



Highways Act 1980

1980 CHAPTER 66

[^{F1}PART VA

ENVIRONMENTAL IMPACT ASSESSMENTS

[^{F1} 105B] Procedure

- (1) The Secretary of State^{F2} or a strategic highways company] must ensure that any determination made by him^{F3} or it (as the case may be)] as to whether or not a relevant project should be made subject to an environmental impact assessment in accordance with the Directive is published.
- (2) ^{F4}
- (3) [^{F5}Notice of the] environmental statement must be published 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 the Secretary of State^{F6} or the strategic highways company (as the case may be)] decides whether to proceed with the construction or improvement to which the assessment relates.
[The notice must state—
^{F7}(3A)
 - (a) that the Secretary of State^{F8} or the strategic highways company], 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 the environmental impact assessment procedure required by this Part of this Act and, where relevant, that section 105C applies;
 - (d) 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 (i);
 - (e) the times at which the copy of the environmental statement may be so inspected;
 - (f) 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 (i);

Status: Point in time view as at 30/11/2017. This version of this provision has been superseded.

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- (g) if a charge is to be made for a copy of the environmental statement, the amount of the charge;
 - (h) if the Secretary of State^{F9} or the strategic highways company] uses a website for the publication of information about projects that are subject to the procedure required by this Part of this Act, that a copy of the environmental statement may be inspected on the website during the period specified under paragraph (i);
 - (i) that any person wishing to make any representations about the project and the environmental statement may do so in writing to the Secretary of State^{F10} or the strategic highways company (as the case may be)] at a specified address within a specified period, being not less than 6 weeks from the date of publication of the notice and
 - (j) that the Secretary of State^{F11} or the strategic highways company] will take into consideration any representations so made before deciding whether or not to proceed with the project with or without modifications.
- (3B) The Secretary of State^{F12} or the strategic highways company] shall ensure that during the period specified under subsection (3A) (i)—
- (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 (3A) (d);
 - (b) copies of the environmental statement are available to be obtained by any person from the address specified under subsection (3A) (f); and
 - (c) where under subsection (3A) (h) the notice states the address of a website, that a copy of the environmental statement is available for inspection by any person on that website.
- (3C) A reasonable charge reflecting the costs of printing, copying and distribution may be made by the Secretary of State^{F13} or the strategic highways company] 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.]
- (4) The Secretary of State^{F14} or the strategic highways company] must ensure that the consultation bodies are given an opportunity to express an opinion on the ^{F15} . . . project and the environmental statement before he^{F16} or it] decides whether to proceed with the construction or improvement to which the assessment relates.
- (5) Before deciding whether to proceed with the construction or improvement in relation to which an environmental impact assessment has been made, the Secretary of State^{F17} or the strategic highways company] must take into consideration—
- (a) the environmental statement; ^{F18} . . .
 - ^{F19}(b) any opinion on that statement or the project which is expressed in writing by—
 - (i) any of the consultation bodies; or
 - (ii) any other person;
 and is received by the Secretary of State^{F20} or the strategic highways company (as the case may be)] within any period specified for the purpose by him^{F21} or it]; and
 - (c) where section 105C applies, and the EEA State has indicated in accordance with subsection (4) of that section that it wishes to participate in the procedure

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required by this Part of this Act, any opinion on that statement or the project which is expressed in writing by—

- (i) the EEA State;
- (ii) a member of the public in the EEA State; or
- (iii) an authority having environmental responsibilities designated by the EEA State to be consulted about the project under Article 6 (1) of the Directive;

and is received by the Secretary of State^[F22] or the strategic highways company (as the case may be)] within any period specified for the purpose by him^[F23] or it].]

^{F24}(5A) [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 Secretary of State^[F25] or the strategic highways company] 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 Secretary of State^[F25] or the strategic highways company] shall, so far as it is practicable to do so, take the steps required of him^[F26] or it] by this Part of this Act concurrently with the corresponding steps required of him^[F26] or it] by Schedule 1 to this Act or, as the case may be, the Acquisition of Land Act 1981 ^{M1} in connection with the making of the related instruments.]

(6) When the Secretary of State^[F27] or the strategic highways company (as the case may be)] has decided whether to proceed with the construction or improvement for which an environmental impact assessment has been made, he^[F28] or it] must publish his^[F29] or its] decision together with a statement confirming that he^[F28] or it] has complied with subsection (5) ^[F30], and describing the right under section 105D (1) to challenge the validity of the decision,] and must make available to the public documents containing—

- (a) the content of the decision and any conditions attached thereto;
- (b) the main reasons and considerations on which the decision is based; ^{F31} . . .
- (c) where his^[F29] or its] decision is to proceed with the construction or improvement, a description of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the project. ^[F32]and]

^{F33}(d) [information about the consultation carried out in compliance with this section and section 105C, the representations received on consultation, and any changes made as a result of those representations.]

(7) Publication by the Secretary of State^[F34] or the strategic highways company] in accordance with subsections (1), (3) and (6) ^[F35] shall 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) if the Secretary of State^[F34] or the strategic highways company] uses a website for the publication of information about projects that are subject to the procedure required by this Part of this Act, on that website.]

