
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 139

**The Town and Country Planning (Environmental
Impact Assessment) (Scotland) Regulations 2011**

PART 4

PREPARATION OF ENVIRONMENTAL STATEMENTS

Scoping opinions of the planning authority

14.—(1) A person who is minded to make an EIA application may ask the planning authority to adopt a scoping opinion.

(2) A request under paragraph (1) must include—

- (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) A planning authority receiving a request under paragraph (1)—

- (a) must not adopt a scoping opinion in response to a request under paragraph (1) until they have consulted—
 - (i) the person who made the request;
 - (ii) the consultation bodies; and
 - (iii) the Health and Safety Executive where they would be required to be consulted under paragraph 3 or 4 of Schedule 5 to the Development Management Procedure Regulations in relation to the application for planning permission for the proposed development; and

(b) must, if they consider that they have not been provided with sufficient information to adopt a scoping opinion, notify the person making the request of the points on which they require further information.

(4) Subject to paragraph (5), the planning authority must within five weeks beginning with the date of receipt of a request under paragraph (1) or such longer period as may be agreed in writing with the person making the request, adopt a scoping opinion and send a copy to the person who made the request.

(5) Where—

- (a) a person has, at the same time as making a request for a screening opinion under regulation 6(1), asked the planning authority for an opinion under paragraph (1) above; and
- (b) the planning authority have adopted a screening opinion to the effect that the development is EIA development,

the planning authority must within five weeks beginning with the date on which that screening opinion was adopted or such longer period as may be agreed in writing with the person making the request, adopt a scoping opinion and send a copy to the person who made the request.

(6) Before adopting a scoping opinion, the planning authority must take into account—

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

(7) Where a planning authority fail to adopt a scoping opinion within the relevant period mentioned in paragraph (4) or (5), the person who requested the opinion may under regulation 15 ask the Scottish Ministers to make a scoping direction.

(8) Paragraph (7) applies even if the planning authority have not received the information which they have sought under paragraph (3)(b).

(9) A planning authority which has adopted a scoping opinion in response to a request under paragraph (1) is not precluded from requiring of the person who made the request additional information in connection with any statement that may be submitted by that person as an environmental statement in connection with an application for planning permission for the same development as was referred to in the request.