Planning Practice Standard

ENVIRONMENTAL IMPACT ASSESSMENT

The Royal Town Planning Institute

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1. Introduction

1.1 The aim of this Planning Practice Standard is to promote the objectives of town and country planning through the further development of environmental impact assessment (EIA) as a planning tool. This PPS updates RTPI *Practice Advice Note 13*, published in 1995, to reflect the requirements of the amended EIA Regulations, which came into effect in 1999. The PPS is designed to encourage the highest professional standards by providing advice and disseminating information on best practice. It deals with the EIA of individual developments, not the assessment of plans or programmes with which it should, ideally, be tiered.

1.2 The UK legislation on environmental impact assessment has been introduced to implement European Directive 85/337/EEC, as amended by Directive 97/11/EC. The requirement to carry out EIA of certain planning proposals is contained in Section 71A of the Town and Country Planning Act 1990, the Town and Country Planning Environmental Impact Assessment (England and Wales) Regulations 1999 and in amending regulations. (Section 15 of this PPS provides further details about English, Welsh, Scottish and Northern Ireland regulations and guidance: the main text refers to English procedures.)

1.3 This PPS should be read in conjunction with the Department of the Environment Transport and the Regions' (DETR's) Circular *Environmental Impact Assessment* (1999) and its *Environmental Impact Assessment: A Guide to Procedures* (2000) and with various guides published by the Department of the Environment (DOE). These include *Preparation of Environmental Statements for Planning Projects that require Environmental Assessment – A Good Practice Guide* (1995) and *Evaluation of Environmental Information for Planning Projects – A Good Practice Guide* (1995). It would also be useful to consult the Scottish Executive Development Department Planning Advice Note 58 on *Environmental Impact Assessment* (1999) and the *Essex Guide to Environmental Impact Assessment* (2000).

1.4 EIA is an integral component of the planning process for certain types of development. Chartered Town Planners are involved in screening, scoping, preparing, contributing to and reviewing and evaluating environmental statements (ESs), advising on planning decisions and monitoring impacts following implementation. Many planners have gained considerable experience of EIA since the introduction of the original Regulations in 1988.

1.5 EIA leads to improved decision-making by providing the development control process with better information. This not only helps to determine whether or not a development should be permitted, but should facilitate the drafting of planning conditions and legal agreements in order to control design, avoid or mitigate adverse effects and enhance beneficial effects.

1.6 The integration of EIA into the design and evaluation process therefore improves the environmental quality of new development and increases its sustainability by:

- considering environmental issues in preparing development proposals;
- examining alternatives;
- highlighting the environmental effects of proposed developments; and
- proposing appropriate mitigation and monitoring measures.

1.7 The realisation of these goals requires the process of EIA, embracing both the preparation and review of environmental statements, to be managed effectively. **Chartered Town Planners are well equipped to perform this overview and management role by virtue of their training** and, in the case of local authority planners, their statutory responsibilities. EIA provides an opportunity for planners to become involved in, and influence, the project design process and thus to contribute to the realisation of broader planning objectives.

1.8 The planner's general role in EIA is to ensure (in consultation with statutory and other consultees) that sufficient information is provided to those taking the decision, and that a proper environmental evaluation is carried out, appropriate to the scale of the proposed development and the risks to the environment which it may pose. The performance of this role is of crucial importance since the planning decision often provides the only opportunity to determine whether or not potential developments are environmentally satisfactory.

1.9 More specifically, the role of the planner in the local planning authority (LPA) is to ensure that:

- the statutory provisions are properly followed;
- appropriate advice is given during pre-application discussions or consultations;
- scoping advice (whether formal or informal) is constructive and focussed;
- sufficient environmental information is supplied;
- appropriate verification of predicted impacts is carried out by personnel with acknowledged expertise;
- the appropriate environmental and pollution control authorities, other relevant expert bodies and the public are consulted;

- the environmental outcomes are weighed against the economic and social aspects of the proposal and relevant planning policies in the planning decision; and

- appropriate consideration is given to monitoring of developments during construction, operation and decommissioning.

1.10 The role of the planner acting for a developer is to ensure that:

- the developer is aware of his or her statutory obligations and of the desirability of pursuing good practice;

- pre-application contact is made with the local planning authority, with statutory consultees and, where appropriate, with other relevant expert bodies and the public;

- the developer provides appropriate environmental data for inclusion in the ES and retains qualified environmental specialists to predict and evaluate environmental impacts and to advise on their mitigation;

- the developer is not asked to provide unnecessary environmental data;

- the ES is an objective, professionally prepared and presented document which neither over-emphasises benefits nor understates adverse effects;

- the non-technical summary is succinct, comprehensible and fair; and

- appropriate monitoring of the development is provided for.

1.11 The local authority planner also has a role as a statutory consultee in relation to EIAs of developments authorised under legislation other than the Town and Country Planning Acts. (The EIA requirements for these developments are essentially similar to those for planning developments.) This role may involve:

- commenting on the need for, and scope of, EIA;

- providing appropriate information;

- commenting on the environmental statement;

- devising enforceable mitigation measures; and

- advising on the decision.

Planners acting for statutory consultees have similar duties in relation to EIAs prepared under both the Planning Regulations and other legislation.

