

# The new Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Briefing Note

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**Significant changes have been made to Environmental Impact Assessment regulations through the Government's recent publication of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.**

The new Regulations come into force on 16th May 2017 and provide for a number of important changes to the 2009 Environmental Impact Assessment (EIA) Regulations, including:

- The circumstances in which a project may be exempt from the EIA process;
- The list of environmental factors to be considered as part of the EIA process;
- The information required to be provided to inform a screening decision, and the criteria to be applied to the screening decision;
- The way in which an Environmental Statement (ES) should be prepared;
- Use of a competent expert to prepare the ES;
- The introduction of coordinated procedures for projects also being assessed under the relevant European Parliament Directives on the conservation of natural habitats, wild flora and fauna, and wild birds;
- The means by which the public should be informed of projects which are subject to the EIA process; and
- A new requirement for decision-makers to avoid conflicts of interest.

## Screening

A standardised screening information list is now required in order to regularise the information being provided to local planning authorities (LPAs). This includes the requirement to list all sensitivities, make reference to the aspects of the environment likely to be 'significantly affected', and indications of mitigation that may avoid the need for an Environmental Statement.

This is a step on from previous requirements which included a site plan, a description of development and any other such information as a developer may wish to provide.

The new approach will, in summary, now require:

- A plan;
- Description of development;
- Sensitivities of proposed location;
- Aspects of environment likely to be significantly affected;
- Description of likely significant effects; and
- Any other information the developer wishes to provide, including mitigation.

There is now also an option of using information from the Local Plan evidence base to inform the screening opinion if available and up to date, and could include information within the Sustainability Appraisal.

Although the thresholds for development requiring EIA screening remain unchanged, in the 2017 Regulations, developers are reminded that this can still include any site deemed to be within a 'sensitive area' even if it falls below the thresholds.

## Scoping

A more comprehensive standardised list is introduced which broadens the scoping issues to be considered. This includes population and human health; biodiversity; land take; soil; water; air; climatic factors; material assets; cultural heritage; landscape and major accidents and/or disasters.

## The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

Also due to come into force on 16th May 2017, the IP Regulations transpose the same changes for development given planning consent through the nationally significant infrastructure planning regime.

If you would like to discuss whether the changes to the EIA Regulations may affect any projects you have, please get in touch with your nearest DLP Planning Ltd office where a member of our experienced planning team would be happy to advise you.



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