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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 614**

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

**PART III**

**ROADS AND BRIDGES**

**Amendment to Roads (Scotland) Act 1984**

5. The Roads (Scotland) Act 1984<sup>(1)</sup> is amended in accordance with this Part.
- 6.—(1) In section 20A (environmental assessment of certain road construction projects)<sup>(2)</sup>—
- (a) in subsection (2) for “publish an environmental statement” substitute “prepare an environmental statement and publish notice of it in accordance with subsections (5) and (5A) and paragraph 7(1C) or 13(1C) as the case may be of Schedule 1 to this Act”;
  - (b) omit subsection (4);
  - (c) in subsection (5)—
    - (i) for “any” where it first occurs substitute “notice of the”;
    - (ii) for “3” substitute “6”; and
    - (iii) after “publication” insert “of notice”;
  - (d) after subsection (5) insert—
    - “(5A) The notice must state—
      - (a) that the Scottish Ministers, as the relevant roads authority, are considering implementing the project;
      - (b) the proposed location and nature of the project;
      - (c) that the project is subject to the environmental impact assessment procedure prescribed by this section and, where relevant, that section 20B applies;
      - (d) that a copy of the environmental statement may be inspected at an address in the area in which the project is proposed to be situated during the period specified under paragraph (i);
      - (e) the times at which the copy of the environmental statement can be so inspected;
      - (f) an address from which copies of the environmental statement may be obtained and from which further information about the project may be requested during the period specified under paragraph (i);
      - (g) if a charge is to be made for a copy of the environmental statement, the amount of the charge;

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(1) 1984 c. 54.

(2) Section 20A was inserted by S.S.I. 1999/1.

- (h) where the Scottish Ministers use a website for the purpose of giving information to the public about projects of a category into which the project in question falls, the address of the website where a copy of the environmental statement will be available for inspection by the public during the period specified under paragraph (i);
- (i) that any person wishing to make any representations about the project and the environmental statement may do so in writing to the Scottish Ministers at a specified address within a specified period, being a period of not less than 42 days commencing with the date of publication of the notice; and
- (j) that the Scottish Ministers will take into consideration any representations so made before deciding whether or not to proceed with the project with or without modifications.

(5B) The Scottish Ministers shall ensure that during the period specified under subsection (5A)(i)–

- (a) copies of the environmental statement are available for inspection by any person free of charge at all reasonable hours at the address specified under subsection (5A)(d);
- (b) copies of the environmental statement are available to be obtained by any person from the address specified under subsection (5A)(f); and
- (c) where the Scottish Ministers use a website for the purpose of giving information to the public about projects of a category into which the project in question falls, a copy of the environmental statement is available for inspection on that website.

(5C) A reasonable charge reflecting the costs of printing, copying and distribution may be made by the Scottish Ministers for the supply of a copy of the environmental statement–

- (a) to a person other than a consultation body; or
- (b) to a consultation body to which one copy has already been supplied free of charge.

(5D) Where the Scottish Ministers obtain further information relating to the environmental statement and such further information is reasonably required to give proper consideration to the likely environmental effects of the proposed project, except insofar as such further information is required for the purposes of an inquiry held under section 139, subsections (5), (5A), (5B), and (5C) shall apply to such further information as they apply to an environmental statement (subject to any necessary modifications).”;

- (e) in subsection (6) omit “published details of the”; and
- (f) in subsection (9)–
  - (i) after “20B of” insert “and paragraphs 7 and 13 of Schedule 1 to”; and
  - (ii) in the definition of “Directive” after “Council Directive No.97/11/EC” insert “and Council Directive No. 2003/35/EC”.

(2) In section 20B (projects with significant transboundary effects)(3)–

- (a) in subsection (4) omit the word “and” at the end of paragraph (a) and for paragraph (b) substitute–
  - “(b) the information required by subsection (5A) of section 20A to be included in the notice under subsection (5) of that section; and

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(3) Section 20B was inserted by regulation 49 of [S.S.I. 1999/1](#).

- (c) any information about the environmental impact assessment procedure under this Part of this Act which they consider it appropriate to give and has not already been given to the EEA State.”;
- (b) for subsection (7) substitute—
  - “(7) Where an EEA State has been consulted in accordance with subsection (4) above, the Scottish Ministers must, after deciding whether to proceed with the project to which the environmental assessment relates, inform the EEA State of the decision and give it copies of the documents containing the matters referred to in paragraph 7(1B) or 13(1B) as the case may be of Schedule 1 to this Act.”; and
  - (c) in subsection (8) after “section” insert “and in paragraphs 7(1A) and 13(1A) of Schedule 1 to this Act”.
- (3) In section 55A (environmental assessment of certain road improvement projects)(4)—
  - (a) in subsection (2) for “publish an environmental statement” substitute “prepare an environmental statement and publish notice of it in accordance with subsections (5) and (5A) and paragraph 7(1C) or 13(1C) as the case may be of Schedule 1 to this Act”;
  - (b) omit subsection (4);
  - (c) in subsection (5)—
    - (i) for “any” where it first occurs substitute “notice of the”;
    - (ii) for “3” substitute “6”; and
    - (iii) after “publication” insert “of notice”;
  - (d) after subsection (5) insert—
    - “(5A) The notice must state—
      - (a) that the Scottish Ministers, as the relevant roads authority, are considering implementing the project;
      - (b) the proposed location and nature of the project;
      - (c) that the project is subject to the environmental impact assessment procedure prescribed by this section and, where relevant, that section 20B applies;
      - (d) that a copy of the environmental statement may be inspected at an address in the area in which the project is proposed to be situated during the period specified under paragraph (i);
      - (e) the times at which the copy of the environmental statement can be so inspected;
      - (f) an address from which copies of the environmental statement may be obtained and from which further information about the project may be requested during the period specified under paragraph (i);
      - (g) if a charge is to be made for a copy of the environmental statement, the amount of the charge;
      - (h) where the Scottish Ministers use a website for the purpose of giving information to the public about projects of a category into which the project in question falls, the address of the website where a copy of the environmental statement will be available for inspection by the public during the period specified under paragraph (i);
      - (i) that any person wishing to make any representations about the project and the environmental statement may do so in writing to the Scottish Ministers at a

