
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 101

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

PART 12

Revocations and Transitional Provisions

Transitional provisions - general

40.—(1) These Regulations, other than regulation 4(4), 5(4) and (5)(b), 6(4), 22 and 36, apply with the modifications specified in paragraph (2)(a) to (d) in respect of an application for Electricity Act consent or a variation application, where the developer has before 16th May 2017—

- (a) submitted an environmental statement in connection with the application; or
- (b) made a request for a scoping opinion in respect of the development to which the application relates.

(2) These Regulations apply in accordance with paragraph (1) as if—

- (a) references to an EIA report included references to an environmental statement;
- (b) for the factors specified in regulation 4(3)(a) to (d) there were substituted—

- “(a) human beings, fauna and flora;
- (b) soil, water, air, climate and the landscape; and
- (c) material assets and cultural heritage;”;

(c) for paragraphs (a) to (f) of regulation 5(2) there were substituted—

- “(a) the information referred to in Part II of schedule 4 of the 2000 Regulations; and
- (b) such of the information referred to in Part I of schedule 4 of the 2000 Regulations as is reasonably required to assess the environmental effects of the development and which having regard in particular to current knowledge and methods of assessment, the developer can reasonably be required to compile taking into account the terms of any scoping opinion.”; and

(d) the reference in regulation 19(2) to matters mentioned in schedule 4 of these Regulations were a reference to the matters mentioned in schedule 4 of the 2000 Regulations;

[^{F1}(2A) Paragraphs (1) to (3) of regulation 20 (publication of additional information) do not apply to additional information falling within paragraph (b) of the definition of “additional information” in regulation 2(1) which is received by the Scottish Ministers in relation to an application for Electricity Act consent before 16th May 2017 where before that date notice has been given under regulation 14A(2) of the 2000 Regulations in relation to that application.]

(3) Where—

- (a) a request for a scoping opinion is made before 16th May 2017; and
- (b) the Scottish Ministers have not adopted a scoping opinion before that date;

that request is to be treated as having been made under regulation 12(1) but when adopting a scoping opinion the Scottish Ministers are to assess the scope and level of detail of information to be contained in the EIA report by reference only to the scope and level of detail of information which immediately prior to 16th May 2017 had to be included in an environmental statement in accordance with regulation 4(1) and schedule 4 of the 2000 Regulations.

(4) References in this regulation and in regulation 41 to provisions of the 2000 Regulations are references to such provisions as they had effect immediately before 16th May 2017.

(5) Anything done before 16th May 2017 in connection with an application to which these Regulations apply which could have been done under a provision of these Regulations (had these Regulations been in force at that time) is to be treated as if done under that provision of these Regulations and references in any enactment (including any Act of the Scottish Parliament or any subordinate legislation) to an environmental statement prepared in accordance with the 2000 Regulations are treated as including a reference to an EIA report prepared in accordance with these Regulations.

Textual Amendments

F1 [Reg. 40\(2A\)](#) inserted (30.6.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/168\)](#), regs. 1, **2(17)**

Changes to legislation:

There are currently no known outstanding effects for the The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, Section 40.