
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 114

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

PART 2

AGRICULTURE AND IRRIGATION PROJECTS

Appeals to the Scottish Ministers

30.—(1) The following persons:—

- (a) a person who has applied for a screening opinion in respect of a project which the Scottish Ministers have decided is an EIA project;
- (b) a person who has applied for consent for an EIA project in respect of which consent has been refused or has been granted subject to conditions (other than those specified in regulation 23(9));
- (c) a person upon whom a notice of a decision (being a revocation of a decision that a project is not an EIA project) or the revocation or modification of a consent for an EIA project has been notified in accordance with paragraph 3 of schedule 4; and
- (d) a person upon whom a notice requiring reinstatement works has been notified in accordance with paragraph 5 of schedule 4,

may by notice appeal to the Scottish Ministers against the consent or decision as the case may be (in this regulation referred to as “the relevant decision”) in accordance with this regulation and when making the relevant decision the Scottish Ministers must advise all persons with a right of appeal under this paragraph of that right.

(2) A person to whom paragraph (1) applies (in this regulation referred to as “the appellant”) must serve notice of an appeal on the Scottish Ministers within the period of 3 months beginning with the date upon which that person was notified of the relevant decision.

(3) Notice of an appeal must include—

- (a) a description of the relevant decision;
- (b) a statement of the grounds of appeal; and
- (c) a statement indicating whether the appellant wishes the appeal to be disposed of on the basis of written representations or to be in the form of a hearing or an inquiry.

(4) Where a notice of an appeal is served in relation to a decision referred to in paragraph (1) (c) or (d), the revocation or modification concerned shall not take effect or the reinstatement works shall not require to commence (as the case may be) until the expiry of the period of appeal following final determination or until the withdrawal of the appeal.

(5) As soon as reasonably practicable after receipt of notice of an appeal, the Scottish Ministers must serve copies of the notice (or arrange for copies to be served) on—

- (a) such of the consultation bodies as they think fit;
 - (b) any person who made representations in respect of the relevant decision;
 - (c) any EEA State consulted pursuant to regulation 19(6);
 - (d) any authority or person who forwarded their opinion to the Scottish Ministers pursuant to regulation 19(5)(b); and
 - (e) any other person who appears to them to have a particular interest in the subject matter of the appeal.
- (6) A person upon whom a copy of a notice of an appeal has been served in accordance with paragraph (5) may not make representations in respect of the appeal to the Scottish Ministers unless the Scottish Ministers are notified by that person of that person's wish to do so within the period of 21 days beginning with the date on which a copy of the notice was served upon that person.