



# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART III

#### NEW ROADS

#### **[<sup>F1</sup>20C. Environmental Impact Assessment Report**

- (1) If the Scottish Ministers have under consideration the construction of a new road for which they are the roads authority they must, before details of the project are published, determine whether it falls within Annex I or II.
- (2) If the Scottish Ministers determine that the project—
  - (a) falls within Annex I; or
  - (b) is a relevant project falling within Annex II, and that having regard to the selection criteria in Annex III it should be made subject to an environmental impact assessment in accordance with the Directive,  
they [<sup>F2</sup>must], not later than the date when details of the project are published, prepare an EIA report and publish notice of it in accordance with subsections (5) to (10) and paragraph 7(1C), or 13(1C), as the case may be, of schedule 1 of this Act.
- (3) In making a determination as to whether a project is a relevant project falling within Annex II the Scottish Ministers must—
  - (a) [<sup>F3</sup>in all cases] take into account—
    - (i) such of the selection criteria set out in Annex III as are relevant to the project,
    - (ii) the available results of any relevant assessment of the effects of the project, and
  - (b) base their decision on the information set out in subsection (4).
- (4) The information referred to in subsection (3)(b) is to be compiled taking into account, where relevant, the factors set out in subsection (3)(a) and must include—
  - (a) a description of the location of the project, including a plan sufficient to identify the land;

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- (b) a description of the project, including in particular—
    - (i) a description of the physical characteristics of the project and, where relevant, of demolition works,
    - (ii) a description of the location of the project, with particular regard to the environmental sensitivity of geographical areas likely to be affected,
  - (c) a description of the aspects of the environment likely to be significantly affected by the project; and
  - (d) a description of any likely significant effects (to the extent of the information available on such effects) of the project on the environment resulting from—
    - (i) the expected residues and emissions and the production of waste, where relevant, and
    - (ii) the use of natural resources, in particular soil, land, water and biodiversity.
- (5) The Scottish Ministers must publish any determination made by them in accordance with subsections (1) to (4), and that determination must include—
- (a) a statement giving, with reference to such of the criteria set out in Annex III as are relevant to the project, the main reasons for the determination; and
  - (b) where the determination is to the effect that the project does not require an environmental impact assessment, the statement referred to in paragraph (a) must state any features of the project which are envisaged to avoid or prevent significant adverse effects on the environment.
- (6) An EIA report is a report prepared by the Scottish Ministers in accordance with this section which assesses the environmental impact of the project and which includes (at least)—
- (a) a description of the project comprising information on the site, design, size and other relevant features of the project;
  - (b) a description of the likely significant effects of the project on the environment;
  - (c) a description of the 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;
  - (d) a description of the reasonable alternatives studied by the Scottish Ministers, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;
  - (e) a non-technical summary of the information referred to in paragraphs (a) to (d); and
  - (f) any other information specified in schedule 1A of this Act relevant to the specific characteristics of the project and to the environmental features likely to be affected.
- (7) With a view to avoiding duplication of assessments, account is to be taken of the available results of other relevant assessments under <sup>F4</sup>... other legislation applicable in Scotland in preparing the EIA report.
- (8) In order to ensure the completeness and quality of the EIA report—
- (a) the Scottish Ministers must ensure that the EIA report is prepared by competent experts; and
  - (b) the EIA report must be accompanied by a statement from the Scottish Ministers outlining the relevant expertise or qualifications of such experts.

