**Undertaking EIA Screening (Town and Country Planning (EIA) Regulations 2017):**
A Consultant and Developer’s Guide to Key Features of the Regulations and their Implementation in Practice

### Screening, a practical overview

Although intended to be more streamlined and focused on likely significant effects, practical experience over the last few months suggests that Screening is becoming much more of a front-loaded process under the 2017 Regulations.

Screening Requests are proving to be more time-consuming (and costly) to prepare, often taking the form of mini-reports. The increased work needs to be reflected at an early stage of a Project if the correct resources are to be put in place. There are also cost-savings to be made where robust Screening ultimately leads to confirmation that a project is not ‘EIA development’ for which an Environmental Statement (ES) is required.

The list of environmental factors to be considered as part of the EIA process includes new topics:

- “Impacts on and resilience to climate change”
- “Vulnerability of the proposed development to major accidents or disasters that are relevant to that development”
- “Population and human health” (previously “human being”)
- “Biodiversity” (previously “fauna and flora”)
- Impacts from waste or use of natural resources, cultural heritage, material assets, landscape, land, soil, water (these are not ‘new’ topics per se)

### As well as new environmental topics and criteria, there is a need for greater consideration to be given to the types and characteristics of potential impacts to be taken into account in screening Schedule 2 development, including greater consideration of mitigation measures designed to avoid or prevent the occurrence of significant environmental effects.

The need for ‘competent experts’ should be considered in the preparation of the relevant technical inputs at all stages of the EIA process (including Screening) and should not be reserved for the production of ES.

**New key features to consider when preparing a Screening Request:**

The following are new and amended considerations only – for full details of the requirements please refer to the Regulations.

- As well as the size, the ‘design’ of the ‘whole development’, must be considered;
- use of natural resources, but also ‘in particular land, soil, water and biodiversity’;
- the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;
- the risks to human health (for example, due to water contamination or air pollution);
- cumulative projects (this is not a new requirement, but one that is often forgotten, and the Regulations are now clear that this includes existing and proposed development);
the relative abundance, availability, quality and regenerative capacity of natural resources in the area (now specifically including soil, land, water and biodiversity) and also ‘its underground’;

when considering the absorption capacity of the natural environment, riparian areas and river mouths are now expressly included, along with coastal zones and the marine environment;

European sites and other areas classified or protected under national legislation, and, areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;

as well as landscapes, ‘sites’ of historical, cultural or archaeological significance are expressly included;

In terms of the types and characteristics of the potential impact regard must be had to the impact of the development on the factors specified in Regulation 4(2);

greater consideration of mitigation and monitoring; and,

the approved land use as well as the existing land use.

Closing a Screening Request:

When closing a Screening Request, providing direction to the relevant body can assist in ensuring that the requirements of the Regulations are met.

In this regard the following prompts (in relation to submissions to Local Planning Authorities) are proving to be useful:

- Request that the person providing the Screening Opinion has the authority to do so, and that they have ‘sufficient expertise’ as defined by Regulation 4(5).
- Request that the Screening Opinion is provided within 3-weeks beginning with the date of receipt of a request, as defined by Regulation 6(6).
- Request that the decision is provided in accordance with Regulation 5(5), which includes requirements to:
  - “state the main reasons for their conclusion with reference to the relevant criteria listed in Schedule 3”;
  - “if it is determined that proposed development is not EIA development, state any features of the proposed development and measures envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment”…
- Provide confirmation that the company issuing the Request (and/or any contributing consultants) holds the IEMA Quality Mark for EIA.

Turley, April 2018.