

[^{F1}SCHEDULE 4

Regulation 13(2)

SCOPING OPINIONS

F1 Regulations revoked (S.) (16.5.2017) by [The Marine Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/115\)](#), **reg. 42(a)** (with regs. 1(2), 40, 41)

Request for a scoping opinion

1. A request for a scoping opinion must be accompanied by—
 - (a) a chart, plan or map sufficient to identify the location of the regulated activity and of other activities to be carried out in the course of the project;
 - [^{F2}(b) a brief description of the specific characteristics of the regulated activity and the project, including their nature, purpose, location and technical capacity;]
 - [^{F3}(ba) an explanation of the likely significant effects of the regulated activity and the project on the environment;]
 - (c) such other information or representations as the applicant may wish to provide or make.

F2 [Sch. 4 para. 1\(b\)](#) substituted (16.5.2017) by [The Marine Works \(Environmental Impact Assessment\) \(Amendment\) Regulations 2017 \(S.I. 2017/588\)](#), **regs. 1(1), 32(2)** (with reg. 34)

F3 [Sch. 4 para. 1\(ba\)](#) inserted (16.5.2017) by [The Marine Works \(Environmental Impact Assessment\) \(Amendment\) Regulations 2017 \(S.I. 2017/588\)](#), **regs. 1(1), 32(3)** (with reg. 34)

Information required where another application has been made

2. Where the regulated activity is to be carried out in the course of a project in respect of which the applicant has made an application to a consenting authority other than the regulator, an applicant seeking a scoping opinion must—
 - (a) inform the appropriate authority and the regulator (if the regulator is not also the appropriate authority) of any such application;
 - (b) if any such consenting authority has requested an environmental statement in respect of that project, inform the appropriate authority and the regulator (if the regulator is not also the appropriate authority) of that request; and
 - (c) if so requested by the appropriate authority or the regulator, provide the appropriate authority with a copy of any environmental statement and of any other environmental information provided to any such consenting authority.

Payment of a fee for a scoping opinion

- 3.—(1) The appropriate authority may require an applicant to pay a reasonable fee in respect of—
 - (a) the administrative expenses of providing a scoping opinion; and
 - (b) the cost of carrying out any examinations or tests that, in the opinion of the appropriate authority, are necessary or expedient to enable the appropriate authority to produce its scoping opinion.
- (2) If the appropriate authority considers that it is appropriate to do so, it may—
 - (a) require the applicant to make a reasonable advance payment against the fee that it is entitled to charge for its scoping opinion;

Changes to legislation: There are currently no known outstanding effects for the The Marine Works (Environmental Impact Assessment) Regulations 2007, SCHEDULE 4. (See end of Document for details)

- (b) determine the balance of the fee payable after carrying out the work necessary to produce its scoping opinion in accordance with the remaining provisions of this Schedule; and
- (c) require the applicant to pay the balance of the fee that it is entitled to charge prior to the notification of its scoping opinion.

Procedure for reaching a scoping opinion

4.—(1) The appropriate authority must, if it considers that it has not been provided with sufficient information to enable it to give a scoping opinion, notify the applicant in writing of the matters on which it requires further information and the applicant must supply that further information to the appropriate authority within such period as the appropriate authority may reasonably require.

(2) The applicant must supply the appropriate authority with such number of additional copies of the documentation as the appropriate authority may reasonably require.

(3) The appropriate authority need not deal further with the request for a scoping opinion until the applicant has complied with the requirements of sub-paragraphs (1) and (2).

(4) Where an applicant has failed to comply with the requirements of sub-paragraph (1) or (2) within such reasonable period as the appropriate authority has specified, or such longer period as the appropriate authority may reasonably allow—

- (a) the appropriate authority may treat the request as having been withdrawn;
- (b) the regulator may treat the application to which the request relates as having been withdrawn; and
- (c) the appropriate authority (if the regulator is not also the appropriate authority) may direct the regulator to treat the application as withdrawn.

Matters to be considered in reaching a scoping opinion

5. In reaching a scoping opinion, the appropriate authority must [^{F4}take into account]—

- (a) the specific characteristics of the project [^{F5}, including its location and technical capacity];
- (b) the nature and purpose of regulated activities of the type concerned in the project;
- (c) the environmental features likely to be affected by the project; and

[^{F6}(d) any information provided by the applicant about the project and the regulated activity.]

F4 Words in Sch. 4 para. 5 substituted (16.5.2017) by [The Marine Works \(Environmental Impact Assessment\) \(Amendment\) Regulations 2017 \(S.I. 2017/588\)](#), regs. 1(1), **32(4)** (with reg. 34)

F5 Words in Sch. 4 para. 5(a) inserted (16.5.2017) by [The Marine Works \(Environmental Impact Assessment\) \(Amendment\) Regulations 2017 \(S.I. 2017/588\)](#), regs. 1(1), **32(5)** (with reg. 34)

F6 Sch. 4 para. 5(d) substituted (16.5.2017) by [The Marine Works \(Environmental Impact Assessment\) \(Amendment\) Regulations 2017 \(S.I. 2017/588\)](#), regs. 1(1), **32(6)** (with reg. 34)

Consultation

6.—(1) The appropriate authority must consult such of the consultation bodies as it considers appropriate before giving a scoping opinion.

(2) When carrying out any consultation under sub-paragraph (1), the appropriate authority must allow the consultation body a reasonable period within which to respond and that period must not be less than 28 days from the date of the letter that the consultation body receives from the appropriate authority or such other period as may be agreed between the consultation body and the appropriate authority.

Notification of a scoping opinion

7. The appropriate authority must, as soon as reasonably practicable, provide its scoping opinion and a written statement of the reasons for its opinion to—

- (a) the applicant;
- (b) if the appropriate authority is not also the regulator, the regulator; and
- (c) such of the consultation bodies as it consulted in accordance with paragraph 6.

Availability of scoping opinions for inspection

8.—^{F7}(1) Subject to sub-paragraph (2), the appropriate authority must ensure that, as soon as possible after being sent to the applicant, its scoping opinion is—

- (a) publicised in such a manner as it considers appropriate; and
- (b) in the case of an activity requiring regulatory approval under the 1985 Act^{F8} or the 2009 Act], made available on the relevant Public Register.]

(2) Sub-paragraph (1) does not require disclosure of any excluded information.]

F7 Sch. 4 para. 8(1) substituted (6.4.2011) by [The Marine Works \(Environmental Impact Assessment\) \(Amendment\) Regulations 2011 \(S.I. 2011/735\)](#), regs. 1, **12**

F8 Words in Sch. 4 para. 8(1)(b) substituted (16.5.2017) by [The Marine Works \(Environmental Impact Assessment\) \(Amendment\) Regulations 2017 \(S.I. 2017/588\)](#), regs. 1(1), **32(7)** (with reg. 34)

Changes to legislation:

There are currently no known outstanding effects for the The Marine Works (Environmental Impact Assessment) Regulations 2007, SCHEDULE 4.