Environmental Impact Assessment (EIA) is a process that aims to improve the environmental design of a development proposal and provide decision-makers with sufficient information about the environmental effects of implementing a project. Development consent for projects that are likely to have significant effects on the environment should be granted only after an assessment of the likely significant environmental effects of those projects has been carried out.

An Environmental Statement (ES) sets out the results of the EIA process. The ES is submitted with an application for planning permission and provides environmental information about the scheme, including a description of the development, its predicted environmental impacts and the measures proposed to ameliorate any adverse effects.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the EIA Regulations) specifies those forms of development that always require EIA (Schedule I). Projects of other types may not have significant effects on the environment in every case. The EIA Regulations list categories of development and thresholds where EIA is required when significant effects are considered to be likely (Schedule 2).
DCLG has published a web-based resource to bring together planning practice guidance for England in an accessible and usable way.

The PPG includes an Environmental Impact Assessment category that provides guidance to assist practitioners. Ultimately the interpretation of legislation is for the Courts but this guidance is an indication of the Secretary of State’s views. The department seeks to ensure that the guidance is in plain English and easily understandable. See:

The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.

The regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.

The aim of Environmental Impact Assessment is also to ensure that the public are given early and effective opportunities to participate in the decision making procedures.

Environmental Impact Assessment should not be a barrier to growth and will only apply to a small proportion of projects considered within the town and country planning regime. Local planning authorities have a well established general responsibility to consider the environmental implications of developments which are subject to planning control.

The 2011 Regulations integrate Environmental Impact Assessment procedures into this framework and should only apply to those projects which are likely to have significant effects on the environment.

Local planning authorities and developers should carefully consider if a project should be subject to an Environmental Impact Assessment. If required, they should limit the scope of assessment to those aspects of the environment that are likely to be significantly affected.
What legislation covers Environmental Impact Assessment?

The process of Environmental Impact Assessment is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended. These regulations apply the EU directive “on the assessment of the effects of certain public and private projects on the environment” (usually referred to as the Environmental Impact Assessment Directive) to the planning system in England.

The regulations only apply to certain types of development and/or projects. They can even apply to ‘permitted development’ which is development for which you do not need to get planning permission. They do not apply to development consented under other regimes which are subject to separate Environmental Impact Assessment regulations.

EIA Directive (2014/52/EU)


It remains to be seen how the Government seeks to implement some of the changes. For example, the Directive provides a 90-day period for the authority to provide a screening opinion. However, in drafting the revised EIA Regulations, the Government could choose to retain the present 21-day period, as presumably this would meet the objective of the Directive.
Permitted development

The EIA Regulations amend the General Permitted Development Order to provide that Schedule 1 or 2 projects are not permitted development, unless the LPA has adopted a screening opinion that a proposal is not EIA development. However, the majority of permitted development is of a minor nature and so EIA is generally unlikely to be required.


Special rules apply to permitted development rights where they relate to development specified in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. If the proposed development would fall into Schedule 1 or 2 of the Environmental Impact Assessment Regulations, it would only be permitted where a local planning authority has issued a screening opinion determining that the development is not environmental impact assessment development, or where the Secretary of State has directed that it is not environmental impact assessment development, or that the development is exempt from the Environmental Impact Assessment Regulations. There are some specific exceptions to this general rule. Article 3(10) to (12) of the General Permitted Development Order provides more detail on this.
There are five broad stages to the EIA process:

**Screening**
Determining whether a proposed project falls within the remit of the Regulations, whether it is likely to have a significant effect on the environment and therefore requires an assessment.

**Scoping**
Determining the extent of issues to be considered in the assessment and reported in the Environmental Statement. The applicant can ask the local planning authority for their opinion on what information needs to be included (which is called a ‘scoping opinion’).

**Preparing an Environmental Statement**
Where it is decided that an assessment is required, the applicant must compile the information reasonably required to assess the likely significant environmental effects of the development. To help the applicant, public authorities must make available any relevant environmental information in their possession. The information finally compiled by the applicant is known as an Environmental Statement.

