

POLICY NOTE

THE ENVIRONMENTAL IMPACT ASSESSMENT (MISCELLANEOUS AMENDMENTS) (SCOTLAND) REGULATIONS 2017

SSI 2017/168

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972, section 36C(2) of the Electricity Act 1989, section 40 of the Town and Country Planning (Scotland) Act 1997 and all other powers enabling them to do so.

Policy Objectives

Introduction

The purpose of these regulations is to make minor changes and corrections to the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/101), the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/102), the Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/113), the Agriculture, Land Drainage and Irrigation Projects (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/114) and the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/115). The changes to the various Regulations implement undertakings given to the Parliament in response to points raised by the Delegated Powers and Law Reform Committee.

Consultation

The original regulations, which came into effect on 16 May 2017, and are now being amended were subject to the Scottish Government's consultation on proposals for amending the EIA Regulations through *The Consultation on Transposition of Environmental Impact Assessment Directive 2014/52/EU* between August and October 2016, this was accompanied by draft new regulatory provisions. The comments received helped to inform the original statutory instrument. The responses, analysis paper and a full list of those consulted and who agreed to the release of this information are available on the Scottish Government website at <http://www.gov.scot/Publications/2016/08/2499>.

Impact Assessments

The original regulations were subject to a suite of impact assessments. An Equality Impact Assessment (EQIA) has been published; this found that the original legislation was not likely to generate any negative impacts on any of the equalities groups. In addition a strategic environmental pre-screening exercise and Children's Rights and Wellbeing screening determined that the original legislation is unlikely to have a significant impact on the environment or a negative impact on children's rights and wellbeing.

Financial Effects

The Scottish Government consulted on a draft partial Business and Regulatory Impact Assessment (BRIA) as part of its August 2016 consultation paper. The partial BRIA concluded that some additional procedural and financial requirements will fall on local authorities, the Scottish Ministers and the Consultation Bodies, and some additional procedural and financial requirements may fall to developers.

The Scottish Government does not consider there will be any significant costs over and above those of compliance with existing statutory provision on EIA. Responses to the consultation did not alter this overall view and minor amendments were made to the final BRIA to reflect the responses received.

Scottish Government
Directorate for Local Government & Communities
25th May 2017