

SCOTTISH EXECUTIVE ENVIRONMENT & RURAL AFFAIRS DEPARTMENT

## GUIDELINES

*ON ENVIRONMENTAL IMPACT ASSESSMENT (EIA)*

*FOR AGRICULTURE*

THE ENVIRONMENTAL IMPACT ASSESSMENT (AGRICULTURE) (SCOTLAND)  
REGULATIONS 2006 (AS AMENDED)

### **Covering:**

Projects for the conversion of uncultivated land and semi-natural areas to intensive agricultural purposes or large scale restructuring of rural land holdings on agricultural land

### **SEERAD contact details**

Information, copy guidance and other documents is available on the Scottish Executive Web-site at topics: agriculture, environment & agriculture

(link: <http://www.scotland.gov.uk/Topics/Agriculture/Environment/16808/7217>)

For further information and technical advice, contact your local SEERAD local Area or sub-area office. For general enquiries, contact SEERAD HQ at Pentland House Edinburgh on 0131 244 6204 or by E-mail at [eia-uncultivated@Scotland.gsi.gov.uk](mailto:eia-uncultivated@Scotland.gsi.gov.uk)

**SEERAD**  
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## Section 1: INTRODUCTION

- 1) *Environmental Impact Assessment* (EIA) is a procedure for considering the potential environmental effects of land use change. EIA helps to inform decision-making and enables decisions on land use change to be taken with knowledge of the likely environmental consequences. Legal requirements for EIA already apply to projects which are subject to the Planning system; separate EIA legislation is also already in place for other types of project including forestry, water and certain land drainage operations.
- 2) Legislation governing EIA procedures for projects for the *use of uncultivated land and semi-natural areas for intensive agricultural purposes* has been in place since 2002. This has now been extended to cover procedures for projects for the large scale restructuring of rural land holdings. The EIA (Agriculture) (Scotland) Regulations 2006 now cover both aspects. The Regulations implement specific European Community requirements and contribute significantly to wider objectives of promoting sustainable agricultural practices and a clearer understanding of good agricultural practice. The Regulations also complement other environmental measures listed in Annex 1 attached.
- 3) **These guidelines** set out how the Scottish Executive Environment and Rural Affairs Department (SEERAD) as competent authority under the Regulations in Scotland intends to operate these arrangements. The procedures are based on legal requirements, with penalties for non-compliance. However, SEERAD will seek wherever possible to apply them in co-operation with the land managers and others who may be involved. If a project raises environmental concerns, SEERAD technical staff will provide as much advice and assistance as possible and seek to agree with the farmer or land manager<sup>1</sup> concerned, a way forward which takes account of business needs as well as environmental factors.
- 4) The main aim is to protect land which has particular natural heritage or historic environment value or importance. An '**Environmental Statement**' will only be required where a proposed operation or **project** is assessed as likely to have *significant* effects on the environment. Completion and early submission of an application form to SEERAD detailing work proposals before they commence will enable a screening decision to be made on whether the project needs to be modified or can proceed as proposed.
- 5) **These guidelines** give a broad idea of the types of project covered by the EIA procedures, and the criteria to be used in considering the environmental effects. They cannot however address all the situations for which EIA may be relevant, and further advice will be available to help with individual cases as necessary.
- 6) Where these guidelines refer to contacting SEERAD, you should first contact your local SEERAD local area or sub-area office. Where this is not possible, a central telephone contact may be used – see SEERAD contact details on front page.

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<sup>1</sup> NB: To avoid confusion, all references to 'land manager' in this document should be taken to include farmer or any other person managing, planning or undertaking agricultural activities.

## Section 2: Coverage & definitions

### What do these procedures cover?

- 7) The Environmental Impact Assessment (Agriculture) (Scotland) Regulations 2006 apply to **projects** involving the use of *uncultivated land or semi-natural areas* for *intensive agricultural purposes* – *see section 3 below* and to projects involving restructuring of rural land holdings on agricultural land *see section 4 below*. The procedures are intended to support other regulations and good land management practice.