**Making a planning application and consultation**
The Environmental Statement (and the application for development to which it relates) must be publicised. The statutory ‘Consultation Bodies’ and the public must be given an opportunity to give their views about the proposed development and the Environmental Statement.

**Decision making**
The Environmental Statement, together with any other information which is relevant to the decision, comments and representations made on it, must be taken into account by the local planning authority and/or the Secretary of State in deciding whether or not to give consent for the development. The public must be informed of the decision and the main reasons for it.
When is EIA required?

- does the proposal require consent / planning permission?
- some types of project always require EIA
- for others, it only applies when the proposals are above specified thresholds AND there are likely to be significant effects on the environment
- it also applies to changes or extensions to existing developments
- identifying which of these may apply is known as Screening

Paragraph: 017 Reference ID: 4-017-20140306

When is Environmental Impact Assessment required?

‘Screening’ is a procedure used to determine whether a proposed project is likely to have significant effects on the environment. It should normally take place at an early stage in the design of the project. However, it can also occur after a planning application has been made or even after an appeal has been made.

The local planning authority (or the Secretary of State in the case of an appeal) should determine whether the project is of a type listed in Schedule 1 or Schedule 2 of the Regulations:

if it is listed in Schedule 1 an assessment is required in every case;
if the project is listed in Schedule 2, the local planning authority should consider whether it is likely to have significant effects on the environment.

If a proposed project is listed in the first column in Schedule 2 and exceeds the relevant thresholds or criteria set out in the second column (sometimes referred to as ‘exclusion thresholds and criteria’) the proposal needs to be screened by the local planning authority to determine whether significant effects are likely and hence whether an assessment is required. Projects listed in Schedule 2 which are located in, or partly in, a sensitive area also need to be screened, even if they are below the thresholds or do not meet the criteria.

Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area may not be Schedule 2 development. Such projects do not usually require further screening or Environmental Impact Assessment.
When is EIA required?

EIA Screening – the opinion of the consenting authority. Either in response to a screening request by the applicant, or when a planning application is received

EIA Regulations Schedule 1 projects – major infrastructure development for which EIA is always required

Schedule 2 projects – broad categories with criteria/thresholds. Relevant proposals must be screened, but EIA is only required where significant environmental effects are likely (criteria in Schedule 3)

Any proposal located within or partly in a sensitive area (SSSI, SPA, SAC, AONB) must be screened for the need for EIA – the thresholds do not apply here

Outline planning consents and subsequent applications for reserved matters

Demolition also requires screening

If EIA is required, no permitted development rights

PPG Paragraph 030
ID: 4-030-20140306
SCHEDULE 3 Selection criteria for screening Schedule 2 development

Characteristics of development
1. The characteristics of development must be considered having regard, in particular, to—
   (a) the size of the development;
   (b) the cumulation with other development;
   (c) the use of natural resources;
   (d) the production of waste;
   (e) pollution and nuisances;
   (f) the risk of accidents, having regard in particular to substances or technologies used.

Location of development
2. The environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard, in particular, to—
   (a) the existing land use;
   (b) the relative abundance, quality and regenerative capacity of natural resources in the area;
   (c) the absorption capacity of the natural environment, paying particular attention to the following areas—
      (i) wetlands;
      (ii) coastal zones;
      (iii) mountain and forest areas;
      (iv) nature reserves and parks;
      (vi) areas in which the environmental quality standards laid down in EU legislation have already been exceeded;
      (vii) densely populated areas;
      (viii) landscapes of historical, cultural or archaeological significance.

Characteristics of the potential impact
3. The potential significant effects of development must be considered in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to—
   (a) the extent of the impact (geographical area and size of the affected population);
   (b) the transfrontier nature of the impact;
   (c) the magnitude and complexity of the impact;
   (d) the probability of the impact;
   (e) the duration, frequency and reversibility of the impact.
What is the procedure for dealing with relevant projects that are below the screening thresholds introduced by the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015?

