SCOTTISH STATUTORY INSTRUMENTS

1999 No. 1

The Environmental Impact Assessment (Scotland) Regulations 1999

PART IV

DRAINAGE WORKS

Request for the opinion of the Scottish Ministers on the information to be supplied under this Part

56.—(1) An owner of agricultural land who proposes to apply under section 1 of the Act may, before submitting such application, request the opinion of the Scottish Ministers on the information to be supplied by him under this Part.

(2) A request under paragraph (1) shall be accompanied by–

(a) a plan sufficient to identify the land on which the proposed development would be carried out;

(b) a brief description of the nature and purpose of the proposed development and 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) Where the Scottish Ministers upon receipt of a request under paragraph (1) consider that they have not been provided with sufficient information to give an opinion they shall notify the owner of the particular points on which they require further information.

(4) The Scottish Ministers shall not give an opinion in response to a request under paragraph (1) until they have consulted the owner who made the request, and the local authorities and statutory bodies affected by the drainage works (including, where appropriate, the consultation bodies), but shall respond within 3 weeks of the period allowed for consultation or such longer period as may be agreed in writing with the owner.

(5) In response to a request under paragraph (1), the Scottish Ministers shall indicate which of the descriptions of information set out in paragraphs 1 to 5 of Part I of Schedule 4 they consider relevant, taking into account–

(a) the specific characteristics of the proposed drainage works;

(b) the environmental features likely to be affected by those works; and

(c) the extent to which the owner who requested the opinion may reasonably be required to compile the information, having regard to current knowledge and methods of assessment.

(6) Where the Scottish Ministers have given an opinion in response to a request under paragraph (1), they shall not be precluded from subsequently requiring the owner to submit further information.