

SCHEDULE 3

Amendments to the Transport and Works Act 1992

- 5.—(1) Section 14(1) (publicity for making or refusal of orders) is amended as follows.
- (2) For subsection (1), substitute—
- “(1) As soon as practicable after making a determination under section 13(1) above, the Secretary of State must—
- (a) give notice of the determination to the persons specified in subsection (1A),
 - (b) publish a notice of the determination in the London Gazette, and
 - (c) if it relates to an EIA order, make a notice of the determination available on a website maintained by or on behalf of the Secretary of State.
- (1A) The specified persons are—
- (a) the person (if any) who applied for the order;
 - (b) any person who made an objection which was referred to an inquiry or hearing in accordance with section 11(3);
 - (c) if the determination is that an EIA order is to be made, to any authority the Secretary of State considers is likely to be concerned by the works or other projects authorised by the order because of their specific environmental responsibilities or local and regional competencies.”

(3) In subsection (3A)—

 - (a) for “to which this subsection applies” substitute “for an EIA order”;
 - (b) in paragraph (a), for “considered the environmental statement” substitute “complied with sections 13B to 13D”.

(4) For subsection (3AA), substitute—

“(3AA) If an EIA order is to be made—

 - (a) the notice under subsection (1)(a) must also include the address of the website on which it is to be made available under subsection (1)(c), and
 - (b) the notices under subsection (1)(a) and (c) must include the information specified in subsection (3AB).

(3AB) The specified information is—

 - (a) in so far as they relate to the likely significant effects of the proposed works or other projects on the environment, a summary of —
 - (i) the results of any consultation undertaken in accordance with rules made under section 6 (including in particular any comments made by, or the authorities in or public of, another Member State), and
 - (ii) any objections made in accordance with rules made under section 10,
 - (b) a summary of how those results and objections have been taken into account in making the determination,
 - (c) the reasoned conclusion,

(1) As amended by paragraph 34(2) of Schedule 7 to the Local Government (Wales) Act 1994 (c. 19), S.I. 1995/1541, S.I. 1998/2226 and S.I. 2006/958.

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- (d) a description of any features of the works or other projects, or measures, to avoid, prevent or reduce and, if possible, offset any likely significant adverse effects of the works or other projects on the environment, and
 - (e) a statement of any monitoring measures, requirements to take remedial action or other conditions relating to the likely significant effects of the proposed works or other projects on the environment that are imposed.”
- (5) Omit subsection (3B).
- (6) Omit subsection (3D).