

SCHEDULE 5

PROPOSALS FOR ORDERS BY VIRTUE OF SECTION 6

16. The documents to be served by virtue of paragraph 14, or deposited by virtue of paragraph 15, are—

- (a) a draft of the proposed order under section 1 of the Act;
- (b) an explanatory memorandum that explains the purpose and effect of each article of and Schedule to the draft order;
- (c) a memorandum setting out the aims of the proposals including any alternative approach considered and the reason for rejection;
- (d) a report summarising the consultations that have been undertaken including confirmation that the Scottish Ministers have consulted all those named in column (2) of the tables in Schedules 3 and 4 where authority is sought for works or other matters described in column (1) of those tables, or if not, an explanation of why not;
- (e) a list of all consents, permissions or licences required under other enactments in connection with the proposals which, at the publication date, are being sought or which have been obtained or refused, specifying for each relevant consent, permission or licence the information referred to in rule 8(2)(g)(i), (ii) and (iii);
- (f) where the proposed works are to be subject to an environmental impact assessment, an environmental statement which shall include the information referred to in rule 9, confirmation that a draft of the environmental statement has been sent to the persons specified in rule 3(3)(b) and (c) and a memorandum setting out any comments that either such person might have made in respect of the draft;
- (g) a copy of any waiver statement made under paragraph 34;
- (h) where the proposed order would authorise the carrying out of works—
 - (i) subject to paragraph 17, the plans and sections described in paragraphs (1) and (4) of rule 10; and
 - (ii) an estimate of the cost of carrying out the works provided for in the proposed order.
- (i) subject to sub paragraph (j) and paragraph 17, where the proposed order would authorise the compulsory acquisition of land, or the right to use land, or to carry out protective works to buildings or structures, or the compulsory extinguishment, variation or disapplication of a title condition or development management scheme or the compulsory extinguishment of other private rights over land, the plan and book of reference respectively described in paragraphs (5) and (7) of rule 10 (subject however to paragraphs (9) and (10) of that rule);
- (j) where the proposed order would provide for the extinguishment or diversion of rights of way or passage over a footpath, bridleway or cycle track, a map of a scale not smaller than 1:2500 on which the path, way or track concerned, and, in the case of diversion, the new path, way or track is clearly delineated;
- (k) where the Scottish Ministers propose to direct under section 57(2A) of the Town and Country Planning (Scotland) Act 1997(1) that planning permission shall be deemed to be granted, a statement signed by or on behalf of the Scottish Ministers specifying—
 - (i) the development to which the direction would apply;
 - (ii) any proposed conditions attaching to it;
 - (iii) a list of any matters which are intended to be reserved for subsequent approval by the planning authority; and

(1) 1997 c. 8; section 57(2A) was inserted by the [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), section 15(1).

- (iv) in respect of those matters not intended to be so reserved, such further documents and information as may be necessary to support the making of the direction;
- (l) where the Scottish Ministers propose to direct under section 10(2A) of the Planning (Hazardous Substances) (Scotland) Act 1997⁽²⁾ that hazardous substances consent shall be deemed to be granted, Form 1 or Form 2 of the forms prescribed in Schedule 2 to the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993⁽³⁾ as the case may require, duly completed and signed by or on behalf of the Scottish Ministers, and the information and documentation specified in one or both of regulations 5(1)(b) and 5(3)(b) of those Regulations (applications for hazardous substances consent) as the case may require; and
- (m) a statement specifying the capacity (or, if more than one, the capacities) in which the recipient is served, or that the documents are being deposited pursuant to paragraph 15, as the case may require, the date of expiry of the period within which objections or representations must be made (being not less than 42 days from the publication date), and the address to which objections and representations are to be sent.

(2) 1997 c. 10; section 10(2A) was inserted by the Transport and Works (Scotland) Act 2007 (Consents under Enactments) Regulations 2007 (S.S.I. 2007/[]), regulation 4.

(3) S.I.1993/323 as relevantly amended by S.S.I. 2000/179.