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SCOTTISH STATUTORY INSTRUMENTS

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**1999 No. 1**

The Environmental Impact Assessment  
(Scotland) Regulations 1999

PART II

TOWN AND COUNTRY PLANNING

CHAPTER 9

UNAUTHORISED DEVELOPMENT

**Unauthorised development with significant transboundary effects**

**39.** Regulation 40 shall apply to unauthorised EIA development as if—

(a) for regulation 40(1)(a) there were substituted—

“(a) on consideration of an appeal under section 130, the Scottish Ministers are of the opinion that the matters which are alleged to constitute the breach of planning control comprise or include EIA development and that the development has or is likely to have significant effects on the environment in another EEA State; or”;

(b) in regulation 40(3)(a) the words “a copy of the application concerned” were replaced by the words “a description of the development concerned”;

(c) in regulation 40(3)(b) the words “to which that application relates” were omitted; and

(d) in regulation 40(6) the word “application” was replaced by the word “appeal”.