
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement [Directive 2014/52/EU](#) of the European Parliament and of the Council (O.J. No. L 124, 25.4.2014, p. 1-18) amending [Directive 2011/92/EU](#) on the assessment of the effects of certain public and private projects on the environment (O.J. No. L 26, 28.1.2012, p. 1-21); they relate specifically to harbour works (in England and Wales and Scotland), the construction or improvement of highways (in England and Wales) and certain transport related works (in England and Wales).

Schedule 1 amends the Harbours Act [1964 \(c. 40\)](#) which makes provision for harbour revision and empowerment orders.

Schedule 2 amends Part 5A of the Highways Act [1980 \(c. 66\)](#) to provide for procedures governing the environmental impact assessment of projects for the construction or improvement of highways by the project authority; in England this is Highways England or the Secretary of State and in Wales the Welsh Ministers, which are respectively the highway authority. The relevant highways are for the most part trunk roads.

Schedules 3 and 4 amend the Transport and Works Act [1992 \(c. 42\)](#) and the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 ([S.I. 2006/1466](#)) which make provision for orders authorising transport-related works in England and Wales.

In summary, these Regulations make provision governing:

- the circumstances in which a project may be exempt from the environmental impact assessment process (e.g. national defence or civil emergencies);
- the introduction of coordinated procedures for projects in respect of which there are other related assessments (e.g. habitats regulations);
- the list of environmental factors to be considered as part of the environmental impact assessment procedure;
- the information to be provided to inform a screening decision and the criteria to be applied when making a screening decision;
- the way in which an environmental statement is to be prepared, including an amendment to the information to be included in it, the introduction of a requirement that it be based upon a scoping opinion (where one has been obtained) and a requirement that it be prepared by a competent expert;
- the procedure not applying to projects where a separate assessment of the effects of the project on the environment has been, is or will be carried, out by another public authority; and
- the publication of decisions in respect of projects which are subject to the environmental impact assessment process.

Schedule 5 makes provision for the Secretary of State to direct that an environmental impact assessment with respect to certain works and projects in Scotland and Northern Ireland, which have national defence as their sole purpose, is not required.

Schedule 6 makes provision for transitional arrangements with respect to the amendments made by these Regulations.

These Regulations were notified to the European Commission in accordance with Article 2 of [Directive 2014/52/EU](#).

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

An Explanatory Memorandum and a transposition note are available with these Regulations on www.legislation.gov.uk. Copies have also been placed in the Libraries of both Houses of Parliament.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.