

SCHEDULE 5

Projects and works in Scotland and Northern Ireland: national defence exemptions

PART 2

Works in Scotland

Transport and Works (Scotland) Act 2007 and the Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007: national defence exemption

3.—(1) The Secretary of State may direct, in respect of the proposed works specified in the direction, that—

- (a) sections 11(8) and 12(4) of the Transport and Works (Scotland) Act 2007 do not apply;
- (b) rule 14 of the Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007 does not apply;
- (c) any application in connection with those works is to be treated as if it were not an EIA application.

(2) The Secretary of State may give a direction under sub-paragraph (1) only if satisfied that—

- (a) the sole purpose of the proposed works is national defence, and
- (b) compliance with the requirement for an environmental impact assessment would have an adverse effect on the fulfilment of that purpose.

(3) The Secretary of State must send a copy of any direction given under sub-paragraph (1) to the Scottish Ministers.