\(9\)\(c\)\(ii\)](#)
- reg. 11(3)(b) words omitted by [S.S.I. 2021/44 reg. 10\(9\)\(c\)\(iii\)](#)
- reg. 11(4) words substituted by [S.S.I. 2021/44 reg. 10\(9\)\(d\)](#)
- reg. 11(5) omitted by [S.S.I. 2021/44 reg. 10\(9\)\(e\)](#)
- reg. 11(6) omitted by [S.S.I. 2021/44 reg. 10\(9\)\(e\)](#)
- reg. 11(7) omitted by [S.S.I. 2021/44 reg. 10\(9\)\(e\)](#)
- reg. 11(8) words omitted by [S.S.I. 2021/44 reg. 10\(9\)\(f\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 41(4)(5) inserted by [S.S.I. 2021/44 reg. 10\(34\)](#)