

## SCHEDULE 2

### Amendments to the Highways Act 1980

#### 4. For section 105B substitute—

##### **“Publication of screening decision and environmental statement for projects subject to an environmental impact assessment**

- 105B.**—(1) This section applies of a project authority considers that a project—
- (a) falls within Annex I, or
  - (b) is a relevant project falling within Annex II which should be made subject to an environmental impact assessment.
- (2) The project authority must, not later than the date when details of the project itself are published—
- (a) ensure that an environmental statement is prepared for the project, and
  - (b) publish a notice of the environmental statement so as to ensure that members of the public who are likely to be concerned are given a reasonable opportunity to express their opinion before a decision is made as to whether to proceed with the construction or improvement to which the statement relates.
- (3) The environmental statement for the project—
- (a) must be prepared by competent experts,
  - (b) must include the information which, taking into account current knowledge and methods of assessment, is reasonably required by the project authority to reach a reasoned conclusion about the significant effects of the project on the environment (as required by section 105CA) and in particular the information specified in subsection (4) of this section, and
  - (c) with a view to avoiding duplication of assessments, must take into account the results of any relevant environmental assessment which are reasonably available to the project authority.
- (4) The specified information is—
- (a) a description the site, design, size and any other relevant features of the project,
  - (b) a description of the likely significant effects of the project on the environment,
  - (c) a description of the features of the project or measures envisaged to avoid, prevent or reduce and, if possible, offset any likely significant effects of the project on the environment,
  - (d) a description of the reasonable alternatives studied by the project authority which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment,
  - (e) a non-technical summary of the information mentioned in paragraphs (a) to (d), and
  - (f) any additional information specified in Annex IV that is relevant to the specific characteristics of the project, or type of project, and to the environmental features likely to be affected.
- (5) The environmental statement must be accompanied by a statement from the project authority setting out the relevant expertise or qualifications of the experts who prepared the environmental statement.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (6) The notice published under subsection (2)(b) must state—
- (a) that the project authority, as the relevant highway authority, is considering implementing the project;
  - (b) the proposed location and nature of the project;
  - (c) that the project is subject to an environmental impact assessment and, where relevant, that section 105C applies;
  - (d) if the project is a relevant project falling with Annex II, the reasons for the determination that the project should be made subject to an environmental impact assessment with reference to the selection criteria in Annex III;
  - (e) that a copy of the environmental statement may be inspected at an address in the area in which the project is proposed to be situated during the period specified under paragraph (j);
  - (f) the times at which the copy of the environmental statement may be so inspected;
  - (g) an address from which copies of the environmental statement may be obtained and from which further information about the project may be requested during the period specified under paragraph (j);
  - (h) if a charge is to be made for a copy of the environmental statement, the amount of the charge;
  - (i) that a copy of the environmental statement may be inspected on the official website;
  - (j) that any person wishing to make representations about the project and the environmental statement may do so in writing to the project authority at a specified address for a specified period, being not less than 6 weeks from the date of publication of the notice, and
  - (k) that the project authority will take into consideration any representations so made before deciding whether or not to proceed with the project with or without modifications.
- (7) The project authority must ensure that during the period specified under subsection (6)(j)—
- (a) copies of the environmental statement are available for inspection by any person free of charge at all reasonable hours at the address specified under subsection (6)(e),
  - (b) copies of the environmental statement are available to be obtained by any person from the address specified under subsection (6)(g), and
  - (c) that a copy of the environmental statement is available for inspection by any person on the official website.
- (8) A reasonable charge reflecting the costs of printing, copying and distribution may be made by the project authority for the supply of a copy of the environmental statement—
- (a) to a person other than a consultation body, or
  - (b) to a consultation body to which one copy has already been supplied free of charge.
- (9) The project authority must ensure that the consultation bodies are given an opportunity to express an opinion on the project and the environmental statement before the authority carries out the consideration required by section 105CA(1).

### **Co-ordination**

**105BA.**—(1) Where in order to proceed with the construction or improvement in relation to which an environmental statement has been made it is necessary for the project authority to make—

- (a) an order or scheme to which Schedule 1 to this Act applies, or
- (b) a compulsory purchase order in the exercise of highway land acquisition powers,

the project authority must, so far as is practicable to do so, take the steps required of it by this Part of this Act concurrently with the corresponding steps required of it by Schedule 1 to this Act or the Acquisition of Land Act 1981 (as the case may be) in connection with the making of the related instruments.

(2) Where, in respect of a project, there is a requirement to carry out—

- (a) an environmental impact assessment, and
- (b) an assessment under regulation 61 of the Conservation of Habitats and Species Regulations 2010,

the project authority must, so far as is practicable to do so, ensure that the assessments are co-ordinated.”