2. The environmental impact assessment process

2.1 The purpose of environmental impact assessment is to ensure that the environmental effects of a proposed development are fully considered, together with the economic or social benefits of the development, before the planning application is determined. EIA is thus an anticipatory, participatory environmental management tool.

2.2 Environmental impact assessment is a process by which information about the environmental effects of a development is assembled, analysed, commented upon and taken into account by the planning authority, the consultees and others, in forming a judgement on whether or not the development should proceed. The diagram at the end of this PPS shows a simplified representation of the EIA process for planning developments, which also applies to certain non-planning projects (e.g. large afforestation schemes).

2.3 The environmental statement is prepared by, or on behalf of, the developer and outlines the likely impact the development is expected to have on the environment and the measures the developer proposes to take to minimise any adverse environmental impacts. It should be submitted with the planning application.

2.4 Consultations with statutory consultees and other interested bodies must be undertaken in order to establish that all the potentially significant issues are adequately covered in the ES and to ascertain their views about the proposed development. The ES, any further information, and the consultation responses are termed the 'environmental information'. An environmental evaluation is undertaken by the planning authority using this environmental information. The environmental evaluation should form the basis of the report presented to the planning committee recommending whether or not the development should proceed or be modified. No decision to approve a project subject to EIA may be made unless the environmental information has first been considered.

2.5 The potential for new development to have impacts on the environment is obvious. However, many environmental effects are small and only become apparent in a cumulative sense, or when unforeseen environmental relationships subsequently emerge. The assessment of environmental effects can be highly specialised and may involve a number of disciplines, each of which may employ its own measurement and analytical techniques. Planners generally have a broad appreciation of these effects but may possess limited detailed expertise. The involvement of the Environment Agency and other relevant bodies in providing the expert advice to be considered by the LPA in planning decisions about potentially damaging developments is therefore crucial. EIA is broader than, but overlaps, the anticipatory aspects of integrated pollution prevention and control.

3. Determining the need for environmental impact assessment (screening)

3.1 Where any planning application is received, LPAs are now required to check whether an EIA should be undertaken and, where appropriate, to issue a written opinion, whether requested by the developer or not. An environmental statement will need to be submitted with a planning application for two types of development:

- Schedule 1 development for which it is mandatory according to the Regulations;
- Schedule 2 development for which particular developments must be assessed if they are considered likely to give rise to significant environmental effects.

The full list of developments appearing in both Schedule 1 and Schedule 2 can be found in the Regulations, and in the 'Guide to Procedures' (Section 15).

3.2 EIA will be needed for Schedule 2 developments in three main types of case:

- major developments which are of more than local importance;
- other developments which are proposed for particularly sensitive or vulnerable locations; and
- developments with unusually complex and potentially adverse environmental effects.

3.3 The Regulations and Circular together provide information and guidance to assist in identifying Schedule 2 developments likely to need EIA, on a case by case basis. In the Regulations *de minimis* or exclusion thresholds and criteria are listed for the purpose of identifying Schedule 2 developments. Below these exclusion thresholds and criteria EIA is not generally required. For example, for wind farms EIA would not be required where (i) development involves no more than 2 turbines; or (ii) the hub height of any turbine or the height of any other structure does not exceed 15 metres.

3.4 These exclusion thresholds do not apply to projects in sensitive locations (national parks, national nature reserves, etc.). Every project in such areas must be screened for EIA. The Circular lists indicative criteria and/or thresholds which suggest where EIA is more likely to be necessary. For example, EIA is more likely for wind farms with 5 or more turbines, or more than 5 MW of new generating capacity. LPAs are required to screen all projects which exceed the exclusion thresholds to determine whether EIA is required. If the LPA considers that the project is likely to have a significant effect on the environment, whether or not it exceeds the indicative thresholds, EIA is required.

3.5 Although there is no statutory obligation to do so, developers are strongly advised to consult LPAs, formally or informally, on the need for EIA or on their intention to submit an ES. The LPA may in turn consult the statutory consultees, expert bodies and others.

3.6 The request for a screening opinion should be accompanied by enough information about the proposed development to enable the LPA to form a judgement about whether EIA is necessary. Normally this would include a plan showing the proposed location of the development, a brief description of the nature, purpose and size of the proposal and an indication of its possible environmental effects, including their likely scale. The LPA must make its screening opinion within 3 weeks of receiving a request unless a longer period has been agreed in writing. This opinion must be accompanied by a clear statement of reasons. A developer who is dissatisfied with the authority's 'screening opinion' that EIA is required, or receives no response, may refer the matter to the Secretary of State for a 'screening direction'.

3.7 It is possible for developers voluntarily to submit an ES with a planning application. Where an 'informal' ES is submitted for a development which falls outside the thresholds and criteria for Schedule 2 development the LPA will need to decide whether it should be regarded as a 'formal' ES, or as additional information accompanying a planning application, and adopt the appropriate procedure. It is, of course, open to LPAs to request more information about the environmental implications of any application using other planning powers.

3.8 Permitted development rights (under the General Permitted Development Order) are withdrawn unless the LPA issues a screening opinion that EIA is not required. In such circumstances a planning application must be submitted and accompanied by an environmental statement. There are some exceptions, as specified in the Circular. The same right to request a screening direction by the Secretary of State applies as in the case of new development.

