

These notes relate to the Environmental Assessment (Scotland) Act 2005 (asp15) (asp 15) which received Royal Assent on 14 December 2005

ENVIRONMENTAL ASSESSMENT (SCOTLAND) ACT 2005 (ASP15)

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

The Main Provisions of the Act

- **Part 1** of the Act sets out the requirement on Responsible Authorities to secure the carrying out of an environmental assessment on qualifying plans. It defines the term Responsible Authorities for the purposes of the Act, and contains provisions for establishing which plans and programmes should be subject to the assessment process. It also provides that any reference to plans and programmes in the Act includes strategies.
- **Part 2** of the Act sets out the requirements for performing scoping and producing the environmental report. Scoping establishes the subject areas to be included in the environmental assessment report and the degree of detail required in respect of each subject. Part 2 further sets out requirements for consultation and the taking into account of consultation responses in reaching a final decision to adopt a particular plan or programme.
- **Part 3** of the Act makes provision for the announcement of the adoption of any plan that has been subject to environmental assessment. It sets out the arrangements for the monitoring of the implementation of the plan and requirements for forward monitoring and remedial action in respect of unforeseen effects.
- **Part 4** of the Act makes provisions for the preparation and publication of an annual report to Parliament on Environmental Assessment related activities.
- **Part 5** of the Act makes general provisions for order making powers and commencement of the Act. This part revokes [The Environmental Assessment of Plans and Programmes \(Scotland\) Regulations 2004 \(SSI 2004/258\)](#) (“the Regulations”).