SCOTTISH STATUTORY INSTRUMENTS

2017 No. 102

TOWN AND COUNTRY PLANNING

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

Made - - - 29th March 2017

Laid before the Scottish

Parliament - - 31st March 2017

Coming into force 16th May 2017

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
- 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

- 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 another 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

SCHEDULE 2 DESCRIPTIONS OF DEVELOPMENT AND APPLICABLE THRESHOLDS AND CRITERIA FOR THE PURPOSES OF THE DEFINITION OF "SCHEDULE 2 DEVELOPMENT"

Status: This is the original version (as it was originally made).

- 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