3.9 LPAs should set up procedures for dealing promptly with:

- requests for advice from applicants on the need for EIA; and
- screening of draft proposals and planning applications to see if an ES is needed.

4 Deciding on the coverage of the environmental impact assessment (scoping)

4.1 The process of identifying the main issues that need to be covered in an EIA is referred to as scoping. Scoping focuses the assessment on the most important issues, while making sure that indirect, secondary and cumulative effects are not overlooked. It should delineate both the geographical study area and the precise topics to be studied.

4.2 As a result of the amendments to the original Directive, the EIA Regulations allow a developer to request a formal 'scoping opinion' from the LPA or, where the LPA fails to provide one, a 'scoping direction' from the Secretary of State regarding the information to be included in an ES. Scoping, although not mandatory, should be encouraged by Chartered Town Planners acting for both developers and LPAs.

4.3 EIA is a cyclical process involving feedback from later stages to earlier stages and scoping can only be undertaken if potential impacts are first identified. Generally, a systematic method should be employed to identify impacts to ensure comprehensiveness (for example, a checklist, matrix or flow diagram) before scoping can take place. Scoping is essential if, on the one hand, potentially relevant impacts are to be identified and, on the other hand, much unnecessary environmental investigation is to be avoided. It is essential that LPA planners consider likely impacts thoroughly in offering either informal advice or a formal opinion on a specific development, and then indicate the relative importance of each issue, rather than simply repeating impact listings from a general checklist.

4.4 The requirements for the coverage of an ES are set out in Schedule 4 to the Regulations. Chapter 2 of the DOE 'Good Practice Guide to ES Preparation' provides advice on defining the scope of an ES and Appendix 5 of the DETR 'Guide to Procedures' contains a lengthy checklist of issues that might need to be covered in an ES. Inaddition Scottish Executive PAN 58 provides useful guidance on the contents of, and approach to, an EIA. Where it is established that significant effects on the environmental factors listed cannot be avoided, the ES is required to set out measures that are planned to minimise, or compensate for, them.

4.5 The coverage of the EIA should be determined after consideration of:

- environmental opportunities and constraints;
- appropriate alternatives;
- construction, operation and, where appropriate, decommissioning/restoration phases;
- direct and indirect impacts;

- temporary, permanent, cumulative and trans-boundary impacts;
- short and long-term impacts; and
- inter-relationships between impacts on landscape and human beings, flora and fauna, soil, water, air, climate, material assets and the cultural heritage.

4.6 There are a number of other EC directives which require the assessment of effects on the environment, for example:

- Authorisation under the Integrated Pollution Prevention and Control Directive (96/61/EC);
- Consents under the Habitats Directive (92/43/EEC);
- Consents under the Control of Major Accidents Hazards Directive (96/82/EC).

The nature of the assessment needed to fulfil the requirements of the above regimes will differ from that of an EIA. For example, where IPPC authorisation may be required for the proposed development as well as an EIA, it may be necessary to look at different processes and assess their likely environmental impacts on land, air and water. However, it is clearly useful for developers to identify the different assessments required at an early stage and to co-ordinate them to minimise duplication and ensure that the information supplied is correct and up to date for each regulatory regime.

4.7 The process of determining the scope of an ES should include:

- utilising the Regulations and the relevant Circular;
- checking the relevant development plan provisions;
- reference to published guidance documents - in particular the DETR Guides; and
- preliminary contacts with local planning authorities and with statutory consultees and other appropriate expert bodies.

It must be recognised, however, that advice given at this stage of the EIA process by the consultation bodies will be without prejudice to their final decision on or recommendation about, the development. The statutory consultees (or EIA consultation bodies) are the usual statutory consultees for planning applications, together with the Countryside Agency, English Nature and, for many developments, the Environment Agency. Where it is not a statutory consultee, the Environment

Agency should be regarded as an 'appropriate expert body' in all cases involving an ES.

4.8 In addition, developers or local planning authorities often consult other official bodies, interested national and local voluntary organisations, such as amenity and conservation groups, and local residents.

5. Considering alternatives

5.1 It is now a statutory requirement that the environmental impacts of alternatives studied be described in the environmental statement and that the reasons for choosing the proposed development, taking account of the environmental effects, should be justified. The purpose of this description is to demonstrate that the environmental impacts of alternatives have been considered as an integral part of the design process.

5.2 The consideration of alternatives (including alternative sites, alternative site layouts, alternative processes and alternative phasing of construction) is justifiably considered to be good EIA practice. If the EIA starts at the stage of site and process selection, as it should, the environmental merits of practical alternatives can be properly considered. The main alternatives considered should then be outlined in the ES. The best practicable environmental option (BPEO) should be described and any variation between the proposed development and the BPEO should be explained. The "do nothing" option (that is, the possibility of not carrying out the proposed development at all) should also be set down.

5.3 It is particularly important to justify convincingly why it was decided to choose the site proposed. The choice of the preferred alternative should involve a comparison of the magnitude and significance of the effects of the alternatives considered. Where no alternative sites were considered, the reason why alternatives were not feasible should, where appropriate, be explained in the ES.