As of 6 April 2015, new regulations come into force. They raise the screening thresholds for industrial estate development and urban development projects as set out in the Annex. Projects which are wholly outside of sensitive areas and do not exceed the new screening thresholds are not Schedule 2 development and should not be screened by the local planning authority.

There will be projects which do not exceed the new thresholds but which were determined to be environmental impact assessment development before the 2015 Regulations came into force. The implications for environmental impact assessment are as follows.

Where the local planning authority has, prior to 6 April 2015, screened a project which does not exceed the relevant new threshold and determined that it is environmental impact assessment development, it continues as such. It remains, as usual, open to the applicant to request that the Secretary of State issues a screening direction to determine whether a development is likely to have significant effects on the environment.

Subsequent applications in relation to development which was determined to be environmental impact assessment development prior to 6 April 2015 but which is below the new thresholds should continue to be treated as environmental impact assessment development. The local planning authority should consider whether the environmental information is adequate to assess the environmental effects of the development, and if so, take that information into consideration in the decision on the application in accordance with regulation 8. If the environmental information is not adequate to assess the environmental effects of the development, the necessary information should be sought from the developer in accordance with regulation 22(1).

Subsequent applications made after 6 April 2015 in respect of development which has never been determined to be Environmental Impact Assessment development should be treated in line with the new thresholds.
Sensitive areas

Sites of Special Scientific Interest (SSSI)

Special Protection Areas, Special Areas of Conservation, RAMSAR sites

A National Park or the Broads

A property on the World Heritage List

A Scheduled Monument

An Area of Outstanding Natural Beauty (AONB)

Paragraph: 032 Reference ID: 4-032-20140306

Sensitive areas

The more environmentally sensitive the location, the more likely it is that the effects will be significant and will require an assessment. Certain designated sites are defined in regulation 2(1) as sensitive areas and the thresholds and criteria in the second column of the table in Schedule 2 are not applied. All developments in, or partly in, such areas should be screened. These are: Sites of Special Scientific Interest and European sites; National Parks, the Broads and Areas of Outstanding Natural Beauty; and World Heritage Sites and scheduled monuments.

An assessment is more likely to be required if the project affects the features for which the sensitive area was designated. However, it does not follow that every Schedule 2 development in (or affecting) these areas will automatically require an assessment. It will be necessary to judge whether the likely effects on the environment of that particular development will be significant in that particular location. Local planning authorities are advised to consult the consultation bodies in cases where there is a doubt about the significance of a development’s likely effects on a sensitive area.

Special considerations apply to Sites of Special Scientific Interest, especially those which are also European sites. In practice, the likely environmental effects of Schedule 2 development will often be such as to require an Environmental Impact Assessment if it is to be located in or close to sensitive sites. It may also be necessary to undertake an appropriate assessment under the Conservation of Habitats and Species Regulations 2010 if the proposed development is likely to have a significant effect on a European site. If a local planning authority or applicant is uncertain about the significance of a proposed development’s likely effects on a Site of Special Scientific Interest or European site it should consult Natural England.

In certain cases, local designations which are not included in the definition of “sensitive areas”, but which are nonetheless environmentally sensitive, may also be relevant in determining whether an assessment is required.

In considering the sensitivity of a particular location, regard should also be had to whether any national or internationally agreed environmental standards (e.g. air quality) are already being approached or exceeded.
Case study

The Enviroparks energy and resource recovery park at Hirwaun in South Wales will employ a sequence of advanced energy and resource recovery technologies to recover every fraction of value from the waste stream.

Part of the 9 hectare site is within the Brecon Beacons National Park area, although it is brownfield land that once formed part of a munitions complex. The Penderyn water reservoir, adjacent to the north of the site, supplies drinking water to the locality. Blaen Cynon SAC is located close to the east of the site. This SAC is considered to be one of the best areas in the United Kingdom for marsh fritillary.

These processes will provide sufficient fuel for 20MW of electricity generation capacity, with surplus heat supplied to adjacent high energy users on the site. The waste stream will be reduced to less than 5% of its original volume.

