

## SCHEDULE 1

Regulation 2(1)

### DESCRIPTIONS OF DEVELOPMENT FOR THE PURPOSES OF THE DEFINITION OF “SCHEDULE 1 DEVELOPMENT”

#### Interpretation

In this Schedule—

“airport” means an airport which complies with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organisation (Annex 14) <sup>M1</sup>;

“express road” means a road which complies with the definition in the European Agreement on Main International Traffic Arteries of 15th November 1975 <sup>M2</sup>; and

“nuclear power station” and “other nuclear reactor” do not include an installation from the site of which all nuclear fuel and other radioactive contaminated materials have been permanently removed; and development for the purpose of dismantling or decommissioning a nuclear power station or other nuclear reactor is to be treated as development of the description mentioned in paragraph 2(2) of this schedule.

#### Marginal Citations

**M1** Command Paper 6614.

**M2** Command Paper 6993.

#### Marginal Citations

**M1** Command Paper 6614.

**M2** Command Paper 6993.

#### Descriptions of development

The carrying out of development to provide any of the following:—

1. Crude-oil refineries (excluding undertakings manufacturing only lubricants from crude-oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.

2.—(1) Thermal power stations and other combustion installations with a heat output of 300 megawatts or more.

(2) Nuclear power stations and other nuclear reactors (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).

3.—(1) Installations for the reprocessing of irradiated nuclear fuel.

(2) Installations designed—

- (a) for the production or enrichment of nuclear fuel;
- (b) for the processing of irradiated nuclear fuel or high-level radioactive waste;
- (c) for the final disposal of irradiated nuclear fuel;
- (d) solely for the final disposal of radioactive waste;

**Status:** Point in time view as at 31/12/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. (See end of Document for details)

- (e) solely for the storage (planned for more than ten years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.
- 4.—(1) Integrated works for the initial smelting of cast-iron and steel.
- (2) Installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes.
5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos—
- (a) for asbestos-cement products, with an annual production of more than 20,000 tonnes of finished products;
- (b) for friction material, with an annual production of more than 50 tonnes of finished products; and
- (c) for other uses of asbestos, utilisation of more than 200 tonnes per year.
6. Integrated chemical installations, that is to say, installations for the manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another and which are—
- (a) for the production of basic organic chemicals;
- (b) for the production of basic inorganic chemicals;
- (c) for the production of phosphorous-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers);
- (d) for the production of basic plant health products and of biocides;
- (e) for the production of basic pharmaceutical products using a chemical or biological process;
- (f) for the production of explosives.
- 7.—(1) Construction of lines for long-distance railway traffic and of airports with a basic runway length of 2,100 metres or more.
- (2) Construction of motorways and express roads.
- (3) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road, would be 10 kilometres or more in a continuous length.
- 8.—(1) Inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tonnes.
- (2) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes.
9. Waste disposal installations for the incineration, chemical treatment (as defined in Annex I to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives<sup>M3</sup>[<sup>F1</sup>, as that Directive had effect immediately before IP completion day, ] under heading D9), or landfill of hazardous waste (that is to say, waste which is considered to be hazardous in accordance with Articles 3(2) and 7 of that Directive [<sup>F2</sup>, as it had effect immediately before IP completion day]).

#### Textual Amendments

- F1** Words in sch. 1 para. 9 inserted (31.12.2020) by [The Town and Country Planning and Electricity Works \(EU Exit\) \(Scotland\) \(Miscellaneous Amendments\) Regulations 2019 \(S.S.I. 2019/80\)](#), regs. 1, **5(11)(a)**

(i) (as amended by S.S.I. 2019/274, regs. 1, **2(2)** and S.S.I. 2020/310, regs. 1, **2(2)(6)**, 4(2)); 2020 c. 1, **Sch. 5 para. 1(1)**

- F2** Words in sch. 1 para. 9 inserted (31.12.2020) by The Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 (S.S.I. 2019/80), regs. 1, **5(11)(a)**
- (ii) (as amended by S.S.I. 2019/274, regs. 1, **2(2)** and S.S.I. 2020/310, regs. 1, **2(2)(6)**, 4(2)); 2020 c. 1, **Sch. 5 para. 1(1)**

#### Marginal Citations

**M3** OJ No L 312, 22.11.2008, p.3.

**10.** Waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive [2008/98/EC](#)<sup>F3</sup>, as that Directive had effect immediately before IP completion day,] under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day.

