
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 102

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

PART 5

PUBLICITY AND PROCEDURES ON SUBMISSION OF ENVIRONMENTAL IMPACT ASSESSMENT REPORTS

Notification of EIA report

20.—(1) Where, in relation to an EIA application—

(a) the developer submits to the planning authority or the Scottish Ministers, as the case may be, an EIA report; and

(b) there are premises situated on the neighbouring land to which the notice can be sent, the planning authority or the Scottish Ministers, as the case may be, must give notice to the owner, lessee or occupier of such premises in accordance with this regulation.

(2) Notice under paragraph (1) is to be—

(a) in the form set out in, and completed in accordance with the notes in, schedule 5 (or in a form substantially to the like effect); and

(b) given by sending to such premises a notice addressed to “the Owner, Lessee or Occupier”.

(3) For the purposes of this regulation, “neighbouring land” has the same meaning as in regulation 3(1) (interpretation) of the Development Management Procedure Regulations.

Publication of EIA report

21.—(1) Where, in relation to an EIA application the developer submits to the planning authority or the Scottish Ministers, as the case may be, an EIA report the planning authority or the Scottish Ministers, as the case may be, must publish as soon as possible a notice in accordance with this regulation.

(2) Notice under paragraph (1) must—

(a) describe the application and the proposed development to which the EIA report relates;

(b) state that the proposed development is subject to environmental impact assessment and, where relevant, state that it is likely to have significant effects on the environment in another EEA State;

(c) state that the EIA report is available for inspection free of charge and the times and places at which, and the means by which, the EIA report is available for inspection;

(d) state how copies of the EIA report may be obtained;

(e) state the cost of a copy of the EIA report;

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- (f) state how and by what date representations may be made (being a date not earlier than 30 days after last date on which the notice is published);
 - (g) provide details of the arrangements for public participation in the decision making procedure including a description of how notice is to be given of any subsequent submission by the developer of additional information and how representations in relation to that additional information may be made; and
 - (h) state the nature of possible decisions to be taken in relation to the application and provide details of the authority by which such decisions are to be taken.
- (3) Notice under paragraph (1) must be published—
- (a) on the application website;
 - (b) in The Edinburgh Gazette; and
 - (c) in a newspaper circulating in the locality in which the proposed development is situated.
- (4) The developer must, at the time of submitting the EIA report, pay the cost to be incurred by the planning authority or the Scottish Ministers, as the case may be, in arranging publication of the notice in accordance with paragraph (3)(b) and (c).
- (5) The planning authority must—
- (a) place a copy of the EIA report in Part I of the register together with a copy of the related application; and
 - (b) make copies of the EIA report and other documents submitted with the application available for inspection—
 - (i) on the application website; and
 - (ii) at an office of the planning authority where the register may be inspected.

Consultation where EIA report received by planning authority

22.—(1) Where a planning authority receive in connection with an EIA application (including an EIA application under consideration on review under section 43A(8) (right to require review of planning decisions and failure to take such decisions)) an EIA report, they must—

- (a) send a copy of the EIA report to the Scottish Ministers and to the bodies mentioned in paragraph (2); and
 - (b) consult the bodies mentioned in paragraph (2) about the EIA report and inform them how and by what date representations may be made (being a date not earlier than 30 days after the date on which the copy of the EIA report was sent).
- (2) The bodies are—
- (a) the consultation bodies;
 - (b) the Health and Safety Executive where it would be required to be consulted under paragraph 3 or 4 of schedule 5 of the Development Management Procedure Regulations in relation to the application for planning permission for the proposed development;
 - (c) the Office for Nuclear Regulation where it would be required to be consulted under paragraph 3A of schedule 5 of the Development Management Procedure Regulations in relation to the application for planning permission for the proposed development; and
 - (d) any other public body which the planning authority considers are likely to have an interest in the proposed development by reason of their specific environmental responsibilities or local and regional competencies.

(3) Where an EIA report is submitted to the planning authority in relation to an application for planning permission, the developer must let the planning authority have enough copies of the EIA report to enable them to comply with paragraph (1)(a) and one additional copy.

(4) Where a body which a planning authority are required to consult under this regulation considers that consultation with that body is not required in respect of any EIA report relating to any case or class of case or relating to any specified area and so inform the planning authority in writing then the planning authority are not required to consult that body under this regulation.

Copy of EIA report for the Scottish Ministers

23. Where an EIA report is provided in relation to an application for planning permission which is directed to be referred to the Scottish Ministers for determination, or is the subject of an appeal to them, the developer must provide the Scottish Ministers with a copy of the EIA report and, where relevant, a copy of any additional information.

Consultation where EIA report received by the Scottish Ministers

24.—(1) Where the Scottish Ministers receive in connection with an EIA application which is being determined by them by virtue of section 46 or 47 an EIA report and the EIA report has not previously been submitted to the planning authority, the Scottish Ministers must—

- (a) send two copies of the EIA report to the planning authority;
- (b) send a copy of the EIA report to the bodies mentioned in paragraph (2); and
- (c) consult the planning authority and the bodies mentioned in paragraph (2) about the EIA report and inform them how and by what date representations may be made (being a date not earlier than 30 days after the date on which the copy of the EIA report was sent).

(2) The bodies are—

- (a) the consultation bodies;
- (b) the Health and Safety Executive where it 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;
- (c) the Office for Nuclear Regulation where it would be required to be consulted under paragraph 3A of Schedule 5 to the Development Management Procedure Regulations in relation to the application for planning permission for the proposed development; and
- (d) any other public body which the Scottish Ministers consider are likely to have an interest in the proposed development by reason of their specific environmental responsibilities or local and regional competencies.

(3) Where an EIA report is submitted to the Scottish Ministers in relation to an application for planning permission, the developer must let the Scottish Ministers have enough copies of the EIA report to enable them to comply with paragraph (1)(a) and (b) and one additional copy.

(4) Where a body which the Scottish Ministers are required to consult under this regulation considers that consultation with that body is not required in respect of any report relating to any case or class of case or relating to any specified area and so inform the Scottish Ministers in writing then the Scottish Ministers are not required to consult that body under this regulation.

Availability of copies of EIA report

25.—(1) Where an EIA report is submitted in relation to an application for planning permission, the developer must ensure that a reasonable number of copies of the EIA report are available for inspection at any place named (by virtue of regulation 21(2)(c)) in the notice published under regulation 21(1) as a place at which copies of the EIA report may be inspected.

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(2) The developer must provide copies of the EIA report in accordance with the terms of the notice published under regulation 21(1) and where that notice includes an address at which copies of the EIA report may be obtained the developer must ensure that a reasonable number of copies of the EIA report are available at that address.

(3) A reasonable charge reflecting printing and distribution costs may be made to a member of the public for a copy of an EIA report provided in accordance with paragraph (2).

Status:

Point in time view as at 16/05/2017.

Changes to legislation:

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