^[F36](8) In this section “ the consultation bodies ” means—

- (a) any principal council as defined in subsection (1) of section 270 of the Local Government Act 1972 ^{M2} for the area where the land is situated;

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- (b) where the land is situated in England—
- (i) English Heritage^{F37}, the Environment Agency] and Natural England; and
 - (ii) the Countryside Council for Wales and the National Assembly for Wales where, in the opinion of the Secretary of State, the land is sufficiently near to Wales to be of interest to them;
- (c) where the land is situated in Wales—
- (i) ^{F38}the Natural Resources Body for Wales]; and
 - (ii) any organisation referred to in paragraph (b) (i) where, in the opinion of the National Assembly for Wales, the land is sufficiently near to England to be of interest to the organisation;^{F39} and]
- ^{F40}(d)
- (e) any other public authority which has environmental responsibilities and which the Secretary of State^{F41}, the strategic highways company] or the National Assembly for Wales considers to be likely to have an interest in the project.]]

Textual Amendments

- F1** Pt. VA substituted (13.3.1999) by S.I. 1999/369, **reg.2**
- F2** Words in s. 105B(1) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(2)(a)**; S.I. 2015/481, reg. 2(a)
- F3** Words in s. 105B(1) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(2)(b)**; S.I. 2015/481, reg. 2(a)
- F4** S. 105B(2) omitted (26.4.2007) by virtue of The Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), **reg. 3(2)** (with reg. 7)
- F5** Words in s. 105B(3) substituted (26.4.2007) by The Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), **reg. 3(3)** (with reg. 7)
- F6** Words in s. 105B(3) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(3)**; S.I. 2015/481, reg. 2(a)
- F7** S. 105B(3A)-(3C) inserted (26.4.2007) by The Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), **reg. 3(4)** (with reg. 7)
- F8** Words in s. 105B(3A)(a) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(4)(a)**; S.I. 2015/481, reg. 2(a)
- F9** Words in s. 105B(3A)(h) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(4)(a)**; S.I. 2015/481, reg. 2(a)
- F10** Words in s. 105B(3A)(i) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(4)(b)**; S.I. 2015/481, reg. 2(a)
- F11** Words in s. 105B(3A)(j) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(4)(c)**; S.I. 2015/481, reg. 2(a)
- F12** Words in s. 105B(3B) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(5)**; S.I. 2015/481, reg. 2(a)
- F13** Words in s. 105B(3C) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(5)**; S.I. 2015/481, reg. 2(a)
- F14** Words in s. 105B(4) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(6)(a)**; S.I. 2015/481, reg. 2(a)
- F15** Words in s. 105B(4) omitted (26.4.2007) by virtue of The Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), **reg. 3(5)** (with reg. 7)
- F16** Words in s. 105B(4) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(6)(b)**; S.I. 2015/481, reg. 2(a)
- F17** Words in s. 105B(5) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(7)(a)**; S.I. 2015/481, reg. 2(a)

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- F18** Word in s. 105B(5) omitted (26.4.2007) by virtue of The Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), **reg. 3(6)** (with reg. 7)
- F19** S. 105B(5)(b)(c) substituted (26.4.2007) for s. 105B(5)(b) by The Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), **reg. 3(6)** (with reg. 7)
- F20** Words in s. 105B(5)(b) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(7)(b)(i)**; S.I. 2015/481, reg. 2(a)
- F21** Words in s. 105B(5)(b) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(7)(b)(ii)**; S.I. 2015/481, reg. 2(a)
- F22** Words in s. 105B(5)(c) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(7)(b)(i)**; S.I. 2015/481, reg. 2(a)
- F23** Words in s. 105B(5)(c) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(7)(b)(ii)**; S.I. 2015/481, reg. 2(a)
- F24** S. 105B(5A) inserted (26.4.2007) by The Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), **reg. 3(7)** (with reg. 7)
- F25** Words in s. 105B(5A) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(8)(a)**; S.I. 2015/481, reg. 2(a)
- F26** Words in s. 105B(5A) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(8)(b)**; S.I. 2015/481, reg. 2(a)
- F27** Words in s. 105B(6) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(9)(a)**; S.I. 2015/481, reg. 2(a)
- F28** Words in s. 105B(6) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(9)(b)**; S.I. 2015/481, reg. 2(a)
- F29** Words in s. 105B(6) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(9)(c)**; S.I. 2015/481, reg. 2(a)
- F30** Words in s. 105B(6) inserted (26.4.2007) by The Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), **reg. 3(8)(a)** (with reg. 7)
- F31** Word in s. 105B(6)(b) omitted (26.4.2007) by virtue of The Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), **reg. 3(8)(b)** (with reg. 7)
- F32** Word in s. 105B(6)(c) inserted (26.4.2007) by The Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), **reg. 3(8)(c)** (with reg. 7)
- F33** S. 105B(6)(d) inserted (26.4.2007) by The Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), **reg. 3(8)(d)** (with reg. 7)
- F34** Words in s. 105B(7) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(10)**; S.I. 2015/481, reg. 2(a)
- F35** Words in s. 105B(7) inserted (26.4.2007) by The Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), **reg. 3(9)** (with reg. 7)
- F36** S. 105B(8) substituted (26.4.2007) by The Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), **reg. 3(10)** (with reg. 7)
- F37** Words in s. 105B(8)(b)(i) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 161(2)(a)** (with Sch. 7)
- F38** Words in s. 105B(8)(c)(i) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 161(3)(a)** (with Sch. 7)
- F39** Word in s. 105B(8)(c)(ii) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 161(3)(b)** (with Sch. 7)
- F40** S. 105B(8)(d) omitted (1.4.2013) by virtue of The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 161(4)** (with Sch. 7)
- F41** Words in s. 105B(8)(e) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 31(11)**; S.I. 2015/481, reg. 2(a)

Marginal Citations

- M1** 1981 c. 67. This Act was amended by the Planning and Compulsory Purchase Act 2004 (c. 5).
- M2** 1972 c. 70.

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