
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 320

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000

PART II

SCREENING

Procedures for a screening opinion by the Scottish Ministers

5.—(1) A person who is minded to apply for a section 36 consent or a section 37 consent for development which he considers may be EIA development may make a written request to the Scottish Ministers for a screening opinion.

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

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

(3) The Scottish Ministers, on receiving a request for a screening opinion shall, if they consider that they have not been provided with sufficient information to give an opinion, within three weeks of the receipt of the request by them give notice to the person making the request of the particular points on which they require further information.

(4) Where the Scottish Ministers consider that they have sufficient information they shall consult the planning authority within whose area the land which is the subject of the proposed application is situated (or, in relation to a proposed development in, on, over or under the sea, such planning authority or planning authorities as they consider appropriate), as to its views on whether the proposed development is EIA development unless the person requesting a screening opinion has already conveyed that authority's views to the Scottish Ministers.

(5) A planning authority shall give its views to the Scottish Ministers within three weeks of the date on which it was consulted under paragraph (4) (or such longer period as the Scottish Ministers may determine).

(6) When the Scottish Ministers consider that they have sufficient information they shall give a screening opinion within three weeks of whichever is the later of—

- (a) the date of receipt of the request by the Scottish Ministers;
- (b) the date by which they have received all the further information required by them under paragraph (3); and
- (c) the date by which the planning authority is required to give its views under paragraph (5), (or, if earlier, the date by which the Scottish Ministers have received the views of the planning authority),

or within such longer period as may be agreed in writing with the person making the request.

(7) Where the Scottish Ministers determine that the application for consent is for EIA development, they shall provide with the screening opinion a written statement giving full reasons for their determination.

Application made without an environmental statement

6.—(1) Where an application is made to the Scottish Ministers for a section 36 consent or a section 37 consent but—

- (a) the application is not accompanied by a document referred to by the applicant as an environmental statement; and
- (b) the proposed development has not previously been the subject of a screening opinion,

the Scottish Ministers shall make a determination as to whether or not the application for consent is for EIA development within three weeks of whichever is the latest of—

- (i) the date of receipt of the application by the Scottish Ministers;
- (ii) the date by which they have received all the further information pursuant to a notice under regulation 5(3) as applied by paragraph (2); and
- (iii) the date by which the planning authority is required to give its views under regulation 5(5) as applied by paragraph (2), (or, if earlier, the date by which the Scottish Ministers have received the views of the planning authority),

or within such longer period as may be agreed in writing with the applicant and give notice to the applicant in writing accordingly, giving full reasons for their determination.

(2) When making any determination under paragraph (1) the Scottish Ministers may have recourse to procedures laid down in regulation 5 as if the applicant had made a request for a screening opinion and in particular may require the applicant to provide the information set out in regulation 5(2), may require further information in accordance with regulation 5(3) and consult the relevant planning authority in accordance with regulation 5(4).

(3) The applicant may, within three weeks beginning with the date on which a notice is given pursuant to paragraph (1) that the proposed development is EIA development, write to the Scottish Ministers to inform them that he proposes to provide an environmental statement.

(4) If pursuant to paragraph (1) the Scottish Ministers determine that the proposed development is EIA development and the applicant takes no action in accordance with paragraph (3) the consent applied for shall be deemed to be refused at the end of the three week period referred to in paragraph (3).