Enviroparks is committed to a high standard of architecture and landscape design, and there will be a visitor centre on the site.

Savills acted as planning consultant and coordinated the environmental impact assessment for the project. Key aspects were the studies to demonstrate that the facility can be operated without adverse effects on reservoir water quality, and without detriment to sensitive ecological receptors (SAC vegetation).

Planning permission was secured in December 2010. Development is now well advanced with Savills being retained to discharge planning conditions.
What is the procedure for deciding whether a Schedule 2 project is likely to have significant effects?

When screening Schedule 2 projects, the local planning authority must take account of the selection criteria in Schedule 3 of the Regulations. Not all of the criteria will be relevant in every case. Each case should be considered on its own merits in a balanced way and authorities should retain the evidence to justify their decision. Only a very small proportion of Schedule 2 development will require an assessment. While it is not possible to formulate criteria or thresholds which will provide a universal test of whether or not an assessment is required, it is possible to offer a broad indication of the type or scale of development which is likely to require an assessment. It is also possible to provide an indication of the sort of development for which an assessment is unlikely to be necessary. To aid local planning authorities to determine whether a project is likely to have significant environmental effects, a set of indicative thresholds and criteria have been produced. To view the indicative thresholds and criteria click here. The table also gives an indication of the types of impact that are most likely to be significant for particular types of development.

However, it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits.
EIA Regs - screening directions of the Secretary of State

6.—(1) A person who pursuant to regulation 5(7) requests the Secretary of State to make a screening direction shall submit with the request—
   (a) a copy of the request to the relevant planning authority under regulation 5(1) and the documents which accompanied it;
   (b) a copy of any notification received under regulation 5(4) and of any response sent;
   (c) a copy of any screening opinion received from the authority and of any accompanying statement of reasons; and
   (d) any representations that the person wishes to make.

(2) A person making a request pursuant to regulation 5(7) shall send to the relevant planning authority a copy of that request and of any representations that person makes to the Secretary of State.

(3) If the Secretary of State considers that sufficient information to make a screening direction has not been provided, the Secretary of State shall give notice in writing to the person making the request pursuant to regulation 5(7) of the points on which additional information is required, and may request the relevant planning authority to provide such information as they can on any of those points.

(4) The Secretary of State shall make a screening direction within 3 weeks beginning with the date of receipt of a request pursuant to regulation 5(7) or such longer period as may be reasonably required.

(5) The Secretary of State shall send a copy of any screening direction made pursuant to paragraph (4) to the person who made the request.
The EIA Regs

Regulation 5.(3) enables a developer to request the screening opinion of an LPA prior to making an application seeking the approval of details or matters required by condition. It is not specified in the Regulations, but it may be assumed that this provision relates to subsequent applications to consents for non-EIA development.

Regulation 8.(1) applies to a subsequent application in relation to EIA development that was accompanied by an ES, if the application includes elements that were not included when screening the original application. It is also feasible that the original application had not been screened for EIA: for example, if the developer elected to provide an ES voluntarily – this situation is covered within 8.(1)(b).

Regulation 8.(2) requires the LPA to consider whether the environmental information already provided is adequate for them to understand the effects of the detailed development proposed. If it does not, then the LPA must seek further information, in accordance with the procedure set out in 22.(1).

Regulation 8 is aimed at the LPA, requiring it to examine subsequent applications to EIA development consents and ensure that the details submitted fall within the parameters assessed and considered at time of the original planning decision. The LPA is able to request further information where this is not the case.

Changes to Schedule 2 development already authorised are addressed in the last part of the table in Schedule 2, at 13(b). Bear in mind that it is possible that the original development may have been screened as non-EIA. An application proposing a change or extension must be screened to ascertain whether it is EIA development if it meets or exceeds the criteria set out in Column 2 of Schedule 2, 13(b). Assuming that the proposal is not in a sensitive area, these are:

(i) the development as changed or extended may have significant effects; or
(ii) the change or extension meets or exceeds the threshold or criteria specified in Column 2 of the table.

