
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 582

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

Application

3.—(1) These Regulations apply to any project in Scotland (or, in relation to a transborder project, a project as determined in accordance with regulation 14) which is not exempt under paragraphs (2) or (3) below.

(2) A project is exempt under this paragraph if it—

- (a) constitutes development to which the Environmental Impact Assessment (Scotland) Regulations 1999(1) apply; or
- (b) is a project described in regulation 3(2) of the Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999(2).

(3) A project is exempt under this paragraph to the extent that the Scottish Ministers, in accordance with Article 2(3) of the EIA Directive, direct that it shall be exempt from these Regulations.

(4) In the case of a project which the Scottish Ministers decide is likely to have a significant effect on a European site (either alone or in combination with other projects), the power to direct that the project is exempt from these Regulations under paragraph (3) shall be exercisable only to the extent that compliance with the Habitats Directive is secured in relation to the project.

(5) Where the Scottish Ministers propose to give a direction under paragraph (3), they shall—

- (a) consider whether any other form of assessment of the project would be appropriate; and
- (b) take such steps as they consider appropriate to bring to the attention of the public—
 - (i) the information considered in making the direction and the reasons for doing so; and
 - (ii) the information obtained from any assessment of the project under sub-paragraph (a).

(1) S.S.I. 1999/1.

(2) S.S.I. 1999/43.