
STATUTORY INSTRUMENTS

1995 No. 1541

TRANSPORT AND WORKS

The Transport and Works (Assessment of Environmental Effects) Regulations 1995

<i>Made</i>	- - - -	<i>13th June 1995</i>
<i>Laid before Parliament</i>		<i>22nd June 1995</i>
<i>Coming into force</i>	- -	<i>1st August 1995</i>

The Secretary of State for Transport being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to measures relating to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, in exercise of the powers conferred upon him by that section hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Transport and Works (Assessment of Environmental Effects) Regulations 1995 and shall come into force on 1st August 1995.

Amendment of the Transport and Works Act 1992

2. In section 14 of the Transport and Works Act 1992⁽³⁾ (publicity for making or refusal of orders under section 1 or 3 as to railways, tramways, inland waterways, etc.), after subsection (3) there shall be inserted—

“(3A) Where a determination under section 13(1) above relates to an application or proposal to which this subsection applies, the notices under subsection (1) above shall state that, before the Secretary of State made the determination—

- (a) he considered the environmental statement, and
- (b) he complied with any obligations under section 10 above in respect of any objection made in accordance with rules under that section which relates to the environmental statement, and

(1) S.I. 1988/785.
(2) 1972 c. 68.
(3) 1992 c. 42.

(c) he considered, or referred to an inquiry under section 11(1) above or a person appointed under section 11(2), any representation duly made to him (other than an objection) which relates to the environmental statement.

(3B) Subsection (3A) above applies to any application under section 6 above for an order, and any proposal to make an order by virtue of section 7 above, where the order would authorise—

- (a) works or other projects in a class listed in Annex I to Council Directive [85/337/EEC](#)⁽⁴⁾ on the assessment of the effects of certain public and private projects on the environment, or
- (b) works or other projects in a class listed in Annex II to that Directive which are, by virtue of their nature, size or location, likely to have significant effects on the environment.

(3C) The Secretary of State shall send a copy of any notice to which subsection (3A) above applies to any person who made—

- (a) an objection to which paragraph (b) of that subsection refers, which was not referred to an inquiry or hearing in accordance with section 11(3) above, or
- (b) a representation to which subsection (3A) (c) above refers.

(3D) For the purposes of subsection (3A) above, “environmental statement” means a statement—

- (a) which is required by virtue of rules made under section 6 above—
 - (i) to accompany an application under that section for an order; or
 - (ii) to be prepared in connection with the publication of a notice of a proposal to make an order by virtue of section 7 above, and
- (b) which sets out particulars of the likely impact on the environment of the implementation of the order applied for or proposed.”

Signed by authority of the Secretary of State for Transport, one of Her Majesty’s Principal Secretaries of State.

John Watts
Minister of State,
Department of Transport

13th June 1995

(4) OJ No. L175, 5.7.85 p.40.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend section 14 of the Transport and Works Act 1992 to implement in England and Wales articles 8 and 9 of Council Directive [85/337/EEC](#) of 27 June 1985 (OJNo. L175, 5.7.85, p.40) on the assessment of the effects of certain public and private projects on the environment, in so far as the Directive affects projects for the construction or operation of railways, tramways and other guided transport systems, inland waterways and works interfering with rights of navigation. The Regulations insert new provisions into section 14 requiring the Secretary of State to confirm that he took into consideration environmental statements relating to such projects and any opinions expressed relating to them before making or refusing orders authorising such projects. They also require him to send copies of the relevant notice of determination to those who made objections and representations, where this is not already required by the 1992 Act.

The requirements for submitting environmental statements, and the required contents of such statements, are contained in the Transport and Works (Applications and Objections Procedure) Rules 1992 (S.I.[1992/2902](#)).