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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 614**

The Environmental Impact Assessment  
(Scotland) Amendment Regulations 2006

PART V

FORESTRY

**Amendment to the Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999**

**10.** The Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999<sup>(1)</sup> are amended in accordance with this Part.

**11.**—(1) In regulation 2(1) (interpretation)—

- (a) in the definition of “countryside body”, after “1995” insert “and any other body designated by statutory provision as having specific environmental responsibilities”; and
- (b) at the end of the definition of “the Directive” add “and Council Directive [2003/35/EC](#)<sup>(2)</sup>”.

(2) In regulation 4 (restriction on relevant projects) after paragraph (4) insert—

“(5) Where a direction is made under paragraph (2), the Commissioners shall—

- (a) consider whether another form of assessment would be appropriate; and
- (b) where they do, take such steps as they consider appropriate to bring the information obtained under it to the attention of the public concerned.”.

(3) In regulation 12 (assistance in preparation of environmental statements) for paragraph (2) substitute—

“(2) In relation to a person to which the Environmental Information (Scotland) Regulations 2004<sup>(3)</sup> apply, paragraph (1) shall not require disclosure of information which the person—

- (a) may refuse to disclose under regulation 10(1) of those Regulations; or
- (b) is prevented from disclosing by regulation 11(1) of those Regulations.

(2A) In relation to a person to which the Environmental Information Regulations 2004<sup>(4)</sup> apply, paragraph (1) shall not require disclosure of information which the person—

- (a) may refuse to disclose under regulation 12(1) of those Regulations; or
- (b) is prevented from disclosing by regulation 13 (1) of those Regulations.”.

(4) In regulation 13 (publicity)—

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(1) [S.S.I. 1999/43](#).  
(2) [O.J. No. L 156, 25.6.2003, p.21](#).  
(3) [S.S.I. 2004/520](#).  
(4) [S.I.2004/3391](#).

- (a) in paragraph (1) for “under regulation 11 shall publish” substitute “in relation to that application, whether under regulation 11 or otherwise, shall publish”;
- (b) in paragraph (1)(a) for “the information provided under regulation 11” substitute “the further information”;
- (c) after paragraph (2)(a) insert–
  - “(aa) state, in relation to an application, that the Commissioners may decide either–
    - (i) to grant consent either subject only to the conditions required by regulation 18 or also subject to such further conditions as they see fit: or
    - (ii) to refuse consent.”; and
- (d) in paragraph (3) omit “under regulation 11”.
- (5) In regulation 14 (information for another EEA State)–
  - (a) in paragraph (5)(a) after “of this regulation” insert “and any further information provided by the applicant in relation to the application for consent”; and
  - (b) at the end of paragraph (5)(b) add “under sub-paragraph (a).”.
- (6) In regulation 19 (application to the court by person aggrieved), after paragraph (1) insert–
  - “(1A) Any non-governmental organisation promoting environmental protection and meeting any requirements under the law shall be deemed to have an interest for the purposes of Article 10a(a) of the Directive and rights capable of being impaired for the purposes of Article 10a(b) of the Directive.”.
- (7) In regulation 24 (registers of opinions, directions, determinations etc. for public inspection), in paragraph 1(c) after “regulation 7(7)” insert “or (8)(a)”.
- (8) In paragraph 1 of Schedule 2 (definition of “sensitive area”)–
  - (a) for paragraphs (a) and (b) substitute–
    - “(a) land notified under section 3(1) or 5(1) (sites of special scientific interest) of the Nature Conservation (Scotland) Act 2004(5);
    - (b) land in respect of which an order has been made under section 23 (nature conservation orders) of the Nature Conservation (Scotland) Act 2004.”;
  - (b) in paragraph (e) omit “as a Natural Heritage Area by a direction made by the Secretary of State or the Scottish Ministers under section 6(2) of the Natural Heritage (Scotland) Act 1991 or”; and
  - (c) after paragraph (f) insert–
    - “(g) an area designated as a National Park by a designation order made by the Scottish Ministers under section 6(1) of the National Parks (Scotland) Act 2000(6);”.

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(5) 2004 asp 6.  
 (6) 2000 asp 10.