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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 114**

**AGRICULTURE  
LAND DRAINAGE  
WATER**

**The Agriculture, Land Drainage and  
Irrigation Projects (Environmental Impact  
Assessment) (Scotland) Regulations 2017**

<i>Made</i>	- - - -	<i>11th April 2017</i>
<i>Laid before the Scottish Parliament</i>	- -	<i>13th April 2017</i>
<i>Coming into force</i>		<i>16th May 2017</i>

**THE AGRICULTURE, LAND DRAINAGE AND  
IRRIGATION PROJECTS (ENVIRONMENTAL IMPACT  
ASSESSMENT) (SCOTLAND) REGULATIONS 2017**

PART 1

INTRODUCTORY

1. Citation and commencement
2. Interpretation
3. Application
4. Environmental impact assessment

PART 2

AGRICULTURE AND IRRIGATION PROJECTS

5. Prohibition on granting consent without an environmental impact assessment
6. Screening opinion for agriculture – uncultivated land and semi-natural areas
7. Screening opinion for irrigation project
8. Screening opinion for agriculture – restructuring project
9. Thresholds for agriculture – restructuring projects
10. Application for screening opinion

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

11. Screening opinions – time period for decision
12. Screening opinions – determination
13. Requirement for consent
14. Scoping opinion
15. Procedure to facilitate preparation of EIA reports
16. Application and EIA report
17. Consultation and publication
18. Additional information
19. Projects in Scotland likely to have significant effects in an EEA State other than the United Kingdom
20. Projects in another EEA State likely to have significant transboundary effects
21. Availability of opinions etc. for inspection
22. Decision notice
23. Conditions and restrictions on the granting of consent
24. Monitoring measures
25. Notification of decision
26. Prohibition on granting an application for multi-stage consent without an environmental impact assessment
27. Application for multi-stage consent where EIA report previously provided
28. Modification of regulations relating to application for multi-stage consent
29. Review of decisions and consents
30. Appeals to the Scottish Ministers
31. Hearing procedure
32. Determination of appeals by written representations
33. Determination and publication of appeal
34. Access to review procedures before a court
35. Competent authority – avoidance of conflict of interest
36. Co-ordination of assessments
37. Offences
38. Any person who carries out work in contravention of any...
39. (1) Any person who, for the purpose of procuring a...
40. Application to Crown
41. Stop notices
42. Offences – contravention of a stop notice
43. Reinstatement
44. Powers of entry and default powers
45. Offences by bodies corporate

### PART 3

#### LAND DRAINAGE

46. Prohibition on making improvement order without an environmental impact assessment
47. Screening opinion for land drainage
48. Application of Part 2 to land drainage

### PART 4

#### MISCELLANEOUS

49. Revocation, saving and transitional provision
50. (1) Subject to paragraph (2), Part IV (drainage works) of...
51. (1) Subject to paragraph (2)— (a) the definition of “the...

52. Consequential provision
53. Electronic communications – general
54. Electronic communications – deemed agreement
55. Withdrawal of consent to use of electronic communications
56. Service of notices etc.  
Signature

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SCHEDULE 1 THRESHOLDS FOR A PROJECT INVOLVING  
RESTRUCTURING OF RURAL LAND HOLDINGS  
ON AGRICULTURAL LAND WHOLLY OUTWITH A  
SENSITIVE AREA

*TABLE*

SCHEDULE 2 SELECTION CRITERIA FOR SCREENING

1. Characteristics of projects
2. Location of projects
3. Types and characteristics of the potential impact

SCHEDULE 3 INFORMATION FOR INCLUSION IN  
ENVIRONMENTAL IMPACT ASSESSMENT REPORTS

1. A description of the project, including in particular—
2. A description of the reasonable alternatives (for example in terms...
3. A description of the relevant aspects of the current state...
4. A description of the factors specified in regulation 4(3) likely...
5. A description of the likely significant effects of the project...
6. The description of the likely significant effects on the factors...
7. A description of the forecasting methods or evidence, used to...
8. A description of the measures envisaged to avoid, prevent, reduce...
9. A description of the expected significant adverse effects of the...
10. A non-technical summary of the information provided under paragraphs 1...
11. A reference list detailing the sources used for the descriptions...

SCHEDULE 4 REVIEW OF DECISIONS AND CONSENTS

1. The Scottish Ministers must as soon as reasonably practicable make...
2. For the purposes of that assessment, the Scottish Ministers—
3. Unless, following that assessment, the Scottish Ministers are satisfied that...
4. Subject to paragraph 5, a revocation or modification of a...
5. If, where a project which is subject to a decision...
6. If, following a decision under paragraph 3, a person has...
7. A claim for compensation payable under paragraph 5 or 6...
8. Any dispute as to the amount of compensation payable under...
9. Nothing in this schedule affects anything done in pursuance of...

Explanatory Note