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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2007 No.**

**The Transport and Works (Scotland) Act 2007  
(Applications and Objections Procedure) Rules 2007**

**Publicity for application**

**12.**—(1) The applicant shall, as soon as possible after the application has been made, publish in the Edinburgh Gazette a notice of the application, which shall—

- (a) state the name of the applicant and the address given pursuant to rule 7(2);
- (b) state that the application has been made to the Scottish Ministers;
- (c) state whether the application is subject to an environmental impact assessment;
- (d) summarise the main proposals and specify the location of the proposed works (if any); and
- (e) state the address to which objections or representations are to be sent and the expiry date for objections.

(2) The applicant shall publish, in at least one newspaper circulating in each area in which the proposals contained in the application are intended to have effect, a notice in the form of Form 1 in Schedule 2, such notice to be published on at least two separate occasions, the first publication of which may not be made earlier than 14 days before, and not later than, the date of the application and the second or if more than two, the last, to be not more than 7 days after the date of the application.

(3) In the case of an application for an order authorising the works or other matters specified in any of the categories in column (1) of the table in Schedule 4, the applicant shall, as soon as possible after the application has been made, serve upon those named against each such category in column (2) of that table a notice containing the information specified in paragraph (4), and every notice served under the provisions of this paragraph shall state the capacity (or, if there is more than one, the capacities) in which the recipient of the notice is served.

(4) The information referred to in paragraph (3) is—

- (a) the name of the applicant;
- (b) the date when the application was made to the Scottish Ministers and the address to which objections or representations are to be sent;
- (c) a statement as to whether the application is subject to an environmental impact assessment;
- (d) a summary of the matters for which provision is to be made in the order for which application has been made (including, in a case to which paragraph (6) or (7) of rule 8 applies, a statement that planning permission or deemed hazardous substances consent, as the case may be, has been sought);
- (e) the names of all places, which shall be places within the area to which the proposals in the proposed order relate (or as close as reasonably practicable to that area), where a copy of the application and of the documents which are required by these Rules to accompany it may be inspected free of charge at all reasonable hours until the expiry date for objections; and
- (f) a statement that, until that date, any objection to the making of the order, or any representations in relation to it, may be made in writing, stating the grounds for the

objection or representations, to the Scottish Ministers at the address specified pursuant to sub paragraph (b).

(5) The places referred to in paragraph (4)(e) shall include a library or libraries, or such other publicly accessible buildings as the Scottish Ministers may direct, which shall in each case be situated within the area to which the proposals in the proposed order relate (or as close as reasonably practicable to that area).

(6) In the case of an application for an order authorising works the applicant shall, as soon as possible after the application has been made, display a notice in the form of Form 2 in Schedule 2 upon, or as close as reasonably practicable to, the proposed sites of those works at a place accessible to the public and, where the order for which application has been made would include linear works exceeding 5 kilometres in length, such a notice shall be displayed at intervals of not more than 5 kilometres along the whole of the proposed route of the works except where this is impracticable due to the land in question being covered by water.

(7) Where an order for which application has been made would authorise—

- (a) the extinguishment or diversion (whether such diversion would be permanent or temporary) of a public right of way; or
- (b) the stopping up or diversion of a road, or a restriction on the use of the road by any person or traffic, whether such stopping up, diversion or restriction would be permanent or, in the case of a road specifically named in the proposed order, temporary,

the applicant shall, as soon as possible after the application has been made, display a notice in the form of Form 3 in Schedule 2 upon the right of way or road at, or as close as is reasonably practicable to, each point of extinguishment, diversion, stopping up or restriction.

(8) The applicant shall take all reasonable steps to ensure that every notice displayed under the provisions of paragraphs (6) and (7) shall continue to be displayed in a legible form until the expiry date for objections.

(9) The applicant shall supply a copy of the application, or of any document that these Rules require shall accompany an application, to any person who requests such a copy, subject to the payment by that person of a reasonable charge for the provision of that copy, and the applicant shall ensure that information as to how such copies may be obtained is displayed at every place at which copies of the application and those documents are made available for inspection.