

2006 No. 958

TRANSPORT AND WORKS

The Transport and Works (Assessment of Environmental Effects) Regulations 2006

Made - - - - - *28th March 2006*

Laid before Parliament *30th March 2006*

Coming into force - - *20th April 2006*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a).

He has been designated(b) under section 2(2) of the European Communities Act 1972 in relation to measures relating to the assessment of the effects of certain public and private projects on the environment.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Transport and Works (Assessment of Environmental Effects) Regulations 2006 and shall come into force on 20th April 2006.

(2) In these Regulations “the Act” means the Transport and Works Act 1992(c).

Publicity of environmental information

2.—(1) After section 6(2A) of the Act there shall be inserted—

“(2B) The power to make rules by virtue of subsection (2) above includes a power to make rules as to the publicity to be given to any environmental information provided in relation to an application made under this section.”.

(2) For section 7(3)(b) of the Act there shall be substituted—

“(b) publish a notice of his intention to make the order, which notice shall include such particulars as may be prescribed, in the London Gazette and in a local newspaper circulating in the area (or each of the areas) in which the proposals contained in the draft order are intended to have effect, and”.

(3) For section 9(3)(a) of the Act there shall be substituted—

“(a) publish a like notice in a local newspaper circulating in the area (or each of the areas) in which the proposals contained in the application are intended to have effect, and”.

(4) For section 14(2) of the Act there shall be substituted—

“(2) A notice under subsection (1)(a) above shall give—

- (a) the reasons for the determination and the considerations upon which it is based;
- (b) information about the public participation process; and

(a) 1972 c. 68.

(b) S.I. 1998/785.

(c) 1992 c. 42. Section 6(2A) was inserted by S.I. 1998/2226.

- (c) information regarding the right to challenge the validity of the determination and the procedures for doing so.
- (2A) A notice under subsection (1)(b) above shall state—
- (a) the terms of the determination;
 - (b) that the notice under subsection (1)(a) above gives the information referred to in subsection (2)(a) to (c) above; and
 - (c) where copies of the notice under subsection (1)(a) above may be obtained.”.
- (5) For section 14(4) there shall be substituted—
- “(4) Where the Secretary of State makes a determination under section 13(1) above, the appropriate person shall publish a notice in a local newspaper circulating in the area, or in each of the areas, in which the relevant proposals are or were intended to have effect; and such notice shall state the information referred to in subsection (2A) (a) to (c) above.
- (4A) In subsection (4)—
- (a) in relation to an application for an order under section 1 or 3 above—
 - (i) “appropriate person” means the person who applied for the order;
 - (ii) “relevant proposals” means the proposals contained in the application;
 - (b) in relation to a proposal to make an order by virtue of section 7 above—
 - (i) “appropriate person” means the Secretary of State;
 - (ii) “relevant proposals” means the proposals contained in the draft order prepared by the Secretary of State pursuant to section 7.”.

Signed by the authority of the Secretary of State for Transport

28th March 2006

Stephen Ladyman
Minister of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for amendments to Part 1 of the Transport and Works Act 1992 (“the Act”) in relation to applications for orders and to orders which may be made otherwise than on application.

These amendments implement, in part, the provisions of Directive 2003/35/EC. Article 3 amends the public participation and access to justice provisions of Council Directive 85/337/EEC (as previously amended by Council Directive 97/11/EC of 3 March 1997), relating to the assessment of the effects of certain public and private projects on the environment.

In so far as the provisions of Article 3 are not fully implemented in regard to orders under Part 1 of the Act, implementation will be achieved by the introduction of these amendments to the Act and of new procedure rules to be made under the Act (as amended) after these Regulations come into force.

A new section 6(2B) of the Act is inserted to enable the making of rules as to the publicity to be given to any environmental information provided in relation to an application under section 6.

Section 7(3)(b) of the Act is amended to require the Secretary of State to publish a notice in the London Gazette and a local newspaper for any draft order which he proposes to make under section 7 (orders made otherwise than on application).

Section 9(3)(a) of the Act (schemes of national significance) is amended to require the Secretary of State to publish a notice in a local newspaper for all proposals which he considers to be of national significance.

Section 14(2) of the Act is amended to require the notice of a determination to state the main reasons and considerations upon which the determination is based together with information regarding the public participation process, the right to challenge the validity of the determination and the process for such a challenge.

A new section 14(2A) is inserted which requires the notice in the London Gazette to include the terms of the determination, to state where copies of the determination may be obtained and to state that the determination gives the information required under section 14(2).

Section 14(4) of the Act is amended to require the publication of a local newspaper notice for any determination given by the Secretary of State under section 13(1).

A new section 14(4A) is inserted containing definitions for terms used in section 14(4) as amended.

A Regulatory Impact Assessment has not been prepared for this instrument, as it will place negligible additional burdens on business. The Regulatory Impact Assessment which has been prepared in relation to the proposed new procedural Rules to be made under the Act, as amended, takes account of the minimal effects of this instrument as part of the wider implementation of Directive 2003/35/EC. A copy of that Regulatory Impact Assessment will be available from the Department for Transport, Zone 2, Floor 9, Southside, 105 Victoria Street, London SW1E 6DT.

A copy of the Transposition Note for this instrument is available from the same address.

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