

ENVIRONMENTAL ASSESSMENT (SCOTLAND) ACT 2005 (ASP15)

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 2 – Environmental Reports and Consultation

Section 14 – Preparation of environmental report

36. This section, along with schedule 3, sets out in detail the nature and content of an environmental report. The report should describe and evaluate the likely significant effects on the environment of the proposed plan or programme and of the alternative approaches considered. Section 14(5) allows Scottish Ministers by order to modify schedule 3. Any order made by the Scottish Ministers in this respect is subject to annulment by resolution of the Scottish Parliament.

Section 15 – Scoping

37. **Section 15** sets out a quality assurance measure referred to as scoping. The Responsible Authority must set out the scope and detail of the information to be included in the environmental report along with the proposed public consultation period. They must then submit this to the Consultation Authorities for their opinions. The Consultation Authorities should respond with their opinions within 5 weeks and Responsible Authorities are bound to take their views into account when preparing, and consulting on, the environmental report. To help ensure the quality of environmental reports and to facilitate compliance with the Act, Scottish Ministers may adjust the consultation period proposed by the Responsible Authority if they deem it inadequate (section 15(4)).

Section 16 – Consultation procedures

38. **Section 16** sets out the framework for formal consultation with the Consultation Authorities and the public. It is intended that it will help to ensure that all stakeholders can contribute effectively, especially those likely to be affected directly by the plan or programme. Consultation must be sufficiently early in the process to allow for that consultation to be effective.

Section 17 – Account to be taken of environmental report etc.

39. **Section 17** requires that the Responsible Authority takes account of both the environmental report and consultation responses in its preparation of the plan or programme. This includes those resulting from any transboundary consultations undertaken under the Environmental Assessment of Plans and Programmes Regulations 2004 made by the United Kingdom government.