They do **not** apply to

- Maintenance or repair work
  - Projects which require *planning permission*, such as the construction of intensive livestock buildings – separate EIA Regulations apply to these (see Annex 1).
  - Forestry projects (planting or removing trees) – see Annex 2
  - bracken control, muirburn and heather burning, as part of a normal management cycle in accordance with good farm management practice.
  - Specific control of injurious weeds under the Weeds Act 1958
- 8) It is very important to note that these EIA procedures do not replace, duplicate or affect, other statutory requirements (see Annex 1) which may constrain operations on the land, such as:
- Ancient Monuments and Archaeological Areas Act 1979
  - measures to protect Sites of Special Scientific Interest (SSSIs)
  - restrictions in National Parks
  - the need for any consent or licence from Scottish Natural Heritage or Scottish Environmental Protection Agency; or
  - the need for a licence to be obtained from SEERAD for operations affecting protected species under the Wildlife and Countryside Act 1981.
  - Nature Conservation Act 2004
- 9) Certain operations on SSSIs or scheduled ancient monuments are covered by separate statutory procedures. You must consult Scottish Natural Heritage or Historic Scotland respectively. If Scottish Natural Heritage or Historic Scotland agree to your project you may still need to submit a screening application to SEERAD for formal consideration under the Regulations. However, unless there are special circumstances, we will probably not require any further environment assessment.
- 10) Where a project, which is being considered under these Regulations, involves a significant element of water management (eg ponds, drainage or water courses), the work may form a relevant project under more than one EIA regime in Scotland. You should, in that case, discuss with the Competent Authority (ie SEERAD local office, or SEPA) which authority will lead in screening your plans under their Regulations (see Annex 1).

- 11) For projects on land accepted into SEERAD's Agri-Environment schemes or Land Management Contracts, no separate environmental assessment will be required in view of the environmental safeguards which already apply under these schemes. If you occupy land within one of these schemes, you should contact your SEERAD scheme advisor if you are planning any land management works which are not already specifically approved under your agreement.

### ***Projects***

- 12) The 2006 Regulations define a '**project**' as '*the execution of construction works or other installations or schemes or other interventions in the natural surroundings or landscape: involving either a) the use of uncultivated land or semi-natural areas for intensive agricultural purposes (ULSNA); or, b) restructuring of rural land holdings on agricultural land.*
- 13) For more information on what comprises a 'project' for the purposes of these Regulations see section 3 for ULSNA projects; and section 4 for large scale restructuring projects.

### ***Thresholds***

- 14) A case by case approach will be used for all **projects** for the *conversion of uncultivated land and semi-natural areas into intensive agricultural use* as well as for those *large scale restructuring projects* within defined sensitive areas. Thresholds will apply for *large scale restructuring projects* outside of defined sensitive areas. The detail of thresholds and related sensitive areas are set out on page 11

### ***Significance***

- 15) Annex 3 (taken from the EC Directive) lists the criteria to be taken into account in deciding whether a project is likely to have **significant** environmental effects, for which an Environmental Statement is required. SEERAD will seek to apply these criteria in a consistent way, and the factors to be taken into account will include the following
- Whether the land, or land likely to be affected by the proposal, is subject to any other *environmental designation* (or is proposed for such designation). This may include
    - a Natura 2000 site,
    - National Park,
    - National Scenic Area,
    - National Nature Reserve, local nature reserve, or
    - Site of Special Scientific Interest (SSSI – see further below).
  - Where a relevant operation may lie wholly out with a sensitive area (SSSI, Natura) but may impact on the natural features of that SSSI or Natura site.

- The current level of biodiversity on the land and whether it is:
    - classified as a Priority Habitat within the UK Biodiversity Action Plan (BAP) (relevant habitats are listed at Annex 5),
    - is in the process of reversion to such a habitat, or
    - is known to contain wildlife covered by a Species Action Plan under the BAP.
  - Whether there are archaeological or other historic features such as
    - Scheduled monuments
    - sites listed in the Historic Scotland/Scottish Natural Heritage Inventory of Gardens and Designed Landscapes,
    - other historic landscape features such as archaeological sites and earthworks and land associated with Listed Buildings; or where their setting is affected.
  - The potential impact of the project on countryside character and cultural landscape, taking account of land characterisation approaches developed by Scottish Natural Heritage and historic land use assessment approaches developed by Historic Scotland and the Royal Commission on the Ancient and Historic Monuments of Scotland.
  - Any other important environmental considerations such as an isolated pocket of a particular habitat type or for protection of water resources
  - Potential effects on pollution (including air and water quality), soil erosion or flood protection. These effects may arise beyond the land on which the project is proposed.
- 16) Operation of the EIA process will take account of the ‘size’ of a project, its ‘location’ and the ‘nature of the project’ SEERAD will also consider the *cumulative effects* of projects, for example where a series of similar projects in an area would, cumulatively over time, have significant effects on pollution, wildlife or landscape.

