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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 102**

**The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017**

**PART 4**

**PREPARATION OF ENVIRONMENTAL IMPACT ASSESSMENT REPORTS**

**Scoping directions of the Scottish Ministers**

- 18.**—(1) The Scottish Ministers may make a scoping direction under this regulation either—
- (a) where requested to do so under regulation 14(4), 15(3) or 17(8); or
  - (b) at their own volition.
- (2) A request made by the developer under regulation 14(4) or 15(3) must include—
- (a) a copy of any relevant screening opinion received by the developer and of any accompanying statement of reasons; and
  - (b) any representations that the developer wishes to make.
- (3) A request made by the developer under regulation 17(8) must include—
- (a) a copy of the relevant request to the planning authority under regulation 17(1);
  - (b) a copy of any relevant notification under regulation 17(3) and of any response;
  - (c) a copy of any relevant screening opinion received by the developer and of any accompanying statement of reasons; and
  - (d) any representations that the developer wishes to make.
- (4) If the developer makes a request under regulation 17(8), the developer must send to the planning authority a copy of that request and any representations made in accordance with paragraph (3)(d).
- (5) The Scottish Ministers must notify in writing the developer 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) The Scottish Ministers must—
- (a) not make a scoping direction—
    - (i) by virtue of paragraph (1)(a) until they have consulted the bodies specified in paragraph (7); and
    - (ii) by virtue of paragraph (1)(b) until they have consulted such bodies and the developer; and
  - (b) when making a scoping direction take into account the information provided by the developer, in particular information provided by the developer in respect of the specific characteristics of the development, including its location and technical capacity and its likely impact on the environment.

- (7) The bodies [<sup>F1</sup>are]—
- (a) the consultation bodies;
  - (b) the Health and Safety Executive where it would be required to be consulted under paragraph 3 or 4 of schedule 5 of the Development Management Procedure Regulations in relation to an application for planning permission for the proposed development;
  - (c) the Office for Nuclear Regulation where it would be required to be consulted under paragraph 3A of schedule 5 of the Development Management Procedure Regulations in relation to an application for planning permission for the proposed development; and
  - (d) any other public body which the Scottish Ministers consider is likely to have an interest in the proposed development by reason of that body's specific environmental responsibilities or local and regional competencies.
- (8) The Scottish Ministers must, within the period of 35 days beginning with the date of receipt of that request or such longer period as they may reasonably require, make a scoping direction and send a copy to the person who made the request and to the planning authority.
- (9) Where the Scottish Ministers have made a scoping direction neither they nor the planning authority are precluded from requiring additional information to be provided in connection with any EIA report submitted in connection with an application for planning permission for the same development as was referred to in the scoping direction.
- (10) A scoping direction supercedes the terms of an earlier scoping opinion or earlier scoping direction.

**F1** Word in reg. 18(7) inserted (30.6.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/168\)](#), regs. 1, **3(3)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, Section 18.