#### Textual Amendments

- F3** Words in sch. 1 para. 10 inserted (31.12.2020) by The Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 (S.S.I. 2019/80), regs. 1, **5(11)(b)** (as amended by S.S.I. 2019/274, regs. 1, **2(2)** and S.S.I. 2020/310, regs. 1, **2(2)(6)**, 4(2)); 2020 c. 1, **Sch. 5 para. 1(1)**

**11.** Groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million cubic metres.

**12.—(1)** Works for the transfer of water resources, other than piped drinking water, between river basins where the transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres per year.

(2) In all other cases, works for the transfer of water resources, other than piped drinking water, between river basins where the multi-annual average flow of the basin of abstraction exceeds 2,000 million cubic metres per year and where the amount of water transferred exceeds 5% of this flow.

**13.** Waste water treatment plants with a capacity exceeding 150,000 population equivalent as defined in Article 2(6) of Council Directive [91/271/EEC](#) concerning urban waste-water treatment<sup>M4</sup><sup>F4</sup>, as that Directive had effect immediately before IP completion day] .

#### Textual Amendments

- F4** Words in sch. 1 para. 13 inserted (31.12.2020) by The Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 (S.S.I. 2019/80), regs. 1, **5(11)(c)** (as amended by S.S.I. 2019/274, regs. 1, **2(2)** and S.S.I. 2020/310, regs. 1, **2(2)(6)**, 4(2)); 2020 c. 1, **Sch. 5 para. 1(1)**

#### Marginal Citations

**M4** OJ No L 135, 30.5.1991, p.40, last amended by Regulation (EC) No. 1137/2008 (OJ No L 311, 21.11.2008, p.1).

**14.** Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes per day in the case of petroleum and 500,000 cubic metres per day in the case of gas.

**15.** Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres.

**Status:** Point in time view as at 31/12/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. (See end of Document for details)

16. Pipelines with a diameter of more than 800 millimetres and a length of more than 40 kilometres for the transport of—
- (a) gas, oil or chemicals;
  - (b) carbon dioxide streams for the purposes of geological storage, including associated booster stations.
17. Installations for the intensive rearing of poultry or pigs with more than—
- (a) 85,000 places for broilers or 60,000 places for hens;
  - (b) 3,000 places for production pigs (over 30 kg); or
  - (c) 900 places for sows.
18. Industrial plants for—
- (a) the production of pulp from timber or similar fibrous materials;
  - (b) the production of paper and board with a production capacity exceeding 200 tonnes per day.
19. Quarries and open-cast mining where the surface of the site exceeds 25 hectares, or peat extraction where the surface of the site exceeds 150 hectares.
20. Construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 15 km.
21. Installations for storage of petroleum, petrochemical or chemical products with a capacity of 200,000 tonnes or more.
22. Storage sites pursuant to [<sup>F5</sup>Chapter 3 of Part 1 of the Energy Act 2008 and any law of any part of the United Kingdom that implemented] the CCS Directive.

#### Textual Amendments

- F5** Words in [sch. 1 para. 22](#) inserted (31.12.2020) by [The Town and Country Planning and Electricity Works \(EU Exit\) \(Scotland\) \(Miscellaneous Amendments\) Regulations 2019 \(S.S.I. 2019/80\)](#), regs. 1, **5(11)(d)** (as amended by [S.S.I. 2019/274](#), regs. 1, 2(2) and [S.S.I. 2020/310](#), regs. 1, 2(2), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)

23. Installations for the capture of carbon dioxide streams for the purposes of geological storage pursuant to the CCS Directive [<sup>F6</sup>(pursuant to Chapter 3 of Part 1 of the Energy Act 2008 and any law of any part of the United Kingdom that implemented the CCS Directive) ] from installations referred to in this schedule, or where the total yearly capture of carbon dioxide is 1.5 megatonnes or more.

