

# Community Right to Build Guidance Note 6

## Environmental Impact Assessment

January 2013



Environmental Impact Assessment (EIA) is a formal procedure where a local planning authority or Natural England (in relation to uncultivated, semi-natural or restructuring of rural land project) assess the potential environmental impact of certain new developments and changes to land use before they are allowed to proceed.

EIA in England and Wales is covered by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

## When is EIA required?

Environmental Impact Assessment (EIA) is an important procedure for ensuring that the likely effects of certain types of new development on the environment are fully understood and taken into account before the development is allowed to go ahead. The procedure is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. An EIA enables environmental factors to be given due weight, along with economic or social factors, when planning applications are being considered. A Community Right to Build (CRtB) is essentially a similar process to making a planning application, so an EIA will enable the environmental factors to be given due weight through the process of your Order. Appendix 1 is a flow chart to help you establish whether an EIA may be required for your CRtB Order.

For the planning authority and other public bodies with environmental responsibilities, environmental impact assessment provides a basis for better decision making. More thorough analysis of the implications of a new project before a CRtB is made, and the provision of more comprehensive information with the Order, should enable authorities to make swifter decisions. It is important to note that the **responsibility for compiling the environmental statement rests with the developer.**

EIA is mandatory for certain developments, such as large installations for the intensive rearing of poultry and pigs. The more environmentally sensitive the location, the more likely it is that the effects of development will be significant and that an EIA will be required. Such areas include Areas of Outstanding Natural Beauty (AONB), a schedule monument, and Sites of Special Scientific Interest (SSSIs). Improvement of uncultivated or semi-natural land, by for example, ploughing or fertiliser application, may also be covered by EIA.

The Regulations apply to two separate lists of projects:

- 'Schedule 1 projects' for which an EIA is required in every case;
- 'Schedule 2 projects' for which an EIA is required only if the particular project in question is judged likely to give rise to significant

environmental effects. (particularly in sensitive locations identified above or if the development exceeds the applicable threshold).

Table 1 on the Neighbourhood Planning web pages gives the details of Schedule 2 projects, along with the respective thresholds. The projects listed under Schedule 1 are very large scale and strategic, for example, Crude oil refineries, motorways, pipelines for the transport of gas, oil or chemicals, and therefore is unlikely to be included as part of your Community Right to Build Order.

## The Stages of an EIA

Where an EIA is required there are three broad stages to the procedure:

- a. The developer must compile detailed information about the likely main environmental effects. To help the developer, public authorities must make available any relevant environmental information in their possession. The developer can also ask the 'competent authority' for their opinion on what information needs to be included. The information finally compiled by the developer is known as an 'Environmental Statement' (ES).
- b. The ES (and the application to which it relates) must be publicised. Public Authorities with relevant environmental responsibilities and the public must be given an opportunity to give their views about the project and ES.
- c. The ES, together with any other information, comments and representations made on it, must be taken into account by the competent authority in deciding whether or not to give consent for the development. The public must be informed of the decision and the main reasons for it.

## How 'significance' will be assessed

Developments which meet or exceed the applicable threshold are considered on a case-by-case basis for determining whether an EIA is necessary. Although there is no general definition, guidance suggests that there are three main criteria of significance:

- Major developments which are of more than local importance;

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- Developments which are proposed for particularly sensitive or vulnerable locations;
- Developments with unusually complex and potentially hazardous environmental effects.

It is obvious that none of these guidelines can be applied as hard or fast rules as circumstances will vary greatly from case to case. Some large scale projects which exceed the indicative thresholds may not be significant enough to require an EIA; some smaller projects, particularly in sensitive locations may be candidates for an EIA.

### **What should the report or Environmental Statement (for the purposes of the Regulations) contain?**

There is no statutory provision as to the form of an Environmental Statement ES (which may consist of one or more documents).

Whilst every ES should provide a full factual description of the development, the emphasis is on the 'main' or 'significant' environmental effects to which a development is likely to give rise. In many cases, only a few of the effects will be significant and will need to be discussed in the ES in any great depth. Other impacts may be of little or no significance for the particular development in question and will need only very brief treatment to indicate that their possible relevance has been considered. While each ES must comply with the requirements of the EIA Regulations, it is important that they should be prepared on a realistic basis and without unnecessary elaboration.

Where alternative approaches to development have been considered, the EIA Regulations now require the parish council or community group to include in the ES an outline of the main alternatives, and the main reasons for this choice. Although the Directive and the Regulations do not expressly require you to study alternatives, the nature of certain developments and their location may make the consideration of alternative sites a material consideration.

Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main

alternatives considered must be outlined in the ES.

### **Possible Structure of a report**

1. Description of the development, in particular:

- a. a description of the physical characteristics of the whole development and the land use requirements during the construction and operational phases;
- b. a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;
- c. 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 operation of the proposed development.

