
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2007 No.

**The Conservation (Natural Habitats, &c.)
Amendment (Scotland) Regulations 2007**

PART II

**AMENDMENTS TO THE CONSERVATION
(NATURAL HABITATS, &c.) REGULATIONS 1994**

20. After regulation 84A (permits under the Pollution Prevention and Control (Scotland) Regulations 2000)(1) insert—

“Abstraction and works authorised under water legislation

84B.—(1) Regulations 48 and 49 apply in relation to—

- (a) the grant of an authorisation under regulation 8 (registration) or 9 (water use licence);
- (b) the variation under regulation 19 (variation of authorisation) in accordance with either regulation 20 (procedure for variation) or regulation 21 (request for variation), as the case may be, or the partial variation under regulation 25(4) (determination of application for surrender) of an authorisation; and
- (c) the determination of an appeal under regulation 47 (determination of appeals) against a decision of the Scottish Environment Protection Agency referred to in regulation 46(a), (b), (c), (d), (e), (ee) or (g),

of the Water Environment (Controlled Activities) (Scotland) Regulations 2005(2) (“the 2005 Regulations”).

(2) In a case referred to in paragraph (1), where the competent authority considers that any adverse effects of the plan or project on the integrity of a European site would be avoided if the grant or variation of the authorisation were subject to conditions or, as the case may be, further conditions, it may grant or vary the authorisation subject to those conditions.

(3) Regulations 50 and 51 apply to authorisations under regulation 8 or 9 of the 2005 Regulations.

(4) Where on the review of an authorisation under regulation 8 or 9 of the 2005 Regulations, the competent authority considers that any adverse effects on the integrity of a European site of the carrying out or, as the case may be, the continuation of the activity authorised would be avoided by a variation of the authorisation, it may vary the authorisation, or cause it to be varied, accordingly.”.

(1) Regulation 84A was inserted by the Pollution Prevention and Control (Scotland) Regulations 2000, Schedule 10(2), paragraph 12 (S.S.I. 2000/323).

(2) S.S.I. 2005/348 as amended by S.S.I. 2006/553.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007 No. 80