#### Textual Amendments

- F6** Words in [sch. 1 para. 23](#) substituted (31.12.2020) by [The Town and Country Planning and Electricity Works \(EU Exit\) \(Scotland\) \(Miscellaneous Amendments\) Regulations 2019 \(S.S.I. 2019/80\)](#), regs. 1, **5(11)(e)** (as amended by [S.S.I. 2019/274](#), regs. 1, 2(2) and [S.S.I. 2020/310](#), regs. 1, 2(2), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)

24. Any change to or extension of development listed in this schedule where such a change or extension in itself meets the thresholds, if any, or description of development set out in this schedule.

## SCHEDULE 2

Regulation 2(1)

## DESCRIPTIONS OF DEVELOPMENT AND APPLICABLE THRESHOLDS AND CRITERIA FOR THE PURPOSES OF THE DEFINITION OF “SCHEDULE 2 DEVELOPMENT”

## 1. In the table below—

“area of the works” includes any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps or other facilities or stores required for construction or installation;

“controlled waters” has the same meaning as in section 30A(1) of the Control of Pollution Act 1974 <sup>M5</sup>; and

“floorspace” means the floorspace in a building or buildings.

**Marginal Citations**

**M5** Section 30A was inserted by the [Water Act 1989 \(c.15\)](#), [Schedule 23](#), paragraph 4 and amended by the [Environment Act 1995 \(c.25\)](#), [Schedule 22](#), paragraph 29(2), and Schedule 4.

2. The table below sets out the descriptions of development and applicable thresholds and criteria for the purposes of classifying development as Schedule 2 development.

**TABLE**

<i>Column 1 Description of development</i>	<i>Column 2 Applicable thresholds and criteria</i>
The carrying out of development to provide any of the following:—	
<b>1. Agriculture and aquaculture</b>	
(a) Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes;	The area of the development exceeds 0.5 hectare.
(b) Water management projects for agriculture, including drainage projects, but excluding irrigation projects;	The area of the works exceeds one hectare.
(c) Intensive livestock installations (unless otherwise included in schedule 1);	The area of floorspace exceeds 500 square metres.
(d) Intensive fish farming;	(i) the installation resulting from the development is designed to produce more than 10 tonnes of dead fish weight per year;
	(ii) where the development is situated in marine waters, the development is designed to hold a biomass of 100 tonnes or greater; or
	(iii) the development will extend to 0.1 hectare or more of the surface area of the marine waters, including any proposed structures or excavations.
(e) Reclamation of land from the sea.	All development.
<b>2. Extractive industry</b>	

**Status:** Point in time view as at 31/12/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. (See end of Document for details)

- (a) Quarries, open-cast mining and peat extraction (unless included in Schedule 1); All development except the construction of buildings or other ancillary structures where the floorspace does not exceed 1,000 square metres.
- (b) Underground mining;
- (c) Extraction of minerals by marine or fluvial dredging; All development.
- (d) Deep drillings, in particular—
- (i) in relation to any type of drilling, the area of the works exceeds 1 hectare; or
  - (i) Geothermal drilling;
  - (ii) in relation to geothermal drilling and drilling for the storage of nuclear waste material, the drilling is within 100 metres of any controlled waters.
  - (ii) Drilling for the storage of nuclear waste material;
  - (iii) Drilling for water supplies;
- with the exception of drillings for investigating the stability of the soil.
- (e) Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale. The area of the development exceeds 0.5 hectare.

