



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART III

NEW ROADS

[^{F1}20B Projects with significant transboundary effects

- (1) An environmental impact assessment is a process consisting of—
 - (a) the preparation of an EIA report by the Scottish Ministers;
 - (b) the carrying out of consultation, publication and notification as required by section 20C or section 55A and, where relevant, section 20F or section 55B (as it applies section 20F);
 - (c) the examination by the Scottish Ministers of the information presented in the EIA report and any other environmental information;
 - (d) the reasoned conclusion by the Scottish Ministers on the significant effects of the project on the environment, taking into account the results of the examination referred to in paragraph (c); and
 - (e) the integration of the Scottish Ministers' reasoned conclusion into the decision notice in accordance with paragraph 7 or paragraph 13 of schedule 1 of this Act.
- (2) The environmental impact assessment must identify, describe and assess in an appropriate manner, in light of the circumstances relating to the project, the direct and indirect significant effects of the project on the factors specified in subsection (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 [^{F2}any law in Scotland that implemented] [Directive 92/43/EEC](#) and [Directive 2009/147/EC](#) [^{F3}, as amended by Regulation (EU) 2019/1010];
 - (c) land, soil, water, air and climate, and
 - (d) material assets, cultural heritage and the landscape.

Changes to legislation: Roads (Scotland) Act 1984, Section 20B is up to date with all changes known to be in force on or before 17 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) The effects to be identified, described and assessed under subsection (2) include the expected effects deriving from the vulnerability of the project to risks, so far as relevant to the project, of major accidents and disasters.
- (5) The environmental impact assessment must identify the likely significant effects of the project on the environment before a decision to proceed with the project is made.
- (6) The Scottish Ministers must ensure that they have, or have access as necessary to, sufficient expertise to examine the EIA report.
- (7) In this section and sections 20C to 20G, “the project” means a project for the construction of a new road for which the Scottish Ministers are the roads authority.]

Textual Amendments

- F1** Ss. 20A-20G substituted for ss. 20A, 20B (16.5.2017) by [The Roads \(Scotland\) Act 1984 \(Environmental Impact Assessment\) Regulations 2017 \(S.S.I. 2017/137\)](#), regs. 1, **5** (with reg. 12)
- F2** Words in s. 20B(3)(b) inserted (31.12.2020) by [The Environmental Impact Assessment \(Transport\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/415\)](#), regs. 1, **2(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 20B(3)(b) inserted (7.12.2019) by [The Environmental Impact Assessment \(Transport\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/322\)](#), regs. 1, **2(2)**
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Modifications etc. (not altering text)

- C1** Ss. 20A-20G power to amend or repeal conferred (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), ss. 164(3), 255(5), **Sch. 14 Pt. 2** (with s. 247)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 152(3)(3ZA) substituted for s. 152(3) by [2019 asp 17 s. 124\(2\)](#)