
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 582

**The Environmental Impact Assessment
(Agriculture) (Scotland) Regulations 2006**

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“agricultural” has the same meaning as in the Agriculture (Scotland) Act 1948(1);

“agricultural land” means agricultural land as defined in the Agriculture (Scotland) Act 1948 and includes any dwelling-house or other building occupied for the purpose of farming any land;

“additional environmental information” means any information of a type referred to in Schedule 3 (information for inclusion in an environmental statement) which is received by the Scottish Ministers after the publication of the notice referred to in regulation 11(2)(b) (whether following a requirement made in terms of regulation 12(1) or otherwise);

“consent” means consent granted under regulation 15(1) of these Regulations;

“consultation bodies” means—

- (a) Scottish Natural Heritage, established under section 1 of the Natural Heritage (Scotland) Act 1991(2);
- (b) the Scottish Environment Protection Agency, established under section 20 of the Environment Act 1995(3);
- (c) any other public authority, statutory body or organisation which, in the opinion of the Scottish Ministers, has any interest in or holds any information which might be relevant to the project; and
- (d) any other bodies designated by statutory provision as having specific environmental responsibilities;

“delegated person” means a person appointed by the Scottish Ministers under regulation 17(10) to conduct and determine an appeal under regulations 17, 18 and 19 on their behalf;

“EEA State” means a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, as adjusted by the Protocol signed at Brussels on 17th March 1993;

“the EIA Directive” means Council Directive [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment(4) as amended by Council Directive [97/11/EC](#)(5) and Council Directive [2003/35/EC](#)(6);

“environmental statement” means a statement—

(1) 1948 c. 45.
(2) 1991 c. 28.
(3) 1995 c. 25.
(4) O.J. No. L 175, 5.7.85, p.40.
(5) O.J. No. L 73, 14.3.97, p5.
(6) O.J. No. L 156, 25.6.03, p.17.

(a) that includes such of the information referred to in Part I of Schedule 3 as is reasonably required to assess the environmental effects of the project and which the applicant for consent can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile; but

(b) that includes at least the information referred to in Part II of that Schedule;

“European site” means those sites described in regulation 10(1)(a), (b), (d) and (e) of the Habitats Regulations;

“the Habitats Directive” means Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora(7);

“the Habitats Regulations” means the Conservation (Natural Habitats, &c.) Regulations 1994(8);

“interested person” means a person who notifies the Scottish Ministers in accordance with regulation 17(6) of the wish to make representations in respect of an appeal;

“project” means–

(a) the execution of construction works or other installations or schemes; or

(b) other interventions in the natural surroundings and landscape,

involving the use of uncultivated land or semi-natural areas for intensive agricultural purposes or restructuring of rural land holdings on agricultural land;

“relevant land” means the land upon which the project is to be carried out or, in relation to a project which has already been carried out, has been carried out;

“relevant project” means a project which the Scottish Ministers have decided is likely to have a significant effect on the environment in accordance with regulation 7(4) (or is deemed to have so decided in accordance with regulation 7(8));

“reporter” means a person appointed by the Scottish Ministers under regulation 17(11) to conduct a hearing or enquiry on their behalf;

“scoping opinion” means an opinion given by the Scottish Ministers in accordance with regulation 9;

“screening decision” means a decision taken by the Scottish Ministers under regulation 7(4) or which is deemed to have been taken by them under regulation 7(8); and

“transborder project” means a project where the relevant land is situated partly in Scotland and partly in England.

(2) Unless otherwise provided, expressions used both in these Regulations and in the EIA Directive or in the Habitats Directive shall have the same meaning in these Regulations as they have in the Directive in which that expression appears.

(3) Unless the context otherwise requires, a reference in these Regulations to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

(4) All applications, notices, notifications, representations, requests, approvals and agreements to which these Regulations apply shall be made in writing.

(7) O.J. No. L 206, 22.7.92, p.7, as last amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded; O.J. No. L 236, 23.9.2003, p.667-70. See Annex II: List referred to in Article 20 of the Act of Accession, 16 Environment, C. Nature protection.

(8) S.I.1994/2716, as amended.

(5) Except in relation to notices under regulations 25 or 27, the reference in paragraph (4) above to things done in writing includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000(9), which has been recorded and is consequently capable of being reproduced.

(6) For the purposes of appeals to the sheriff in accordance with these Regulations in relation to land situated outwith Scotland as part of a transborder project (“non-Scottish land”)–

- (a) the sheriff entitled to hear an appeal in relation to land situated within Scotland as part of the same project; and
- (b) in the case of a stop notice or reinstatement notice served in relation exclusively to non-Scottish land, the sheriff who would be entitled to hear an appeal in relation to such a notice served in the case of land within Scotland as part of the same project,

shall have jurisdiction to hear the appeal as if the non-Scottish land were situated within the sheriffdom of that sheriff.

(7) In relation to the definition of “consultation bodies” in paragraph (1) above, nothing in these Regulations which permits the Scottish Ministers to consult such consultation bodies as they think fit shall be construed as permitting them, where they do so, not to consult Scottish Natural Heritage and the Scottish Environment Protection Agency.

(9) 2000 c. 7.