### 3. Energy industry

- (a) Industrial installations for the production of electricity, steam and hot water (unless included in schedule 1); The area of the development exceeds 0.5 hectare.
- (b) Industrial installations for carrying gas, steam and hot water; The area of the works exceeds 1 hectare.
- (c) Transmission of electrical energy by overhead cables (unless included in schedule 1);
- (i) The area of the works exceeds 1 hectare;
  - (ii) the purpose of which installation is to connect the electric line to a generating station the construction or operation of which requires consent under section 36 of the Electricity Act 1989  
M6  
; or
  - (iii) an electric line installed above ground with a voltage of 132 kilovolts or more, the installation of which (or the keeping installed of which) requires consent under section 37 of the Electricity Act 1989.
- (d) Surface storage of natural gas; (i) the area of any building, deposit or structure exceeds 500 square metres; or
- (e) Underground storage of combustible gases; (ii) a building, deposit or structure is to be sited within 100 metres of any controlled waters.
- (f) Surface storage of fossil fuels;

- (g) Industrial briquetting of coal and lignite; The area of floorspace exceeds 1,000 square metres.
- (h) Installations for the processing and storage of radioactive waste (unless included in schedule 1);
- (i) the area of floorspace exceeds 1,000 square metres; or
- (ii) the installation resulting from the development will require an authorisation or the variation of an authorisation under the [F7Environmental Authorisations (Scotland) Regulations 2018].
- (i) Installations for hydroelectric energy production; The installation is designed to produce more than 0.5 megawatts.
- (j) Installations for the harnessing of wind power for energy production (wind farms);
- (i) the development involves the installation of more than 2 turbines; or
- (ii) the hub height of any turbine or height of any other structure exceeds 15 metres.
- (k) installations for the capture of carbon dioxide streams for the purposes of geological storage [F8(pursuant to Chapter 3 of Part 1 of the Energy Act 2008 and any law of any part of the United Kingdom that implemented the CCS Directive)] from installations not referred to in schedule 1. All development.

#### **4. Production and processing of metals**

- (a) Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting; The area of floorspace exceeds 1,000 square metres.
- (b) Installations for the processing of ferrous metals—
- (i) hot-rolling mills;
- (ii) smitheries with hammers;
- (iii) application of protective fused metal coats;
- (c) Ferrous metal foundries;
- (d) Installations for the smelting, including the alloyage, of non-ferrous metals, excluding precious metals, including recovered products (refining, foundry casting, etc.); The area of the floor space exceeds 1,000 square metres.
- (e) Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process;

**Status:** Point in time view as at 31/12/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. (See end of Document for details)

- (f) Manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines;
- (g) Shipyards;
- (h) Installations for the construction and repair of aircraft;
- (i) Manufacture of railway equipment;
- (j) Swaging by explosives;
- (k) Installations for the roasting and sintering of metallic ores.

**5. Mineral industry**

- (a) Coke ovens (dry coal distillation);                      The area of floorspace exceeds 1,000 square metres.
- (b) Installations for the manufacture of cement;
- (c) Installations for the production of asbestos and the manufacture of asbestos-based products (unless included in schedule 1);
- (d) Installations for the manufacture of glass including glass fibre;
- (e) Installations for smelting mineral substances including the production of mineral fibres;
- (f) Manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain.

**6. Chemical industry (unless included in schedule 1)**

- (a) Treatment of intermediate products and production of chemicals;                      The area of floorspace exceeds 1,000 square metres.
- (b) Production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides;                      The area of floor space exceeds 1,000 square metres.
- (c) Storage facilities for petroleum, petrochemical and chemical products.
  - (i)                      The area of any building or structure exceeds 0.05 hectare; or
  - (ii)                     more than 200 tonnes of petroleum, petrochemical or chemical products is to be stored at any one time.

**7. Food industry**

- (a) Manufacture of vegetable and animal oils and fats;                      The area of floorspace exceeds 1,000 square metres.



- (b) Packing and canning of animal and vegetable products;
- (c) Manufacture of dairy products;
- (d) Brewing and malting;
- (e) Confectionery and syrup manufacture;
- (f) Installations for the slaughter of animals;
- (g) Industrial starch manufacturing installations;
- (h) Fish-meal and fish-oil factories;
- (i) Sugar factories.

