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STATUTORY INSTRUMENTS

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**1998 No. 2226**

**The Transport and Works (Assessment of Environmental Effects) Regulations 1998**

**Provision of information and compliance with directions**

**2. In section 6 of the Act—**

(a) after subsection (2) there shall be inserted—

“(2A) The power to make rules by virtue of subsection (2) above includes power to make provision for or in connection with requiring the Secretary of State in such cases or circumstances as may be prescribed in the rules to give to a person who proposes to make an application under this section an opinion on the information, if any, to be supplied in connection with that application.”.

(b) in subsection (3) (rules as to consultation before application is made may require compliance with directions by the Secretary of State) after “is made” there shall be inserted “, or as to the provision of information by a relevant authority to a person for the purposes of an application which the person proposes to make,”.

(c) after subsection (6) there shall be added—

“(7) In subsection (3) above “relevant authority” means any authority in relation to which Article 5(4) of Council Directive 85/337/EEC(1), as amended by Council Directive 97/11/EC(2), (authorities holding relevant information to make it available to the developer) applies, and includes—

- (a) the Countryside Commission;
- (b) the Countryside Council for Wales;
- (c) a local planning authority, within the meaning of Part I of the Town and Country Planning Act 1990(3);
- (d) the Minister of Agriculture, Fisheries and Food; and
- (e) the Nature Conservancy Council for England.”.

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(1) O.J. No. L175, 5.7.85, p.40.

(2) O.J. No. L73, 14.3.97, p.5.

(3) 1990 c. 8; Part I was amended by the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), section 187(1) and Schedule 21, paragraph 29, the Local Government (Wales) Act 1994 (c. 19), sections 18 and 19, and the Environment Act 1995 (c. 25), sections 67 and 78 and Schedule 10, paragraph 32(2) and (3).