

## SCHEDULE 8

### Consequential amendments

#### Amendment of the 2013 Regulations

- 3.**—(1) The 2013 Regulations<sup>(1)</sup> are amended in accordance with this paragraph.
- (2) In regulation 20—
- (a) in paragraph (1), for “(5)” substitute “(6) and regulation 20A”;
  - (b) after paragraph (2)(d) insert—
    - “(e) the application is made under regulation 9, 10 or 11 and relates to development falling within paragraphs 3, 3A or 4 of Schedule 5.”;
  - (c) after paragraph (5) insert—
    - “(6) Where any of paragraph (2)(a) to (d) apply the planning authority need not publish a notice if they must publish a notice by virtue of paragraph (2)(e).
    - (7) Where paragraph (2)(e) applies paragraph (4) does not apply.”.
- (3) After regulation 20 insert—
- “20A.**—(1) A notice published by virtue of regulation 20(1) and (2)(e) must be published with the following modifications—
- (a) for “Written comments may be made to” substitute “Written comments or questions may be submitted to”;
  - (b) after “[Note 7]” insert—
    - “[Note 8]
    - An application may be granted (either unconditionally or subject to conditions) or refused.”;
  - (c) after Note 7 insert—
    - “Note 8 – If the proposal is a project, or part of a project, that is subject to a national or transboundary environmental impact assessment or to consultations between Member States in accordance with Article 14(3) of Directive 2012/18/EU of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012, p.1), state that fact.””
- (4) For paragraph 4 of Schedule 5 (consultation by the planning authority) substitute—
- “4.** Scottish Natural Heritage, the Health and Safety Executive and SEPA where the development—
- (a) involves the siting of new establishments;
  - (b) consists of modifications to establishments covered by Article 11 of Directive 2012/18/EU of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012, p.1); or
  - (c) includes transport routes, locations of public use and residential areas in the vicinity of an establishment, where the siting or development may be the source of or increase the risk or consequences of a major accident,

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(1) [S.S.I. 2013/155](#).

**Status:** *This is the original version (as it was originally made).*

and, in relation to development falling within paragraph (c), any person who is, according to the register held by the planning authority under regulation 41 of the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015, the person who is in control of the land on which the establishment is located.”.