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(4) Section 55A was inserted by regulation 50 of [S.S.I. 1999/1](#).

specified address within a specified period, being a period of not less than 42 days commencing with the date of publication of the notice; and

- (j) that the Scottish Ministers will take into consideration any representations so made before deciding whether or not to proceed with the project with or without modifications.

(5B) The Scottish Ministers shall ensure that during the period referred to in subsection (5A)(i)–

- (a) copies of the environmental statement are available for inspection by any person free of charge at all reasonable hours at the address specified under subsection (5A)(d);
- (b) copies of the environmental statement are available to be obtained from the address specified under subsection (5A)(f); and
- (c) where the Scottish Ministers use a website for the purpose of giving information to the public about projects of a category into which the project in question falls, a copy of the environmental statement is available for inspection on that website.

(5C) A reasonable charge reflecting the costs of printing, copying and distribution may be made by the Scottish Ministers for the supply of a copy of the environmental statement–

- (a) to a person other than a consultation body; or
- (b) to a consultation body to which one copy has already been supplied free of charge.

(5D) Where the Scottish Ministers obtain further information relating to the environmental statement and such further information is reasonably required to give proper consideration to the likely environmental effects of the proposed project, except insofar as such further information is required for the purposes of an inquiry held under section 139, subsections (5), (5A), (5B), and (5C) shall apply to such further information as they apply to an environmental statement (subject to any necessary modifications).”; and

- (e) in subsection (6) omit “published details of the”.

(4) Section 151(1) (interpretation)(5) shall be amended as follows–

- (a) in the definition of “consultation bodies” omit “and” at the end of paragraph (c), insert “and” at the end of paragraph (d) and after that paragraph insert–

“(e) other bodies designated by statutory provision as having specific environmental responsibilities;”; and

- (b) in the definition of “environmental impact assessment” after “Council Directive No. 97/11/EC” insert “and Council Directive No 2003/35/EC”.

(5) Schedule 1 shall be amended in each of paragraphs 7 and 13(6) as follows–

- (a) in sub-paragraph (1A) omit the word “and” at the end of paragraph (a) and for paragraph (b) substitute–

“(b) any opinion on that statement or the project which is expressed in writing by any of the consultation bodies or by any other person and is received by the Scottish Ministers within any period specified for the purpose by them; and

- (c) where section 20B applies and the EEA State has indicated in accordance with subsection (4) of that section that it wishes to participate in the environmental impact assessment procedure, any opinion on that statement or the project which is expressed in writing by the EEA State, by a member of the public in the EEA

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(5) Relevant amendments were made by S.S.I. 1999/1.

(6) Relevant amendments were made by S.S.I. 1999/1.

State or by any of the authorities referred to in Article 6(1) of the Directive and is received by the Scottish Ministers within any period specified for the purpose by them.”;

- (b) in sub-paragraph (1B)–
  - (i) after “and shall” insert “notify the consultation bodies and”;
  - (ii) in head (b) after “is based” insert “including, if relevant, information about the participation of the public and details of how information, evidence and representations submitted were taken into account”; and
  - (iii) omit the word “and” at the end of head (b) and after that head insert–
    - “(bb) information regarding the right to challenge the validity of the decision and the procedures for doing so; and”;
- (c) in sub-paragraph (1C) after “situated” insert “and where the Scottish Ministers use a website for the purpose of giving information to the public about projects of a category into which the project in question falls, by publication on that website”; and
- (d) after sub-paragraph (1C) insert–
  - “(1D) Any non-governmental organisation promoting environmental protection and meeting any requirements under the law shall be deemed to have an interest for the purposes of Article 10a(a) of the Directive and rights capable of being impaired for the purposes of Article 10a(b) of the Directive.”.

#### Commencement Information

- I1** [Reg. 5](#) in force at 1.2.2007, see [reg. 1](#)
- I2** [Reg. 6](#) in force at 1.2.2007, see [reg. 1](#)

#### Transitional provisions

- 7.—(1) This Part of the Regulations shall not apply to a project–
- (a) for which the Scottish Ministers had published an environmental statement before the date on which they came into force (“the commencement date”) but for which no draft order or scheme was published;
  - (b) in relation to which a draft order or scheme was published before the commencement date; or
  - (c) where a draft order or scheme was not required and for which the works contract had been entered into before that date.
- (2) In this regulation–
- “draft order or scheme” means any draft order or scheme to which Schedule 1 to the Roads (Scotland) Act 1984 applies or any compulsory purchase order made under powers conferred by that Act; and
  - “works contract” means a contract for a road construction or improvement project.

#### Commencement Information

- I3** [Reg. 7](#) in force at 1.2.2007, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Environmental Impact Assessment (Scotland) Amendment Regulations 2006, PART III.