
SCOTTISH STATUTORY INSTRUMENTS

1999 No. 1

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

PART II

TOWN AND COUNTRY PLANNING

CHAPTER 11

MISCELLANEOUS

Miscellaneous and consequential amendments

47.—(1) In section 26(2)(b) of the Act, after the words “improvement of the road” there are inserted the words “but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment”.

(2) In article 3(5) of the Town and Country Planning (Use Classes) (Scotland) Order 1997(1), after sub-paragraph (j) there is inserted the following sub-paragraph:—

“(k) as a waste disposal installation for the incineration, chemical treatment (as defined in Annex IIA to Directive 75/442/EEC(2) under heading D9), or landfill of waste to which Directive 91/689/EEC(3) applies”.

(3) In article 2 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992(4), the definitions of “annex 1 application”, “annex 2 application” and “Environmental Assessment Regulations” shall be deleted.

(4) For paragraphs (8) and (9) of article 3 (permitted development) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, there is substituted—

“(8) Subject to paragraph (10), Schedule 1 development or Schedule 2 development within the meaning of the Environmental Impact Assessment (Scotland) Regulations 1999 (“the EIA Regulations”) is not permitted by this Order unless—

- (a) the planning authority have adopted a screening opinion under regulation 5 of those Regulations that the development is not EIA development;
- (b) the Scottish Ministers have made a screening direction under regulation 4(7) or 6(4) of those Regulations that the development is not EIA development; or
- (c) the Scottish Ministers have given a direction under regulation 4(4) of those Regulations that the development is exempted from the application of these Regulations.

(1) [S.I. 1997/3061](#), as amended by [S.I. 1998/1196](#).

(2) O.J. No. L194, 25.7.1975, p.39. Council Directive [75/442/EEC](#) was amended by Council Directive [91/156/EEC](#) (O.J. No. L78, 26.3.1991, p.32) and by Commission Decision [94/3/EC](#) (O.J. No. L5, 7.1.1994, p.15).

(3) O.J. No. L337, 31.12.1991, p.20. Council Directive [91/689/EEC](#) was amended by Council Directive [94/31/EC](#) (O.J. No. L168, 2.7.1994, p.28).

(4) [S.I. 1992/223](#); relevant amendment instrument is [S.I. 1997/1871](#).

(9) Where—

(a) the planning authority have adopted a screening opinion pursuant to regulation 5 of the EIA Regulations that development is EIA development and the Scottish Ministers have in relation to that development neither made a screening direction to the contrary under regulation 4(7) or 6(4) of those Regulations nor directed under regulation 4(4) of those Regulations that the development is exempted from the application of those Regulations; or

(b) the Scottish Ministers have directed that development is EIA development, that development shall be treated, for the purposes of paragraph (8), as development which is not permitted by this Order.”.

(5) In article 3(10) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992—

(a) sub-paragraphs (a) and (c) shall be deleted;

(b) in sub-paragraph (b), for “V of the Environmental Assessment Regulations” there is substituted “IV of the Environmental Impact Assessment (Scotland) Regulations 1999”; and

(c) in sub-paragraphs (e) and (f), for “1st September 1997” there is substituted “1st August 1999”.

(6) For Class 31 in Part 12 in Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, there is substituted—

“ Class 31.

The carrying out by a roads authority—

(a) on land within the boundaries of a road, of any works required for the maintenance or improvement of the road, where said works involve development by virtue of section 26(2) (b) of the Act; or

(b) on land outside but adjoining the boundary of an existing road of works required for or incidental to the maintenance or improvement of the road.”.

(7) For article 16 of the general development order, there is substituted—

“**16.** The Scottish Ministers may give directions that development which is both of a description set out in Column 1 of the table in Schedule 2 to the Environmental Impact Assessment (Scotland) Regulations 1999 and of a class described in the direction is EIA development for the purposes of those Regulations.”.

(8) In the Public Gas Transporter Pipe-Line Works (Environmental Impact Assessment) Regulations 1999(5)—

(a) in regulation 2(1), for the definition of “the 1988 Scottish EIA Regulations” there is substituted the following definition:—

““the 1999 Scottish EIA Regulations” means the Environmental Impact Assessment (Scotland) Regulations 1999;” and

(b) in regulation 5(3)—

(i) for “1988”, where it first occurs, there is substituted “1999”;

(ii) in sub-paragraph (a), for the words after “whether” there is substituted “the pipe-line works in question are, or are not, EIA development within the meaning of the 1999 Scottish EIA Regulations”; and

(iii) for sub-paragraph (b), there is substituted the following sub-paragraph:–

“(b) be treated for the purposes of those Regulations as if it were a direction by the Scottish Ministers under regulation 6 of the 1999 Scottish EIA Regulations.”.