
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 74

The Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Amendment Rules 2017

Insertion of rule 2A

4. After rule 2 insert—

“Environmental impact assessment

2A.—(1) An environmental impact assessment is a process consisting of—

- (a) the preparation of an EIA report by the applicant;
- (b) the carrying out of consultation, publication and notification as required by rules 5, 6 and 11 to 15, and where relevant rule 14;
- (c) the examination by the Scottish Ministers of the information presented in the EIA report and any other environmental information being any additional information, any representations made by any body required by these Rules to be invited to make representations and any representations duly made by any other person about the environmental effects of the proposed works which are the subject of the EIA application;
- (d) the reasoned conclusion by the Scottish Ministers of the significant effects of the proposed works which are the subject of the application on the environment, taking into account the results of the examination referred to in sub-paragraph (c) and, where appropriate, their own supplementary examination; and
- (e) the integration of the Scottish Ministers’ reasoned conclusion into the determination under section 11 of the Act.

(2) The environmental impact assessment must identify, describe and assess in an appropriate manner, in light of the circumstances relating to the proposed works which are the subject of the EIA application, the direct and indirect effects of those works on the factors specified in paragraph (3) and the interaction between those factors.

(3) The factors are—

- (a) population and human health;
- (b) biodiversity, and in particular species and habitats protected under [Directive 92/43/EEC\(1\)](#) and [Directive 2009/147/EC\(2\)](#);
- (c) land, soil, water, air and climate; and
- (d) material assets, cultural heritage and the landscape.

(4) The effects to be identified, described and assessed under paragraph (2) include the expected effects deriving from the vulnerability of the proposed works to risks, so far as relevant to the proposed works, of major accidents and disasters.

(1) OJ L 206, 22.7.1992, p.7.

(2) OJ L 20, 26.1.2010, p.7.

Status: This is the original version (as it was originally made).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

(5) Unless the Scottish Ministers consider that the likely significant effects of the proposed works on the environment are not fully identifiable at the time of their determination under section 11(2) of the Act, the environmental impact assessment to be carried out in relation to the determination of an EIA application must identify the likely significant effects of the application on the environment before such a determination is made.

(6) The Scottish Ministers must ensure that they have, or have access as necessary to, sufficient expertise to examine the EIA report.”