
SCOTTISH STATUTORY INSTRUMENTS

1999 No. 43

**The Environmental Impact Assessment
(Forestry) (Scotland) Regulations 1999**

Opinions of the Commissioners

6.—(1) Where the proposer applies to the Commissioners under regulation 5, they shall give to the proposer written notice of their opinion within—

- (a) 28 days beginning with the date of their receipt of the application or, where they notify the proposer under regulation 5(3) that they require further information, the date of their receipt of that information; or
- (b) such longer period as may be agreed in writing between the Commissioners and the proposer.

(2) Subject to paragraph (3), in considering, for the purpose of forming their opinion, whether the project is likely to have significant effects on the environment the Commissioners shall take into account the selection criteria in Schedule 3.

(3) In a case where the project does not exceed any relevant threshold set out in Schedule 2, the Commissioners shall form their opinion in accordance with regulation 3(3) except where, in their opinion, there are exceptional circumstances which, taking account of the selection criteria in Schedule 3, make it likely that the project will have significant effects on the environment.

(4) Where the opinion of the Commissioners is that the project is a relevant project, the Commissioners shall include in, or provide with, their opinion a written statement of their reasons for being of that opinion.

(5) The Commissioners may, in the absence of an application, give their opinion whether or not a project is or would be a relevant project and where they give an opinion under this paragraph—

- (a) they shall give written notice of their opinion to any person who reasonably appears to them to be the proposer; and
- (b) paragraphs (2), (3), (4) and (6) of this regulation shall apply as they do to an opinion given in relation to an application under regulation 5(1).

(6) In paragraph (3), the reference to circumstances which are, in the opinion of the Commissioners, exceptional shall be construed in accordance with paragraph 4 of Schedule 2.