
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 139

**The Town and Country Planning (Environmental
Impact Assessment) (Scotland) Regulations 2011**

PART 4

PREPARATION OF ENVIRONMENTAL STATEMENTS

Scoping directions of the Scottish Ministers

- 15.**—(1) The Scottish Ministers may make a scoping direction under this regulation either—
- (a) at their own volition; or
 - (b) where requested to do so pursuant to—
 - (i) regulation 11(3);
 - (ii) regulation 12(2); or
 - (iii) regulation 14(7).
- (2) A request made pursuant to regulation 11(3) or 12(2) must include—
- (a) a copy of any relevant screening opinion received by the person making the request and of any accompanying statement of reasons; and
 - (b) any representations that the person making the request wishes to make.
- (3) A request made pursuant to regulation 14(7) must include—
- (a) a copy of the relevant request to the planning authority under regulation 14(1);
 - (b) a copy of any relevant notification under regulation 14(3)(b) and of any response;
 - (c) a copy of any relevant screening opinion received by the person making the request and of any accompanying statement of reasons; and
 - (d) any representations that the person making the request wishes to make.
- (4) When a person makes a request pursuant to regulation 14(7) that person must send to the planning authority a copy of that request, but that copy need not include the matters mentioned in paragraph (3)(a) to (c).
- (5) The Scottish Ministers must notify in writing the person making the request of any points on which they consider the information provided is insufficient to enable them to make a scoping direction and may request the planning authority to provide such information as they can on any of those points.
- (6) Before making a scoping direction the Scottish Ministers must—
- (a) consult—
 - (i) the person who made the request;
 - (ii) the consultation bodies; and

(iii) the Health and Safety Executive where they would be required to be consulted under paragraph 3 or 4 of Schedule 5 to the Development Management Procedure Regulations in relation to the application for planning permission for the proposed development; and

(b) take into account the matters specified in regulation 14(6).

(7) The Scottish Ministers must, within five weeks beginning with the date of receipt of that request or such longer period as they may reasonably require, make a direction and send a copy to the person who made the request and to the planning authority.

(8) Where the Scottish Ministers have made a scoping direction in response to a request under this regulation, neither they nor the planning authority are precluded from requiring of the person who made the request additional information in connection with any statement that may be submitted by that person as an environmental statement in connection with an application for planning permission for the same development as was referred to in the request.