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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 320**

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

**PART II**

**SCREENING**

**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).