

SCHEDULE 2

Amendments to the Highways Act 1980

2. Before section 105A insert—

“Interpretation

105ZA.—(1) In this Part —

“Annex” means an Annex to the Directive;

“the consultation bodies” means—

- (a) any principal council (within the meaning given in section 270(1) of the Local Government Act 1972) in whose area the project is to be carried out;
- (b) where the project is to be carried out on land situated in England—
 - (i) the Historic Buildings and Monuments Commission for England, the Environment Agency and Natural England, and
 - (ii) the Natural Resources Body for Wales and the Welsh Ministers where, in the opinion of the project authority, the land is sufficiently near to Wales to be of interest to them;
- (c) where the project is to be carried out on land situated in Wales—
 - (i) the Natural Resources Body for Wales, and
 - (ii) an organisation referred to in paragraph (b)(i) where, in the opinion of the Welsh Ministers, the land is sufficiently near to England to be of interest to that organisation;
- (d) any other public authority which has environmental responsibilities and which the project authority considers is likely to have an interest in the project;
- (e) any body with local or regional competencies and which the project authority or Welsh Ministers considers is likely to have an interest in the project;

“the Directive” means [Directive 2011/92/EU](#) of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment;

“the environment” means—

- (a) population and human health,
- (b) biodiversity, with particular attention to species and habitats protected under—
 - (i) Council [Directive 92/43/EEC](#) of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, and
 - (ii) [Directive 2009/147/EC](#) of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds,
- (c) land, soil, water, air and climate,
- (d) material assets, cultural heritage and the landscape, and
- (e) the interaction between the factors referred to in paragraphs (a) to (d).

“environmental impact assessment”, in relation to a project, means the process comprising—

- (a) the preparation of an environmental statement,
- (b) the carrying out of consultations about the likely significant effects of the project on the environment,

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- (c) the consideration of the environmental statement and other information about the likely significant effects of the project on the environment,
- (d) the reaching of a reasoned conclusion about the significant effects of the project on the environment, and
- (e) the consideration of the reasoned conclusion when deciding whether to proceed with the project;

“environmental assessment” means an assessment carried out—

- (a) under an obligation to which section 2(1) of the European Communities Act 1972 applies (other than an obligation arising under the Directive), or
- (b) under the law of any part of the United Kingdom (other than a rule which implements an obligation arising under the Directive);

of the effect of anything on the environment;

“member of the public” includes a body of persons corporate or unincorporate;

“official website” means a website maintained by or on behalf of the project authority;

“project authority” has the meaning given in section 105A(2);

“public authority” means a person on whom functions are conferred by or under an enactment (including an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament);

“relevant project” has the meaning given in subsection (2);

“sensitive area” means—

- (a) a site of special scientific interest (within the meaning given in section 52 of the Wildlife and Countryside Act 1981),
- (b) any land adjacent to such an area that is notified to the local planning authority in accordance with paragraph (q)(ii) in the Table in Schedule 4 to the Town and Country Planning (General Development Management Procedure) (Wales) Order 2012(1),
- (c) a National Park within the meaning of the National Parks and Access to the Countryside Act 1949,
- (d) an area of outstanding natural beauty designated as such under section 82 of the Countryside and Rights of Way Act 2000,
- (e) the Broads as defined in the Norfolk and Suffolk Broads Act 1988,
- (f) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage,
- (g) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979, or
- (h) a European site within the meaning of the Conservation of Habitats and Species Regulations 2010 (see regulation 8).

(2) A project is a “relevant project” if the area of the completed works together with any area occupied during the period of construction or improvement by requisite apparatus, equipment, machinery, materials, plant, spoil heaps or other such facilities exceeds 1 hectare or if it, or any part of it, is situated in a sensitive area.

(3) For the purposes of this Part, the effects of a project on the environment include—

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- (a) any effects on the environment which arise (directly or indirectly) from the operation of the project;
 - (b) any expected effects on the environment which derive (directly or indirectly) from the vulnerability of the project to the risks of major accidents or disasters.
- (4) References to the adverse, likely or significant effects of a project on the environment are to be read accordingly.
- (5) Publication by the project authority for the purposes of this Part is to be—
- (a) in the London Gazette,
 - (b) in at least one local newspaper circulating in the area in which the project for the construction or improvement of the highway is proposed to be situated, and
 - (c) on an official website.”