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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 101**

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

**PART 5**

**PUBLICITY AND PROCEDURES ON SUBMISSION OF ENVIRONMENTAL IMPACT ASSESSMENT REPORTS**

**Publication of EIA report**

**14.**—(1) [<sup>F1</sup>Subject to regulation 14A,] where, in relation to an EIA application the developer submits to the Scottish Ministers an EIA report the developer must, as soon as possible after provision of the EIA report, publish a notice in accordance with this regulation.

(2) Notice under paragraph (1) must—

- (a) describe the application and the proposed development to which the EIA report relates;
- (b) state that the proposed development is subject to environmental impact assessment and, where relevant, state that it is likely to have significant effects on the environment in [<sup>F2</sup>an] EEA State;
- (c) state that the EIA report is available for inspection free of charge and the times and places at which, and the means by which, the EIA report is available for inspection;
- (d) state how copies of the EIA report may be obtained;
- (e) state the cost of a copy of the EIA report;
- (f) state how and by what date representations may be made (being a date not earlier than 30 days after the last date on which the notice is published);
- (g) provide details of the arrangements for public participation in the decision making procedure including a description of [<sup>F3</sup>how] notice will be given of the subsequent submission by the developer of any additional information and how representations in relation to that additional information may be made; and
- (h) state the nature of possible decisions to be taken in relation to the application and provide details of the authority by which such decisions are to be taken.

(3) Notice under paragraph (1) must be published—

- (a) on the application website;
- (b) in The Edinburgh Gazette; and
- (c) in a newspaper circulating in the locality in which the development to which the EIA report relates is situated (or, in relation to a proposed development in, on, over or under the sea, in such newspaper as is likely to come to the attention of those likely to be affected by the proposed development).

(4) A notice under paragraph (1) may be combined with any other notice which the developer may be required to publish in respect of the application.

(5) A reasonable charge reflecting printing and distribution costs may be made in relation to the supply of a copy of an EIA report to any person except that the copies sent pursuant to regulation 16 are to be supplied free of charge.

#### Textual Amendments

- F1** Words in reg. 14(1) inserted (24.4.2020) by [The Electricity Works \(Miscellaneous Temporary Modifications\) \(Coronavirus\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/123\)](#), regs. 1(1), **4(3)**
- F2** Word in reg. 14(2)(b) substituted (31.12.2020) by [The Town and Country Planning and Electricity Works \(EU Exit\) \(Scotland\) \(Miscellaneous Amendments\) Regulations 2019 \(S.S.I. 2019/80\)](#), regs. 1, **6(5)** (as amended by S.S.I. 2019/274, regs. 1, 2(2) and S.S.I. 2020/310, regs. 1, 2(2), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Word in reg. 14(2)(g) substituted (30.6.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/168\)](#), regs. 1, **2(6)**

#### [<sup>F4</sup>Temporary relaxation of requirement for publication of EIA report

**14A.** Regulation 14(2)(c) applies during the emergency period as if “and the times and places at which” were omitted.]

#### Textual Amendments

- F4** [Reg. 14A](#) inserted (24.4.2020) by [The Electricity Works \(Miscellaneous Temporary Modifications\) \(Coronavirus\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/123\)](#), regs. 1(1), **4(4)**

#### Publicity of determinations and provision of information to the planning authority

**15.—**(1) [<sup>F5</sup>Subject to regulation 15A,] the Scottish Ministers must send to the planning authority a copy of—

- (a) any screening opinion; and
- (b) any scoping opinion,

and the planning authority must take steps to ensure that such documents are made available for public inspection at all reasonable hours at the place where the register is kept.

(2) If an application for Electricity Act consent is made and any documents relating to it are, or have been, sent to a planning authority pursuant to paragraph (1), the planning authority must take steps to ensure that any such documents are placed on Part I of the register.

(3) If, in relation to an application for Electricity Act consent a planning authority receives a copy of any document or information mentioned in paragraph (4) the planning authority must—

- (a) ensure that a copy of such document or information is placed on Part I of the register until such time as the planning authority receives a copy of the decision notice in respect of the application in accordance with regulation 23(1)(b); and
- (b) on receiving a copy of the decision notice, ensure that a copy of the decision notice along with such documents or information mentioned in paragraph (1)(a) and (b) and (4) are placed on Part II of the register.

(4) The documents and information are—

- (a) any EIA report received by the planning authority pursuant to regulation 16(1)(a);
- (b) any additional information received by the planning authority pursuant to regulation 20(4); and

- (c) any notice received by the planning authority pursuant to regulation 20(4).

**Textual Amendments**

- F5** Words in [reg. 15\(1\)](#) inserted (24.4.2020) by [The Electricity Works \(Miscellaneous Temporary Modifications\) \(Coronavirus\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/123\)](#), regs. 1(1), **4(5)**

**[<sup>F6</sup>Temporary relaxation of requirement for planning authority to make documents available for public inspection**

**15A.** Regulation 15(1) applies during the emergency period as if for “at all reasonable hours” to the end there were substituted “by electronic means”.]