6. Describing the site and the proposal

6.1 The collection of information on the site and surroundings of the proposed development ('baseline' information) is essential in EIA, as in the implementation of any proposed development. For some topics, the area under examination may be far greater in extent than the specific site of the proposal. Furthermore, in relation to landscape and ecology it may be necessary to acquire information over more than one season. If seasonal data are not available for the assessment process then this needs to be stated and the significance of this data gap assessed. Survey under different weather conditions can also be important for studies of visual impact and air pollution. Sources of data must be stated.

6.2 It may be possible to organise information collection both for the baseline and for the development itself by reference to the timetable and the depth of information needed at each stage. There is little value in gathering detailed information on subjects which are not seen as critical in the scoping exercise. However, LPAs may ask for specific surveys to be undertaken later if they believe that information necessary for decision-making has been omitted or is insufficiently detailed.

6.3 Details of the development should include:

- a description of the physical characteristics of the development and its land-use requirements during the construction and operational phases;
- a description of the main characteristics of the production process or other aspects of the development (e.g. nature and quantity of the materials used); and
- an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat radiation, etc.) resulting from the construction and operation of the proposed development.

The full, detailed description of the development necessary to ensure that its likely significant impacts can be properly assessed necessitates the provision of more information than is normally available to developers making outline applications.

6.4 Although not a mandatory requirement, the ES should include a section on how the proposed development accords with environmental policies contained in:

- national planning policy guidance and guidelines (planning policy guidance notes and circulars in England and Wales;
- regional and strategic guidance;
- structure and unitary development plan policies (and any environmental appraisal of the plan);

- local plan policies; and
- infrastructure programmes.

The extent to which any relevant environmental standards are adhered to should also be stated.

7. Forecasting effects

7.1 The purpose of forecasting is systematically to explore both direct and indirect links between a development (its siting, construction, operation and decommissioning) and its environment. The objective is thus to determine the changes that are likely to occur to the environment as a result of a development and to compare these with the likely future state of that environment in its absence.

7.2 A good EIA should begin by determining the terms, techniques and assumptions used in the forecasting, analysis and evaluation of potential impacts. Wherever possible, the approach to forecasting and the techniques used should be discussed and agreed by the developer, relevant consultees and the LPA prior to undertaking the work.

7.3 The choice of forecasting technique will vary with subject matter - and will necessarily depend on the resources available. Computer modelling and probability analysis may be appropriate for air and water quality issues, while graphical presentation may be used to handle cultural and aesthetic issues. Risk assessment techniques should be used if failure of operational systems in a plant could lead to hazards or significant adverse effects. However, complex forecasting techniques are not always better than simple ones.

7.4 In choosing the techniques to be used, a number of issues need to be taken into account:

- the appropriateness of the technique for the issue being considered;
- the resources available, including time, expertise and money;
- the information required under the EIA Regulations; and
- the robustness of the technique in terms of its characteristics and use (replicability, reliability, consistency, etc.).

7.5 The nature of the impact should be identified as being, for example, a single event with instantaneous effects; continuous or intermittent or of short or long-term duration. The extent of the impact will be a measure of the physical area potentially affected, while the magnitude of the predicted change will be a measure of the likely scale of change. Wherever possible, each of these elements should be predicted using quantifiable measures and operational data where available, rather than vague descriptions.

7.6 Forecasting change can be achieved with varying degrees of certainty, depending on the adequacy of the baseline and survey data, prior experience and

understanding of the processes involved. Irrespective of whether 'scientific' or subjective methods of prediction are used, some changes can be forecast with more confidence than others. The level of confidence attached to quantified forecasts (eg. 95%) should therefore be clearly stated, along with the assumptions upon which the forecast is predicated, and the time-scale over which effects have been forecast.

7.7 While many of the technical forecasting methods employed in EIA inevitably require professional expertise not normally possessed by planners, the planner advising the developer has two essential roles in forecasting:

- co-ordinating the different forecasts and ensuring their relevance to the planning system and the requirements of EIA; and

- ensuring that the forecasting methods used, and the impact forecasts themselves, are comprehensible to the lay-person.

8. Determining the significance of effects

8.1 It is important to distinguish between objective reporting of the nature, extent and magnitude of the physical changes which are predicted to occur, and the significance of the consequent effect on natural systems, man-made artifacts, or human interests and concerns. The predicted effects of a development may be international or local, adverse or beneficial, temporary or permanent, intermittent or continuous.

8.2 Assessing the significance of the predicted effects may be based on scientific criteria; on comparison of the predicted change with established national and international environmental quality standards and thresholds; or on interpretation of planning and other environmental policies. In all cases, whether decisions are made on quantitative or qualitative grounds, value judgements are required. The ES should indicate how the results have been interpreted and the methods used to determine significance, but it will be for the LPA to reach its own evaluation of the overall significance of these effects in determining the planning application.

8.3 The significance criteria employed by LPAs will include the nature, extent, likelihood and magnitude of the impact, the nature, value and likely degree of recovery of the affected environment, and the level of public concern. The judgements of planning officers about likely significance may well differ from those of developers and their consultants.

9. Mitigating and enhancing environmental effects

9.1 Where the predicted impacts exceed environmental quality standards or, adopting the precautionary principle, there are stated or perceived uncertainties relating to the accuracy of the predicted effects, effective mitigation measures should be adopted. Developers and planning authorities should investigate the potential for minimising adverse effects and enhancing any beneficial effects. The key to achieving this is early consultation between all parties. Potential mitigation measures should be considered in principle during impact scoping exercises.

