

ENVIRONMENTAL IMPACT ASSESSMENT SCREENING

This note provides Towns with a brief introduction of the Environmental Impact Assessment (EIA) Regulations and overview of the EIA process. It is recommended that Towns undertake an internal EIA Screening exercise for all projects in their Towns Investment Plan to ensure that sufficient time and budget for the EIA process is factored into the project programme and budget. This note sets out the steps for EIA Screening as well as providing a checklist for Towns to screen projects against.

Legislation

The process of EIA in the context of town and country planning in England is governed by the **Town and Country Planning (EIA) Regulations 2017** (the EIA Regulations). The EIA Regulations apply the EIA Directive 2014/52/EU “on the assessment of the effects of certain public and private projects on the environment” to the planning system in England.

The EIA Regulations apply to certain types of development which are seeking planning permission under Part III of the Town and Country Planning Act 1990, however, they can also apply to ‘permitted development’ which is development for which planning permission is not required.

Purpose of EIA

The purpose of EIA is to ensure that a planning authority determining a planning application for a proposed development makes its decision in the full knowledge of any likely significant environmental effects on the environment. EIA is a process of evaluating the likely environmental effects (both beneficial and adverse) of a proposed development, taking into account the environmental, social and economics impacts. The key components of the EIA process can be summarised as follows:

- **EIA Screening** to determine whether a proposed development requires an EIA;
- **EIA Scoping** to determine which potential impacts are relevant to assess and agree the methodology for the assessment;
- **Assessment of impacts** to predict and identify the likely environmental effects;
- **Mitigation** to avoid or reduce the identified likely environmental effects
- **Reporting** of the EIA in an Environmental Statement;
- **Decision-making** using the Environmental Statement to inform decision makers; and
- **Monitoring** to ensure that the mitigation measures are implemented and effectively address the project’s impacts.

When to Screen for EIA

As outlined above, the first step in the EIA process is EIA Screening. EIA Screening is the process of identifying whether an EIA is required by law, or not. The procedure is used to determine whether a proposed development is likely to have significant effects on the environment.

Formal EIA Screening should be undertaken at an early enough stage in a proposed development that any EIA requirements can inform the feasibility and can be accommodated in the project programme and costs. Usually a developer submits an EIA Screening Opinion Request to a planning authority. The planning authority would review the information provided by the developer and give their Screening

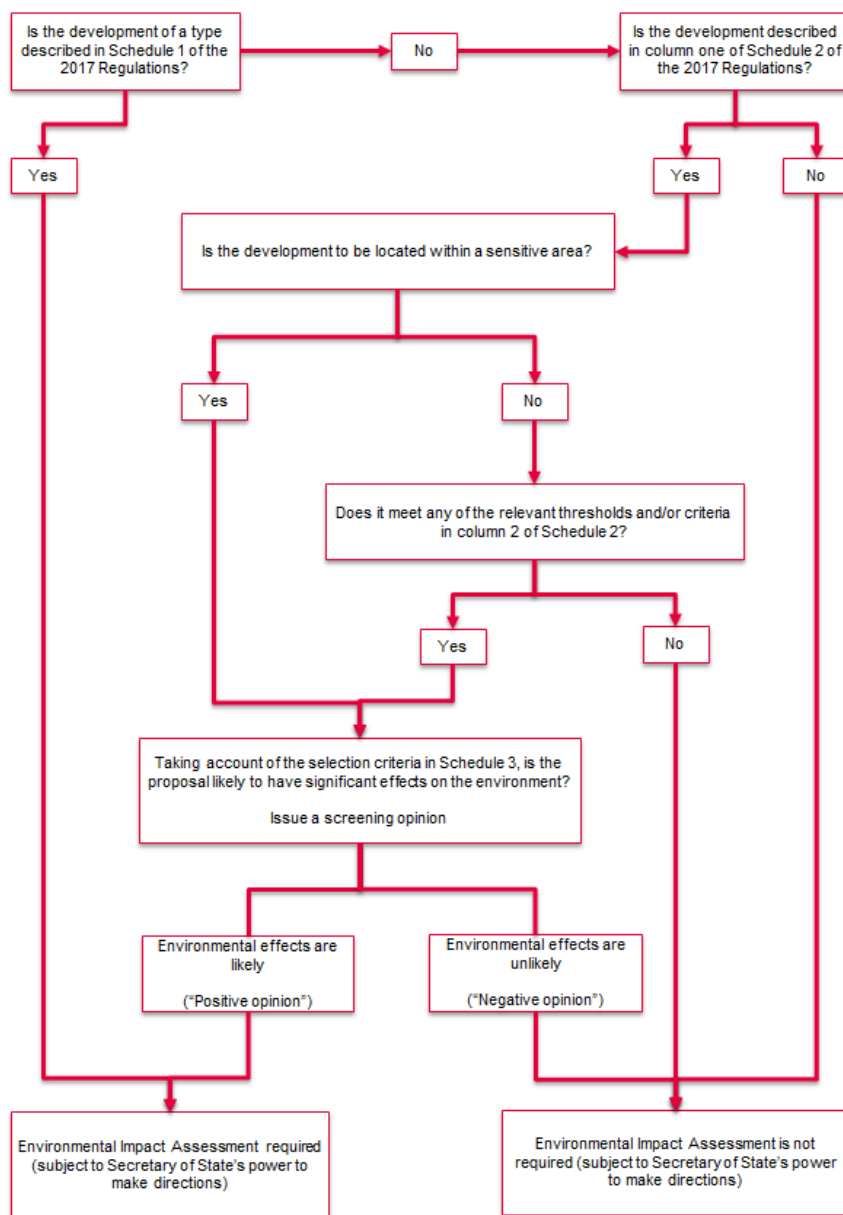
Opinion as to whether an EIA is required to support a planning application for a proposed development. The planning authority is also required to screen all planning applications submitted without an EIA to ensure that they would not fall under the EIA Regulations as EIA Development.