**Textual Amendments**

- F6** [Reg. 15A](#) inserted (24.4.2020) by [The Electricity Works \(Miscellaneous Temporary Modifications\) \(Coronavirus\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/123\)](#), regs. 1(1), **4(6)**

**Procedure where Scottish Ministers receive an EIA report**

**16.—(1)** Where a developer submits to the Scottish Ministers an EIA report relating to an application for an Electricity Act consent, the developer must—

- (a) send a copy of the EIA report to the planning authority and must inform the Scottish Ministers of the date on which the developer did so; and
- (b) if the developer sends a copy of the EIA report to any consultation body (whether under subparagraph (a) or otherwise), the developer must—
  - (i) send with it a copy of the application to which the EIA report relates and of any plan submitted with it (unless those documents have already been sent to the consultation body in question);
  - (ii) inform the consultation body that representations may be made to the Scottish Ministers; and
  - (iii) inform the Scottish Ministers of the name of every consultation body to which the developer has sent a copy of the EIA report and the date on which the developer did so.

**(2)** Where the Scottish Ministers receive an EIA report in connection with an application for an Electricity Act consent they must, within two weeks of receiving the EIA report—

- (a) give notice containing the information specified in paragraph (3) to—
  - (i) the consultation bodies to which the developer has not sent a copy of the EIA report; and
  - (ii) any other public body which in their opinion is likely to be concerned by the proposed development by reason of that body's specific environmental responsibilities or local and regional competencies; and
- (b) give the developer notice of the names and addresses of the consultation bodies or other public bodies to which notice is given under sub paragraph (a).

**(3)** The information is—

- (a) a brief description of the nature of the proposed development;

- (b) that an application for Electricity Act consent has been made in respect of that proposed development;
  - (c) that an EIA report will be taken into consideration in determining the application;
  - (d) that the developer is to provide a copy of the EIA report to the consultation body or other public body; and
  - (e) how and by what date (being a date not earlier than 30 days after the EIA report is sent by the developer) representations may be made to the Scottish Ministers.
- (4) The developer must—
- (a) send to any consultation body or other public body named in the notice given to the developer under paragraph (2)(b)—
    - (i) a copy of the EIA report submitted to the Scottish Ministers; and
    - (ii) a copy of the application to which that EIA report relates and of any plan submitted with the application (unless those documents have already been sent to the body in question); and
  - (b) inform the Scottish Ministers of the date on which the developer did so.

#### Copies of EIA report for the Scottish Ministers

17.—(1) [<sup>F7</sup>Subject to regulation 17A,] where an EIA report is submitted in relation to an application for Electricity Act consent by means of electronic communication, the developer must in addition send two hard copies of the EIA report to the Scottish Ministers.

(2) Where an EIA report is submitted in relation to an application for Electricity Act consent other than by means of electronic communication, the developer must in addition—

- (a) send a hard copy of the EIA report to the Scottish Ministers; and
- (b) send a copy of the EIA report to the Scottish Ministers by means of electronic communication.

(3) If requested to do so by the Scottish Ministers the developer must send to the Scottish Ministers such further hard copies of the EIA report as the Scottish Ministers request.

(4) In this regulation reference to “hard copy” or “hard copies” are references to a copy, or copies of an EIA report sent other than by means of electronic communication.

#### Textual Amendments

**F7** Words in reg. 17(1) inserted (24.4.2020) by The Electricity Works (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 (S.S.I. 2020/123), regs. 1(1), 4(7)

#### [<sup>F8</sup>Temporary relaxation of requirement for hard copies of EIA report for the Scottish Ministers

17A. Regulation 17 applies during the emergency period—

- (a) as if paragraphs (1) and (3) were omitted,
- (b) as if in paragraph (2) the words “other than by means of electronic communication” were omitted, and
- (c) as if at the end of paragraph (2)(a) there were inserted “within 6 weeks of the last day of the emergency period”.]

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**Textual Amendments**

- F8** Reg. 17A inserted (24.4.2020) by [The Electricity Works \(Miscellaneous Temporary Modifications\) \(Coronavirus\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/123\)](#), regs. 1(1), **4(8)**

**Copies of EIA report for the public**

**18.**—(1) Where an EIA report is submitted in relation to an application for Electricity Act consent, the developer must ensure that a reasonable number of copies of the EIA report are available for inspection at any place named (by virtue of regulation 14(2)(c)) in the notice published under regulation [<sup>F9</sup>14(1)] as a place at which copies of the EIA report may be inspected.

(2) The developer must provide copies of the EIA report in accordance with the terms of the notice published under regulation 14(1) and where that notice includes an address at which copies of the EIA report may be obtained the developer must ensure that a reasonable number of copies of the EIA report are available at that address.

(3) A reasonable charge reflecting printing and distribution costs may be made to a member of the public for a copy of a EIA report provided in accordance with paragraph (2).

[<sup>F10</sup>(4) During the emergency period the developer is not required by this regulation to ensure that copies of the EIA report are available for inspections at a place or address.]

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**Textual Amendments**

- F9** Word in reg. 18(1) substituted (30.6.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/168\)](#), regs. 1, **2(7)**
- F10** Reg. 18(4) inserted (24.4.2020) by [The Electricity Works \(Miscellaneous Temporary Modifications\) \(Coronavirus\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/123\)](#), regs. 1(1), **4(9)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, PART 5.