
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for—

- removing the requirement for a consent under section 34 of the Coast Protection Act 1949 on the making of an order (“such an order”) under section 1 of the Transport and Works (Scotland) Act 2007 (“the 2007 Act”);
- deeming hazardous substances consent to be given on the making of such an order; and
- assimilating the procedures relating to such an order and listed building, conservation area and scheduled monument consents.

Regulation 3 modifies the Coast Protection Act 1949 so that on the making of such an order consent will not also be required under section 34 of that Act to any works authorised by such an order which are detrimental to navigation.

Regulation 4 modifies the Planning (Hazardous Substances) (Scotland) Act 1997 so that, where any proposals to which such an order relates would involve the presence of a hazardous substance, on making such an order the Scottish Ministers may also direct that hazardous substances consent shall also be deemed to be granted.

Regulation 5 assimilates the procedures relating to such an order and the procedures for obtaining any listed building consent and conservation area consent required under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. It does so where a project requires firstly an application under section 4 of the 2007 Act for such an order, or a proposal by the Scottish Ministers to make such an order by virtue of section 6 of the 2007 Act, and secondly listed building or conservation area consent, and where either—

- the application for listed building or conservation area consent is made not later than 10 weeks after the application or proposal for such an order; or
- the Scottish Ministers consider it appropriate to assimilate the procedures as set out in regulation 5 and give a direction to that effect.

Regulation 6 makes equivalent provision to that in regulation 5 to assimilate the procedures relating to such an order and the procedures for obtaining any scheduled monument consent required under the Ancient Monuments and Archaeological Areas Act 1979 where a project requires both an application under section 4 of the 2007 Act and scheduled monument consent.

By regulation 7, provision is made for holding concurrent inquiries for the consideration of an application or proposal for such an order and any applications for listed building, conservation area or scheduled monument consents required in connection with the project to which such an order would relate.

A Regulatory Impact Assessment has been prepared in respect of these regulations. A copy can be obtained from the Scottish Government Transport Directorate, Victoria Quay, Edinburgh EH6 6QQ.