
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Environmental Assessment (Scotland) Regulations 1988 (“the 1988 Regulations”) which are concerned with the implementation in Scotland of Council Directive [85/337/EEC](#) (OJNo. L175, 5.7.85, p.40) on the assessment of the effects of certain public and private projects on the environment.

Schedule 2 to the 1988 Regulations is amended, with the consequence that those Regulations apply to new classes of development. The new classes are introduced by the insertion into Schedule 2 of references to—

- (i) a wind generator;
- (ii) a motorway service area; and
- (iii) coast protection works.

In addition to minor drafting amendments, the Regulations also amend—

- (a) the definition of “special road” in regulation 4(1) of the 1988 Regulations, to include roads subject to an assignment within the meaning of the New Roads and Street Works Act 1991;
- (b) regulations 18(1)(b), 21, 40(1), 53(1)(b), 59(1)(a) and 67(1), with the effect that the number of copies or additional copies of an environmental statement to be provided, sent or supplied pursuant to those provisions is increased from one to three;
- (c) regulations 18(2) and 53(2), with the effect that the number of copies of an environmental statement to be submitted pursuant to those provisions is increased from 3 to 5;
- (d) regulations 22, 43, 54 and 68, with the consequence that public notice is required to be given of any further information which the applicant or appellant is required to provide under paragraph (1) of the relevant regulation except, in the case of regulations 22 and 43, where the further information is required to be provided for the purposes of a local inquiry held under the Town and Country Planning (Scotland) Act 1972 or the Electricity Act 1989.

Regulation 3 provides that the amendments to regulations 4, 16(6), 18, 21, 40 and 53 of, and Schedule 2 to, the 1988 Regulations do not apply in relation to applications made before the coming into force of these Regulations. It also provides that the amendments made to regulation 59 do not apply in respect of any environmental statement where copies have been provided in terms of that regulation before the coming into force of these Regulations.

Regulation 4 amends certain provisions of the Roads (Scotland) Act 1984 inserted by the 1988 Regulations. Regulation 4(a) amends section 20A(2) to make it clear that the Secretary of State has to make a judgement as to whether a road construction project falls within Annex I of the Directive or within Annex II and is likely to have significant effects on the environment; and also amends that subsection so that any environmental statement shall identify, describe and assess 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.

In relation to certain road improvement projects, regulation 4(b) amends section 55A to make similar amendments to those contained in regulation 4(a).

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

Regulations 4(c), (d) and (e) provide that the Secretary of State, when publishing or issuing his decision to initiate a road construction project or a road improvement project, shall state that he has considered the environmental statement and opinions expressed on it.

A Compliance Cost Assessment has been prepared in relation to these Regulations. It has been placed in the libraries of both Houses of Parliament and copies may also be obtained from Planning Division, The Scottish Office Environment Department, Room 6/84, New St Andrew's House, Edinburgh EH1 3TG (031 244 4082).