



# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART III

#### NEW ROADS

#### [20A] <sup>F1</sup>Environmental assessment of certain road construction projects

- (1) If the Scottish Ministers have under consideration the construction of a new road for which they are the roads authority they shall before details of the project are published, determine whether or not it falls within Annex I or II.
- (2) If the Scottish Ministers determine that the project—
  - (a) falls within Annex I, or
  - (b) is a relevant project falling within Annex II and that having regard to the selection criteria contained in Annex III it should be made subject to an environmental impact assessment in accordance with the Directive,they shall, not later than the date when details of the project are published, [<sup>F2</sup>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].
- (3) The Scottish Ministers shall publish any determination made by them in accordance with subsection (2) above.

<sup>F3</sup>(4) .....

- (5) The Scottish Ministers shall publish [<sup>F4</sup>notice of the] environmental statement so as to ensure that members of the public who are likely to be concerned are given a reasonable opportunity to express an opinion before they decide whether to proceed with the project, and they shall not make any such decision without taking into consideration any opinion so expressed to them within a period of [<sup>F5</sup>6] weeks from the date of publication [<sup>F6</sup>of notice] of the environmental statement.

[ The notice must state—

- <sup>F7</sup>(5A) (a) that the Scottish Ministers, as the relevant roads authority, are considering implementing the project;

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- (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 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

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information as they apply to an environmental statement (subject to any necessary modifications).]

(6) The Scottish Ministers shall ensure that the consultation bodies are given an opportunity to express an opinion on the <sup>F8</sup> ... project and the environmental statement before they decide whether to proceed with the project.

(7) Subject to subsection (8) below, to the extent to which the Scottish Ministers consider that—

- (a) it is relevant to the specific characteristics of the project and of the environmental features likely to be affected by it, and
- (b) having regard in particular to current knowledge and methods of assessment, the information may reasonably be gathered,

the environmental statement published in accordance with subsection (2) above shall contain the information referred to in Annex IV.

(8) The environmental statement published in accordance with subsection (2) above shall contain at least the following information—

- (a) a description of the project comprising information on the site, design and size of the project;
- (b) a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects;
- (c) the data required to identify and assess the main effects which the project is likely to have on the environment;
- (d) an outline of the main alternatives studied by the Scottish Ministers and an indication of the main reason for their choice (taking into account the environmental effects); and
- (e) a non-technical summary of the information mentioned in paragraphs (a) to (d).

(9) In this section and section 20B of <sup>F9</sup> and paragraphs 7 and 13 of Schedule 1 to] this Act—

“the Directive” means Council Directive No.85/337/EEC on the assessment of the effects of certain public and private projects on the environment as amended by Council Directive No.97/11/EC<sup>F10</sup> and Council Directive No.2003/35/EC ;

“Annex” means an Annex to the Directive;

“relevant project” means a project for the construction of a new road where the completed works (together with any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps or other such facilities or stores required during the period of construction)—

- (a) exceed 1 hectare in area; or
- (b) are situated in whole or in part in a sensitive area;

“sensitive area” shall have the meaning ascribed to that expression in regulation 2(1) of the Environmental Impact Assessment (Scotland) Regulations 1999.]

#### Textual Amendments

**F1** Ss. 20A and 20B substituted for s. 20A (1.8.1999) by S.S.I. 1999/1, reg. 49

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- F2** Words in s. 20A(2) substituted (1.2.2007) by [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, **6(1)(a)**
- F3** S. 20A(4) omitted (1.2.2007) by virtue of [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, **6(1)(b)**
- F4** Words in s. 20A(5) substituted (1.2.2007) by [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, **6(1)(c)(i)**
- F5** Word in s. 20A(5) substituted (1.2.2007) by [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, **6(1)(c)(ii)**
- F6** Words in s. 20A(5) inserted (1.2.2007) by [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, **6(1)(c)(iii)**
- F7** S. 20A(5A)-(5D) inserted (1.2.2007) by [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, **6(1)(d)**
- F8** Words in s. 20A(6) omitted (1.2.2007) by virtue of [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, **6(1)(e)**
- F9** Words in s. 20A(9) inserted (1.2.2007) by [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, **6(1)(f)(i)**
- F10** Words in s. 20A(9) inserted (1.2.2007) by [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, **6(1)(f)(ii)**

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