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SCOTTISH STATUTORY INSTRUMENTS

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**1999 No. 1**

**The Environmental Impact Assessment  
(Scotland) Regulations 1999**

**PART II**

**TOWN AND COUNTRY PLANNING**

**CHAPTER 2**

**SCREENING**

**General provisions relating to screening**

4.—(1) Subject to paragraphs (3) and (4), the occurrence of an event mentioned in paragraph (2) shall determine for the purpose of these Regulations that development is EIA development.

(2) The events referred to in paragraph (1) are—

- (a) the submission by the applicant or appellant in relation to that development of a statement referred to by the applicant or appellant as an environmental statement for the purposes of these Regulations; or
- (b) the adoption by the relevant planning authority of a screening opinion to the effect that the development is EIA development.

(3) A direction of the Scottish Ministers shall determine for the purpose of these Regulations whether development is or is not EIA development.

(4) The Scottish Ministers may direct that particular proposed development is exempted from the application of these Regulations in accordance with Article 2(3) of the Directive (but without prejudice to Article 7 of the Directive) and shall send a copy of any such direction to the relevant planning authority.

(5) Where a planning authority or the Scottish Ministers have to decide under these Regulations whether Schedule 2 development is EIA development, they shall take into account in making that decision such of the selection criteria set out in Schedule 3 as are relevant to the development.

(6) Where—

- (a) a planning authority adopt a screening opinion; or
- (b) the Scottish Ministers make a screening direction under these Regulations;

to the effect that development is EIA development—

- (i) that opinion or direction shall be accompanied by a written statement giving clearly and precisely the full reasons for that conclusion; and
- (ii) the authority or the Scottish Ministers, as the case may be, shall send a copy of the opinion or direction and a copy of the written statement required by sub-paragraph (i) to the person who proposes to carry out, or who has carried out, the development in question.

(7) The Scottish Ministers may make a screening direction irrespective of whether they have received a request to do so.

(8) The Scottish Ministers may direct that particular development of a description mentioned in Column 1 of the table in Schedule 2 is EIA development in spite of the fact that none of the conditions contained in sub-paragraphs (a) and (b) of the definition of “Schedule 2 development” in regulation 2(1) is satisfied in relation to that development.

(9) The Scottish Ministers shall send a copy of any screening direction to the relevant planning authority.

### **Requests for screening opinions of the planning authority**

5.—(1) A person who is minded to carry out development may request the relevant planning authority to adopt a screening opinion.

(2) A request for a screening opinion shall be accompanied by—

- (a) a plan sufficient to identify the land;
- (b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and
- (c) such other information or representations as the person making the request may wish to provide or make.

(3) An authority receiving a request for a screening opinion shall, if they consider that they have not been provided with sufficient information to adopt an opinion, notify in writing the person making the request of the points on which they require additional information.

(4) An authority shall adopt a screening opinion within three weeks beginning with the date of receipt of a request made pursuant to paragraph (1) or such longer period as may be agreed in writing with the person making the request.

(5) An authority which adopts a screening opinion pursuant to paragraph (4) shall forthwith send a copy to the person who made the request.

(6) Where an authority—

- (a) fail to adopt a screening opinion within the relevant period mentioned in paragraph (4); or
- (b) adopt an opinion to the effect that the development is EIA development;

the person who requested the opinion may request the Scottish Ministers to make a screening direction.

(7) The person may make a request pursuant to paragraph (6) even if the authority have not received additional information which they have sought under paragraph (3).

### **Requests for screening directions of the Scottish Ministers**

6.—(1) A person who pursuant to regulation 5(6) requests the Scottish Ministers to make a screening direction shall submit with his request—

- (a) a copy of his request to the relevant planning authority under regulation 5(1) and the documents which accompanied it;
- (b) a copy of any notification under regulation 5(3) which he has received and of any response;
- (c) a copy of any screening opinion he has received from the authority and of any accompanying statement of reasons; and
- (d) any representations that he wishes to make.

(2) When a person makes a request pursuant to regulation 5(6), he shall send to the relevant planning authority a copy of that request and of any representations he makes to the Scottish

Ministers, and that authority may, within two weeks of receiving those documents, provide the Scottish Ministers with their comments on the request and representations.

(3) The Scottish Ministers shall, if they consider that they have not been provided with sufficient information to make a screening direction, notify in writing the person making the request pursuant to regulation 5(6) of the points on which they require additional information, and may request the relevant planning authority to provide such information as they can on any of those points.

(4) The Scottish Ministers shall make a screening direction within three weeks beginning with the date of receipt of a request pursuant to regulation 5(6) or such longer period as they may reasonably require.

(5) The Scottish Ministers shall send a copy of any screening direction made pursuant to paragraph (4) forthwith to the person who made the request.