

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2017 No. 102**

**TOWN AND COUNTRY PLANNING**

**The Town and Country Planning (Environmental  
Impact Assessment) (Scotland) Regulations 2017**

|  |         |                        |
|--|---------|------------------------|
| <i>Made</i>                                    | - - - - | <i>29th March 2017</i> |
| <i>Laid before the Scottish<br/>Parliament</i> | - -     | <i>31st March 2017</i> |
| <i>Coming into force</i>                       |         | <i>16th May 2017</i>   |

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL  
IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017**

PART 1

INTRODUCTORY

1. Citation and commencement
2. Interpretation
3. Prohibition on granting planning permission without an environmental impact assessment
4. Environmental impact assessment
5. Environmental Impact Assessment Report

PART 2

DETERMINING WHETHER ENVIRONMENTAL IMPACT ASSESSMENT IS REQUIRED

6. EIA Development
7. General provisions relating to screening
8. Requests for screening opinion of the planning authority
9. Screening opinions – time period for decision
10. Requests for screening directions of the Scottish Ministers

PART 3

PROCEDURES CONCERNING APPLICATIONS FOR PLANNING PERMISSION

11. Application or request to review made to a planning authority without prior screening
12. EIA application made to a planning authority without an EIA report

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. (See end of Document for details)

13. Application or Appeal to the Scottish Ministers without prior screening
14. EIA application referred to the Scottish Ministers without an EIA report
15. Appeal to the Scottish Ministers without an EIA report
16. Review by the planning authority of an application without an EIA report

#### PART 4

### PREPARATION OF ENVIRONMENTAL IMPACT ASSESSMENT REPORTS

17. Scoping opinions of the planning authority
18. Scoping directions of the Scottish Ministers
19. Procedure to facilitate preparation of EIA reports

#### PART 5

### PUBLICITY AND PROCEDURES ON SUBMISSION OF ENVIRONMENTAL IMPACT ASSESSMENT REPORTS

20. Notification of EIA report
21. Publication of EIA report
22. Consultation where EIA report received by planning authority
23. Copy of EIA report for the Scottish Ministers
24. Consultation where EIA report received by the Scottish Ministers
25. Availability of copies of EIA report

#### PART 6

### ADDITIONAL INFORMATION

26. Supplementary information and evidence relating to EIA reports
27. Publication of additional information

#### PART 7

### AVAILABILITY OF DIRECTIONS ETC. AND NOTIFICATION OF DECISIONS

28. Availability of opinions, directions etc. for inspection
29. Decision notice
30. Monitoring measures
31. Notification of decision

#### PART 8

### APPLICATIONS FOR MULTI-STAGE CONSENT

32. Prohibition on granting an application for multi-stage consent without an environmental impact assessment
33. Application for multi-stage consent where EIA report previously provided
34. Application for multi-stage consent without EIA report
35. Application for multi-stage consent referred or appealed to the Scottish Ministers without an EIA report
36. Modification of regulations relating to application for multi-stage consent

#### PART 9

### SPECIAL CASES

37. Simplified planning zone schemes or enterprise zone orders
38. ROMP applications

39. Applications for permission under section 242A
40. Marine fish farming

#### PART 10

#### DEVELOPMENT WITH SIGNIFICANT TRANSBOUNDARY EFFECTS

41. Development in Scotland likely to have significant effects in an EEA State other than the United Kingdom
42. Projects in an EEA State likely to have significant transboundary effects

#### PART 11

#### MISCELLANEOUS

43. Electronic communications – general
44. Electronic communications – deemed agreement
45. Withdrawal of consent to use of electronic communications
46. Service of notices etc.
47. Application to Court of Session
48. Hazardous waste and material change of use
49. Extension of the period for an authority's decision on a planning application
50. Directions as to whether development is EIA development
51. Access to review procedure before a court
52. Competent authority – avoidance of conflict of interest
53. Co-ordination of assessments
54. Offences
55. Offences by bodies corporate etc.

#### PART 12

#### Amendments Revocations and Transitional Provisions

56. Amendment of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992
  57. Amendment of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013
  58. Amendment of the Town and Country Planning (Appeals) (Scotland) Regulations 2013
  59. Amendment of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
  60. Revocations and transitional provisions
- Signature

---

#### SCHEDULE 1 DESCRIPTIONS OF DEVELOPMENT FOR THE PURPOSES OF THE DEFINITION OF “SCHEDULE 1 DEVELOPMENT”

##### Interpretation

##### Descriptions of development

1. Crude-oil refineries (excluding undertakings manufacturing only lubricants from crude-oil) and...
2. (1) Thermal power stations and other combustion installations with a...
3. (1) Installations for the reprocessing of irradiated nuclear fuel.
4. (1) Integrated works for the initial smelting of cast-iron and...

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. (See end of Document for details)

5. Installations for the extraction of asbestos and for the processing...
6. Integrated chemical installations, that is to say, installations for the...
7. (1) Construction of lines for long-distance railway traffic and of...
8. (1) Inland waterways and ports for inland-waterway traffic which permit...
9. Waste disposal installations for the incineration, chemical treatment (as defined...
10. Waste disposal installations for the incineration or chemical treatment (as...
11. Groundwater abstraction or artificial groundwater recharge schemes where the annual...
12. (1) Works for the transfer of water resources, other than...
13. Waste water treatment plants with a capacity exceeding 150,000 population...
14. Extraction of petroleum and natural gas for commercial purposes where...
15. Dams and other installations designed for the holding back or...
16. Pipelines with a diameter of more than 800 millimetres and...
17. Installations for the intensive rearing of poultry or pigs with...
18. Industrial plants for— (a) the production of pulp from timber...
19. Quarries and open-cast mining where the surface of the site...
20. Construction of overhead electrical power lines with a voltage of...
21. Installations for storage of petroleum, petrochemical or chemical products with...
22. Storage sites pursuant to Chapter 3 of Part 1 of...
23. Installations for the capture of carbon dioxide streams for the...
24. Any change to or extension of development listed in this...

**SCHEDULE 2 DESCRIPTIONS OF DEVELOPMENT AND APPLICABLE THRESHOLDS AND CRITERIA FOR THE PURPOSES OF THE DEFINITION OF “SCHEDULE 2 DEVELOPMENT”**

1. In the table below— “area of the works” includes any...
2. The table below sets out the descriptions of development and...

**SCHEDULE 3 SELECTION CRITERIA FOR SCREENING SCHEDULE 2 DEVELOPMENT**

1. Characteristics of development
2. Location of development
3. Characteristics of the potential impact

**SCHEDULE 4 INFORMATION FOR INCLUSION IN ENVIRONMENTAL IMPACT ASSESSMENT REPORTS**

1. A description of the development, including in particular:
2. A description of the reasonable alternatives (for example in terms...
3. A description of the relevant aspects of the current state...
4. A description of the factors specified in regulation 4(3) likely...
5. A description of the likely significant effects of the development...
6. A description of the forecasting methods or evidence, used to...
7. A description of the measures envisaged to avoid, prevent, reduce...
8. A description of the expected significant adverse effects of the...
9. A non-technical summary of the information provided under paragraphs 1...
10. A reference list detailing the sources used for the descriptions...

**SCHEDULE 5 FORM OF NOTICE UNDER REGULATION 20**

**SCHEDULE 6 REVOCATIONS**

Explanatory Note

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.