### Section 3: Uncultivated Land And Semi-Natural Areas (ULSNA) projects

17) This section covers projects for conversion of uncultivated land or semi-natural areas for intensive agricultural purposes.

18) Key tests of the ULSNA rules undertaken during the formal screening process would be:

- (a) Is the 'type of land' uncultivated or a semi-natural area?
- (b) Is the proposal for conversion to intensive agricultural use
- (c) Does the proposal pose a significant environmental risk

All three of the above would have to apply before a project would require an environmental statement.

#### *ULSNA Land types*

19) The Regulations do not define 'uncultivated land and semi-natural areas' but, as a working guide, the intention is to apply the EIA arrangements for the following types of land. ('Land' here means a field or management unit, or part of it, where you can easily see the difference between improved and unimproved land.)

Land Type	Land Typically Included	Tests To Determine
<b>Unimproved Grassland, Heath and Moorland</b>	<ul style="list-style-type: none"> <li>• Coastal and floodplain marshes</li> <li>• Meadows, marsh and grazing pastures</li> <li>• Grassland with some tree cover, eg orchards, Parkland, Policies and Wood Pasture</li> <li>• Lowland and coastal heathland (including dry and wet heath)</li> <li>• Moorland (including bog) and rough grazing</li> <li>• Machair</li> <li>• Other open or enclosed upland grassland</li> </ul>	<p>Land would be considered uncultivated if</p> <p>(1) it had less than 30% of ryegrass (<i>Lolium species</i>) and/or white clover (<i>Trifolium repens</i>), or other sown species indicative of cultivation; or</p> <p>(2) it has not been improved by management practices including liming or fertiliser</p> <p>To assist in determining whether the land is uncultivated using the above definition, the following guidance might be useful:</p> <ul style="list-style-type: none"> <li>• Land has not been cultivated for around 12 - 15 years.</li> <li>• The land has not been reseeded, drained or ploughed within this time period.</li> </ul>
<b>Scrubland</b>	See annex 2 for details of distinction between scrub and forestry	EIA procedures will apply where scrub is cleared or managed with an aim of converting to arable or stock farming including intensification of such an existing use
<b>Wetlands</b>	<ul style="list-style-type: none"> <li>• Open water</li> <li>• Watercourses</li> <li>• Saltmarsh</li> <li>• Ditches</li> <li>• Ponds</li> <li>• Lowland and blanket bogs</li> <li>• Fens and other wetlands</li> </ul>	If the water table normally lies at or near the surface for part of the year

### ***Intensification ‘projects’***

- 20) The following list indicates the types of project which SEERAD considers to fall within this definition and which will be subject to the EIA procedures. In all cases these operations are only subject to EIA where the land in question is ‘uncultivated’ or ‘semi-natural’ as defined above, and where the purpose of the operation is to **change the land use** by bringing the land into use for *intensive* agricultural purposes.
- **Cultivations** – including ploughing, rotovating, harrowing, tining, discing and reseedling
  - **Spreading material**, including soil, fertiliser or lime in excess of existing routine application rates.
  - **Drainage works** – new works including mole, tile, tunnel, subsoiling or other artificial drainage and moorland gripping. Routine maintenance, including renewal of existing mole drainage, is not covered
  - **Land reclamation** from estuary or other wetlands
  - **Modifications to watercourses** – to deepen, widen, straighten or otherwise change an existing watercourse where these operations are intended to bring uncultivated land into intensive agricultural use. Routine maintenance is not covered. Watercourse includes any passage through which water flows
  - **Flood defences** – operations on embankments, structures or land which act as flood or coastal defences, and creation of new defences
  - **In-filling** ditches, ponds, pits, pools, marshes or historic earthwork features (see also paragraph 10) above ).
  - **Operations affecting historic or natural features** such as archaeological sites, hedgerows and other boundary features (other than routine maintenance) including drystone walls. Removal or replacement of boundary features will not be subject to EIA under these Regulations unless part of a wider project to change the use of land as defined in these guidelines.
  - **Clearing vegetation** by physical removal, burning, application of herbicides, deliberate overgrazing or trampling or rooting by livestock in preparation for cultivation.
  - **Introduction of livestock at intensive stocking rates** (including pigs and poultry), or increasing stocking rates to intensive levels (see paragraph 21) below)
- 21) A judgement will be needed in individual cases on whether the land use resulting from the operations is for ‘intensive agricultural purposes’. **Land managers are encouraged to seek**

