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SCOTTISH STATUTORY INSTRUMENTS

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**1999 No. 1**

**The Environmental Impact Assessment  
(Scotland) Regulations 1999**

**PART II**

**TOWN AND COUNTRY PLANNING**

**CHAPTER 5**

**PUBLICITY AND PROCEDURES ON SUBMISSION OF ENVIRONMENTAL STATEMENTS**

**Publicity for environmental statement**

**13.**—(1) In an EIA application, when the applicant or appellant submits to the Scottish Ministers or the relevant planning authority a statement which he refers to as an environmental statement for the purposes of these Regulations, he shall serve on any party who holds a notifiable interest in neighbouring land a notice in the form set out in Schedule 5 (or in a form substantially to the like effect) stating—

- (a) that the statement may be inspected in the office of the relevant planning authority for the period of 4 weeks from the date of the said notice;
- (b) the address at which copies of the statement may be acquired;
- (c) the cost of a copy of the statement; and
- (d) that representations may be made.

(2) The parties holding a notifiable interest in neighbouring land are the owners, lessees and occupiers of the land.

(3) A statement such as is referred to in paragraph (1) shall not be taken into consideration by a planning authority or the Scottish Ministers unless it is accompanied by a certificate stating—

- (a) that notices have been served in terms of paragraph (1);
- (b) that no notification in terms of paragraph (1) is required; or
- (c) that the applicant has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of all the parties holding a notifiable interest in neighbouring land, and either—
  - (i) that the names and addresses of the parties holding a notifiable interest in neighbouring land have not been ascertained and no notice has been served in terms of paragraph (1); or
  - (ii) that notices have been served in terms of paragraph (1) on one or more of the parties holding a notifiable interest in neighbouring land but that the names and addresses of the other parties holding a notifiable interest have not been ascertained.

(4) The certificate under paragraph (3) shall, where appropriate, state the names and addresses of all those parties having a notifiable interest in neighbouring land who have been notified in terms of paragraph (1).

(5) When a statement such as is referred to in paragraph (1) is submitted, the relevant planning authority or the Scottish Ministers, as the case may be, shall publish as soon as possible a notice (containing similar information to that required to be included in a notice served in accordance with paragraph (1)) in a newspaper circulating in the locality in which the neighbouring land is situated and in The Edinburgh Gazette.

(6) Where the Scottish Ministers or the planning authority are required to publish a notice in a newspaper in accordance with paragraph (5), the applicant shall pay the cost to be incurred by the Scottish Ministers or the planning authority in arranging such advertisement at the time of submitting his statement.

(7) For the purposes of this regulation, “neighbouring land” has the same meaning as in article 2(1) of the general development order.

### **Consultation where environmental statement received by planning authority**

**14.**—(1) Where a planning authority receive in connection with an EIA application a statement which the applicant refers to as an environmental statement for the purposes of these Regulations, they shall—

- (a) place a copy of the statement in Part I of the register together with a copy of the related application;
- (b) send to the Scottish Ministers a copy of the application, and of any plans and other documents sent with it, and 3 copies of the statement; and
- (c) send a copy of the statement to each consultation body, consult them about it and inform them that they may make representations.

(2) Where an applicant for planning permission submits a statement such as is referred to in paragraph (1) to the relevant planning authority, he shall let them have enough copies of the environmental statement or parts thereof to enable them to comply with paragraph (1)(c) and 5 additional copies.

(3) Where under this regulation a planning authority consult any person about any statement, they shall give not less than 4 weeks' notice to such person that environmental information is to be taken into consideration, and shall not take the environmental information into consideration until after the expiration of the period of such notice.

(4) Where any person whom a planning authority are required to consult under this regulation considers that consultation with him is not required in respect of any statement relating to any case or class of case or relating to any specified area, he shall so inform the planning authority in writing and notwithstanding the foregoing provisions of this regulation the planning authority shall not be required so to consult him.

### **Copies of environmental statement for the Scottish Ministers**

**15.** Where a statement which the applicant refers to as an environmental statement for the purposes of these Regulations is provided in relation to an application for planning permission which is directed to be referred to the Scottish Ministers for determination, or is to be the subject of an appeal to them, the applicant or appellant shall provide the Scottish Ministers with 3 copies of the statement and, where relevant, the further information unless (in the case of a referred application) the planning authority have already forwarded 3 copies when referring the application.

### **Consultation where environmental statement received by the Scottish Ministers**

**16.**—(1) This regulation applies where the Scottish Ministers are taking into consideration environmental information relating to an EIA application which is being determined by them by

virtue of section 46 or 47 and the environmental statement has not previously been submitted to the relevant planning authority.

(2) The provisions of regulation 14(1)(c), (2), (3) and (4) shall apply to the Scottish Ministers as they apply to the planning authority, as if references to the applicant include, where the case requires, references to the appellant.

(3) The Scottish Ministers shall consult the planning authority for the area in which is situated the land to which the application relates about the statement and shall send them 2 copies of it.

(4) When the planning authority receive 2 copies of the statement under paragraph (3), they shall place one copy in Part I of the register together with a copy of the related application.

### **Copies of environmental statement for the public**

17. Where a statement which the applicant refers to as an environmental statement for the purposes of these Regulations is provided in relation to an application for planning permission, the applicant or appellant shall ensure that a reasonable number of copies of the statement are available at the address named in the notices under regulation 13(1) as the address at which copies may be obtained.

### **Charges for copies of environmental statements**

18. A reasonable charge reflecting printing and distribution costs may be made to a member of the public for a copy of a statement made available in accordance with regulation 17.

### **Further information and evidence relating to environmental statements**

19.—(1) The Scottish Ministers or the relevant planning authority, when dealing with an application or appeal in relation to which a statement which the applicant or appellant refers to as a environmental statement for the purposes of these Regulations has been provided, may in writing require the applicant or appellant to provide such further information as may be specified to enable the application or appeal to be determined, or concerning any matter which is required to be dealt with in the environmental statement; and where in the opinion of the Scottish Ministers or the relevant planning authority—

- (a) the applicant or appellant could (having regard in particular to current knowledge and methods of assessment) provide further information about any matter mentioned in Schedule 4; and
- (b) that further information is reasonably required to give proper consideration to the likely environmental effects of the proposed development,

they shall notify the applicant or appellant in writing and the applicant or appellant shall provide that further information (and such further information provided by the applicant or appellant is referred to in these Regulations as “further information”).

(2) Where further information is required in accordance with paragraph (1), except insofar as such further information—

- (a) is required to be provided for the purposes of a local inquiry held under the Act and the written requirement for such further information states that it is to be provided for such purposes, or
- (b) is required to be provided for the purposes of an appeal under section 130,

regulations 14 and 16 to 18 shall apply to the submission of such further information as they apply to the submission of an environmental statement (subject to any necessary modifications) and regulation 13 shall similarly apply subject to substitution, in paragraph (1), of “in Schedule 6” in place of “in Schedule 5”.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(3) The Scottish Ministers or the relevant planning authority may in writing require to be produced to them such evidence, in respect of any environmental statement which it falls to them to take into consideration, as they may reasonably call for to verify any information it contains.