**8. Textile, leather, wood and paper industries**

- (a) Industrial plants for the production of paper and board (unless included in schedule 1); The area of floorspace exceeds 1,000 square metres.
- (b) Plants for the pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of fibres or textiles;
- (c) Plants for the tanning of hides and skins;
- (d) Cellulose-processing and production installations.

**9. Rubber industry**

Manufacturing and treatment of elastomer-based products. The area of floorspace exceeds 1,000 square metres

**10. Infrastructure projects**

- (a) Industrial estate development projects; The area of the development exceeds 0.5 hectare.
- (b) Urban development projects, including the construction of shopping centres and car parks, sport stadiums, leisure centres and multiplex cinemas;
- (c) Construction of intermodal transshipment facilities and of intermodal terminals (unless included in schedule 1);
- (d) Construction of railways (unless included in schedule 1); The area of the works exceeds 1 hectare.
- (e) Construction of airfields (unless included in schedule 1);
  - (i) The development involves an extension to a runway; or
  - (ii) the area of the works exceeds 1 hectare.
- (f) Construction of roads (unless included in schedule 1); The area of the works exceeds 1 hectare.

**Status:** Point in time view as at 31/12/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. (See end of Document for details)

- (g) Construction of harbours and port installations, including fishing harbours (unless included in schedule 1);
- (h) Inland-waterway construction not included in schedule 1, canalisation and flood-relief works;
- (i) Dams and other installations designed to hold water or store it on a long-term basis (unless included in schedule 1);
- (j) Tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport;
- (k) Oil and gas pipeline installations and pipelines for the transport of carbon dioxide streams for the purposes of geological storage (unless included in schedule 1);
  - (i) the area of the work exceeds 1 hectare; or
  - (ii) in the case of a gas pipeline, the installation has a design operating pressure exceeding 7 bar gauge.
- (l) Installations of long-distance aqueduct;
- (m) Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works; All development.
- (n) Groundwater abstraction and artificial groundwater recharge schemes not included in schedule 1; The area of the works exceeds 1 hectare.
- (o) Works for the transfer of water resources between river basins not included in schedule 1;
- (p) Motorway service areas. The area of the development exceeds 0.5 hectare.

#### **11. Other projects**

- (a) Permanent racing and test tracks for motorized vehicles; The area of the development exceeds 1 hectare.
- (b) Installations for the disposal of waste (unless included in schedule 1);
  - (i) The disposal is by incineration; or
  - (ii) the area of the development exceeds 0.5 hectare; or
  - (iii) the installation is to be sited within 100 metres of any controlled waters.
- (c) Waste-water treatment plants (unless included in schedule 1); The area of the development exceeds 1,000 square metres.

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|--|--|
| (d) Sludge-deposition sites;   | (i) The area of deposit or storage exceeds 0.5 hectare; or                               |
| (e) Storage of scrap iron, including scrap vehicles;                       | (ii) a deposit is to be made or scrap stored within 100 metres of any controlled waters. |
| (f) Test benches for engines, turbines or reactors;                        | The area of floorspace exceeds 1,000 square metres.                                      |
| (g) Installations for the manufacture of artificial mineral fibres;        |  |
| (h) Installations for the recovery or destruction of explosive substances; |  |
| (i) Knackers' yards.   |  |

**12. Tourism and leisure**

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|---|--|
| (a) Ski-runs, ski-lifts and cable cars and associated developments;                       | (i) The area of the works exceeds 1 hectare; or<br>(ii) the height of any building or other structure exceeds 15 metres. |
| (b) Marinas;  | The area of the enclosed water surface exceeds 1,000 square metres.  |
| (c) Holiday villages and hotel complexes outside urban areas and associated developments; | The area of the development exceeds 0.5 hectare.   |
| (d) Theme parks;  | All development  |
| (e) Permanent camp sites and caravan sites;   | The area of the development exceeds 1 hectare.   |
| (f) Golf courses and associated developments.   | The area of the development exceeds 1 hectare  |

