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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further implement, in relation to water management projects for agriculture including irrigation and land drainage projects in Scotland, Council Directive [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment (O.J. No. L 175, 5.7.1985, p.40), as amended by Council Directive [97/11/EC](#) (O.J. No. L 73, 14.3.1997, p.5) (“the Directive”).

Regulation 2 amends the definition of development in the Town and Country Planning (Scotland) Act 1997 to include the carrying out of irrigation or drainage for agriculture or of any other water management project for that purpose.

Regulation 3 introduces a new Class 18A to Part 6 of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. This extends permitted development rights to such projects subject to the other provisions in the Order including the provisions on environmental impact assessment in article 3 of the Order.

Regulation 4 amends Schedule 2 to the Environmental Impact Assessment (Scotland) Regulations 1999 which implemented the Directive in relation to town and country planning, roads and certain land drainage works in Scotland. Regulation 4 substitutes a new threshold for such projects.

Regulation 5 provides that these changes to planning legislation do not apply to development permitted under the Town and Country Planning (Scotland) Act 1997 prior to the coming into force of these Regulations.