
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 582

**The Environmental Impact Assessment
(Agriculture) (Scotland) Regulations 2006**

Screening decision – restructuring project

5.—(1) Where paragraph (2) applies no person shall begin or carry out a project involving restructuring of rural land holdings on agricultural land (in this regulation referred to as “the project”) without first obtaining a screening decision.

(2) This paragraph applies where—

- (a) the project or any part of it, is to be carried out in a sensitive area; or
- (b) the project is to be carried out wholly outside a sensitive area and the extent of the project is equal to or exceeds the threshold applicable to it calculated in accordance with regulation 6.

(3) In this regulation “sensitive area” means—

- (a) land notified under sections 3(1) or 5(1) (sites of special scientific interest) of the Nature Conservation (Scotland) Act 2004⁽¹⁾;
- (b) land in respect of which an order has been made under section 23 (nature conservation orders) of the Nature Conservation (Scotland) Act 2004;
- (c) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage⁽²⁾;
- (d) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979⁽³⁾;
- (e) a European site within the meaning of regulation 10 of the Conservation (Natural Habitats, &c.) Regulations 1994;
- (f) an area designated as a National Scenic Area by a direction made by the Secretary of State under section 262C of the Town and Country Planning (Scotland) Act 1972⁽⁴⁾; and
- (g) an area designated as a National Park by a designation order made by the Scottish Ministers under section 6(1) of the National Parks (Scotland) Act 2000⁽⁵⁾.

(1) asp 6.

(2) See Command Paper 9424.

(3) 1979 c. 46.

(4) The Town and Country Planning (Scotland) Act 1972 (c. 52) (“the 1972 Act”) was repealed by the Planning (Consequential Provisions) (Scotland) Act 1997 (c.) (“the 1997 Act”) subject to a saving in respect of any area which on 1st April 1992 was designated as a National Scenic Area under section 262C of the 1972 Act; section 5 of and paragraph 11 of Schedule 3 to the 1997 Act.

(5) asp 10.