Large road infrastructure schemes are evolved to meet planning and environmental requirements, but this is usually in the context of funding drawdown requirements relating to an “outline business case” leading to a “detailed business case” which are each supported by a proportionate level of technical design work. This Article will explore the issue of when Screening for Schedule 2 developments should occur in the context of an evolving design and technical framework for such road schemes.

Schedule 2 Part 9 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 indicates that the carrying out by a highway authority on land within the boundaries of a road, of any works required for the maintenance or improvement of the road should ordinarily constitute “permitted development”. However, Paragraph 55 (2) (b) of the Town and Country Planning Act 1990 confirms that, where such works go beyond maintenance and would have significant adverse effects on the environment planning permission should be required.

Since works that are classified as “permitted development” cannot be controlled through planning conditions then any Screening Request Project Description needs to set out the interventions to deliver physical mitigation during both the construction and operational phases of the development. Most notably, this includes the Construction and Environmental Management Plan (CEMP), which needs to show it will provide physical mitigation during all planned work phases to offset the potential adverse effects of the scheme. The ES Regulations encourage mitigation measures that will be relied on to be confirmed in this manner.

Spawforths are leading a team of environmental and design experts to prepare an Environmental Assessment Screening Request for a Schedule 2 Development for Road Improvements of the A630 Parkway, Rotherham. We established a full “Project Description” for the works which included the scheme components at outline design level. This level of design allowed the team to establish different forms of mitigation to suit the linear corridor nature of the road in terms of geotechnical and structural retaining structures; landscaping; sustainable drainage features; signals and technological upgrades; signage; lighting; and surfacing. Baseline environmental conditions were established in parallel with the evolution of the scheme design.
The key areas that we have had to apply our professional judgement upon to assess whether the scheme has significant environmental effects are:

- Whether the road works were part of a wider set of road improvements works that could have potential cumulative impacts.
- Whether sufficient information was available in terms of changes to traffic composition and speed to draw effective conclusions with regard to noise and vibration.
- Whether the CEMP was fully developed at this stage to allow potential environmental effects to be minimised such that the potential environmental effects are not significant in the absence of being able to condition the subsequent need for a full CEMP to be developed as part of the “detailed business case”.
- Whether the surface water retention and landscape parameters set out within the linear corridor scheme were sufficient to allow conclusions to be drawn in respect of the potential impact of the scheme on off-site ecological assets.

Spawforths worked closely with the team of environmental consultants to address the above issues to ensure that the environmental baseline work was appropriate, and the scheme was evolved sufficiently to allow us to have confidence in reaching conclusions on EIA matters. We were able, using our bespoke Screening template, to draw appropriate conclusions based upon Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 that the development is not likely to have significant environmental effects on the environment and is therefore not considered EIA development.

As such an Environmental Statement is not required and the development is considered to be “permitted development”.

Whilst as Environmental Assessors, we would have preferred to undertake the EIA Screening assessment at the “full business case” stage of the road scheme evolution as further detailed design work would have been undertaken to fully fix all aspects of the road scheme, we recognised the programme and cost constraints that the Client team are under and hence that this was not possible. Through establishing inherent mitigation measures as part of the scheme that were applicable to certain typologies along the road corridor and ensuring that these were embedded both within the scheme and the CEMP, we were able to ensure that any potential environmental effects were not significant such that the development was not EIA development and hence it was appropriate as “permitted development”. Our key lessons from this project are:

- As Environmental Assessors, be involved in the project early in its evolution and work continuously with the environmental and technical team.
- Whilst recognising the cost and programme constraints, ensure that sufficient baseline work is established.
- If detailed and final scheme components cannot be established, then set out typologies for recurring situations which will be parameters as the scheme evolves.

Spawforths, April 2019.