

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2017 No. 101**

**The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017**

**PART 4**

**PREPARATION OF ENVIRONMENTAL IMPACT ASSESSMENT REPORTS**

**Request for scoping opinions**

- 12.**—(1) A developer may request the Scottish Ministers to adopt a scoping opinion.
- (2) A request under paragraph (1) must include—
- (a) a description of the location of the development, including a plan sufficient to identify the land;
  - (b) a brief description of the nature and purpose of the development and of its likely significant effects on the environment; and
  - (c) such other information or representations as the developer may wish to provide or make.
- (3) If the Scottish Ministers consider that they have not been provided with sufficient information, they must, within three weeks of receipt of the request under paragraph (1), notify the developer of the points on which they require further information.
- (4) The Scottish Ministers must not adopt a scoping opinion in response to a request under paragraph (1) until they have consulted—
- (a) the consultation bodies; and
  - (b) any other public body which the Scottish Ministers consider is likely to have an interest in the proposed development by reason of that body's specific environmental responsibilities or local and regional competencies.
- (5) The Scottish Ministers when adopting a scoping opinion must take into account—
- (a) the information provided by the developer, in particular information provided by the developer in respect of the specific characteristics of the development, including its location and technical capacity and its likely impact on the environment; and
  - (b) any representations made to them in response to consultation undertaken in accordance with paragraph (4).
- (6) The Scottish Ministers must, within the period of 9 weeks beginning with the date of receipt of a request or such longer period as they may reasonably require, adopt a scoping opinion and send a copy of the scoping opinion to the developer and to the planning authority.
- (7) The adoption of a scoping opinion by the Scottish Ministers does not preclude the Scottish Ministers from requiring of the developer information in connection with any EIA report submitted in connection with an application for Electricity Act consent for the same development as referred to in the scoping opinion.

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

(9) The Scottish Ministers may at their own volition adopt a scoping opinion and paragraphs (4), (5) and (7) apply in relation to such a scoping opinion as they apply where a request is made under paragraph (1).

**Changes to legislation:**

There are currently no known outstanding effects for the The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, Section 12.