9.2 Making mitigation measures an integral part of the initial design phases provides opportunities to 'design out' or reduce effects by, for example, layout modifications or industrial process selection. The incorporation of mitigation measures at a later stage may not be possible and, if it is, considerable delay in the decision may result. As a design evolves impacts should be continually re-evaluated to check that mitigation will still be effective. Dialogue between authorities, developers and consultees (including local communities) will aid understanding of the practicalities and limitations of mitigation. Environmental specialists, as members of the design team, should advise developers on appropriate mitigation measures. LPAs may wish to be advised by independent specialists on best practice mitigation methods for sensitive environments (eg. ecological impacts in protected areas).

9.3 Mitigation measures relating to the most significant effects, where the development would be unacceptable without them, and those that protect or enhance environmental capital, should be the focus of negotiation and planning conditions or obligations. Criteria to be applied to mitigation measures include:

- practicality (i.e. implementable by, or on behalf of, the developer);
- cost and environmental benefit gained (including the impact of the mitigating measure on the environment, if any);
- requirements of other legislation (e.g. pollution and noise controls); and
- ability to monitor and enforce mitigation measures through planning conditions or obligations.

10. Preparing an accessible environmental statement

10.1 The style and approach taken to the presentation of the ES should ensure that it is understandable by the general public. The ES should not contain technical jargon or be made over-long by the inclusion of technical data and calculations that can only be understood by experts. Technical words should always be explained, where their use is unavoidable, and the ES should be written in a style that is meaningful to planning officers, elected members and the general public. The ES should, however, contain discussion of *all* significant environmental impacts, and the mitigating measures needed to deal with them. A readable ES should be relatively short, typically less than 100 A4 pages. Additional information can be provided in separate technical appendices.

10.2 An important aspect of the EIA Regulations is the requirement that the ES should contain a non-technical summary. This should ideally be no longer than 10 pages of easily reproducible text and illustrations. It should include information on the development, the main environmental impacts, and the mitigating measures. The summary - which should be made available as a separate document - should also state clearly the price of the ES, where it can be bought and where the full document is available for the public to consult.

10.3 Clearly, the price of the ES will have an impact on its accessibility to the general public, and every effort should be made to keep the price to a minimum (e.g. no more than £15). Developers and LPAs should also consider the possibility of making the ES and the non-technical summary available via other media, e.g. on CD-ROM and on the internet.

11. Reviewing the environmental statement

11.1 Review of the ES accompanying the planning application by the LPA plays an important part in the overall environmental impact assessment. This process can be divided into four parts:

- technical review of the ES – undertaken by in-house experts or by consultants retained by the LPA to provide specialist advice;
- response from statutory consultees and local interest groups and individuals;
- analysis of requests for additional information required from the developer and determining what should be requested; and
- review and analysis of responses to any additional information supplied or modifications suggested.

11.2 The technical review of the ES will give an indication of adequacy. This may not always be obvious. Review may involve looking at the fine detail of sampling techniques or at the precise methods used, for example, in the evaluation of landscape. It will also involve establishing whether adequate information about the development, the processes to be undertaken, the production and disposal of waste, air pollution, the site and the likely impacts has been provided. The planner's contribution lies in co-ordinating and evaluating the comments of the technical experts, the consultees and the interest groups and in ensuring that sufficient reliable information is available to enable a decision to be made. Review of ESs is facilitated where a scoping opinion or direction has been given since ES content can be compared with this. (LPAs can, however, legitimately request further information that was not specified in a scoping opinion.) Equally, the use of review criteria can be employed to assist in ES review.

11.3 When a planning application with an ES is submitted to the LPA, the application must be advertised and copies of the statement must be made available to the general public and consultees. It is generally a good idea to lodge copies of the application in a local library as well as at the LPA offices and to ensure that at perhaps 50 copies are available either for distribution by the LPA or for sale. It must also be decided how many copies of the non-technical summary will be distributed. It is important that the applicant consults the Regulations and the planning authority on these arrangements before submitting the application.

12. Value of consultation

12.1 Facilitating the flow of information about developments to allow well-informed comments and decisions to be made is a key role of planners. Developers should understand the value of promoting informed debate about proposals and the benefit of identifying areas where effects can be mitigated early in the design process, without which the proposal may be unacceptable. Consultation should be continuous. The key stages are:

- developer consults LPA on the need for an assessment (screening);
- developer consults LPA and statutory consultees, other appropriate expert bodies and the public on the content of the assessment, including relevant alternatives (scoping); and
- LPA consults statutory consultees, other expert bodies and the public on the ES.

12.2 For particularly major developments local exhibitions and other forms of communication (e.g. newsletters) should be encouraged to meet concerns and to enable all stakeholders (e.g, individuals, amenity and civic groups, non-governmental organisations, etc. to participate.

12.3 The level of detail covered at each stage will vary. For example, during screening, environmental problems, potential hazards, particular local issues and the thresholds and criteria for EIA under the Regulations and Circular should all be considered. During consultations on alternative sites, developers should provide sufficient detail to allow significant effects to be identified for each option.