The Regulation is not clear why these two different approaches are necessary, but it makes more sense if you think about (i) being applicable in the situation where the original development was deemed to be non-EIA, and (ii) relating to subsequent changes to EIA development.
The EIA process (2)

Source: IEMA 2011
Planning authorities exercise their function with the objective of contributing to the achievement of sustainable development. Sustainable development incorporates social, economic and environmental criteria.

With sustainability at the core of planning, Environmental Impact Assessment (EIA) has an important role to play in the early identification of key issues to be addressed. EIA provides a means of systematically incorporating environmental considerations into the planning process, with the objective of minimising potential adverse effects of a development proposal.

The examination of environmental effects can result in a proposal that is more acceptable to the local community, statutory consultees and the decision makers as the designers are able to take account of expert opinion and local knowledge within scheme options.

Conducted at an early stage in the process, scoping is designed to ensure that the environmental studies provide all the relevant information on the potential significant impacts of the project, the alternatives and other matters considered to be relevant.

The findings of this exercise define the terms of reference for the environmental studies to be undertaken by the project team and the ‘scope’ of the environmental information to be provided to the planning authority with any subsequent planning application.

Good practice advocates early commencement of the EIA process. However, the scope of work remains flexible; it can be amended should new issues or information arise during the project.
Paragraph: 036 Reference ID: 4-036-20140306

**Does an applicant have to obtain a formal opinion from the local planning authority on the scope of an Environmental Statement?**

An applicant is not required to consult anyone about the information to be included in an Environmental Statement. However, they may ask the local planning authority for its formal opinion on the information to be supplied in the Environmental Statement (a “scoping opinion”) (regulation 13). This allows the local planning authority to clarify what it considers the main effects of the development are likely to be and, therefore, the aspects on which the applicant’s Environmental Statement should focus. There is no right to seek a formal scoping opinion once a planning application has been submitted.

When making a request for a scoping opinion, the applicant should, as a minimum, provide the local planning authority with a plan indicating the proposed location of the development, a brief description of the nature and purpose of the proposal and its possible environmental effects, giving a broad indication of their likely scale (regulation 13(2)). This is the same information required for a screening opinion and both requests may be made at the same time. A local planning authority can request additional information if it considers it necessary (regulation 13(3)).

The local planning authority must consult the consultation bodies and the applicant before providing a scoping opinion (regulation 13(4)). It should provide its opinion within five weeks (or longer period if agreed in writing with applicant) of receiving a request. The opinion should be proportionate – tailored to the specific characteristics of the development and the main environmental features likely to be significantly affected.

**Regulation 23** sets out the requirements for making the scoping request and opinion available to the public.
Scoping procedure

Statutory consultees must be consulted by the LPA
The LPA can request further information
A five week deadline to provide an opinion
The LPA should not formally adopt the opinion until they have consulted the applicant
What if there is difference of opinion?
An ES does not have to contain every last detail of information
The benefits of effective scoping

Scoping should streamline the process
  • ensure assessment proposals and stakeholder expectations are proportionate
  • reveal information from consultees to tailor the assessment
  • enhance trust in the client/project team
  • build relations with stakeholders
  • manage the potential for delays or objections
  • improve the quality of Environmental Statement
The EIA process (3)

Source: IEA 2011
What information should the Environmental Statement contain?

There is no statutory provision as to the form of an Environmental Statement. However, it must contain the information specified in Part II of Schedule 4, and such of the relevant information in Part I of the Schedule 4 as is reasonably required to assess the effects of the project and which the applicant can reasonably be required to compile. It may consist of one or more documents, but it must constitute a “single and accessible compilation of the relevant environmental information and the summary in non-technical language” (Berkeley v SSETR [2000] 3 All ER 897, 908).

The applicant does not need to consult anyone about the information to be included in an Environmental Statement. However, local planning authorities will often possess useful local and specialised information and may be able to give preliminary advice on those aspects of the proposal that are likely to be of particular concern to them. It may also be helpful to an applicant preparing an Environmental Statement to obtain relevant environmental information from the statutory consultation bodies (regulation 15), and also to consult any appropriate non-statutory bodies that also have relevant information.

