
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 115

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

PART 5

PUBLICITY AND PROCEDURES ON SUBMISSION OF ENVIRONMENTAL IMPACT ASSESSMENT REPORTS

Publication of EIA report

16.—(1) Where, in relation to an EIA application, the applicant submits to the Scottish Ministers a report which the applicant refers to as an EIA report, the Scottish Ministers must, as soon as possible after the submission of that report, either—

- (a) publicise the EIA report; or
- (b) direct the applicant to publicise the EIA report,

by notice, in accordance with this regulation or in such other manner as they consider appropriate.

(2) A notice referred to in paragraph (1) must—

- (a) describe the application and the proposed works to which the EIA report relates;
- (b) state that the proposed works are subject to environmental impact assessment and, where relevant, state that they are likely to have significant effects on the environment in another 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 how notice will be given of the subsequent submission by the applicant of any additional information and how representations in relation to that additional information may be made;
- (h) state the nature of possible decisions to be taken in relation to the application and provide details of the consenting authority by whom such decisions are to be taken; and
- (i) state an address for the consenting authority.

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

- (a) on a website;
- (b) in The Edinburgh Gazette; and

(c) in a newspaper circulating in the locality in which the works to which the EIA report relates are situated (or, in relation to proposed works in, on, over or under the sea, in such newspapers as are likely to come to the attention of those likely to be affected by the proposed works).

(4) A notice under paragraph (1) may be combined with any other notice which the applicant 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 18 are to be supplied free of charge.

Publicity of determinations and provision of information

17.—(1) The Scottish Ministers must take steps to secure that the following documents are made available for public inspection at all reasonable hours at the address notified under regulation 16(2):

- (a) any screening opinion;
- (b) any scoping opinion;
- (c) a copy of the EIA report;
- (d) additional information; and
- (e) in accordance with national legislation, the main reports or advice issued to the Scottish Ministers at the time when the documents specified in sub-paragraphs (a), (b), (c) and (d) are first made available to the public.

(2) The Scottish Ministers must ensure that the documents listed in paragraph (1) are electronically accessible to the public, through at least a central portal or easily accessible points of access, at the appropriate administrative level.

Consultation

18.—(1) The Scottish Ministers must, as soon as reasonably possible, either—

- (a) supply the consultation bodies, and any other public body which the Scottish Ministers consider is likely to have an interest in the proposed works by reason of that body's specific environmental responsibilities or local and regional competencies, with the following material:—
 - (i) a copy of the EIA application;
 - (ii) a copy of the EIA report;
 - (iii) a copy of any additional information supplied by the applicant to the Scottish Ministers; and
 - (iv) a letter stating that any representations in response to consultation regarding the application must be made, in writing, to the Scottish Ministers, at an address specified by the Scottish Ministers, within the period of 30 days beginning with the date of the letter (or such longer period as may be agreed between any consultation body or other public body which was consulted, and the Scottish Ministers in accordance with paragraph (2)); or
- (b) direct the applicant to do so.

(2) The Scottish Ministers may agree a longer consultation period with a consultation body, or such other public body consulted under paragraph (1), where, in the opinion of the Scottish Ministers, it is reasonable to do so.

Copies of EIA report for the Scottish Ministers

19.—(1) Where an EIA report is submitted in relation to an EIA application by means of electronic communication, the applicant must also send two hard copies of the EIA report to the Scottish Ministers.

(2) Where an EIA report is submitted in relation to an EIA application by hard copy, the applicant must also—

- (a) send an additional 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 applicant must send to the Scottish Ministers such further hard copies of the EIA report as the Scottish Ministers request.

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

Copies of EIA report for the public

20.—(1) Where an EIA report is submitted in relation to an EIA application, the applicant must ensure that a reasonable number of copies of the EIA report are available for inspection at any place named in the notice published under regulation 16(1) as a place at which copies of the EIA report may be inspected.

(2) The applicant must provide copies of the EIA report in accordance with the terms of the notice published under regulation 16(1).

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