12.4 Co-operation between the developer and the LPA in agreeing the nature and purpose of each stage of consultation, and keeping to a reasonable timetable for responses, is important to build trust and confidence in the consultation process. Following initial consultations, which should always be undertaken, the developer will have considerable work to undertake before an application and ES can be lodged. Used effectively, this informal pre-application consultation period can resolve many of the issues concerning a development, save money and time, and lead to favourable publicity. LPA delays in responding to a developer's consultation requests may prompt the beginning of the formal application process before all necessary issues have been given proper consideration, because of time pressures on the developer to complete the project.

12.5 Planning authorities should seek the views of statutory consultees and other expert bodies about the impact predictions and the mitigation measures proposed in the ES. These, together with representations from non-statutory consultees such as local conservation groups and the public, will inform the decision process. Consultee

comments should focus on significant effects, whether actual or perceived, to guide the selection of priorities for mitigation measures, planning conditions or obligations

and monitoring, or to show that the proposal is unacceptable, even with the incorporation of all the possible mitigation measures.

12.6 Advice from consultees should be in writing and all comments, including those from the public, should be made available to the developer and held on the publicly available application file. The results of consultation should be continually fed back into the design process and used to inform decision-making.

13. Evaluating the environmental information and decision-making

13.1 Some significant adverse impacts may remain after mitigation, yet in making the decision these might be regarded as acceptable in relation to the benefits of the development and to the achievement of other approved policies. On the other hand, there may be impacts which are individually acceptable within environmental protection regulations or legislation but which cumulatively might result in a highly significant adverse impact. Such circumstances, which are clearly relevant to the planning decision, could also arise from the sensitivity of the receptors.

13.2 The environmental information is a material consideration but the relationship of the proposed development to other planning considerations (including the provisions of the development plan) is of primary importance – whether or not significant adverse environmental impacts or beneficial impacts have been demonstrated to arise. The planning decision involves striking a balance when in possession of the best available information.

13.3 The planning officer has a crucial role in the preparation of a planning committee report which should summarise and evaluate the planning issues and the environmental information (Section 2) for the scheme, and contain a recommendation to grant (with or without conditions), or refuse, planning permission. The ES and the results of consultation should be used to help frame planning conditions and obligations. The LPA must state in writing that the environmental information has been considered in reaching the planning decision and give reasons for approval, as well as refusal, of permission. The period for determining applications where an EIA is involved is 16 weeks.

14. Monitoring implementation

14.1 Once planning permission has been granted, the developer normally has five years within which to commence development. Systems such as, for example, the enforcement of planning conditions need to be in place to ensure adequate monitoring of compliance with the terms of the permission. The quality of the ES and of the planning decision may be undermined if enforcement is neglected. Effective monitoring following implementation not only allows developers to demonstrate compliance but gives assurance that environmental standards are being safeguarded and encourages the improvement of prediction techniques and mitigation measures.

14.2 The LPA will frequently need to employ planning conditions or planning obligations to ensure that mitigating measures are implemented. It may also wish to impose conditions to ensure that unforeseen eventualities are tackled effectively. These need to complement other environmental controls such as those relating to integrated pollution prevention and control through licensing and authorisations under the Environmental Protection Act.

14.3 In formulating planning conditions or obligations, the LPA should enter into discussions with the statutory and other relevant environmental bodies and with local communities to confirm the most appropriate mechanisms and to ensure that mitigation or monitoring measures are implemented. Local residents often provide the necessary eyes, ears and noses to monitor impacts. It may be more appropriate to encourage the developer to establish an environmental management system such as ISO 14001 with full public reporting rather than to impose an extensive array of planning conditions and obligations that may not be enforced.

14.4 Effective implementation of the findings and recommendations of an ES largely depends upon the production of a focussed environmental management plan (EMP) that includes clear performance benchmarks and indicators to enable effective monitoring and supervision of mitigation measures. For this reason, effective monitoring of the implementation of the development necessitates that the LPA stipulates that the requirements of the EMP are translated into bidding and tender documents for physical works to ensure that contractors assign costs to the necessary protective measures.

14.5 Some elements of the assessment may only be possible once development commences: for example, provision for further archaeological investigation/ recording during construction. Others require a degree of flexibility to allow modifications during development (e.g. arrangements to provide alternative habitats for wildlife). LPAs should ensure that they recognise the inherent uncertainties in environmental management and do not become unnecessarily prescriptive in terms of the requirements placed upon developers. Rather, LPAs should promote a performance standard approach to control (e.g. specify the level of environmental performance required but leave the means up to the developers). This approach, however, requires an holistic perspective, since a performance specification on noise may result in visual

intrusion from, for example, acoustic fences, if design requirements are not also specified.

14.6 Increasingly, LPAs are imposing conditions requiring monitoring of specific matters of concern. One feature has been the increasing use of local liaison committees in monitoring operational development, such as open-cast coal sites and major landfills. Sharing the results of this experience can do much in identifying and encouraging best practice and in allaying the concerns of local residents. This is being complemented by initiatives by some developers and associations (e.g. in the minerals industry) who have introduced a system of environmental reviews, comparing predicted against actual effects. Such monitoring can be helpful in improving the wording of conditions on permissions for future developments to mitigate impacts.

