



Highways Act 1980

1980 CHAPTER 66

[^{F1}PART VA

ENVIRONMENTAL IMPACT ASSESSMENTS

[^{F1}]~~[^{F2}105~~ Screening of projects for constructing or improving highways

- (1) If a project authority is considering a project for constructing or improving a highway for which it is the highway authority, the project authority must, before details of the project are published, determine—
 - (a) whether or not the project [^{F3}is of a type specified in] Annex I or Annex II, and
 - (b) if it considers the project is a relevant project [^{F4}of a type specified in] Annex II, whether it should be made subject to an environmental impact assessment.
- (2) In this Part “project authority” means—
 - (a) the Secretary of State,
 - (b) the Welsh Ministers, or
 - (c) a strategic highways company.
- (3) When making a determination under subsection (1)(b), a project authority must have regard to the following—
 - (a) the information [^{F5}described in] Annex II.A,
 - (b) the selection criteria [^{F6}set out] in Annex III,
 - (c) any features of the project or measures envisaged to avoid or prevent what might otherwise be significant adverse effects on the environment, and
 - (d) the results of any relevant environmental assessment which are reasonably available to the authority.
- (4) The project authority must make a determination under subsection (1)(b)—
 - (a) as soon as possible, and
 - (b) in any event within the period of 90 days beginning with the day on which it has access to the information mentioned in paragraphs (a), (c) and (d) of subsection (3).

Status: Point in time view as at 31/03/2024.

Changes to legislation: Highways Act 1980, Section 105A is up to date with all changes known to be in force on or before 12 September 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)

- (5) If the project authority is satisfied that it is appropriate to do so by reason of exceptional circumstances relating to a project (including circumstances relating to the nature, complexity, location or size of project), it may extend the period specified in subsection (4)(b).]]

Textual Amendments

- F1** Pt. VA substituted (13.3.1999) by [S.I. 1999/369](#), **reg.2**
- F2** Ss. 105A-105AB substituted for s. 105A (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017](#) (S.I. 2017/1070), reg. 1(1), **Sch. 2 para. 3** (with Sch. 6 paras. 4, 5, 6)
- F3** Words in s. 105A(1)(a) substituted (31.12.2020) by [The Harbours and Highways \(Environmental Impact Assessment\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/460), regs. 1, **3(4)(a)**
- F4** Words in s. 105A(1)(b) substituted (31.12.2020) by [The Harbours and Highways \(Environmental Impact Assessment\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/460), regs. 1, **3(4)(b)**
- F5** Words in s. 105A(3)(a) substituted (31.12.2020) by [The Harbours and Highways \(Environmental Impact Assessment\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/460), regs. 1, **3(4)(c)**
- F6** Words in s. 105A(3)(b) inserted (31.12.2020) by [The Harbours and Highways \(Environmental Impact Assessment\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/460), regs. 1, **3(4)(d)**

Modifications etc. (not altering text)

- C1** Ss. 105A-105C functions exercisable jointly (1.4.2018) by [The Sub-national Transport Body \(Transport for the North\) Regulations 2018](#) (S.I. 2018/103), regs. 1(2), **9(2)**, 10(b)

Status:

Point in time view as at 31/03/2024.

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