
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 168

The Environmental Impact Assessment (Miscellaneous Amendments) (Scotland) Regulations 2017

Amendment of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

2.—(1) The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017⁽¹⁾ are amended in accordance with paragraphs (2) to (18).

(2) In regulation 4 (environmental impact assessment)—

- (a) in paragraph (3)(b) for “wild flora” substitute “of wild fauna and flora”; and
- (b) in paragraph (6)(b) for “that the” substitute “that”.

(3) In regulation 9(4)(a)(i) (screening opinions – time period for decision) for “if earlier of” substitute “if earlier” and for “views of the planning authority” substitute “views of the planning authority”.

(4) In regulation 11(1) (EIA application made without an EIA report) omit “a report referred to by the developer as”.

(5) In regulation 13 (procedure to facilitate preparation of EIA reports)—

- (a) in paragraph (2) for “purpose, of” substitute “purpose of,”; and
- (b) in paragraph (5)(b) for “11(1)” substitute “11(2)”.

(6) In regulation 14(2)(g) (publication of EIA report) for “the how” substitute “how”.

(7) In regulation 18(1) (copies of EIA report for the public) for “21(1)” substitute “14(1)”.

(8) In regulation 19(4) (additional information and evidence relating to EIA reports) omit “it”.

(9) In regulation 20 (publication of additional information)—

- (a) in paragraph (3)(c) after “inspection” where it first occurs insert “free of charge”; and
- (b) after paragraph (6) insert—

“(7) Where additional information is provided to the Scottish Ministers the developer must ensure that a reasonable number of copies of the additional information are available for inspection at any place named in the notice under paragraph (1) as a place at which copies of the additional information may be inspected.

(8) The developer must provide copies of the additional information in accordance with the terms of the notice under paragraph (1) and where that notice includes an address at which copies of the additional information may be obtained the developer must ensure that a reasonable number of copies of the additional information are available at that address.”.

(10) In regulation 21(5) (decision notice)—

- (a) in paragraph (a) of the definition of “mitigation measures” for “planning permission” substitute “Electricity Act consent or a condition subject to which any planning permission

- is deemed to be granted by virtue of a direction given under section 57(2) or (2ZA) of the 1997 Act”; and
- (b) in the definition of “monitoring measures” for “by virtue of” to the end of that definition substitute—
- “by virtue of—
- (a) a condition imposed on the grant of Electricity Act consent or a condition subject to which any planning permission is deemed to be granted by virtue of a direction given under section 57(2) or (2ZA) of the 1997 Act; or
- (b) a planning obligation;”.
- (11) In regulation 27(1) (modification of regulations relating to applications for multi-stage consent) omit “references” where it first occurs.
- (12) In regulation 28(2)(a)(iii) (application of regulations to variation applications) for “references if they are” substitute “if they are references”.
- (13) In regulation 29(3) (development in Scotland likely to have significant effects in an EEA state other than the United Kingdom) for “(2)(c)” substitute “(2)(a)”.
- (14) In regulation 30 (projects in another EEA state likely to have significant transboundary effects)—
- (a) in paragraph (1)(c) for “those authorities” substitute “the consultation bodies”; and
- (b) in paragraph (2) omit “, insofar as they are concerned;”.
- (15) In regulation 34 (service of notices etc.) for “30 to 32” substitute “31 to 33”.
- (16) In regulation 39 (offences by bodies corporate etc.)—
- (a) in paragraph (1) for “Subsection” substitute “Paragraph”; and
- (b) in paragraph (3) for “subsection” substitute “paragraph”.
- (17) After regulation 40(2) (transitional provisions – general) insert—
- “(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.”.
- (18) In schedule 4 (information for inclusion in environmental impact assessment reports)—
- (a) in paragraph 1(d) for “radiation” substitute “radiation”;
- (b) in paragraph 5 for “92/43/EEC3” substitute “92/43/EEC”;
- (c) in paragraph 8 for “this Directive” substitute “the Directive”; and
- (d) in paragraph 9 for “points” substitute “paragraphs”.