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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 114**

**The Agriculture, Land Drainage and  
Irrigation Projects (Environmental Impact  
Assessment) (Scotland) Regulations 2017**

**PART 1**

**INTRODUCTORY**

**Application**

**3.—(1)** These Regulations apply to any project in Scotland which is not exempt by virtue of paragraphs (2) to (4).

(2) A project is exempt under this paragraph if it—

- (a) constitutes development to which the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017(1) apply; or
- (b) is a forestry project as defined in regulation 2(1) of the Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017(2).

(3) The Scottish Ministers may direct that these Regulations do not apply in relation to a particular project specified in the direction if the project has the response to a civil emergency as its sole purpose and where, in the opinion of the Scottish Ministers, compliance with these Regulations would have an adverse effect on that purpose.

(4) The Scottish Ministers may, in accordance with Article 2(4) of the Directive (but without prejudice to Article 7 of the Directive), direct that these Regulations do not apply in relation to a particular project specified in the direction where in the opinion of the Scottish Ministers compliance with these Regulations would result in adversely affecting the purpose of the project.

(5) Before making a direction under paragraph (4) the Scottish Ministers must consider whether another form of assessment would be appropriate and where a direction is given the Scottish Ministers must—

- (a) make available to the public concerned the information considered in making the direction and the reasons for making the direction; and
- (b) take such steps as are considered appropriate to bring the information obtained under the other form of assessment to the attention of the public concerned.