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SCOTTISH STATUTORY INSTRUMENTS

2003 No. 341

The Environmental Impact Assessment (Water Management) (Scotland) Regulations 2003

Citation and Commencement

1. These Regulations may be cited as the Environmental Impact Assessment (Water Management) (Scotland) Regulations 2003 and shall come into force on 30th September 2003.

Amendment of the Town and Country Planning (Scotland) Act 1997

2. In section 26 of the Town and Country Planning (Scotland) Act 1997–

(a) in subsection (2), in paragraph (e), at beginning insert "subject to subsection (2A),";

(b) after that subsection insert–

"(2A) Development includes the carrying out of irrigation or drainage for agriculture or of any other water management project for that purpose.".

Amendment of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992

3. In Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992(**1**), after Class 18 insert–

"**Water Management**

18A.—(1) The carrying out of irrigation or drainage for agriculture or of any other water management project for that purpose.

(2) Development consisting of the erection of a building or the significant extension or significant alteration of a building is permitted by this class subject to the conditions set out in Class 18(4)(a); and development consisting of the significant extension or the significant alteration of a building may be carried out only once in respect of that building.".

Amendment of the Environmental Impact Assessment (Scotland) Regulations 1999

4. In column 2 of the Table in Schedule 2 to the Environmental Impact Assessment (Scotland) Regulations 1999(**2**), for the entry corresponding to the entry in column 1 which relates to water management projects for agriculture, substitute–

"(i) The project is an irrigation project involving the abstraction or diversion of water for more than 48 hours in any calendar year and the total area of agricultural land to be irrigated in any agricultural unit or any part thereof exceeds 50 hectares;

(ii) in any other case, the area of the works exceeds one hectare;

(**1**) S.I.1992/223, there are no amending instruments relevant to these Regulations.
(**2**) S.S.I. 1999/1, there are no amending instruments relevant to these Regulations.

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.".

Transitional provisions

5. These Regulations shall not apply to the extent that the development was, immediately before the coming into force of these Regulations, permitted under the 1997 Act.

St Andrew's House, Edinburgh
30th June 2003

MARY MULLIGAN
Authorised to sign by the Scottish Ministers