

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2017 No. 137**

**The Roads (Scotland) Act 1984 (Environmental Impact Assessment) Regulations 2017**

**Amendment of paragraph 7 of schedule 1**

9. In paragraph 7 of schedule 1 (procedures for making or confirming certain orders or schemes)

(a) in sub-paragraph (1A)(1)—

- (i) for “environmental statement” substitute “EIA report”;
- (ii) in heads (a) to (c) for “statement” substitute “report”; and
- (iii) in head (c) for “20B” substitute “20F”;

(b) for sub-paragraph (1B)(2) substitute—

“(1B) When the Scottish Ministers have decided whether to proceed with the project in relation to which an environmental impact assessment has been made they must publish their decision together with a statement confirming they have complied with sub-paragraph (1A) and must notify the consultation bodies by sending to them copies of documents containing—

- (a) a description of the project,
- (b) the terms of the decision,
- (c) the main reasons and considerations on which the decision is based,
- (d) information about the arrangements taken to ensure the public had the opportunity to participate in the decision making procedures,
- (e) a summary of—
  - (i) the environmental information, and
  - (ii) the results of the consultations and information gathered pursuant to section 20C and, where relevant, section 20F, and how those results, in particular comments received from another EEA State pursuant to consultation under section 20F, have been incorporated or otherwise addressed,
- (f) if the decision is to proceed with the project—
  - (i) any conditions to which the decision is subject,
  - (ii) the reasoned conclusion referred to in section 20B(1)(d),
  - (iii) a statement that the Scottish Ministers are satisfied that the reasoned conclusion is still up to date,

---

(1) Sub-paragraph (1A) was substituted by [S.S.I. 2006/614](#).

(2) Sub-paragraph (1B) was substituted by [S.S.I. 2006/614](#).

- (iv) a description of any features of the project and any measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment,
  - (v) a description of any monitoring measures required under section 20G, and
  - (g) information regarding the right to challenge the validity of the decision and the procedures for doing so,
- and at the same time must make such documents available to the public.”;
- (c) after sub-paragraph (1BA)(3) insert—
    - “(1BB) For the purposes of sub-paragraph (1B)(f)(iii) the reasoned conclusion referred to in section 20B(1)(d) is still up to date if the Scottish Ministers are satisfied, having regard to current knowledge and methods of assessment, that the reasoned conclusion addresses the likely significant effects of the project on the environment.”;
  - (d) for sub-paragraph (1C)(4) substitute—
    - “(1C) Any requirement for publication in connection with an environmental impact assessment shall be met by publication—
      - (a) in the Edinburgh Gazette,
      - (b) in at least one local newspaper circulating in the area in which the project is situated, and
      - (c) on the website the Scottish Ministers use for the purpose of giving information to the public about projects of a category into which the project in question falls.”; and
  - (e) in sub-paragraph (1D)(5) for “10a” in each place where it occurs substitute “11”.

---

(3) Sub-paragraph (1BA) was inserted by the Transport and Works (Scotland) Act 2007 ([asp 8](#)), section 24.  
(4) Sub-paragraph (1C) was inserted by [S.S.I. 1999/1](#).  
(5) Sub-paragraph (1D) was inserted by [S.S.I. 2006/614](#).