**advice from SEERAD if considering a project of the kind listed.** SEERAD will in particular advise on the level of stocking rates considered intensive, where projects involve keeping livestock.

***Thresholds***

- 22) For projects for the conversion of uncultivated land and semi-natural areas into intensive agricultural use (ULSNA), **no thresholds will apply.** All ULSNA projects will be considered on a case by case basis. This is unchanged from 2002.

## Section 4: Large Scale Restructuring

- 23) This section covers projects for the restructuring of rural land holdings.
- 24) The Directive does not define what is meant by projects for the restructuring of rural land holdings. However, we have determined that the Directive intended applying EIA procedures to large scale restructuring projects which take place on agricultural land.. Agricultural land for this purpose is as defined in Section 86(1)&(3) of the Agriculture Scotland Act 1948.

### *Restructuring Projects*

- 25) *Projects for the restructuring of rural land holdings will apply to **physical works that give a significantly different physical structure to the arrangement of the constituent parts of one or more agricultural land holding.*** The constituent parts would include fields and other areas and features of farm land.
- 26) Relevant projects will involve a material restructuring of the agricultural part of a business or the agricultural element of any landholding, either through amalgamation or splitting of fields, re-contouring of land or similar material business led related changes. This might involve:
- removal or addition of substantial multiple lengths of internal, or internal and external field boundaries such as fences, walls, hedges, ditches and, or;
  - material recontouring, filling-in or excavating agricultural land; including the creation of vehicle tracks;
- 27) The proportion of boundary or related change within the designated holding affected will be relevant in determining whether the project is in fact ‘Large Scale Restructuring’.
- 28) Types of project that will NOT be considered to be projects for the restructuring of rural land holdings would include:
- **maintenance work** or repair on existing structures or boundaries such as fixing a dry-stane dyke, replacing a fence, or clearing a blocked ditch. A time limit of 12-15 years will apply for proposals to re-instate previous features;
  - **individual changes** that are not part of a large scale business or holding restructuring exercise ie addition or removal of a single section of fence or hedge is unlikely to be considered as a project.
  - work on **non-agricultural** rural land eg sporting land or grouse moor not used for grazing or any other non-agricultural land or gardens;
  - work through which non-agricultural land is changed into agricultural land and vice versa. – subject to the ULSNA requirements above
  - any work which is already subject to the planning system, or other EIA requirements or legislation (see also paragraph 10) above for projects involving water) ;

29) Key tests of the restructuring rules undertaken during the formal screening process would be:

- (a) Is the proposal on agricultural land
- (b) Is the proposal part of a large scale restructuring “project”  
(ie not a single action )
- (d) Does the proposal pose a significant environmental risk

All three of the above would have to apply before a project would require an environmental statement.

### ***Thresholds***

30) For large scale restructuring projects on agricultural land, a screening application will be required in the following circumstances:

**Sensitive areas** (see 32) below):

- All restructuring projects within defined sensitive areas will be considered on a case by case basis;

**Non-sensitive areas:**

Where a restructuring project involves :

- more than 200 hectares of land; or the movement of more than 5,000 cubic metres of earth or rock; or, the construction or addition of more than 1km of vehicle track; or
- the removal of 0.5 km of hedges or dry-stane dyke or the removal or addition of 6km of other boundary features (eg fencing, walls, ditches or channels).

31) Projects exceeding the thresholds may not require a full environmental assessment. The screening process will determine which projects require more careful assessment.

### ***Sensitive Areas***

32) In the interests of transparency and reasonableness, land managers must be aware of any environmental designations on their land if they are to be able to work within the stated thresholds. For that reason and for the purposes of these Regulations in applying thresholds, defined sensitive areas will be:

- Land subject to any *environmental designation* (or is proposed for such designation). This may include
  - a Natura 2000 site,
  - National Park,
  - National Scenic Area,
  - National Nature Reserve, local nature reserve, or
  - Site of Special Scientific Interest (SSSI – see further below)
  - RAMSAR sites
  - Any site subject to A Nature Conservation Order (NCO).