15. Further information

There are a number of key official documents which form both the legislative and advisory framework of EIA and report research on EIA practice:

Council Directive of 27 June 1985 on the Assessment of the Effects of Certain Public and Private Projects on the Environment (Directive 85/337/EEC)
This Directive, which came into effect in 1988, sought to ensure consistency of approach across the European Union in assessing the effects of certain projects on the environment. The Directive is reproduced at:
http://europa.eu.int/comm/environment/eia/full-legal-text/85337.htm .

Council Directive of 3 March 1997 amending (Directive 85/337/EEC) *on the Assessment of the Effects of Certain Public and Private Projects on the Environment (Directive 97/11/EC*)
This Directive, which came into effect in 1999, made a number of amendments to the original Directive in order to strengthen procedures and practice. The Directive and the consolidated version can be accessed at:
http://europa.eu.int/comm/environment/eia/full-legal-text/9711.htm .

Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI No. 293)
These Regulations implement the EC Directive as amended and form the administrative basis for the EIA of planning proposals in England and Wales. The Regulations also ensure that proposals which may constitute permitted development (for example, the extension of waste-water treatment works) are subject to EIA when there are likely to be significant environmental effects. They can be accessed at: http://www.legislation.hmso.gov.uk/si/si1999/19990293.htm .

Town and Country Planning (Environmental Impact Assessment) (England and Wales) (Amendment) Regulations 2000 (SI No. 2867)
These amending Regulations require EIA to be undertaken in certain cases when conditions on old minerals planning permissions are reviewed. They can be accessed at http://www.legislation.hmso.gov.uk/si/si2000/20002867.htm .

There are also several other sets of regulations relating to proposals made under other legislation.

In **Wales,** reference to 'the Secretary of State' should be replaced by 'the National Assembly for Wales'. The consultation bodies are different from England.

In **Scotland**, the requirement to carry out EIA of certain projects is contained in Section 49 of the Town and Country Planning (Scotland) Act 1997 and in the 'Environmental Impact Assessment (Scotland) Regulations 1999, Town and Country Planning, Roads and Bridges and Land Drainage' (SSI No. 1) and in amending

regulations. The Regulations can be accessed at http://www.scotland-legislation.hmso.gov.uk/legislation/scotland/ssi1999/19990001.htm . Reference to 'the Secretary of State' should be replaced by 'the Scottish Ministers', to 'planning policy guidance notes' by 'national planning policy guidelines and planning advice notes' and to 'planning obligations' by 'planning agreements'. The consultation bodies are different from England.

In **Northern Ireland**, the requirement to carry out EIA of certain projects is contained in the Planning (Environmental Impact Assessment) Regulations (NI) 1999 (SR 1999 No. 73). The Planning Service, an agency within the Department of the Environment, is responsible for the development control process and, consequently, for those functions exercised by LPAs in the rest of the UK. The consultation bodies are different from England.

The following circulars, available from the Stationery Office (or any Planning Office in Northern Ireland), explain the Regulations and suggest procedures for England, Wales, Scotland and Northern Ireland respectively:

For England:
DETR Circular 02/99, *Environmental Impact Assessment*
http://www.databases.detr.gov.uk/planning/npp/PubDetail.asp?thisPub=02/99.

For Wales:
Welsh Office Circular 11/99, *Environmental Impact Assessment.*

For Scotland:
Scottish Executive Development Department Circular 15/99, *The Environmental Impact Assessment Regulations 1999*
http://www.scotland.gov.uk/library2/doc04/eia-00.htm.

For Northern Ireland:
Development Control Advice Note 10, *Environmental Impact Assessment.*

Other important guidance documents include:

Department of the Environment (1989): *Environmental Assessment – A Guide to the Procedures* HMSO, London. This explains the procedures applying to developments falling within the scope of the original Directive 85/337/EEC. It has now been replaced (below).

Department of the Environment (1991): *Monitoring Environmental Assessment and Planning* HMSO, London. This report, by the Manchester University EIA Centre, reviews early EIA practice and makes recommendations about changes to procedures then current.

Department of the Environment (1994): *Good Practice on the Evaluation of Environmental Information for Planning Projects – Research Report* HMSO, London. This report, by Land Use Consultants, reviews methods of evaluation and current local planning authority practice in evaluating environmental information.

Department of the Environment (1994): *Evaluation of Environmental Information for Planning Projects - a Good Practice Guide* HMSO, London. This guide, prepared by Land Use Consultants, covers the initial vetting of the ES, consultation, reviewing the adequacy of the ES, evaluation and the presentation of recommendations.

Department of the Environment (1995) *Preparation of Environmental Statements for Planning Projects that require Planning Permission: a Good Practice Guide* HMSO, London. Based on work by Land Use Consultants, this guide provides more detailed information on the content and preparation of ESs.

Department of the Environment (1996) *Changes in the Quality of Environmental Statements for Planning Projects* HMSO, London. This report, written by the Impacts Assessment Unit at Oxford Brookes University, demonstrates that an improvement in the quality of ESs took place once experience had been gained but that much scope for further amelioration remains.

Department of the Environment, Transport and the Regions (1997) *Mitigation Measures in Environmental Statements* DETR, London. This report presents the results of a research project on the treatment of mitigation in EIA, carried out by Environmental Resources Management and the Bartlett School, University College London.

