
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 101

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

PART 3

**PROCEDURES CONCERNING APPLICATIONS
FOR ELECTRICITY ACT CONSENT**

Application without prior screening

10.—(1) This regulation applies where it appears to the Scottish Ministers that—

- (a) an application for Electricity Act consent which is before them for determination is an application for Schedule 1 development or an application for Schedule 2 development;
- (b) the development to which the application relates has not been the subject of a screening opinion; and
- (c) the application is not accompanied by an EIA report.

(2) Where this regulation applies the Scottish Ministers must adopt a screening opinion in respect of the proposed development to which the application for Electricity Act consent relates.

(3) If it appears to the Scottish Ministers that the application for Electricity Act consent is an application for Schedule 2 development but the Scottish Ministers do not consider that the information submitted by the developer in connection with the application for Electricity Act consent includes all the information referred to in regulation 8(2) the Scottish Ministers must seek from the developer such information as they consider remains to be provided by giving notice to the developer describing that information.

EIA application made without an EIA report

11.—(1) This regulation applies where an EIA application which is before the Scottish Ministers for determination is not accompanied by ^{F1}... an EIA report.

(2) Where this regulation applies the Scottish Ministers must notify the developer in writing that the submission of an EIA report is required.

(3) Notice under paragraph (2) must be given—

- (a) within three weeks beginning with the date on which the application is made; or
- (b) where the Scottish Ministers adopt a screening opinion after the date on which the application is made, within seven days beginning with the date of adoption of that screening opinion.

(4) A developer who receives notice under paragraph (2) may within three weeks beginning with the date of the notice write to the Scottish Ministers stating that an EIA report will be provided and may under regulation 12 ask the Scottish Ministers to adopt a scoping opinion.

(5) If the developer does not write in accordance with paragraph (4), the Scottish Ministers are under no duty to deal with the application, and at the end of the three week period the Scottish Ministers must inform the developer in writing that no further action is being taken on the application.

(6) Where the Scottish Ministers have given notice under paragraph (2), they are to determine the application only by refusing Electricity Act consent if the developer does not submit an EIA report

Textual Amendments

F1 Words in reg. 11(1) omitted (30.6.2017) by virtue of [The Environmental Impact Assessment \(Miscellaneous Amendments\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/168\)](#), regs. 1, **2(4)**

Changes to legislation:

There are currently no known outstanding effects for the The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, PART 3.