

SCHEDULE 11

Regulation 58

Amendments

Amendments to the Town and Country Planning (Scotland) Act 1997

1. In section 26 of the Town and Country Planning (Scotland) Act 1997(1) (meaning of “development”) in subsection (2A)—

- (a) omit “irrigation or”; and
- (b) at the end insert “, but does not include the carrying out of irrigation work”.

Amendments to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992

2. In Schedule 1, Part 6 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992(2), in paragraph (1) of Class 18A (water management)—

- (a) omit “irrigation or”; and
- (b) at the end insert “, but not including the carrying out of irrigation work”.

Amendment to the Environmental Impact Assessment (Scotland) Regulations 1999

3. In column 1 of the table in Schedule 2 to the Environmental Impact Assessment (Scotland) Regulations 1999(3) at “1. Agriculture and aquaculture”, in entry (b) for “irrigation and land drainage projects” substitute “drainage projects, but excluding irrigation projects”.

4. In column 2 of the table referred to in paragraph 3, at “1. Agriculture and aquaculture” omit—

- (a) entries (i) and (ii); and
- (b) the words “and for the purposes of this entry, “agricultural land” and “agricultural unit” have the same meaning as in Part 6 of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992”,

and replace with “The area of the works exceeds one hectare”.

Savings Provision

5. Nothing in paragraphs 1 to 4 will affect the continued operation of any of the provisions amended by them, as such provisions relate to—

- (a) any application lodged with, or received by, a planning authority or the Scottish Ministers prior to the commencement of these Regulations, or any appeal in relation to such an application;
- (b) any matter in relation to which an enforcement notice has been issued prior to the commencement of these Regulations; or,
- (c) the completion of any permitted development begun before the commencement date of these Regulations.

(1) 1997 c.8.
(2) S.I. 1992/223.
(3) S.S.I. 1999/1.