
STATUTORY INSTRUMENTS

1988 No. 1221

The Environmental Assessment (Scotland) Regulations 1988

PART VI

AMENDMENTS OF THE ROADS (SCOTLAND) ACT 1984

New section 20A

70. The following section shall be inserted after section 20:—

“Environmental assessment of certain road construction projects

20A.—(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) If he determines 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 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.

(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 the said Act of 1972; 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—

- (a) The Countryside Commission for Scotland, if the proposal relates to land falling within paragraph (a) of subsection (5) above;
- (b) the planning authority, if it relates to land falling within paragraph (b); and
- (c) the Nature Conservancy Council, if it relates to land falling within paragraph (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.”.