
STATUTORY INSTRUMENTS

1995 No. 1541

The Transport and Works (Assessment of Environmental Effects) Regulations 1995

Amendment of the Transport and Works Act 1992

2. In section 14 of the Transport and Works Act 1992⁽¹⁾ (publicity for making or refusal of orders under section 1 or 3 as to railways, tramways, inland waterways, etc.), after subsection (3) there shall be inserted—

“(3A) Where a determination under section 13(1) above relates to an application or proposal to which this subsection applies, the notices under subsection (1) above shall state that, before the Secretary of State made the determination—

- (a) he considered the environmental statement, and
- (b) he complied with any obligations under section 10 above in respect of any objection made in accordance with rules under that section which relates to the environmental statement, and
- (c) he considered, or referred to an inquiry under section 11(1) above or a person appointed under section 11(2), any representation duly made to him (other than an objection) which relates to the environmental statement.

(3B) Subsection (3A) above applies to any application under section 6 above for an order, and any proposal to make an order by virtue of section 7 above, where the order would authorise—

- (a) works or other projects in a class listed in Annex I to Council Directive [85/337/EEC](#)⁽²⁾ on the assessment of the effects of certain public and private projects on the environment, or
- (b) works or other projects in a class listed in Annex II to that Directive which are, by virtue of their nature, size or location, likely to have significant effects on the environment.

(3C) The Secretary of State shall send a copy of any notice to which subsection (3A) above applies to any person who made—

- (a) an objection to which paragraph (b) of that subsection refers, which was not referred to an inquiry or hearing in accordance with section 11(3) above, or
- (b) a representation to which subsection (3A) (c) above refers.

(3D) For the purposes of subsection (3A) above, “environmental statement” means a statement—

- (a) which is required by virtue of rules made under section 6 above—
 - (i) to accompany an application under that section for an order; or
 - (ii) to be prepared in connection with the publication of a notice of a proposal to make an order by virtue of section 7 above, and

(1) 1992 c. 42.
(2) OJNo. L175, 5.7.85 p.40.

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- (b) which sets out particulars of the likely impact on the environment of the implementation of the order applied for or proposed.”