2. An outline of the main alternatives studied by the parish council or community group and an indication of the main reasons for your choice, taking into account the environmental effects.

3. A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors.

4. A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:

- a. the existence of the development;
- b. the use of natural resources;
- c. the emission of pollutants, the creation of nuisances and the elimination of waste, and the description by the applicant of the forecasting methods used to assess the effects on the environment.

5. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.

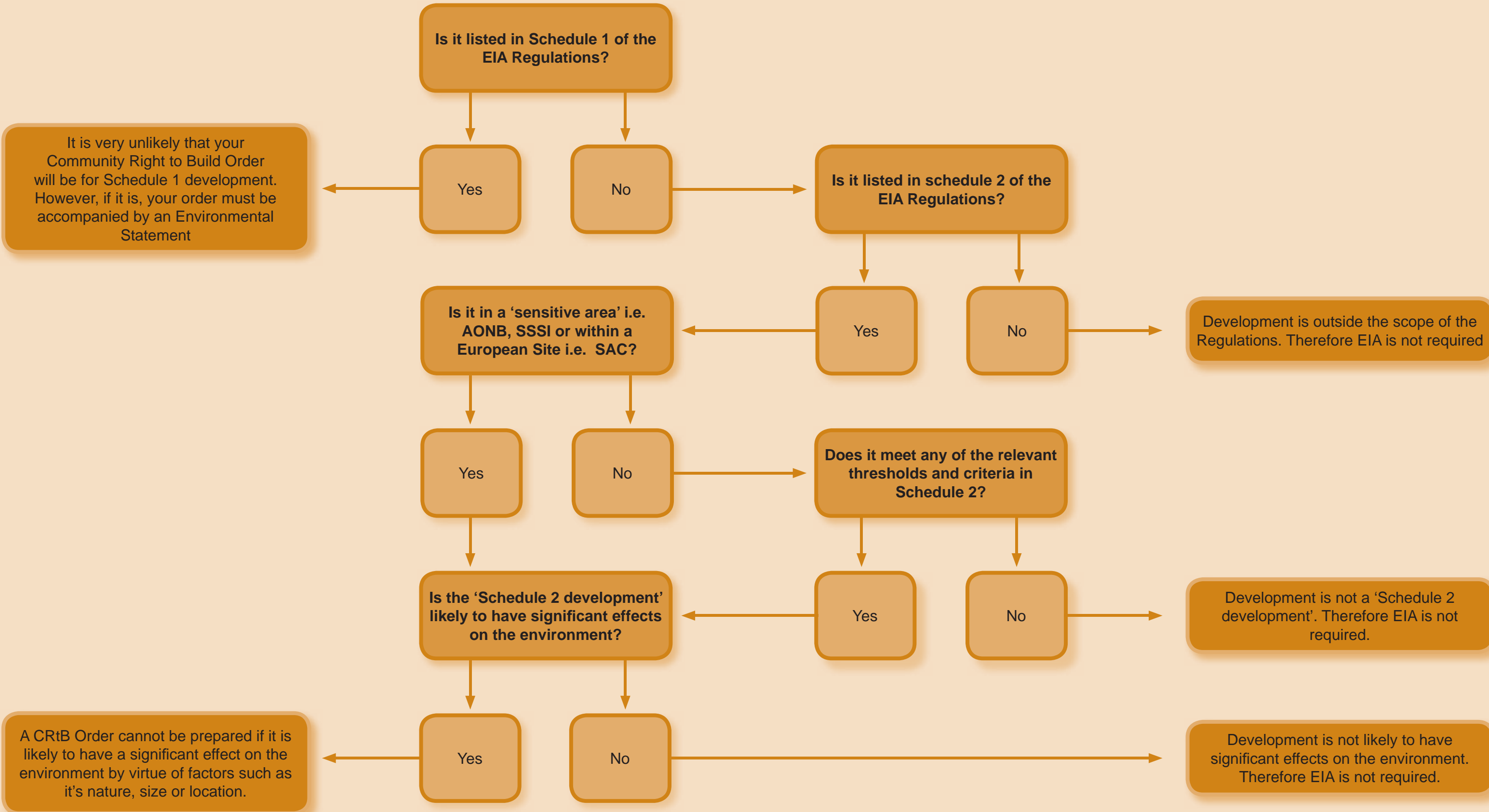
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6. A non-technical summary of the information provided under points 1 to 5 above.
7. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the parish council or community group in compiling the required information.

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Appendix 1 - Establishing whether a Community Right to Build requires EIA



## **Community Right to Build guidance notes available:**

1. Producing a Community Right to Build Order
2. Getting started on your Community Right to Build Order
3. A guide to procedures - Community Right to Build Order
4. Setting up a community group
5. Funding a Community Right to Build Order
6. Environmental Impact Assessment
7. Glossary of terms