- Land containing any designated archaeological or other historic features such as
  - Scheduled monuments
  - sites listed in the Historic Scotland/Scottish Natural Heritage Inventory of Gardens and Designed Landscapes,
  - land associated with Listed Buildings.

33) 'Sensitive areas,' for the purposes of thresholds, should not be confused with areas of 'Significance' which goes wider than statutory designations (see 15) above).

## Section 5: EIA Procedures

34) The EIA procedures involve the following (see also flow chart at Annex 6):

- ◆ An application to SEERAD by the land manager who is proposing a 'project' as described above.
- ◆ Next, a 'screening' stage where SEERAD considers, in consultation with statutory consultees, if the proposal is a project and is likely to have *significant* environmental effects. A site visit may be arranged if necessary.
- ◆ Where significant effects are likely, SEERAD may consult with interested bodies to advise on the scope of the 'Environmental Statement' which will be required in order to assess the environmental impacts
- ◆ On completion by the applicant, the Statement is available to the public, , A decision by SEERAD in consultation with interested bodies will be required on whether the project should receive consent or needs to be modified. The decision will be made public and recorded on a Public register
- ◆ Applicants can appeal to Scottish Ministers if they are unhappy with any decision to require an Environmental Statement or any decision to allow or refuse the project.

### *Applications and screening*

- 35) SEERAD will attempt to respond to informal queries on the implications of any proposals but where there is any doubt, the land manager will be advised to submit an application for a screening decision
- 36) A standard application form (available from SEERAD) should be completed. Initial information should be sufficient to identify what is planned, where, the current condition of the land and its history. To speed the process a clear map (showing the location of the land involved at a scale of 1:25,000 or 1:10,000) should be enclosed. SEERAD will then carry out any enquiries in order to assess the project, including a site visit, if necessary. Full use will be made of available computerised Geographical Information Systems to identify any likely significant environmental effects.
- 37) SEERAD is required by the Regulations to give a screening decision within 35 days on whether the proposal is a project and a full Environmental Statement is required unless the applicant agrees to a longer period. If the decision is not to require a Statement, the applicant will be informed and will be free to proceed. A fresh application will however be needed if the project is delayed for more than 3 years or if details of the project change significantly after SEERAD has taken its decision.
- 38) The formal decision will be recorded in a public register.

## ***Environmental Statements***

- 39) Where SEERAD concludes that a project could have significant environmental effects an Environmental Statement will need to be drawn up by the applicant setting out the information required by the Regulations (see Annex 4). It should be noted however that certain information is **mandatory** (basic details of the project) while other details only need to be completed by the applicant to the extent that may **reasonably be required**.
- 40) On request, SEERAD will provide a 'scoping' analysis setting out the details which need to be included in discussion, as necessary, with the land manager. Relevant bodies will, if necessary, be consulted at this scoping stage on whether a formal Statement would be required and on what aspects it should cover.
- 41) The compulsory information includes details of **alternatives** considered by the applicant. SEERAD will be pleased to discuss this aspect with the land manager, so that any useful alternative ideas for managing the land can be considered. These discussions may draw on various existing sources of information, for example where an assessment of the environmental assets on the farm has been carried out with the Farming and Wildlife Advisory Group (FWAG) or similar bodies.
- 42) Assessments will be proportionate to the project size and complexity and the responsibility to prepare the Environmental Statement falls upon the land manager. In applying this procedure, SEERAD will consider sympathetically any difficulties which land managers have in completing the Statement. Where the land manager does not have access to the required environmental information, or where it can be prepared more effectively from sources available to SEERAD or the statutory agencies, SEERAD may decide that it is not reasonable to require the land manager's Statement to cover all of the items listed. SEERAD will also consider what additional information, not currently available, may be needed. The key point will be to ensure that the final Statement contains sufficient information to allow a reasonable decision to be taken on whether the project should proceed.
- 43) In implementing these procedures SEERAD will seek to ensure that the environment is safeguarded, while meeting as far as possible the needs of an efficient and sustainable agricultural industry.
- 44) Environmental Statements may be submitted electronically to SEERAD at

