
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2007 No.

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

Developments likely to have significant effects on the environment of another part of the United Kingdom or certain other states

14.—(1) This rule applies where an application for an order under section 1 of the Act has been made and—

- (a) it appears to the Scottish Ministers that the application relates to proposed works which would be likely to have significant effects on the environment in England, Wales, Northern Ireland, the Isle of Man or the Channel Islands;
- (b) it appears to the Scottish Ministers that the application relates to proposed works which would be likely to have significant effects on the environment of another Member State; or
- (c) another Member State whose environment is likely to be affected significantly by the proposed works to which the application relates requests information relating to the application.

(2) In a case falling within paragraph (1)(a) the applicant shall publish, if so directed by the Scottish Ministers, the information specified in paragraphs (1)(a) to (e) and (4)(d) and (e) of rule 12 in such newspapers circulating in the place in question as the Scottish Ministers may specify.

(3) In a case falling within paragraph (1)(b) or (c), the Scottish Ministers shall—

- (a) send the information mentioned in paragraph (5) to the Member State in question as soon as reasonably practicable and in any event—
 - (i) no later than the date of the publication of a notice in the Edinburgh Gazette pursuant to rule 12(1); or
 - (ii) in a case falling within paragraph (1)(c), no later than 7 days after receiving a request from the Member State in question; and
- (b) give the Member State in question a reasonable time in which to indicate whether it wishes to participate in the procedure for consideration of the application.

(4) The Scottish Ministers shall direct the applicant to take such steps as the Scottish Ministers consider necessary to ensure that the public is informed that the project is likely to have significant effects on the environment of another Member State and that the provisions of this rule apply.

(5) The information referred to in paragraph (3)(a) is—

- (a) a description of the proposed works, together with any information the Scottish Ministers have in connection with the application as to the possible significant effects of the works on the environment of the Member State in question; and
- (b) information on the nature of the decision which may be taken.

(6) Where a Member State has indicated, in accordance with paragraph (3)(b), that it wishes to participate in the procedure for the consideration of the application the Scottish Ministers shall, as soon as reasonably possible, send to the State in question (in so far as these documents and information have not already been supplied to that State)—

- (a) a copy of the application;
 - (b) a copy of the applicant's statement of environmental information; and
 - (c) any relevant information regarding the procedure for the consideration of the application and for undertaking an environmental impact assessment of the proposed works in question.
- (7) In a case falling within paragraph (1)(b) or (c), the Scottish Ministers shall also–
- (a) arrange for the documents and other information referred to in paragraphs (5) and (6) to be made available, within a reasonable time, to the authorities referred to in Article 6(1) of the Directive and to the members of the public in the territory of the Member State which is likely to be significantly affected;
 - (b) ensure that those authorities and members of the public concerned are given an opportunity, before any order is made authorising the works in question, to forward to the Scottish Ministers, within a reasonable time, their opinion on the information supplied;
 - (c) enter into consultations with the Member State in question, regarding any potential significant effects of the proposed works on the environment of that Member State, the measures envisaged to reduce or eliminate such effects and such other matters relating to the proposed works as may be relevant to that Member State; and
 - (d) provide, in agreement with the Member State in question, a reasonable period of time for such consultations to take place before taking any decision as to whether or not to make the order in question.
- (8) Where a Member State has been consulted in accordance with paragraph (7)(c), the Scottish Ministers shall inform that Member State of their decision as to whether or not the order in question should be made and shall send to that Member State a statement of–
- (a) the content of the decision and any conditions attached to the decision;
 - (b) the main reasons for the decision and considerations on which it is based including the public participation process; and
 - (c) a description, where relevant, of the main measures that the applicant is to be required to take in order to avoid, reduce and, if possible, remedy any major adverse environmental effects of the works.