Whilst every Environmental Statement should provide a full factual description of the development, the emphasis of Schedule 4 is on the “main” or “significant” environmental effects to which a development is likely to give rise. The Environmental Statement should be proportionate and not be any longer than is necessary to assess properly those effects. *Where, for example, only one environmental factor is likely to be significantly affected, the assessment should focus on that issue only. Impacts which have little or no significance for the particular development in question will need only very brief treatment to indicate that their possible relevance has been considered.*

Where alternative approaches to development have been considered, the Environmental Statement should include an outline of the main alternatives studied and the main reasons for the choice made, taking into account the environmental effects.

The Environmental Statement may, of necessity, contain complex scientific data and analysis in a form which is not readily understandable by the lay person. The main findings must be set out in accessible plain English in a non technical summary to ensure that the findings can more readily be disseminated to the general public, and that the conclusions can be easily understood by non-experts as well as decision makers (paragraph five of Part II of Schedule 4).
The EIA – how is it managed?

The EIA coordinator, the client, a project team, the scheme designer
What information is in hand / what needs to be acquired / seasonal constraints
EIA briefing note, based on the Scoping exercise. Set out the structure of assessment:
  • ensure the team is guided towards the preparation of a coherent document
  • define the assessment parameters – the 'Rochdale envelope'
  • off-site works / improvements
  • provide assessment chapter templates
Circulate ES introduction chapters at an early stage
Tabulate key responses from the Scoping Opinion
Project programme and deliverables

Quality checks for the EIA coordinator
• have the specialist consultants attended a project briefing meeting?
• is the development site area defined?
• have the specialist consultants been instructed to work according to the results of the scoping exercise and with regard to specific good practice guidance?
• ensure that the assessment team is updated with any necessary changes to the scheme being assessed
• have the specialist consultants been provided with the ES chapter structure and template?
• programme of work established and dates for draft reports/chapters advised to project team?
• have the mitigation measures proposed in the ES been discussed and agreed with the client?
• where ES chapters/topics are clearly inter-related, have the relevant specialist consultants cross-checked each others conclusions and mitigation measures for consistency?
Guidance for assessments

Institute of Environmental Management and Assessment
Guidance on Transport Assessment (DTF)
The Design Manual for Roads and Bridges (Highways Agency)
Environment Agency
Heritage
Institute of Ecology and Environmental Management
Landscape Institute
Institute of Acoustics
Institute of Air Quality Management
Parameter plans

The EIA parameters plans along with a schedule of development need to define the development ‘envelope’ and assumptions that are subject to environmental assessment.

ATLAS, the advisory service for large applications provides a helpful explanation of the issues related to parameter plans:

A key question, especially for large planning applications and developments subject to EIA, is how much information is required about the proposal and how should this detail be treated in the planning application process. Due to their scale, complexity and likely long timescale for development, many applications subject to EIA are for outline planning permission. The ‘Rochdale’ case law is widely quoted and continues to represent the proper approach at outline stage. Outline applications with only illustrative details of the development are unlikely to comply with the EIA Regulations. A clear link must be drawn between the consent and information supplied. Overall, where a project is subject to EIA, it is the parameters of the proposal assessed in the Environmental Statement that should drive the content and detail of the application, rather than the type of application. In practical terms, ATLAS considers that this is likely to include a Schedule of Development and/or series of Parameter Plans which describe the type and location of land use; quantum/density of development; range of building heights; key access and movement routes; and open spaces. This information should not be illustrative or indicative and should inform and be demonstrated in the overall Masterplan for the proposal. It should be noted that the above approach does not preclude the proposal from having a degree of flexibility in how it is ultimately developed. However, each option or variation from the scheme assessed in the ES will need to also have been properly assessed in terms of its likely significant environmental effects and be within the remit of the relevant planning permission. (ATLAS Topic Zone T.5.4)

http://www.atlasplanning.com/page/topic/index.cfm?coArticleTopic_articleId=30&coSiteNavigation_articleId=30
Receptors are those aspects of the environment sensitive to changes in baseline conditions. The sensitivity of a particular receptor depends upon the extent to which it is susceptible to such changes.

