
SCOTTISH STATUTORY INSTRUMENTS

1999 No. 43

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

Interpretation

2.—(1) In these Regulations—

“afforestation” means initial afforestation (which has the same meaning as in paragraph 1(d) of Annex II to the Directive);

“the Commissioners” means the Forestry Commissioners;

“countryside body” means Scottish Natural Heritage (established under section 1 of the Natural Heritage (Scotland) Act 1991⁽¹⁾ and the Scottish Environment Protection Agency (established under section 20 of the Environment Act 1995⁽²⁾);

“deforestation” means deforestation for the purposes of conversion to another type of land use (which terms have the same meaning as in paragraph 1(d) of Annex II to the Directive);

“development” means development within the meaning of section 26 of the Town and Country Planning (Scotland) Act 1997⁽³⁾

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

“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 in Brussels on 17th March 1993;

“environmental information” means information in the environmental statement and any other information provided in accordance with these Regulations in relation to an application for consent or an appeal under regulation 17 or 21 relating to the likely environmental affects of the project which is the subject of the application or, as the case may be, appeal;

“environmental statement” means a statement—

- (a) that includes such of the information referred to in Part I of Schedule I as is reasonably required to assess the environmental effects of the project and which the applicant 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 Schedule 1;

“forest quarry works” means operations on land used or to be used for the purposes of forestry, or on land held or occupied with that land, to obtain the materials required for forest road works;

“forest road works” means the formation, alteration or maintenance of private ways on land used or to be used for the purposes of forestry;

(1) 1991 c. 28.

(2) 1995 c. 25.

(3) 1997 c. 8.

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994⁽⁴⁾

“project” means the execution of construction works or of other installations or schemes or other intervention in the natural surroundings or landscape including those involving the extraction of mineral resources;

“proposer” means person who proposes to carry out a project;

“relevant project” shall be construed in accordance with regulation 3 below.

(2) In these regulations, any reference to an enforcement notice shall be construed as including, as the context requires, a reference to a notice of variation under regulation 20(6)(a) or to an enforcement notice as so varied.

(3) Any reference in these Regulations (other than regulation 22) to consent is a reference to the consent of the Commissioners required by regulation 4, and–

(a) (where the context permits) includes consent by the appropriate Authority on an appeal under regulation 17; and

(b) in regulations 4 and 20 to 23 includes (in accordance with regulation 25(9)) consent granted under the Environmental Assessment (Forestry) Regulations 1998⁽⁵⁾

(4) Unless the context otherwise requires, any 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⁾ 1994 c. 39.

⁽⁵⁾ S.I.1998/1731.