
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 113

The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017

PART 2

DETERMINING WHETHER EIA IS REQUIRED

Requests for screening directions by the Scottish Ministers

14.—(1) An applicant who pursuant to regulation 13(5) requests the Scottish Ministers to make a screening direction must submit with that request—

- (a) a copy of the request to the Commissioners under regulation 12(1) and the information provided in accordance with regulation 12(2) and any other documents which accompanied the request;
- (b) a copy of any notification under regulation 13(4) which has been received and of any response;
- (c) a copy of any screening opinion received from the Commissioners and of any accompanying statement of reasons; and
- (d) any representations that applicant wishes to make.

(2) When an applicant makes a request pursuant to regulation 13(5), that applicant must send to the Commissioners a copy of that request and of any representations made to the Scottish Ministers, and the Commissioners may provide the Scottish Ministers with their comments on the request and representations.

(3) Where the Scottish Ministers consider that they have not been provided with sufficient information to make a screening direction they—

- (a) must notify in writing the applicant making the request pursuant to regulation 13(5) of the points on which they require further information; and
- (b) may request the Commissioners to provide such information as they can on any of those points.

(4) The Scottish Ministers must make a screening direction within—

- (a) the period of 28 days beginning with the date of receipt of the request pursuant to regulation 13(5) or such longer period, not exceeding 90 days beginning with the date of the request, as they may reasonably require; or
- (b) where notice is given under paragraph (5), within the period beginning with the date of receipt of the request and ending on the date specified in the notice as the date by which the Scottish Ministers are to make a screening direction.

(5) Where the Scottish Ministers consider that due to exceptional circumstances relating to the nature, complexity, location or size of the forestry project proposed that it is not practicable for them to adopt a screening direction within the period of 90 days beginning with the date of receipt of

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the request, they may extend that period by notice in writing given to the applicant who made the request for the screening direction.

(6) Notice under paragraph (5) must state the Scottish Ministers' justification for the extension and specify the date by which the Scottish Ministers are to make the screening direction.

(7) For the purposes of paragraphs (4) and (5), the date on which a request for a screening direction pursuant to regulation 13(5) is to be taken to have been received is the date on which the last of the items or information required to be contained in or accompany a request for a screening direction in accordance with paragraph (1)(a) to (c) is received by the Scottish Ministers.

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Changes and effects yet to be applied to :

- Regulations power to amend or revoke conferred by [2023 c. 55 s. 164\(3\)Sch. 14 Pt. 2](#)
- reg. 14 omitted by [S.S.I. 2021/44 reg. 10\(12\)](#)
- reg. 14(4)(a) words inserted by [S.S.I. 2017/168 reg. 4\(2\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 31(4A) inserted by [S.S.I. 2020/466 reg. 9\(4\)](#)
- reg. 41(4)(5) inserted by [S.S.I. 2021/44 reg. 10\(34\)](#)