Impact magnitude is determined by predicting the scale of any potential change in the baseline conditions. Where possible, magnitude is quantified; however where this is not possible a fully defined qualitative assessment is undertaken. The assessment of magnitude is carried out taking account of any inherent design mitigation in the proposal that forms part of the development description.

**Significance Definition**

**Substantial**
These effects represent key factors in the decision-making process. They are generally, but not exclusively associated with sites and features of national importance and resources/features which are unique and which, if lost, cannot be replaced or relocated.

**Major**
These effects are likely to be important considerations at a regional or district scale but, if adverse, are potential concerns to the project, depending upon the relative importance attached to the issue during the decision making process.

**Moderate**
These effects, if adverse, while important at a local scale, are not likely to be key decision making issues. Nevertheless, the cumulative effect of such issues may lead to an increase in the overall effects on a particular area or on a particular resource.

**Minor**
These effects may be raised as local issues but are unlikely to be of importance in the decision making process. Nevertheless, they are of relevance in the detailed design of the project.

**Neutral**
Effects which are beneath levels of perception, within normal bounds of variation or within the margin of forecasting error.
...‘is significant in terms of the EIA Regulations’

The EIA Regs do not specify what is or is not significant.

It is essential for the assessor to define which of the effects are significant/not significant, and this needs to be related to the matrix used to identify the level of impact, i.e., effects rated as Moderate or greater are regarded as significant, less than this they are not significant.

Each contributor needs to consider what is appropriate for the scheme and the receptors.
Mitigation and residual effects

Specify the additional measures proposed to avoid/reduce/enhance effects - tends to be more detailed and is not shown by the EIA parameter plans

Mitigation measures and any enhancement proposed should be agreed with the client / EIA team - is there potential to affect the outcome of other assessment topics?

Include brief details on mechanisms by which the mitigation will be delivered and the level of confidence that the desired outcome will be achieved

Residual effects identify the significance of positive or negative effects that will remain following the implementation of proposed mitigation and enhancement measures

Where applicable, specify the extent to which cumulative effects are likely, what has been assessed and the findings summarised
Cleaner sea for Sussex: provision of advanced wastewater treatment in a sensitive environment

The challenge of this project was to find suitable sites and deliver the consents necessary to provide the Brighton and Hove catchment with a state-of-the-art wastewater treatment works.

The main elements of the project are an integrated wastewater treatment works and regional sludge recycling centre with a 1.8 hectare green roof situated near Peacehaven, two remote pumping stations, 11 kilometres of sewer tunnels and a new long sea outfall.

Southern Water’s scheme combines architectural treatment and comprehensive landscaping with the dual objectives of ameliorating the visual effects when viewed from Peacehaven to the south or the Downs to the north. Furthermore, the site of the treatment works presented the opportunity to provide a more attractive landscape transition between town and country, including a new public park for Peacehaven.

Maintaining the view over the cliff top and towards the sea was also a key design aim for the two new pumping stations located by the A259 coastal road. This was achieved by setting the new facilities within excavations and providing a high quality architecture for the elements visible in the public realm.
The application

Check the LPAs advertisement of the EIA application to ensure it is correct.

Include cost of ES purchase by the public, preferably CD for ES purchase – do not forget to advise the case officer, this information is needed for the LPAs advert

Determination period is 16 weeks

Application is then dealt with like any other, however it is important to understand the context in which any new environmental information is supplied...

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NOTICE UNDER ARTICLE 15(3) OR ARTICLE 16 OF APPLICATION FOR PLANNING PERMISSION ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT

(to be published in a newspaper and displayed by site display on or near the site)

Proposed development at (a) ...........................................................

I give notice that (b) ................................................................. is applying to the (c) ................................................................. Council for planning permission to (d) ...........................................................

and that the application is accompanied by an environmental statement.

