

POLICY NOTE

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) AMENDMENT REGULATIONS 2019

SSI 2019/427

The above instrument was made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and section 36C(2) of the Electricity Act 1989. The instrument is subject to negative procedure.

Purpose of the instrument

The purpose of this instrument is to amend the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 EW Regulations”) to distinguish within the instrument between an Electricity Act consent and a multi-stage consent. This will align the 2017 EW Regulations with the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 MW Regulations”) and the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 TCP Regulations”).

Policy Objectives

The 2017 EW Regulations is the principal statutory instrument transposing the requirements of Council Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (“the EIA Directive”) into domestic law for Scotland in relation to applications for consent under sections 36 and section 37 of the Electricity Act 1989.

Duty to include certain information in an EIA decision notice

The 2017 EW Regulations, 2017 TCP Regulations and the 2017 MW Regulations all contain provisions as to what must be include in a decision notice on the grant of, as the case may be a grant of planning permission, a marine licence or a consent under section 36 or 37 of the Electricity Act 1989. Given the different terminology used in each it is clear that the relevant regulations in respect of the grant of planning permission and marine licences do not also refer to a multi-stage consent. However given that “consent” can be read as Electricity act consent or a multi-stage consent changes are made by these Regulations to remove this inconsistency and to put all the various Regulations on the same footing. Regulation 21(2)(f) is amended so that these provisions only apply to an Electricity Act consent and not a multi-stage consent to align the 2017 EW Regulations with the 2017 MW Regulations and the 2017 TCP Regulations.

Consultation

There has been no formal public consultation regarding this instrument. We will advise relevant stakeholders regarding the rationale for these amendments.

Impact Assessments

An Equality Impact Assessment was not required as the amendments do not impact people directly or indirectly.

Financial Effects

The Cabinet Secretary for Transport, Infrastructure and Connectivity confirms that no BRIA is necessary.

Scottish Government
Marine Scotland

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