
STATUTORY INSTRUMENTS

1994 No. 1002

HIGHWAYS, ENGLAND AND WALES

**The Highways (Assessment of
Environmental Effects) Regulations 1994**

<i>Made</i>	- - - -	<i>30th March 1994</i>
<i>Laid before Parliament</i>		<i>12th April 1994</i>
<i>Coming into force</i>	- -	<i>11th May 1994</i>

The Secretary of State for Transport as respects England and the Secretary of State for Wales as respects Wales, being Ministers designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to measures relating to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, in exercise of the powers conferred upon them by that section hereby make the following Regulations:

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Citation and Commencement

1. These Regulations may be cited as the Highways (Assessment of Environmental Effects) Regulations 1994 and shall come into force on 11th May 1994.

Amendment of the Highways Act 1980

2. Section 105A of the Highways Act 1980⁽³⁾ shall be amended as follows:—

- (a) in subsection (2), for the words “If he determines” there shall be substituted the words “Where it appears to him”;
- (b) in subsection (2) after the words “a statement” there shall be inserted the following words—

“identifying, describing and assessing in an appropriate manner, in the light of each individual case and in accordance with Articles 4 to 11 of the Directive, the direct and indirect effects of the project on the factors mentioned in Article 3 of the Directive and”
- (c) in subsection (5) the following words shall be added at the end of paragraph (b) “and in his decision he shall state that he has considered the matters set out in paragraph (a)”.

(1) S.I.1988/785.

(2) 1972 c. 68.

(3) 1980 c. 66; section 105A was inserted by the Highways (Assessment of Environmental Effects) Regulations 1988 (S.I. 1988/1241).

Status: This is the original version (as it was originally made).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

Signed by authority of the Secretary of State for Transport

22nd March 1994

Robert Key
Parliamentary Under Secretary of State,
Department of Transport

Signed by authority of the Secretary of State for Wales

30th March 1994

Wyn Roberts
Minister of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend section 105A of the Highways Act 1980, which implements in England and Wales Council Directive [85/337/EEC](#) of the 27th June 1985 (OJNo. L175, 5.7.85, p.40) on the assessment of certain public and private projects on the environment in so far as the Directive affects projects for the construction or improvement of highways for which the Secretaries of State for Transport and for Wales are the highway authorities.

Regulation 2(a) amends subsection (2) to make it clear that the Secretary of State has to make a judgement as to whether a project falls within Annex I of the Directive or within Annex II and is likely to have significant effects on the environment.

Regulation 2(b) amends subsection (2) to make clear that the environmental statement shall identify, describe and assess in an appropriate manner, in the light of each individual case and in accordance with Articles 4 to 11 of the Directive, the direct and indirect effects of the project on the matters set out in Article 3 of the Directive.

Regulation 2(c) requires the Secretary of State, when publishing his decision as to whether or not to initiate the project, to state that he has considered the environmental statement and the opinions that have been expressed on it.