
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 270

The Town and Country Planning (Application of Subordinate Legislation to the Crown) (Scotland) Order 2006

The Visiting Forces and International Headquarters (Application of Law) Order 1999

20. The Environmental Impact Assessment (Scotland) Regulations 1999- The Environmental Impact Assessment (Scotland) Regulations 1999(1) apply to the Crown with the following modifications.

(2) After regulation 28A, insert–

“Applications for permission under section 242A

28B. –

(1) These Regulations shall apply to an application made to the Scottish Ministers under section 242A(2) of the Act (urgent Crown development) subject to the following modifications.

(2) References to “planning authority” in the Regulations shall be treated as references to “the planning authority or the Scottish Ministers, as appropriate”.

(3) References to “authority” in the Regulations shall be treated as references to “the authority or the Scottish Ministers, as appropriate”.

(4) References to “relevant planning authority” shall be treated as references to “the Scottish Ministers”.

(5) Regulation 5(6) and (7), regulation 7(4)(b), regulation 10(7) and (8) and regulation 14(1) (a) shall not apply.

(6) In regulation 4 for paragraph (9) substitute–

“(9) The Scottish Ministers shall send a copy of any screening direction to the planning authority for the area to which the application relates.”.

(7) In regulation 14 (consultation where environmental statement received by planning authority)–

(a) in paragraph (1) (b) for “the Scottish Ministers” substitute “the planning authority for the area to which the application relates”;

(b) after paragraph (1) insert–

“(1A) Where a planning authority receive a copy of the application and other documents referred to in paragraph (b), they shall place a copy of the relevant statement together with a copy of the related application for public inspection at all reasonable hours in the place where the register is kept.”.

(8) For regulation 20 (availability of opinions, directions, etc. for inspection) substitute–

(1) S.S.I. 1999/1, as amended by S.S.I. 2002/324, S.S.I. 2003/331, S.S.I. 2003/341 and S.S.I. 2004/332.

(2) Section 242A was inserted into the Town and Country Planning (Scotland) Act 1997 (c. 8) by section 92(1) of the Planning and Compulsory Purchase Act 2004 (c. 5).

“Availability of opinions, directions, etc. for inspection

20. –

(1) Where the Scottish Ministers–

- (a) adopt a screening opinion or scoping opinion in relation to an application which may be made under section 242A;
- (b) receive a request under regulation 10(1); or
- (c) make a screening direction, scoping direction or direction under regulation 4(4);

before the application is made for the development in question, the Scottish Ministers shall send a copy of the opinion, request, direction, environmental statement including any further information and any accompanying statement of reasons to the planning authority for the area to which the application relates.

(2) Where the planning authority receive copies of an opinion, request direction and any accompanying statement of reasons under paragraph (1) they shall take steps to secure that the documents are made available for public inspection at all reasonable hours in at the place where the appropriate register (or relevant section of that register is kept).

(3) Documents made available under paragraph (2) shall remain so available for a period of two years.”.

(9) In regulation 21 (duties to inform the public and the Scottish Ministers of final decisions)–

(a) for paragraph (1) substitute–

“(1) Where an EIA application is determined by the Scottish Ministers they shall–

- (a) notify the planning authority for the area to which the application relates and the consultation bodies of the decision;
- (b) provide the authority with a statement containing–
 - (i) the content of the decision and any conditions attached thereto;
 - (ii) the main reasons and considerations on which the decision is based; and
 - (iii) a description, where necessary, of the main measures to avoid, reduce and if possible, offset the major adverse effects of the development.”;

(b) for paragraph (2) substitute–

“(2) The planning authority shall, as soon as reasonably practicable after receipt of a notification under paragraph (1)(a)–

- (a) make available for public inspection at the place where the appropriate register is kept (or relevant section of that register) is kept a copy of the statement referred to in paragraph (1)(b); and
- (b) inform the public of the decision (and of where the statement referred to in paragraph (1)(b) may be inspected), by publishing in a newspaper circulating in the locality in which the land is situated or by other such means as are reasonable in the circumstances.”; and

(c) paragraph (3) is omitted.”.