We would recommend that Towns undertake an internal EIA Screening exercise for all projects in their Towns Investment Plan. This exercise would determine the likelihood of a project requiring an EIA and ensure that sufficient time and budget for the EIA process is factored into the project programme and budget. This process would also help identify the key environmental constraints and likely requirement for mitigation, as well as informing the level of risk of a project not gaining consent (due to significant environmental effects). This would be a high level exercise using the EIA screening checklist (see below).

A formal request for an EIA Screening Opinion from the planning authority, supported by sufficient information as required under the EIA Regulations, would then be submitted for each project during the implementation phase which depending on the programme may be at Outline Business Case or Full Business Case stage.

Establishing whether a proposed development requires an EIA

The following flow chart sets out the steps for determining whether a proposed development requires an EIA.



An EIA Screening checklist is a useful tool for following the steps identified above as well as providing a record that EIA has been considered. The following link is to an EIA checklist used by the planning casework unit and the planning inspectorate when screening for EIA. Local authorities may also find the checklist provides a useful foundation for screening for EIA for the projects within the Town Investment Plan:

<https://www.gov.uk/government/publications/environmental-impact-assessment-screening-checklist>

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS
2017 SCREENING MATRIX**

1. CASE DETAILS			
Case Reference	Click here to enter text.	Brief description of the project / development	Click here to enter text.
Appellant	Click here to enter text.		
LPA	Click here to enter text.		
2. EIA DETAILS			
Is the project Schedule 1 development according to Schedule 1 of the EIA Regulations?		<SELECT>	
If YES, which description of development (THEN GO TO Q4)		Click here to enter text.	
Is the project Schedule 2 development under the EIA Regulations?		<SELECT>	
If YES, under which description of development in Column 1 and Column 2?		Click here to enter text.	
Is the development within, partly within, or near a 'sensitive area' as defined by Regulation 2 of the EIA Regulations?		<SELECT>	
If YES, which area?		Click here to enter text.	
Are the applicable thresholds/criteria in Column 2 exceeded/met?		<SELECT>	
If yes, which applicable threshold/criteria?		Click here to enter text.	
3. LPA/SOS SCREENING			
Has the LPA or SoS issued a Screening Opinion (SO) or Screening Direction (SD)? (In the case of Enforcement appeals, has a Regulation 37 notice been issued)		Click here to enter text.	
If yes, is a copy of the SO/SD on the file?		Click here to enter text.	
If yes, is the SO/SD positive?		<SELECT>	
4. ENVIRONMENTAL STATEMENT			
Has the appellant supplied an ES for the current or previous (if reserved matters or conditions) application?		<SELECT>	

Extract of the EIA Screening Checklist

Useful links

Schedule 1 of the EIA Regulations: <https://www.legislation.gov.uk/ukxi/2017/571/schedule/1/made>

Schedule 2 of the EIA Regulations: <https://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made>

Schedule 3 of the EIA Regulations: <https://www.legislation.gov.uk/ukxi/2017/571/schedule/3/made>

Information on 'sensitive areas': <https://www.gov.uk/guidance/environmental-impact-assessment#Sensitive-areas>

EIA Directive: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0052&from=EN>

If you require further assistance on meeting your EIA requirements in your Town Investment Plan or projects therein, please talk to your Town Coordinator about what support you may need.

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