



Environmental Assessment (Scotland) Act 2005 2005 asp 15

PART 2

ENVIRONMENTAL REPORTS AND CONSULTATION

14 Preparation of environmental report

- (1) In relation to any qualifying plan or programme, the responsible authority shall secure the preparation of an environmental report.
- (2) The report shall identify, describe and evaluate the likely significant effects on the environment of implementing—
 - (a) the plan or programme; and
 - (b) reasonable alternatives to the plan or programme,taking into account the objectives and the geographical scope of the plan or programme.
- (3) The report shall include such of the information specified in schedule 3 as may reasonably be required, taking account of—
 - (a) current knowledge and methods of assessment of environmental matters;
 - (b) the contents of, and level of detail in, the plan or programme;
 - (c) the stage of the plan or programme in the decision-making process; and
 - (d) the extent to which any matters to which the report relates would be more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.
- (4) Information referred to in schedule 3 may be included in the report by reference to relevant information obtained at other levels of decision-making or through [^{F1}other retained EU law].
- (5) The Scottish Ministers may by order modify schedule 3.

*Changes to legislation: There are currently no known outstanding effects for the
 Environmental Assessment (Scotland) Act 2005, Part 2. (See end of Document for details)*

Textual Amendments

F1 Words in s. 14(4) substituted (31.12.2020) by [The Environmental Assessment \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/178\)](#), regs. 1(2)(b), 3(4); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

II S. 14 in force at 20.2.2006 by [S.S.I. 2006/19](#), art. 2

15 Scoping

(1) Before deciding on—

- (a) the scope and level of detail of the information to be included in the environmental report to be prepared in accordance with section 14; and
- (b) the consultation period it intends to—
 - (i) specify under section 16(1)(b); and
 - (ii) notify under section 16(2)(a)(iv),

the responsible authority shall send to each consultation authority such sufficient details of the qualifying plan or programme as will enable the consultation authority to form a view on those matters.

(2) Each consultation authority shall—

- (a) send to the responsible authority its views on the matters referred to in subsection (1) within the period of 5 weeks beginning with the date on which the details referred to in that subsection are received by the consultation authority; and
- (b) send a copy of those views to the other consultation authorities.

(3) The responsible authority shall—

- (a) take account of the views expressed by the consultation authorities under subsection (2)(a); and
- (b) advise the Scottish Ministers of the period it intends to specify under section 16(1)(b) and notify under section 16(2)(a)(iv).

(4) If the Scottish Ministers consider that a period referred to in subsection (3)(b) is not likely to give (as the case may be)—

- (a) the consultation authorities; or
- (b) the public—
 - (i) affected or likely to be affected by; or
 - (ii) having an interest in,

the plan or programme,

an early and effective opportunity to express their opinion on the plan or programme and the accompanying environmental report, the Scottish Ministers shall, within 7 days of receipt of the advice under subsection (3)(b), specify such other period as the Scottish Ministers consider will give the consultation authorities, or (as the case may be) the public, such an early and effective opportunity.

(5) Where the Scottish Ministers have specified a period under subsection (4), the responsible authority shall specify under section 16(1)(b), or (as the case may be) notify under section 16(2)(a)(iv), that period.

Changes to legislation: There are currently no known outstanding effects for the Environmental Assessment (Scotland) Act 2005, Part 2. (See end of Document for details)

- (6) Where the Scottish Ministers are the responsible authority in relation to a qualifying plan or programme, subsections (3)(b), (4) and (5) do not apply.

Commencement Information

I2 S. 15 in force at 20.2.2006 by [S.S.I. 2006/19](#), [art. 2](#)

16 Consultation procedures

- (1) As soon as reasonably practicable, and in any event within 14 days of the preparation of the environmental report, the responsible authority shall—
- (a) send a copy of the report and the qualifying plan or programme to which it relates (“the relevant documents”) to the consultation authorities; and
 - (b) invite each consultation authority to express its opinion on the relevant documents within such period as the responsible authority may specify.
- (2) The responsible authority shall also—
- (a) within 14 days of the preparation of the environmental report, secure the publication of a notice—
 - (i) stating the title of the plan or programme to which it relates;
 - (ii) stating the address (which may include a website) at which a copy of the relevant documents may be inspected or from which a copy may be obtained;
 - (iii) inviting expressions of opinion on the relevant documents; and
 - (iv) stating the address to which, and the period within which, opinions must be sent;
 - (b) keep a copy of the relevant documents available at the authority's principal office for inspection by the public at all reasonable times and free of charge; and
 - (c) display a copy of the relevant documents on the authority's website.
- (3) The periods referred to in subsections (1)(b) and (2)(a)(iv) must be of such length as will ensure that those to whom the invitation is extended are given an early and effective opportunity to express their opinion on the relevant documents.
- (4) Publication of a notice under subsection (2)(a) shall be by such means (including publication in at least one newspaper circulating in the area to which the plan or programme relates) as will ensure that the contents of the notice are likely to come to the attention of the public—
- (a) affected by or likely to be affected by; or
 - (b) having an interest in,
the plan or programme.
- (5) Nothing in subsection (2)(a)(ii) shall require the responsible authority to provide a copy of any document free of charge; but where a charge is made, it shall be of a reasonable amount.

Commencement Information

I3 S. 16 in force at 20.2.2006 by [S.S.I. 2006/19](#), [art. 2](#)

*Changes to legislation: There are currently no known outstanding effects for the
Environmental Assessment (Scotland) Act 2005, Part 2. (See end of Document for details)*

17 Account to be taken of environmental report etc.

In the preparation of a qualifying plan or programme, the responsible authority shall take account of—

- (a) the environmental report for that plan or programme;
- (b) every opinion expressed in response to the invitations referred to in section 16(1) and (2)(a)(iii); and
- (c) the outcome of any relevant consultation under regulation 14 of the Environmental Assessment of Plans and Programmes Regulations 2004 (S.I. 2004/1633).

Commencement Information

I4 S. 17 in force at 20.2.2006 by [S.S.I. 2006/19, art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Environmental Assessment (Scotland) Act 2005, Part 2.