



# Highways Act 1980

## 1980 CHAPTER 66

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

#### ENVIRONMENTAL IMPACT ASSESSMENTS

##### [<sup>F1</sup> Other [<sup>F2</sup>EEA] States.

105C

- (1) This section applies if—
  - (a) it appears to the Secretary of State [<sup>F3</sup> or a strategic highways company ] that a project to which section 105A(3) applies is likely to have a significant effect on the environment in another [<sup>F4</sup>EEA State ] ; or
  - (b) [<sup>F5</sup> an EEA State ] the environment of which is likely to be significantly affected by such a project asks the Secretary of State [<sup>F6</sup> or the strategic highways company, whichever is considering the project, ] for information about it.
- (2) The Secretary of State [<sup>F7</sup> or the strategic highways company ] must give the [<sup>F4</sup>EEA State ] —
  - (a) a description of the project, together with any information available to him [<sup>F8</sup> or the company ] which suggests that it may have a significant effect on the environment in the [<sup>F4</sup>EEA State ] ;
  - (b) any information which he [<sup>F9</sup> or the company ] has on the nature of the decision which may be taken on the project;
  - [<sup>F10</sup>(c) such information about the procedure required by this Part of this Act as he [<sup>F11</sup> or the company] considers appropriate; and]
  - (d) a reasonable period within which to indicate whether it wishes to participate in that procedure.
- (3) Subsection (2)(a) and (b) must be complied with no later than the date of publication of the determination referred to in Section 105B(1).
- (4) If the [<sup>F4</sup>EEA State ] indicates that it wishes to participate [<sup>F12</sup> in the procedure required by this Part of this Act ], the Secretary of State [<sup>F13</sup> or the strategic highways company ] must give it—

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- (a) a copy of the environmental statement for the project (if he <sup>F14</sup> or the company ] has not already done so); <sup>F15</sup> . . .
  - <sup>F16</sup>(b) the information required by subsection (3A) of section 105B to be included in the notice under subsection (3) of that section; and
  - (c) any information about the procedure required by this Part of this Act which he <sup>F17</sup> or the company ] considers it appropriate to give and which has not already been given to the EEA State. ]
- (5) The Secretary of State<sup>F18</sup>or the strategic highways company ], so far as he<sup>F19</sup>or the company] is concerned, must also–
- (a) arrange for the information which he<sup>F19</sup> or the company ] has given to the <sup>F4</sup>EEA State ] to be made available, within a reasonable time, to–
    - (i) the authorities referred to in Article 6(1) of the Directive; and
    - (ii) members of the public in the <sup>F4</sup>EEA State ] who are likely to be concerned; and
  - (b) ensure that those authorities and the public concerned are given a reasonable opportunity to give him<sup>F20</sup>or the company] their views before he<sup>F19</sup> or the company ] decides whether to proceed with the project to which the environmental impact assessment relates.
- (6) The Secretary of State<sup>F21</sup>or the strategic highways company] must, in accordance with Article 7(4) of the Directive–
- (a) enter into consultations with the <sup>F4</sup>EEA State ] concerned regarding, among other matters, the potential significant effects of the project on the environment of that <sup>F4</sup>EEA State ] and the measures envisaged to reduce or eliminate those effects; and
  - (b) agree with that <sup>F4</sup>EEA State ] a reasonable period for those consultations.
- <sup>F22</sup>(7) Where an EEA State has been consulted in accordance with subsection (4) the Secretary of State <sup>F23</sup> or the strategic highways company ] must, after deciding whether to proceed with the project to which the environmental statement relates, inform the EEA State of the decision and give it documents containing the matters referred to in section 105B (6). ]
- (8) <sup>F24</sup> . . . . . ]

Textual Amendments	
<b>F1</b>	Pt. VA substituted (13.3.1999) by S.I. 1999/369, <b>reg.2</b>
<b>F2</b>	S. 105C: word in heading substituted (26.4.2007) by <a href="#">The Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062)</a> , <b>reg. 4(7)</b> (with reg. 7)
<b>F3</b>	Words in s. 105C(1)(a) inserted (5.3.2015) by <a href="#">Infrastructure Act 2015 (c. 7)</a> , s. 57(1), <b>Sch. 1 para. 32(2)(a)</b> ; S.I. 2015/481, reg. 2(a)
<b>F4</b>	Words in s. 105C(1)-(6) substituted (26.4.2007) by <a href="#">The Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062)</a> , <b>reg. 4(2)</b> (with reg. 7)
<b>F5</b>	Words in s. 105C(1)-(6) substituted (26.4.2007) by <a href="#">The Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062)</a> , <b>reg. 4(2)</b> (with reg. 7)
<b>F6</b>	Words in s. 105C(1)(b) inserted (5.3.2015) by <a href="#">Infrastructure Act 2015 (c. 7)</a> , s. 57(1), <b>Sch. 1 para. 32(2)(b)</b> ; S.I. 2015/481, reg. 2(a)
<b>F7</b>	Words in s. 105C(2) inserted (5.3.2015) by <a href="#">Infrastructure Act 2015 (c. 7)</a> , s. 57(1), <b>Sch. 1 para. 32(3)(a)</b> ; S.I. 2015/481, reg. 2(a)

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- F8** Words in s. 105C(2)(a) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 32(3)(b)**; S.I. 2015/481, reg. 2(a)
- F9** Words in s. 105C(2)(b) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 32(3)(c)**; S.I. 2015/481, reg. 2(a)
- F10** S. 105C(2)(c) substituted (26.4.2007) by The Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), **reg. 4(3)** (with reg. 7)
- F11** Words in s. 105C(2)(c) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 32(3)(c)**; S.I. 2015/481, reg. 2(a)
- F12** Words in s. 105C(4) substituted (26.4.2007) by The Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), **reg. 4(4)(a)** (with reg. 7)
- F13** Words in s. 105C(4) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 32(4)(a)**; S.I. 2015/481, reg. 2(a)
- F14** Words in s. 105C(4)(a) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 32(4)(b)**; S.I. 2015/481, reg. 2(a)
- F15** Word in s. 105C(4)(a) omitted (26.4.2007) by virtue of The Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), **reg. 4(4)(b)** (with reg. 7)
- F16** S. 105C(4)(b)(c) substituted (26.4.2007) for s. 105(4)(b) by The Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), **reg. 4(4)(c)** (with reg. 7)
- F17** Words in s. 105C(4)(c) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 32(4)(b)**; S.I. 2015/481, reg. 2(a)
- F18** Words in s. 105C(5) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 32(5)(a)**; S.I. 2015/481, reg. 2(a)
- F19** Words in s. 105C(5) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 32(5)(b)**; S.I. 2015/481, reg. 2(a)
- F20** Words in s. 105C(5)(b) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 32(5)(c)**; S.I. 2015/481, reg. 2(a)
- F21** Words in s. 105C(6) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 32(6)**; S.I. 2015/481, reg. 2(a)
- F22** S. 105C(7) substituted (26.4.2007) by The Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), **reg. 4(5)** (with reg. 7)
- F23** Words in s. 105C(7) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 32(6)**; S.I. 2015/481, reg. 2(a)
- F24** S. 105C(8) omitted (26.4.2007) by virtue of The Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), **reg. 4(6)** (with reg. 7)

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