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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 115**

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

**PART 4**

**PREPARATION OF ENVIRONMENTAL IMPACT ASSESSMENT REPORTS**

**Request for scoping opinions**

**14.**—(1) An applicant may request the Scottish Ministers to adopt a scoping opinion.

(2) A request under paragraph (1) must include—

- (a) a description of the location of the works, including a plan sufficient to identify the area in which the works are proposed to be sited;
- (b) a brief description of the nature and purpose of the works and their likely impact on the environment; and
- (c) such other information or representations as the applicant may wish to provide or make.

(3) If the Scottish Ministers consider that they have not been provided with sufficient information to adopt a scoping provision they must, within the period of 3 weeks beginning with the date of the request under paragraph (1), notify the applicant of the points on which they require further information.

(4) The Scottish Ministers must not adopt a scoping opinion in response to a request under paragraph (1) until they have consulted—

- (a) the consultation bodies; and
- (b) any other public body which the Scottish Ministers consider is likely to have an interest in the proposed works by reason of that body's specific environmental responsibilities or local and regional competencies.

(5) The consultation period under paragraph (4) is either—

- (a) 30 days beginning with the date on which the Scottish Ministers contact the bodies referred to in paragraph (4) by virtue of that paragraph; or
- (b) where the Scottish Ministers and any such body have agreed a longer period, such longer period.

(6) The Scottish Ministers, when adopting a scoping opinion, must take into account—

- (a) the information provided by the applicant, in particular information in respect of the specific characteristics of the works, including their location and technical capacity, and their likely impact on the environment; and
- (b) any representations made to them in response to consultation undertaken in accordance with paragraph (4).

(7) The Scottish Ministers must, within the period of 5 weeks beginning with the date by which any body consulted under paragraph (4) is required to make representations, or within such longer period as the Scottish Ministers require, adopt a scoping opinion and send a copy to the applicant.

(8) The adoption of a scoping opinion by the Scottish Ministers does not preclude the Scottish Ministers from requiring of the applicant information in connection with any report that may be submitted by that person as an EIA report in connection with an application for a regulatory approval for the same works as referred to in the scoping opinion.

(9) Where the applicant has, at the same time as making a request for a screening opinion under regulation 10(1), made a request under paragraph (1), and the Scottish Ministers have adopted a screening opinion to the effect that the works are an EIA project, the Scottish Ministers must begin the procedures relating to scoping on the date on which they give the screening opinion.

(10) The Scottish Ministers may at their own volition adopt a scoping opinion and paragraphs (4), (5), (6), (7) and (8) apply in relation to the adoption of such a scoping opinion as they apply where a request is made under paragraph (1).

**Changes to legislation:**

There are currently no known outstanding effects for the The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017, Section 14.