[eia-uncultivated@scotland.gsi.gov.uk](mailto:eia-uncultivated@scotland.gsi.gov.uk)

### ***Consultation and public notification***

- 45) The Regulations require SEERAD to consult interested parties on any Environmental Statement before a conclusion is reached. The Statutory Agencies Scottish Natural Heritage (SNH), Scottish Environmental Protection Agency (SEPA) and Historic Scotland (HS) will be consulted in relation to their relevant interests. Local authorities and any other interested bodies will be given the opportunity to comment where appropriate to provide specific information on data which they may hold on particular aspects.
- 46) Statements are open to public inspection and members of the public have the opportunity to comment before decisions are taken. Applicants who can demonstrate that they have made provisions for local neighbour or community consultation will find that this will aid speedy consideration of their proposal.
- 47) SEERAD will maintain a public register for inspection including on line through the Scottish Executive web-site. Copies of applications and other documents can be made available at a reasonable charge.

### ***Appeals***

- 48) **If SEERAD refuses consent to a project, or imposes conditions before the project can begin**, the applicant has the right to appeal within 3 months. Work on the project may not begin while an appeal is pending.
- 49) The Regulations allow Scottish Ministers discretion to determine the appeals procedure in individual cases. Scottish Ministers may decide the appeal, or appoint someone to decide it on their behalf by written representations, informal hearing, or inquiry allowing the appellant to be heard if they so request. The form of appeal process will be set in discussion with the appellant

### ***Review***

- 50) These guidelines will be kept under review in the light of experience of operating new procedures.

## ***ANNEX 1 LIST OF RELEVANT LEGISLATION***

### **European Legislation**

**Directive 97/11/EC** (3 March 1997) amending **Directive 85/337/EEC** (27 June 1985) on the assessment of the effects of certain public and private projects on the environment (the EIA Directive)

**Directive 92/43/EEC** on the conservation of natural habitats and wild fauna and flora (as last amended by Directive 92/62/EC(8 Nov 1997))

### **Acts and Orders**

#### **Environmental Protection Act 1990**

Town and Country Planning (Scotland) Act 1997

Wildlife and Countryside Act 1981

Ancient Monuments and Archaeological Areas Act 1979

Nature Conservation Act 2004

#### **Scottish Statutory Instruments**

1992 no. 223	The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended
1992 no 224	The Town and Country Planning (General Development Procedure) (Scotland) Order 1992 as amended
SSI 1999 No. 1	Environmental Impact Assessment (Scotland) Regulations 1999
SSI 1999 No. 43	Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999
SSSI 2003 [No XX]	Environmental Impact Assessment (Water Management)Scotland) Regulations 2003

#### **Other Guidance**

The Prevention of Environmental Pollution from Agricultural Activities (PEPFAA) (Scottish Office 1997)

Code of Practice for the Safe Use of Pesticides on Farms and Holdings (MAFF 1998)

Cross-compliance: Notes for guidance December 2005

## ***ANNEX 2 Relationship between ULSNA requirements and the Forestry EIA (Scotland) Regulations***

The Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999 require anyone carrying out a project involving deforestation or afforestation to obtain consent from Forestry Commission Scotland. Relevant projects include creating new woods and forests by planting trees on any type of land, or conversion of woodland to another type of land use.

In these cases the Forestry Commission Scotland is the competent authority. An issue arises where the project involves removing scrub for the purposes of bringing the land into intensive agricultural use.

The Forestry Commission Scotland has drawn up a pragmatic solution to scrub definition for the purposes of EIA and thus will act as competent authority on land where at least 20% of any canopy cover comprises tree species and/or the following shrub species: -

- blackthorn                      *Prunus spinosa*
- hawthorn                        *Crataegus monogyna, laevigata*
- hazel                              *Corylus avallana*
- holly                               *Ilex aquifolium*
- juniper                            *Juniperus communis*
- bay willow                       *Salix pentandra*
- grey willow                      *Salix cinerea*
- eared willow                     *Salix aurita*
- osier willow                      *Salix viminalis*
- purple willow                    *Salix purpurea*

## ***ANNEX 3 SELECTION CRITERIA FOR SCREENING DECISIONS***

### **1. Characteristics of projects**

The characteristics of projects, having regard in particular to-

- (a) the size of the project;
- (b) the cumulation with other projects;
- (c) the use of natural resources;
- (d) the production of waste;
- (e) pollution and nuisances; and
- (f) the risk of accidents, having regard in particular to substances or technologies used.