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- (9) The Scottish Ministers must publish notice of the EIA report so as to ensure that members of the public who are likely to be concerned are given a reasonable opportunity to express an opinion before a decision on whether to proceed with the project is taken, and the Scottish Ministers must not make any such decision without taking into consideration any opinion so expressed to them within a period of 42 days commencing with the date of publication of notice of the EIA report.
- (10) Notice under subsection (9) must state—
- (a) that the Scottish Ministers, as the relevant roads authority, are considering implementing the project;
  - (b) the proposed location and nature of the project;
  - (c) that the project is subject to environmental impact assessment and, where relevant, state that it is likely to have significant effects in [F5an]EEA State;
  - (d) that a copy of the EIA report may be inspected at an address in the area in which the project is proposed to be situated during the period specified under paragraph (i);
  - (e) the times at which a copy of the EIA report can be so inspected;
  - (f) an address from which copies of the EIA report may be obtained and from which further information about the project may be requested during the period specified under paragraph (i);
  - (g) if a charge is to be made for a copy of the EIA report, the amount of the charge;
  - (h) that the Scottish Ministers use a website for the purpose of giving information to the public about projects of a category into which the project in question falls, and provide the address of the website where a copy of the EIA report will be available for inspection by the public during the period provided for under paragraph (i);
  - (i) that any person wishing to make any representations about the project and the EIA report may do so in writing to the Scottish Ministers at a specified address within a specified period, being a period of not less than 42 days commencing with the date of publication of the notice; and
  - (j) that the Scottish Ministers will take into consideration any representations so made before deciding whether or not to proceed with the project with or without modifications.
- (11) The Scottish Ministers must ensure that during the period specified under subsection (10)(i)—
- (a) copies of the EIA report are available for inspection by any person free of charge at all reasonable hours at the address specified under subsection (10)(d);
  - (b) copies of the EIA report are available to be obtained by any person from the address specified under subsection (10)(f); and
  - (c) the Scottish Ministers use a website for the purpose of giving information to the public about projects of a category into which the project in question falls, and that a copy of the EIA report is available for inspection at a specified website address.
- (12) A reasonable charge reflecting the costs of printing, copying and distribution may be made by the Scottish Ministers for the supply of a copy of the EIA report—
- (a) to a person other than a consultation body; or
  - (b) to a consultation body to which one copy has already been supplied free of charge.

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- (13) In order to ensure the completeness and quality of the EIA report the Scottish Ministers must where necessary (having regard in particular to current knowledge and methods of assessment) obtain supplementary information about any matter referred to in subsection (6) which in the opinion of the Scottish Ministers is directly relevant to reaching a reasoned conclusion on the significant effects of the project on the environment.
- (14) Where the Scottish Ministers obtain supplementary information relating to the EIA report and such supplementary information is reasonably required to give proper consideration to the likely environmental effects of the project, except insofar as such supplementary information is required for the purposes of an inquiry held under section 139, subsections (9) to (12) shall apply to such supplementary information as they apply to an EIA report (subject to any necessary modifications).
- (15) The Scottish Ministers must ensure that the consultation bodies are given an opportunity to express an opinion on the project and the EIA report before they decide whether to proceed with the project and must not make any such decision within a period of 42 days commencing with the date of sending the report to the consultation bodies.
- (16) In this section and sections 20D to 20G, paragraphs 7 and 13 of schedule 1 of this Act, and paragraph 9 of schedule 1A of this Act—
- “the Directive” means Council [Directive 2011/92/EU](#) on the assessment of the effects of certain public and private projects on the environment as amended by Council [Directive 2014/52/EU](#);
- “Annex” means an Annex to the Directive;
- “relevant project” means a project for the construction of a new road where the completed works (together with any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps, or other such facilities or stores required during the period of construction)—
- (a) exceed 1 hectare in area; or
- (b) are situated in whole or in part in a sensitive area,
- “sensitive area” has the meaning ascribed to that expression in regulation 2(1) of the Environmental Impact Assessment (Scotland) Regulations 1999; and
- <sup>F6</sup> ...]

#### 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** Word in s. 20C(2) substituted (7.12.2019) by [The Environmental Impact Assessment \(Transport\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/322\)](#), regs. 1, **2(3)(a)**
- F3** Words in s. 20C(3)(a) inserted (7.12.2019) by [The Environmental Impact Assessment \(Transport\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/322\)](#), regs. 1, **2(3)(b)**
- F4** Words in s. 20C(7) repealed (31.12.2020) by [The Environmental Impact Assessment \(Transport\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/415\)](#), regs. 1, **2(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Word in s. 20C(10)(c) substituted (31.12.2020) by [The Environmental Impact Assessment \(Transport\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/415\)](#), regs. 1, **2(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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**F6** Words in s. 20C(16) repealed (31.12.2020) by [The Environmental Impact Assessment \(Transport\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/415\)](#), regs. 1, **2(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

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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)

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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\(2\)](#)