
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Environmental Impact Assessment (Scotland) Regulations 1999 (“the 1999 Regulations”) to take account of changes made to the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”) by the Planning etc. (Scotland) Act 2006 (“the 2006 Act”) and of the replacement from 3rd August 2009 of the provisions relating to procedures and time limits set out in the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 (“the 1992 Order”) by the provisions of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 (“the 2008 Regulations”).

The Environmental Impact Assessment (Scotland) Amendment Regulations 2007 ([S.S.I. 2007/484](#)) implemented, in Scotland, Council Directive on the assessment of the effects of certain public and private projects on the environment (O.J. No. L 175, 5.7.1985, p.40), as amended by Council Directive (O.J. No. L 73, 14.3.1997, p.5) and Council Directive (O.J. L 156, 25.6.03, p.17) – “the EIA Directive” – in relation to applications for the approval of reserved matters made in connection with the grant of outline planning permission. Following the changes made to section 59 of the 1997 Act by section 21(1) of the 2006 Act after 3rd August 2009 applications for outline planning permission will be replaced by applications for planning permission in principle which will no longer be subject to approval of reserved matters. These Regulations amend the 1999 Regulations accordingly.

Regulations 2(2)(a), (4), (11), (12) and (17) make changes to the 1999 Regulations to replace references to “outline planning permission” and applications for approval of “reserved matters” with references to “planning permission in principle” and applications for “approval, consent or agreement required by a condition imposed on the grant of planning permission in principle”.

It will remain possible for an application for reserved matters to be made after 3rd August 2009 in respect of an outline planning permission granted before that date but regulation 3 of these Regulations operates to treat such an application as an application for approval, consent or agreement required by a condition in line with the wider changes to the terminology of the 1999 Regulations made by these Regulations.

Under new section 43A of the 1997 Act (introduced by section 17 of the 2006 Act) in respect of applications determined by a person appointed under a scheme of delegation the applicant will have a right to require a review of the case by the planning authority rather than a right of appeal to the Scottish Ministers. Regulations 2(2)(b), (5)(b), (7), (10), (11)(a), (13), (14) make amendments to the 1999 Regulations to take account of the new review procedure in section 43A. In doing so these Regulations operate to transpose the EIA Directive in relation to the new procedures introduced by section 17 of the 2006 Act.

Following changes made to section 34 of the 1997 Act by section 10 of the 2006 Act and in line with the provisions of the 2008 Regulations, regulation 2(9) makes changes to regulation 13 of the 1999 Regulations to require the planning authority or the Scottish Ministers to give notice where they have received an environmental statement.

Regulation 2(15) amends regulation 45(2) of the 1999 Regulations to apply the same extensions to time periods in relation to EIA applications dealt with under the 2008 Regulations as applied under the 1992 Order. Regulation 2(16) replaces references to the 1992 Order with references to the 2008 Regulations. Regulation 2(3) removes a redundant reference to the 1992 Order.