### **2. Location of project**

The environmental sensitivity of geographical areas likely to be affected by projects, having regard in particular to-

- (a) the existing land use;
- (b) the relative abundance, quality and regenerative capacity of natural resources in the area; and
- (c) the absorption capacity of the natural environment, paying particular attention to the following areas-
  - (i) wetlands;
  - (ii) coastal zones;
  - (iii) mountain and forest areas;
  - (iv) nature reserves and parks;
  - (v) areas classified or protected under other legislation; special protection areas designated by Member states pursuant to Council Directive 79/409/EEC<sup>(a)</sup> and 92/43/EEC<sup>(b)</sup>;
  - (vi) areas in which environmental quality standards laid down in Community legislation have already been exceeded;
  - (vii) densely populated areas; and

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<sup>(a)</sup> OJ No. L 103, 25.4.1979, p. 1.

<sup>(b)</sup> OJ No. L 206, 22.7.1992, p. 7.

(viii) landscapes of historical, cultural or archaeological significance.

### **3. The potential impact**

The potential significant effects of projects, in relation to criteria set out under 1 and 2 above, having regard in particular to-

- (a) the extent of the impact (geographical area and size of the affected population);
- (b) the impact on other member States;
- (c) the magnitude and complexity of the impact;
- (d) the probability of the impact; and
- (e) the duration, frequency and reversibility of the impact.

## ***ANNEX 4 INFORMATION FOR INCLUSION IN ENVIRONMENTAL STATEMENTS***

### **PART I**

#### **1. Description of the project, including in particular-**

(a) a description of the physical characteristics of the whole project and the land use requirements during the construction or other implementation and operational phases;

(b) a description of the main characteristics of the production processes, for instance, nature and quantity and the materials used;

(c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed project.

**2.** An outline of the main alternatives studied by the applicant for consent and an indication of the main reasons for his choice, taking into account the environmental effects.

**3.** A description of the aspects of the environment likely to be significantly affected by the proposed project, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors.

**4.** A description of the likely significant effects of the project on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the project, resulting from:

(a) the existence of the project;

(b) the use of natural resources; and

(c) the emission of pollutants, the creation of nuisances and the elimination of waste,

and the description by the applicant for consent of the forecasting methods used to assess the effects on the environment.

**5.** A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.

**6.** A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.

**7.** An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant for consent in compiling the required information.

## PART II

1. A description of the project comprising information on the site, design and size of the project.
2. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.
3. The data required to identify and assess the main effects which the project is likely to have on the environment.
4. An outline of the main alternatives studied by the applicant for consent and an indication of the main reasons for his choice, taking into account the environmental effects.
5. A non-technical summary of the information provided under paragraphs 1 to 4 of this Part.

## ***ANNEX 5 UK BAP PRIORITY HABITATS OCCURRING IN SCOTLAND***

### **RELEVANT TO THESE GUIDELINES**

Ancient and/or species-rich hedgerows  
Blanket bog  
Cereal field margins  
Coastal and floodplain grazing marsh  
Coastal saltmarsh  
Coastal sand dunes  
Coastal vegetated shingle  
Eutrophic standing waters  
Fens  
Limestone pavement  
Lophelia pertusa reefs  
Lowland calcareous grassland  
Lowland dry acid grassland  
Lowland heathland  
Lowland meadows  
Lowland raised bog  
Lowland wood-pasture and parkland  
Machair  
Maerl beds  
Maritime cliff and slopes  
Mesotrophic lakes  
Modiolus modiolus beds  
Mudflats  
Mud habitats in deep water  
Native pine woodlands  
Purple moor grass and rush pastures  
Reedbeds  
Sabellaria alveolata reefs  
Sabellaria spinulosa reefs  
Saline lagoons  
Seagrass beds  
Serpulid reefs  
Sheltered muddy gravels  
Sublittoral sands and gravels  
Tidal rapids  
Upland calcareous grasslands  
Upland hay meadows  
Upland heathland  
Upland mixed ashwoods  
Upland oakwood  
Wet woodland

**Annex 6 CONSIDERATION OF APPLICATION - PROCEDURES**

