SCOTTISH STATUTORY INSTRUMENTS

2017 No. 115

ENVIRONMENTAL PROTECTION

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017

Made	
Laid before the Scottish	
Parliament	
Coming into force	

11th April 2017 13th April 2017 16th May 2017

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

PART 1

INTRODUCTORY

- 1. Citation, commencement, application and extent
- 2. Interpretation
- 3. Fees
- 4. Prohibition on granting a regulatory approval without an environmental impact assessment
- 5. Environmental impact assessment
- 6. Environmental impact assessment report

PART 2

DETERMINING WHETHER ENVIRONMENTAL IMPACT ASSESSMENT IS REQUIRED

- 7. EIA projects
- 8. Exemptions
- 9. General provisions relating to screening
- 10. Requests for a screening opinion
- 11. Screening opinions time period for decision

PART 3

PROCEDURES CONCERNING APPLICATIONS FOR REGULATORY APPROVALS

- 12. Application without prior screening
- 13. EIA application made without an EIA report

PART 4

PREPARATION OF ENVIRONMENTAL IMPACT ASSESSMENT REPORTS

- 14. Request for scoping opinions
- 15. Procedure to facilitate preparation of EIA reports

PART 5

PUBLICITY AND PROCEDURES ON SUBMISSION OF ENVIRONMENTAL IMPACT ASSESSMENT REPORTS

- 16. Publication of EIA report
- 16A Temporary relaxation of requirement for publication of EIA report
- 17. Publicity of determinations and provision of information
- 18. Consultation
- 19. Copies of EIA report for the Scottish Ministers
- 19A Temporary relaxation of requirement for hard copies of EIA report for the Scottish Ministers
- 20. Copies of EIA report for the public
- 20A Temporary relaxation of requirement for hard copies of EIA report for the public

PART 6

ADDITIONAL INFORMATION

- 21. Additional information and evidence relating to EIA reports
- 22. Publication of additional information
- 22A Temporary relaxation of requirement for publication of additional information

PART 7

NOTIFICATION OF DECISIONS

- 23. Decision notice
- 24. Monitoring measures
- 25. Notification of decision
- 25A Temporary relaxation of requirement to make decision notice available for inspection

PART 8

MULTI-STAGE REGULATORY APPROVALS

- 26. Prohibition on granting a multi-stage regulatory approval without an environmental impact assessment
- 27. Application for a multi-stage regulatory approval where EIA report previously provided
- 28. Application for a multi-stage regulatory approval without EIA report
- 29. Modification of Regulations relating to an application for multi-stage regulatory approval

PART 9

PROJECTS WITH SIGNIFICANT TRANSBOUNDARY EFFECTS

- 30. Projects in Scotland likely to have significant effects in an EEA State other than the United Kingdom
- 31. Projects in another EEA State likely to have significant transboundary effects

PART 10

OFFENCES

- 32. Provision of false etc. information
- 33. Offences by bodies corporate etc.

PART 11

MISCELLANEOUS

- 34. Electronic communications general
- 35. Electronic communications deemed agreement
- 36. Withdrawal of consent to use of electronic communications
- 37. Access to review procedure before a court
- 38. Co-ordination of assessments
- 39. Competent authority avoidance of conflict of interest

PART 12

TRANSITIONAL PROVISIONS AND REVOCATIONS

- 40. Transitional provisions general
- 41. Transitional provisions requests for screening opinions
- 42. Revocations Signature

SCHEDULE 1 DESCRIPTIONS OF PROJECTS FOR THE PURPOSES OF THE DEFINITION OF "SCHEDULE 1 WORKS"

Interpretation

Descriptions of projects

- 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...
- 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. Industrial plants for— (a) the production of pulp from timber...
- 18. Installations for storage of petroleum, petrochemical or chemical products with...
- 19. Storage sites pursuant to chapter 3 of Part 1 of...
- 20. Installations for the capture of carbon dioxide streams for the...
- 21. Any change to or extension of projects listed in this...

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

- 1. In the table in paragraph 2— "area of the works"...
- 2. The table below sets out the descriptions of projects and... SCHEDULE 3 SELECTION CRITERIA FOR SCREENING SCHEDULE 2 WORKS
- 1. Characteristics of works
- 2. Location of works
- 3. Characteristics of the potential impact
 - SCHEDULE 4 INFORMATION FOR INCLUSION IN ENVIRONMENTAL IMPACT ASSESSMENT REPORTS
- 1. A description of the works, 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 5(3) likely...
- 5. A description of the likely significant effects of the works...
- 6. The description of the likely significant effects on the factors...
- 7. A description of the forecasting methods or evidence, used to...
- 8. A description of the measures envisaged to avoid, prevent, reduce...
- 9. A description of the expected significant adverse effects of the...
- 10. A non-technical summary of the information provided under paragraphs 1...
- 11. A reference list detailing the sources used for the descriptions... Explanatory Note

Changes to legislation: There are currently no known outstanding effects for the The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017.