



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART III

NEW ROADS

[^{F1}20A Environmental assessment of certain road construction projects.

- (1) In any case where the Secretary of State has under consideration the construction of a new road, he shall determine before the relevant date whether or not the project falls within Annex I or Annex II to Council Directive No.85/337/EEC on the assessment of the effects of certain public and private projects on the environment.
- (2) [^{F2}Where it appears to him]that the project falls within Annex I, or that it falls within Annex II and has such characteristics that it should be made subject to an environmental assessment, he shall publish not later than the relevant date an environmental statement, that is, a statement [^{F3}identifying , describing and assessing in an appropriate manner, in the light of each individual case and in accordance with Articles 4 to 11 of the Directive, the direct and indirect effects of the project on the factors mentioned in Article 3 of the Directive and] containing the information referred to in Annex III to the Directive to the extent that he considers—
 - (a) that it is relevant to the specific characteristics of the project and of the environmental features likely to be affected by it; and
 - (b) that (having regard in particular to current knowledge and methods of assessment) the information may reasonably be gathered,

including at least—

- (i) a description of the project comprising information on the site, design and size of the project;
- (ii) a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects;
- (iii) the data required to identify and assess the main effects which the project is likely to have on the environment;
- (iv) a non-technical summary of the information mentioned in paragraphs (i) to (iii) above.

Status: Point in time view as at 27/05/1997. This version of this provision has been superseded.

Changes to legislation: Roads (Scotland) Act 1984, Section 20A is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- [Any project for the construction of a special road which falls within Annex II to the
- ^{F4}(2A) Directive shall be treated as having such characteristics that it should be made subject to an environmental assessment in accordance with the Directive.]
- (3) In this section “the relevant date” means the date of publication of the draft order, or draft scheme, relating to the construction of the road.
- (4) If the Secretary of State publishes an environmental statement under this section, he shall ensure that the public concerned is given an opportunity to express an opinion before the project is initiated.
- (5) If on completion of the project any part of the road would lie on, or within 100 metres of, land comprised—
- (a) in a national scenic area designated under section 262C of the Town and Country Planning (Scotland) Act 1972;
 - (b) in a conservation area within the meaning of [^{F5}the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997]; or
 - (c) in an area notified under section 28 of the Wildlife and Countryside Act 1981 as an area of special scientific interest or in relation to which the Secretary of State has made an order under section 29 of that Act,
- he shall ensure that the appropriate environmental body is given an opportunity to express an opinion before the project is initiated.
- (6) In this Act “the appropriate environmental body” means—
- [Scottish Natural Heritage, if the proposal relates to land falling within
 - ^{F6}(a) paragraph (a) or (c) of subsection (5) above; and]
 - (b) the planning authority, if it relates to land falling within paragraph (b); ^{F7} . . .
 - (c)
- (7) This section does not apply where the draft order or draft scheme is published before the coming into force of the Environmental Assessment (Scotland) Regulations 1988.]

Textual Amendments

- F1** S. 20A inserted by S.I. 1988/1221, **reg. 70**
- F2** Words in s. 20A(2) substituted (19.8.1994) by S.I. 1994/2012, **reg. 4(a)**
- F3** Words in s. 20A(2) inserted (19.8.1994) by S.I. 1994/2012, **reg. 4(a)**
- F4** S. 20A(2A) inserted (21.10.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), **s. 42(1)**(with saving s. 47(4)); S.I. 1991/2286, art. 2(1), **Sch. 1**
- F5** Words in s. 20A(5)(b) substituted (27.5.1997) by 1997 c. 11, s. 4, **Sch. 2, para. 38(2)**
- F6** S. 20A(6)(a) substituted (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1, 130), s. 27(1), **Sch. 10 para. 11(2)**; S.I. 1991/2633, **art. 4**
- F7** S. 20A(6) word "and" and para. (c) repealed (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, 46:1, 130), s. 27(2), **Sch. 11**; S.I. 1991/2633, **art. 4**

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