SCOTTISH STATUTORY INSTRUMENTS

2017 No. 115

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

PART 8

MULTI-STAGE REGULATORY APPROVALS

Application for a multi-stage regulatory approval without EIA report

28.—(1) Where—

(a) it appears to the Scottish Ministers that an application for multi-stage regulatory approval which is before them for determination relates to schedule 1 works;

(b) the works in question have not been the subject of a screening opinion; and

(c) an EIA report has not been submitted by the applicant in relation to the works,

the Scottish Ministers must adopt a screening opinion in respect of the works.

(2) Where—

(a) it appears to the Scottish Ministers that an application for multi-stage regulatory approval which is before them for determination relates to schedule 2 works;

(b) it appears to them that the works in question may have significant effects on the environment that have not previously been identified (whether in an earlier screening opinion or because the works have not been the subject of a screening opinion); and

(c) an EIA report has not been submitted by the applicant in relation to the works,

the Scottish Ministers must adopt a screening opinion in respect of the works.

(3) Where the Scottish Ministers adopt a screening opinion under paragraph (1) or (2) to the effect that the works to which the application for multi-stage regulatory approval relates are an EIA project, the Scottish Ministers must notify the applicant, in writing, that the submission of an EIA report is required.

(4) The Scottish Ministers must notify the applicant in accordance with paragraph (3) within the period of 3 weeks beginning with the date of the screening opinion.

(5) An applicant who receives a notification under paragraph (3) may, within the period of 3 weeks beginning with the date of the notification, write to the Scottish Ministers stating that an EIA report will be provided and may under regulation 14 request the Scottish Ministers to adopt a scoping opinion.

(6) If the applicant does not write in accordance with paragraph (5), the Scottish Ministers are under no duty to deal with the application and, at the end of the 3 week period, the Scottish Ministers must inform the applicant, in writing, that no further action is being taken on the application.

(7) If the applicant writes by virtue of paragraph (5), but does not provide an EIA report to the Scottish Ministers, then the Scottish Ministers are to determine the application only by refusing regulatory approval.