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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 320**

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

**PART III**

**PREPARATION OF AN ENVIRONMENTAL STATEMENT**

**Procedure for a scoping opinion by Scottish Ministers**

7.—(1) A person who is minded to apply for a section 36 consent or a section 37 consent for development which is or may be EIA development may ask the Scottish Ministers to state in writing their opinion as to the information to be provided in the environmental statement (a “scoping opinion”).

(2) A request for a scoping 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 scoping 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) When the Scottish Ministers consider that they have sufficient information they shall consult—

- (a) the person making the request under paragraph (1);
- (b) the appropriate consultative bodies; and
- (c) any other person who in the opinion of the Scottish Ministers is likely to be concerned by the proposed development by reason of his specific environmental responsibilities,

and give them three weeks (or such longer period as that person and the Scottish Ministers may agree) to make representations regarding the content of the scoping opinion.

(5) The Scottish Ministers shall not give a scoping opinion until they are satisfied that the requirements for consultation provided for in paragraph (4) have been met and they have considered any representations received by them pursuant to such consultation regarding the scoping opinion which they propose to give.

(6) The Scottish Ministers shall give a scoping opinion within three weeks of whichever is the latest of—

- (a) the date of receipt of the request by the Scottish Ministers;
- (b) the date of receipt by them of further information pursuant to paragraph (3);

- (c) the last date by which any person consulted under paragraph (4) is required to make representations (or if earlier, the date by which the Scottish Ministers have received the last of the representations of such persons),

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

(7) Before giving a scoping opinion the Scottish Ministers shall, having regard to current knowledge and methods of assessment, take into account—

- (a) the specific characteristics of the proposed development;
- (b) the specific characteristics of that type of development; and
- (c) the environmental features likely to be affected.

(8) Where a person has, at the same time as making a request for a screening opinion under regulation 5(1), asked the Scottish Ministers for a scoping opinion under paragraph (1), and the Scottish Ministers have given a screening opinion to the effect that the development is EIA development, the Scottish Ministers shall begin the procedures relating to scoping on the date on which they give the screening opinion.

### **Procedure to facilitate preparation of an environmental statement**

**8.—(1)** A prospective applicant may give the Scottish Ministers notice in writing that he intends to make an application for a section 36 consent or a section 37 consent in relation to any development and to submit an environmental statement with his application.

(2) A notice under paragraph (1) shall include the information necessary to identify, or be accompanied by documents identifying, the location and the nature and purpose of the proposed development, and shall indicate the main environmental consequences to which the prospective applicant proposes to refer to in his environmental statement.

(3) Where the Scottish Ministers receive such a notice as is mentioned in paragraph (1) they shall—

- (a) give notice to the appropriate consultative bodies (and such other persons that are in their opinion likely to be concerned by the proposed development by reason of their specific environmental responsibilities) in writing of the name and address of the prospective applicant and of the duty imposed upon them by regulation 15 to make information available to the prospective applicant;
- (b) give notice to the prospective applicant in writing of the names and addresses of the consultative bodies and persons so notified.

(4) Where an application for a section 36 consent or a section 37 consent in relation to development has been made without an environmental statement, and—

- (a) the Scottish Ministers have given notice to the applicant pursuant to regulation 3 or 6 that the development constitutes EIA development; or
- (b) the applicant has informed the Scottish Ministers that he proposes to submit an environmental statement,

the Scottish Ministers shall take the action specified in paragraph (3)(a) and (b) which shall be read as if references to the prospective applicant were references to the applicant.