
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 168

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

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

6.—(1) The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017⁽¹⁾ are amended in accordance with paragraphs (2) to (10).

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “the 2010 Act” insert—

““the 2007 Regulations” means the Marine Works (Environmental Impact Assessment) Regulations 2007⁽²⁾”;

(b) after the definition of “application website” insert—

““the CCS Directive” means [Directive 2009/31/EC](#) of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council [Directive 85/337/EEC](#), European Parliament and Council Directives [2000/60/EC](#), [2001/80/EC](#), [2004/35/EC](#), [2006/12/EC](#), [2008/1/EC](#) and Regulation (EC) No [1013/2006](#)⁽³⁾”;

(c) in the definition of “environmental statement” for “the Marine Works (Environmental Impact Assessment) Regulations 2007” substitute “the 2007 Regulations”.

(3) In regulation 11(2) (screening opinions – time period for decision) after “date of” insert “receipt of”.

(4) In regulation 16(1) (publication of EIA report) omit “or in such other manner as they consider appropriate”.

(5) In regulation 22 (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 applicant 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 applicant 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 applicant must ensure that a reasonable number of copies of the additional information are available at that address.”.

(6) In regulation 34 (electronic communications – general)—

(a) in paragraph (4)(b) for “26” substitute “30”; and

(1) [S.S.I. 2017/115](#).

(2) [S.I. 2007/1518](#) as amended by [S.I. 2011/735](#), [S.I. 2011/1043](#), and [S.I. 2015/446](#).

(3) OJ L 140, 5.6.2009, p.114, as last amended by [Directive 2011/92/EU](#) (OJ L 26, 28.1.2012, p.1).

- (b) in paragraph (4)(c) for “30” substitute “31”.
- (7) After regulation 40(2) (transitional provisions – general) insert—
 - “(2A) Paragraphs (1) to (3) of regulation 22 (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 regulatory approval before 16th May 2017 where before that date notice has been given under regulation 16(1) of the 2007 Regulations publicising that information in relation to that application.”.
- (8) In regulation 41 (transitional provisions – requests for screening opinions) for “made under 10(1)” substitute “made under regulation 10(1)”.
- (9) In schedule 1 (descriptions of projects for the purposes of the definition of “schedule 1 works”), in the interpretation provision, in the definition of ““nuclear power station” and “other nuclear reactor”” for “is” substitute “are”.
- (10) In schedule 2 (descriptions of projects and applicable thresholds and criteria for the purposes of the definition of “schedule 2 works”) in column 2 of entry 3(c) of the table, in sub-paragraph (ii) after “operation of” insert “which”.