The proposed development does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated.*

The proposed development to which the application relates is situated within 10 metres of relevant railway land*

Members of the public may inspect copies of

- the application
- the plans
- the environmental statement
- and other documents submitted with the application

at (e) ...........................................................

during all reasonable hours until (f) ...........................................................

Members of the public may obtain copies of the environmental statement from (g) ...........................................................
at a charge of (h) ...........................................................

Anyone who wishes to make representations about this application should write to the Council at (i) ...........................................................

by (f) ...........................................................

Signed..................................................................................................................... (Council’s authorised officer)

On behalf of ............................................................................................................ Council

Date ..........................................................................................................................

* delete where inappropriate

Insert:
(a) address or location of the proposed development
(b) applicant’s name
(c) name of the Council
(d) description of the proposed development
(e) address at which the application may be inspected
(f) date giving a period of 21 days, beginning with the date when the notice is first displayed where visible or accessible on or near the site, or a period of 14 days, beginning with the date when the notice is published in a newspaper (as the case may be)
(g) address from where copies of the environmental statement may be obtained (whether or not the same as (e))
(h) amount of charge, if any
(i) address of the Council
How is information classified when it is provided as clarification of information already submitted in the ES? It is normal for planning officers and consultees to ask questions, or raise queries on aspects of a project during consideration of a planning application. Is additional environmental information provided voluntarily by the applicant in answer to consultation responses regarded as substantive information relating to the ES?

This question was addressed clearly in R (Mr William Corbett) v Cornwall Council [2013] EWHC 3958. As part of a claim for judicial review of a decision by Cornwall Council, the Claimant contended that information received by the Council, such as correspondence between the applicant and third parties, studies provided to address particular concerns raised by advisors to the Council, and information generated by the Council itself, must be subject of a notice published in a local newspaper.

In this case the judgement of the Court found that, “any other information” as defined in the EIA Regulations, does not include comments or responses made by the applicant in response to representations made by third parties or Council officers, nor does it include documents submitted by third parties or those generated by the Council.

There is an obligation on the Council to provide access to such information to the public upon request (Environmental Information Regulations 2004), but under the EIA Regulations there is no requirement for an additional public notice to advertise its availability after the publication of the original notice.
Regulation 8 is aimed at the LPA, requiring it to examine subsequent applications to EIA development consents and ensure that the details submitted fall within the parameters assessed and considered at time of the original planning decision. The LPA is able to request further information where this is not the case.

Changes to Schedule 2 development already authorised are addressed in the last part of the table in Schedule 2, at 13(b). Bear in mind that it is possible that the original development may have been screened as non-EIA. An application proposing a change or extension must be screened to ascertain whether it is EIA development if it meets or exceeds the criteria set out in Column 2 of Schedule 2, 13(b).

Assuming that the proposal is not in a sensitive area, these are:
(i) the development as changed or extended may have significant effects; or
(ii) the change or extension meets or exceeds the threshold or criteria specified in Column 2 of the table.

The Regulation is not clear why these two different approaches are necessary, but it makes more sense if you think about (i) being applicable in the situation where the original development was deemed to be non-EIA, and (ii) relating to subsequent changes to EIA development.
IEMA EIA Guide to Shaping Quality Development (November 2015)

This guide suggests a narrative-led method to Environmental Statements whereby the process of environmentally-informed design and the inclusion of mitigation as part of the design process are clearly described in the ES.

This has the benefit of

• removing the ‘potential’ effects which have been designed out;
• providing a more proportionate ES;
• setting out a clear rationale for the final design of the development;
• reducing the complexity of assessment chapters;
• providing clarity for the reader;
• improving the quality of the assessment.
IEMA EIA Quality Mark

Institute of Environmental Management and Assessment (IEMA) is the UK’s leading professional body in EIA

IEMA operates the EIA Quality Mark and undertakes an independent annual review of an organisation's compliance.

The EIA Quality Mark is based around a set of commitments to effective practice which registrants agree to comply with.