EIA Quality Mark Article

### IMPLICATIONS OF THE NEW EIA REGULATIONS SCREENING THRESHOLDS

| EIA has been formally established in the UK since 1988, however the framework allows for flexibility and adaptation, consequently resulting in changes to legislation. This article summarises the recent amendments to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regulations) and examines the benefits and disadvantages of increasing the thresholds to the screening process in project development. |

| The changes to the EIA Regulations were a result of a technical consultation held between July – September 2014 with the Department for Communities and Local Government (DCLG). The now amended regulations; The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 came into force on the 6th April 2015, however the UK Government has until 2017 to implement these changes. The changes are as follows: |

| 1. The screening threshold for the development of dwelling houses has been increased from the existing 0.5 hectare up to 5 hectares, including where there is up to 1 hectare of non-residential urban development; |
| 2. The threshold for other urban development has been raised from the existing 0.5 hectare to 1 hectare; and |
| 3. The threshold for industrial estate development has been raised from the current 0.5 hectare to 5 hectares. |

### Overview of Environmental Impact Assessment and Schedule 2 Thresholds

Environmental Impact Assessment (EIA) is a systematic process used to identify, predict and evaluate the significant environmental effects of proposed actions. There are three stages to an EIA; Screening, Scoping and the Environmental Statement (ES). The Screening process determines whether an EIA is required and it is the changes to the applicable thresholds and criteria for developments that constitute EIA which is discussed.

Proposed development either falls with Schedule 1 or 2 of the EIA regulations. Schedule 1 determines that EIA is mandatory whereas proposed developments which fall within Schedule 2 are dependent on the nature, scale and location as to whether an EIA is required. It is the responsibility of the Local Planning Authority (LPA) to establish whether a project is a Schedule 1 or a Schedule 2 development.

Changes have been made to the screening requirements in Schedule 2, Category 10 (a) and (b) of the EIA Regulations. The now superseded descriptions of development and applicable thresholds and criteria as defined in the EIA Regulations for Schedule 2, Category 10 (a) and (b) are as follows:

10. **Infrastructure projects (a) Industrial estate development projects; and (b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas.**

Implications of increased screening thresholds

The purpose of an EIA is to address the significant effects of development. The DCLG have stated that the increase in threshold will not pose any significant effect to the environment and that smaller developments, even though they fall within Schedule 2 and therefore can constitute EIA development, often undertake unnecessary EIAs.

One main implication from the increase in screening thresholds will be the reduction of EIAs submitted to the local planning authority (LPA). The government have perceived this change to be particularly beneficial to LPAs as EIAs are often thorough and time-consuming documents, therefore by reducing the amount of screening reports submitted, the LPAs will save both time and money.
There has been no change to previous legislation regarding proposed development in sensitive areas. EIAs will still be undertaken where proposed development falls within these sensitive locations for example Sites of Special Scientific Interest and Special Protection Areas (SPAs).

There has been some dispute with the increase in threshold, particularly in urban areas. Respondents of the technical consultation believed the increase was too substantial to attribute 'no significant effect' in urban areas. This being said, the 150 proposed units addressed the accommodation of tower blocks and flats in built up urban areas. Units as opposed to hectares, in this respect, incorporate the high-rise buildings in urban areas therefore on this basis, high rise buildings could require less land take.

It could be argued that the new thresholds should address site-specific conditions and include more detail such as rural and urban areas into the threshold. There is also subjectivity to the type, size and height of a dwelling.

Do the implications pose challenges to future EIAs?

After evaluating the technical consultation and response from the DCLG, it can be concluded that the new thresholds hold many challenges to the future of EIA in Schedule 2, Category 10 (a) and (b). There was a need to readdress the current legislation to alleviate pressures to local authorities, however this begs the question, is time and cost saving more important than the environment?

The advantages to amending the screening thresholds can be summarised as:

- Time-saving for local authorities and developers;
- Cost reduction to local authorities and developers;
- Reducing unnecessary Environmental Impact Assessments; and
- Alternative option of submitting screening direction through the Secretary of State if development does not meet threshold.

The disadvantages to amending the screening thresholds can be summarised as:

- There is no distinction between urban and rural areas whereby the spatial qualities are significantly different;
- The increase in hectares was too large, particularly in urban areas;
- Subjectivity to housing size and height;
- Smaller projects collectively can account for larger impacts, eventually this may lead to detrimental impacts; and
- Smaller projects are now overlooked with respect to EIA.

In summary, as the changes to the screening thresholds in Schedule 2, Category 10 (a) and (b) of the EIA Regulations have recently been introduced and have not been well used, the real implications to both the developers and LPAs and to the EIA process are therefore uncertain.

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