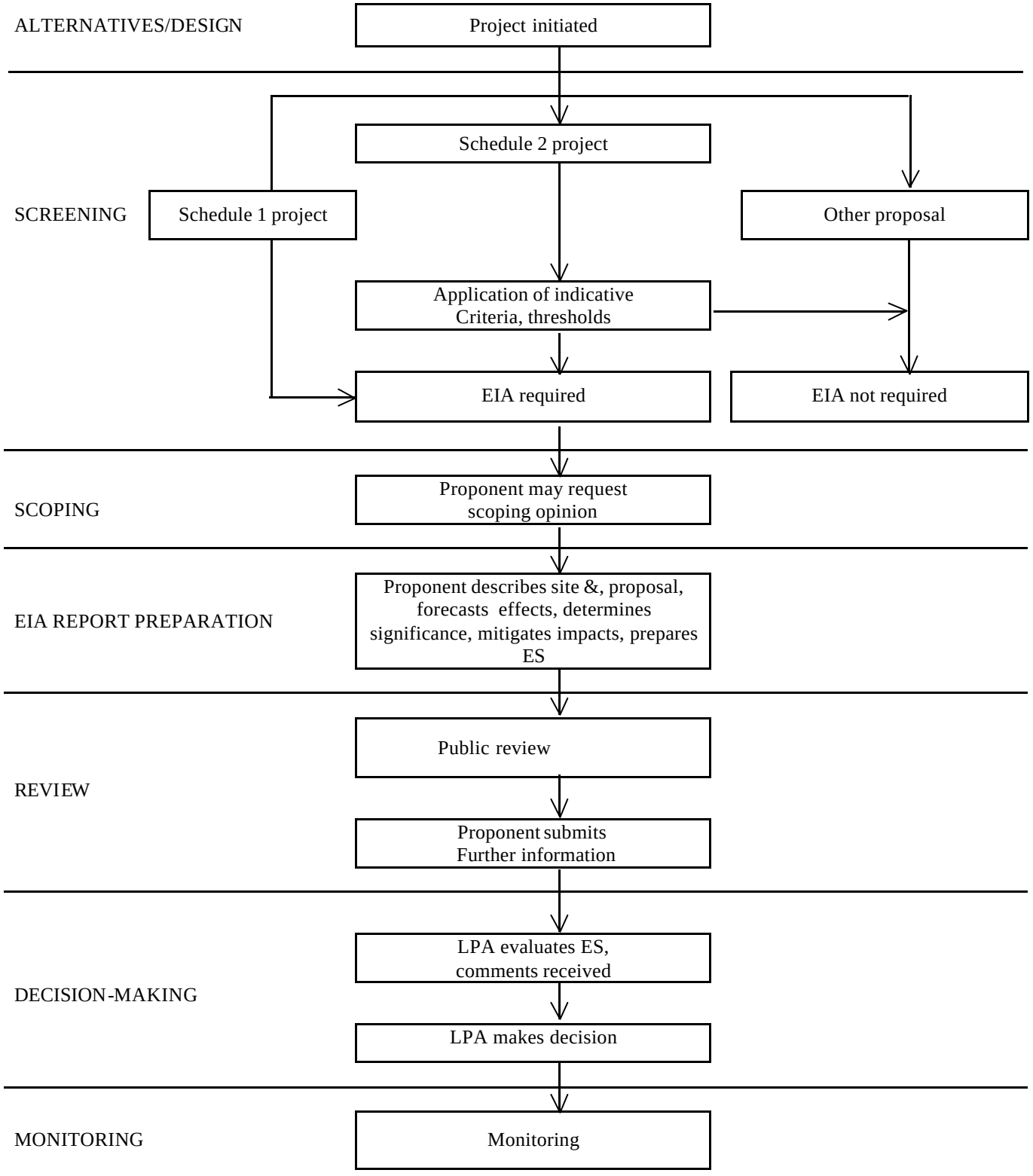
Department of the Environment, Transport and the Regions (2000) *Environmental Impact Assessment – A Guide to Procedures* Thomas Telford, Tonbridge. This explains the procedures applying to developments falling within the scope of Directive 85/337/EEC, as amended by Directive 97/11/EC, and contains much useful information, including the text of the consolidated Directive.

Scottish Executive (1999) *Environmental Impact Assessment* Planning Advice Note 58, SE, Edinburgh. This PAN summarises the relevant Regulations and Circular and provides much helpful information, including ES review criteria and a listing of all Scottish ESs prepared to date. It can be accessed at:
http://www.scotland.gov.uk.library/pan/pan58-00.htm.

A bibliography on EIA is available from the library of the Royal Town Planning Institute. This includes references to journal articles and other publications as well as, for example, a number of local authority manuals which combine national advice on environmental impact assessment requirements and procedures with more local advice on useful contacts, sources of information and consultees.

In particular the RTPI recommends *The Essex Guide to Environmental Impact Assessment* (2000 – and regularly updated) published by the Essex Planning Officers' Association and available from Essex County Council, Chelmsford.

16. Main steps in the EIA process for UK planning decisions



------- *optional step* *ES: environmental statement* *LPA: local planning authority*