**13.**

Any change to or extension of development of a description mentioned in paragraphs 1 to 12 of Column 1 of this table where that development is already authorised, executed or in the process of being executed.	The thresholds and criteria in the corresponding part of Column 2 of this table applied to the development as changed or extended are met or exceeded and in such a case the change or extension may have significant adverse effects on the environment.
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**14.**

Any change to or extension of development of a description mentioned in schedule 1 (other than a change or extension falling within paragraph 24 of schedule 1) where that development is already authorised, executed or in the process of being executed.	The thresholds and criteria in Column 2 of the paragraph of this table indicated below applied to the development as changed or extended are met or exceeded and in such a case the change or extension may have significant adverse effects on the environment.
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Paragraph in schedule 1	Paragraph of this table
1	6(a)

**Status:** Point in time view as at 31/12/2020.

**Changes to legislation:** There are currently no known outstanding effects for the *The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017*. (See end of Document for details)

2(1)	3(a)
2(2)	3(h)
3	3(h)
4	4
5	5
6	6(a)
7(1)	10(d) (in relation to railways) or 10(e) (in relation to airports)
7(2) and (3)	10(f)
8(1)	10(h)
8(2)	10(g)
9	11(b)
10	11(b)
11	10(n)
12	10(o)
13	11(c)
14	2(e)
15	10(i)
16	10(k)
17	1(c)
18	8(a)
19	2(a)
20	3(c)
21	6(c)
22	3(k)
23	3(k)

**15.**

Development of a description mentioned in schedule 1, undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than two years. All development.

**Textual Amendments**

**F7** Words in sch. 2 para. 2 table substituted (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, **sch. 6 para. 18** (with reg. 78, sch. 5 para. 2)

**F8** Words in sch. 2 substituted (31.12.2020) by virtue of [The Town and Country Planning and Electricity Works \(EU Exit\) \(Scotland\) \(Miscellaneous Amendments\) Regulations 2019 \(S.S.I. 2019/80\)](#), regs. 1, **5(12)** (as amended by [S.S.I. 2019/274](#), regs. 1, **2(2)** and [S.S.I. 2020/310](#), regs. 1, **2(2)**, 4(2)); 2020 c. 1, **Sch. 5 para. 1(1)**

**Marginal Citations**

**M6** 1989 c.29.

SCHEDULE 3

Regulation 7(2)

SELECTION CRITERIA FOR SCREENING SCHEDULE 2 DEVELOPMENT

**Characteristics of development**

1. The characteristics of development must be considered having regard, in particular, to—
  - (a) the size and design of the development;
  - (b) cumulation with other existing development and/or approved development;
  - (c) the use of natural resources, in particular land, soil, water and biodiversity;
  - (d) the production of waste;
  - (e) pollution and nuisances;
  - (f) the risk of major accidents and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge;
  - (g) the risks to human health (for example due to water contamination or air pollution).

**Location of development**

2. The environmental sensitivity of geographical areas likely to be affected by development must be considered having regard, in particular, to—
  - (a) the existing and approved land use;
  - (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
  - (c) the absorption capacity of the natural environment, paying particular attention to the following areas—
    - (i) wetlands, riparian areas, river mouths;
    - (ii) coastal zones and the marine environment;
    - (iii) mountain and forest areas;
    - (iv) nature reserves and parks;
    - (v) european sites and other areas classified or protected under national legislation;
    - (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in [F9 retained EU law] and relevant to the project, or in which it is considered that there is such a failure;
    - (vii) densely populated areas;
    - (viii) landscapes and sites of historical, cultural or archaeological significance.

