



Highways Act 1980

1980 CHAPTER 66

[^{F1}PART VA

ENVIRONMENTAL ASSESSMENT]

105A Environmental assessment of certain highway projects.

- (1) In any case where the Secretary of State has under consideration the construction of a new highway or the improvement of an existing highway, he shall determine before the date of publication of details of the project whether or not it falls within Annex I or Annex II to Council Directive No. [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment.
- (2) [^{F1}Where it appears to him] that it falls within Annex I, or that it falls within Annex II and has such characteristics that it should be made subject to an environmental assessment in accordance with the Directive, he shall publish not later than the date of publication of details of the project an environmental statement, that is, a statement [^{F2}identifying, describing and assessing in an appropriate manner, in the light of each individual case and in accordance with Articles 4 to 11 of the Directive, the direct and indirect effects of the project on the factors mentioned in Article 3 of the Directive and] containing the information referred to an Annex III to the Directive to the extent that he considers—
 - (a) that it is relevant to the specific characteristics of the project and of the environmental features likely to be affected by it; and
 - (b) that (having regard in particular to current knowledge and methods of assessment) the information may reasonably be gathered,including at least—
 - (i) a description of the project comprising information on the site, design and size of the project;
 - (ii) a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects;
 - (iii) the data required to identify and assess the main effects which the project is likely to have on the environment:

Status: Point in time view as at 20/02/1999. This version of this provision has been superseded.

Changes to legislation: Highways Act 1980, Section 105A is up to date with all changes known to be in force on or before 23 April 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)

- (iv) a non-technical summary of the information mentioned in paragraphs (i) to (iii) above.
- [^{F3}(2A) Any project for the construction or improvement of a special road which falls within Annex II to the Directive shall be treated as having such characteristics that it should be made subject to an environmental assessment in accordance with the Directive.]
- (3) If the Secretary of State publishes an environmental statement, he shall ensure that the public concerned is given an opportunity to express an opinion before the project is initiated.
- (4) If on completion of the project any part of the highway would lie on, or within 100 metres of, land comprised—
- (a) in a National Park or nature reserve within the meaning of the National Parks and Access to the Countryside Act ^{M1}1949;
 - (b) in a conservation area within the meaning of [^{F4}the Planning (Listed Buildings and Conservation Areas) Act ^{M2}1990], or
 - (c) in an area notified under section 28 of the Wildlife and Countryside Act ^{M3}1981 as an area of special scientific interest or in relation to which the Secretary of State has made an order under section 29 of that Act,
- he shall ensure that the appropriate environmental body is given an opportunity to express an opinion before the project is initiated.
- (5) the Secretary of State—
- (a) shall consider—
 - (i) the environmental statement;
 - (ii) any opinion expressed by a member of the public; and
 - (iii) if the statement relates to land such as is mentioned in subsection (4) above, any opinion expressed by the appropriate environmental body; and
 - (b) shall publish his decision as to whether or not to initiate the project [^{F5}and in his decision he shall state that he has considered the matters set out in paragraph (a)].
- (6) In this section “the appropriate environmental body” means—
- (a) the [^{F6}Countryside Agency], if the proposal relates to land [^{F7}in England] falling within paragraph (a) of subsection (4) above [^{F7}or the Countryside Council for Wales, if it relates to land in Wales falling within that paragraph of that subsection];
 - (b) the local planning authority, if it relates to land falling within paragraph (b); and
 - [^{F8}(c) the Nature Conservancy Council for England or the Countryside Council for Wales, if it relates to land in England or, as the case may be, in Wales, falling within paragraph (c).]
- (7) This section does not apply—
- (a) where a draft order or scheme relating to construction or a draft order relating to improvement is published before the coming into force of the Highway (Assessment of Environmental Effects) Regulation 1988; or
 - (b) where the Secretary of State has under consideration before that date construction or improvement without an order.

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Textual Amendments

- F1** Words in s. 105A(2) substituted (11.5.1994) by S.I. 1994/1002, **reg. 2(a)**.
- F2** Words in s. 105A(2) inserted (11.5.1994) by S.I. 1994/1002, **reg. 2(b)**.
- F3** S. 105A(2A) inserted (01.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), **s. 19**; S.I. 1991/2288, **art. 3, Sch.**
- F4** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 45(5)**
- F5** Words in s. 105A(5) added (11.5.1994) by S.I. 1994/1002, **reg. 2(c)**.
- F6** Words in s. 105A(6) substituted (20.2.1999) by S.I. 1999/416, **art. 3, Sch. 1 para. 8(2)**
- F7** Words in s. 105A(6)(a) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130(1), **Sch. 8 para. 5(2)**; S.I. 1991/685, **art. 3**
- F8** S. 105A(6)(c) substituted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1), **Sch. 9 para. 9**; S.I. 1991/685, **art. 3**

Marginal Citations

- M1** 1949 c.97 (46:1).
- M2** 1990 c.9 (123:1).
- M3** 1981 c.69 (4:5).

Status:

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