



# Highways Act 1980

## 1980 CHAPTER 66

### [<sup>F1</sup>PART VA

#### ENVIRONMENTAL IMPACT ASSESSMENTS]

##### <sup>F1</sup>105A Environmental impact assessments.

(1) In this Part—

“the Directive” means Council Directive No. [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive No. [97/11/EC](#);

“Annex” means an Annex to the Directive; and

“relevant project” means a project for constructing or improving a highway where 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 where any such area is situated in whole or in part in a sensitive area.

(2) If the Secretary of State is considering a project for constructing or improving a highway for which he is the highway authority he must, before details of the project are published, determine whether or not it falls within Annex I or II.

(3) If the Secretary of State—

(a) considers that the project falls within Annex I, or

(b) considers that it is a relevant project falling within Annex II and determines, having regard to the selection criteria contained in Annex III, that it should be made subject to an environmental impact assessment in accordance with the Directive,

he must, not later than the date when details of the project are published, publish an environmental statement.

(4) To the extent to which the Secretary of State 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

*Status: Point in time view as at 13/03/1999. This version of this provision has been superseded.*

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- (b) that the information may reasonably be gathered (having regard among other matters to current knowledge and methods of assessment),  
the environmental statement must contain the information referred to in Annex IV.
- (5) That information must include at least–
- (a) a description of the project (comprising information on the site, design and size of the project);
  - (b) a description of the measures envisaged in order to avoid, reduce, and, if possible, remedy significant adverse effects;
  - (c) the data required to identify and assess the main effects which the project is likely to have on the environment;
  - (d) an outline of the main alternatives studied by the Secretary of State and an indication of the main reasons for his choice (taking into account the environmental effects);
  - (e) a non-technical summary of the information mentioned in paragraphs (a) to (d).
- (6) “Sensitive area” means any of the following:–
- (a) land notified under section 28(1) (areas of special scientific interest) of the <sup>M1</sup>Wildlife and Countryside Act 1981 <sup>F2</sup>;
  - (b) land adjacent to such an area that is notified to the local planning authority in accordance with paragraph (u)(ii) in the table in article 10 of the Town and Country Planning (General Development Procedure) Order 1995 <sup>F3</sup>;
  - (c) land to which section 29(3) (nature conservation orders) of the Wildlife and Countryside Act 1981 applies;
  - (d) a National Park within the meaning of the <sup>M2</sup>National Parks and Access to the Countryside Act 1949 <sup>F4</sup>;
  - (e) an area of outstanding natural beauty designated as such by an order made by the Countryside Commission, as respects England, or the Countryside Council for Wales, as respects Wales, under section 87 <sup>F5</sup> (designation of areas of outstanding natural beauty) of the National Parks and Access to the Countryside Act 1949 as confirmed by the Secretary of State.
  - (f) the Broads as defined in the <sup>M3</sup>Norfolk and Suffolk Broads Act 1988 <sup>F6</sup>;
  - (g) 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. <sup>F7</sup>;
  - (h) a scheduled monument within the meaning of the <sup>M4</sup>Ancient Monuments and Archaeological Areas Act 1979 <sup>F8</sup>;
  - (i) a European site within the meaning of regulation 10 of the Conservation (Natural Habitats etc.) Regulations 1994 <sup>F9</sup>.

#### Textual Amendments

**F1** Pt. VA substituted (13.3.1999) by S.I. 1999/369, **reg.2**

**F2** 1981 c. 69, amended by the Wildlife and Countryside (Amendment) Act 1985 (c. 31), the Wildlife and Countryside (Service of Notices) Act 1985 (c. 59), the Norfolk and Suffolk Broads Act (c. 4) and the Planning (Consequential Provisions) Act 1990 (c. 11).

**F3** S.I. 1995/419.

**F4** 1949 c. 97.

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**F5** Section 87 was amended by paragraph 1(12) of Schedule 8 to the [Environmental Protection Act 1990](#) (c. 43).

**F6** 1988 (c. 4).

**F7** See Command Paper 9424.

**F8** 1979 c. 46. See the definition in section 1(11).

**F9** S.I. 1994/2716.

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**Marginal Citations**

**M1** 1981 c. 69.

**M2** 1949 c. 97.

**M3** 1988 c. 4.

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