**Status:** Point in time view as at 31/12/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. (See end of Document for details)

#### Textual Amendments

- F9** Words in sch. 3 para. 2(c)(vi) substituted (31.12.2020) by [The Town and Country Planning and Electricity Works \(EU Exit\) \(Scotland\) \(Miscellaneous Amendments\) Regulations 2019 \(S.S.I. 2019/80\)](#), regs. 1, **5(13)** (as amended by [S.S.I. 2019/274](#), regs. 1, 2(2) and [S.S.I. 2020/310](#), regs. 1, 2(2), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)

#### Characteristics of the potential impact

**3.** The likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the development on the factors specified in regulation 4(3), taking into account—

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- (b) the nature of the impact;
- (c) the transboundary nature of the impact;
- (d) the intensity and complexity of the impact;
- (e) the probability of the impact;
- (f) the expected onset, duration, frequency and reversibility of the impact;
- (g) the cumulation of the impact with the impact of other existing and/or approved development;
- (h) the possibility of effectively reducing the impact.

#### SCHEDULE 4

Regulation 5

#### INFORMATION FOR INCLUSION IN ENVIRONMENTAL IMPACT ASSESSMENT REPORTS

- 1.** A description of the development, including in particular:
  - (a) a description of the location of the development;
  - (b) a description of the physical characteristics of the whole development, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases;
  - (c) a description of the main characteristics of the operational phase of the development (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;
  - (d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, [<sup>F10</sup>radiation]) and quantities and types of waste produced during the construction and operation phases.

#### Textual Amendments

- F10** Word in sch. 4 para. 1(d) substituted (30.6.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/168\)](#), regs. 1, **3(7)(a)**

2. A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

3. A description of the relevant aspects of the current state of the environment (the “baseline scenario”) and an outline of the likely evolution thereof without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of relevant information and scientific knowledge.

4. A description of the factors specified in regulation 4(3) likely to be significantly affected by the development: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.

5. A description of the likely significant effects of the development on the environment resulting from, inter alia:

- (a) the construction and existence of the development, including, where relevant, demolition works;
- (b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
- (c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;
- (d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);
- (e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;
- (f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;
- (g) the technologies and the substances used.

The description of the likely significant effects on the factors specified in regulation 4(3) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development. This description should take into account the environmental protection objectives established at Union [<sup>F11</sup>level (as they had effect immediately before IP completion day) or United Kingdom level,] which are relevant to the project including in particular those established under [<sup>F12</sup>the law of any part of the United Kingdom that implemented] Council Directive [<sup>F13</sup>92/43/EEC] and Directive 2009/147/EC.

#### Textual Amendments

- F11** Words in sch. 4 para. 5 substituted (31.12.2020) by [The Town and Country Planning and Electricity Works \(EU Exit\) \(Scotland\) \(Miscellaneous Amendments\) Regulations 2019](#) (S.S.I. 2019/80), regs. 1, [5\(14\)\(a\)\(i\)](#) (as amended by [S.S.I. 2019/274](#), regs. 1, [2\(2\)](#) and [S.S.I. 2020/310](#), regs. 1, [2\(2\)\(6\)](#), [4\(2\)](#) and [S.S.I. 2019/274](#), regs. 1, [2\(2\)\(3\)\(b\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F12** Words in sch. 4 para. 5 inserted (31.12.2020) by [The Town and Country Planning and Electricity Works \(EU Exit\) \(Scotland\) \(Miscellaneous Amendments\) Regulations 2019](#) (S.S.I. 2019/80), regs. 1, [5\(14\)\(a\)\(ii\)](#) (as amended by [S.S.I. 2019/274](#), regs. 1, [2\(2\)](#) and [S.S.I. 2020/310](#), regs. 1, [2\(2\)](#), [4\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**Status:** Point in time view as at 31/12/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. (See end of Document for details)

**F13** Word in sch. 4 para. 5 substituted (30.6.2017) by The Environmental Impact Assessment (Miscellaneous Amendments) (Scotland) Regulations 2017 (S.S.I. 2017/168), regs. 1, **3(7)(b)**

**6.** A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

**7.** A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.

**8.** A description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned. Relevant information available and obtained through risk assessments pursuant to <sup>F14</sup> retained EU law such as any law that implemented] Directive 2012/18/EU of the European Parliament and of the Council or Council Directive 2009/71/Euratom or relevant assessments may be used for this purpose provided that the requirements of <sup>F15</sup> any law that implemented][<sup>F16</sup>the Directive] are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

