
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 115

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

PART 6

ADDITIONAL INFORMATION

Additional information and evidence relating to EIA reports

21.—(1) This regulation applies where the Scottish Ministers are considering an EIA application (including an application for multi-stage regulatory approval).

(2) In order to ensure the completeness and quality of the EIA report, the Scottish Ministers must (having regard in particular to current knowledge and methods of assessment) seek from the applicant supplementary information about any matter mentioned in schedule 4 which in the opinion of the Scottish Ministers is directly relevant to reaching a reasoned conclusion on the significant effects of the works on the environment.

(3) The applicant must provide that supplementary information.

(4) The Scottish Ministers may, in writing, require to be produced to them such evidence, in respect of any EIA report or additional information as they may reasonably call for to verify any information contained in the EIA report or such additional information, as the case may be.

Publication of additional information

22.—(1) [^{F1}Subject to regulation 22A, where] additional information is provided to the Scottish Ministers, the applicant must publish a notice in accordance with paragraph (2) containing the information required by paragraph (3).

(2) A notice under paragraph (1) must be published—

- (a) in The Edinburgh Gazette;
- (b) in one or more newspapers circulating in the locality in which the works are situated (or, in relation to proposed works in, on, over or under the sea, in such newspapers as are likely to come to the attention of those likely to be affected by the proposed works); and
- (c) on the application website.

(3) A notice under paragraph (1) must—

- (a) describe the EIA application and the proposed works;
- (b) state that the proposed works are subject to environmental impact assessment and, where relevant, state that they are likely to have significant effects on the environment in [^{F2}an] EEA State;
- (c) state that the additional information is available for inspection [^{F3}free of charge] and the times and places at which, and the means by which, the additional information is available for inspection;

- (d) state how copies of the additional information may be obtained;
- (e) state the cost of a copy of the additional information;
- (f) state how and by what date representations may be made (being a date not earlier than 30 days after the last date on which the notice is published);
- (g) provide details of the arrangements for public participation in the decision making procedure, including a description of how notice is to be given of any subsequent submission by the applicant of additional information and how representations in relation to that additional information may be made; and
- (h) state the nature of possible decisions to be taken in relation to the application and provide details of the authority by which such decisions are to be taken.

(4) The applicant must serve a copy of the additional information on any person to whom a copy of the EIA report was supplied under regulation 18(1) together with a copy of the notice published under paragraph (1).

(5) A reasonable charge reflecting printing and distribution costs may be made in relation to the supply of a copy of the additional information to any person but the copies served under paragraph (4) are to be supplied free of charge.

(6) Paragraph (1) does not apply in relation to additional information to the extent that—

- (a) the information is provided for the purposes of an inquiry held under the 2010 Act;
- (b) the written requirement for the information states that it is to be provided for such purposes; and
- (c) the information must be published as part of that inquiry.

[^{F4}(7) Where additional information is provided to the Scottish Ministers the applicant must ensure that a reasonable number of copies of the additional information are available for inspection at any place named in the notice under paragraph (1) as a place at which copies of the additional information may be inspected.

(8) The applicant must provide copies of the additional information in accordance with the terms of the notice under paragraph (1) and where that notice includes an address at which copies of the additional information may be obtained the applicant must ensure that a reasonable number of copies of the additional information are available at that address.]

Textual Amendments

- F1** Words in [reg. 22\(1\)](#) substituted (20.5.2020 at 1.45 p.m.) by [The Marine Works and Marine Licensing \(Miscellaneous Temporary Modifications\) \(Coronavirus\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/157\)](#), regs. 1, **3(9)**
- F2** Word in [reg. 22\(3\)\(b\)](#) substituted (31.12.2020) by [The Marine Environment \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/55\)](#), regs. 1, **5(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in [reg. 22\(3\)\(c\)](#) inserted (30.6.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/168\)](#), regs. 1, **6(5)(a)**
- F4** [Reg. 22\(7\)\(8\)](#) inserted (30.6.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/168\)](#), regs. 1, **6(5)(b)**

[^{F5}Temporary relaxation of requirement for publication of additional information

22A. Regulation 22(3)(c) applies during the relevant period as if “and the times and places at which, and the means by which, the additional information is available for inspection” were substituted with “on the application website”.]

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Textual Amendments

- F5** Reg. 22A inserted (20.5.2020 at 1.45 p.m.) by [The Marine Works and Marine Licensing \(Miscellaneous Temporary Modifications\) \(Coronavirus\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/157\)](#), regs. 1, **3(10)**

Changes to legislation:

There are currently no known outstanding effects for the The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017, PART 6.