#### Textual Amendments

**F14** Words in sch. 4 para. 8 substituted (31.12.2020) by The Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 (S.S.I. 2019/80), regs. 1, **5(14)(b)(i)** (as amended by S.S.I. 2019/274, regs. 1, 2(2) and S.S.I. 2020/310, regs. 1, 2(2), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)

**F15** Words in sch. 4 para. 8 inserted (31.12.2020) by The Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 (S.S.I. 2019/80), regs. 1, **5(14)(b)(ii)** (as amended by S.S.I. 2019/274, regs. 1, 2(2) and S.S.I. 2020/310, regs. 1, 2(2), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)

**F16** Words in sch. 4 para. 8 substituted (30.6.2017) by The Environmental Impact Assessment (Miscellaneous Amendments) (Scotland) Regulations 2017 (S.S.I. 2017/168), regs. 1, **3(7)(c)**

**9.** A non-technical summary of the information provided under paragraphs 1 to 8.

**10.** A reference list detailing the sources used for the descriptions and assessments included in the EIA report.



SCHEDULE 5

Regulation 20(2)

FORM OF NOTICE UNDER REGULATION 20

THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) SCOTLAND REGULATIONS 2017

NOTICE UNDER REGULATION 20

The proposed development at (a) is subject to environmental impact assessment under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

Notice is hereby given that [an EIA report] [additional information in relation to an EIA report] has been submitted to (b) by (c) relating to [the planning application] [an application for approval, consent or agreement imposed on planning permission] in respect of (d) [notified to you under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2015 on (e)].

Possible decisions relating to the application are:—  
 approval of the application without conditions;  
 approval of the application with conditions;  
 refusal of the application.

A copy of the [EIA report] [additional information together with the EIA report], the associated application [and relevant planning permission] and other documents submitted with the application may be inspected at all reasonable hours at the place where the register of planning applications is kept by the planning authority for the area at (f) and also at (g) during the period of [30] days beginning with the date of this notice.

Copies of the [EIA report] [additional information] may be purchased from (h) at a cost of (i).

Any person who wishes to make representations to (b) about the [EIA report] [additional information] should make them in writing within that period [to the Council at (f)] [to the Scottish Ministers at (j)].

Signed \_\_\_\_\_  
 \*On behalf of \_\_\_\_\_  
 Date \_\_\_\_\_

Notes

(a) Insert address for location of the development.  
 (b) Insert name of planning authority or insert the Scottish Ministers as appropriate.  
 (c) Insert name of applicant.  
 (d) Insert description of proposed development.

(e) Insert date of notification under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2015.  
 (f) Insert address of planning authority.  
 (g) Insert the application website address and any other address in the locality at which the EIA report and additional information may be inspected.  
 (h) Insert how a copy of the EIA report or of the additional information may be obtained.  
 (i) Insert cost of a copy of the EIA report or additional information.  
 (j) Address to be supplied by the Scottish Ministers

\*Delete where inappropriate.

SCHEDULE 6

Regulation 60(9)

REVOCATIONS

<i>Column (1) Regulations revoked</i>	<i>Column (2) References</i>	<i>Column (3) Extent of Revocations</i>
The European Union (Amendments in respect of the Accession of Croatia) (Scotland) Regulations 2013	S.S.I. 2013/177	Paragraph 21 of schedule 1
The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014	S.I. 2014/469	Paragraph 202 of schedule 3
Waste (Meaning of Hazardous Waste and European Waste Catalogue) (Miscellaneous Amendments) (Scotland) Regulations 2016	S.S.I. 2015/188	Regulation 9
The Town and Country Planning (Historic Environment Scotland) Amendment Regulations 2015	S.S.I. 2015/237	Regulation 4(1) to (4)
The Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2015	S.S.I. 2015/249	Regulation 5(1) to (10)

**Status:**

Point in time view as at 31/12/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.