



## The need for an Environmental Assessment

The need for a development proposal to be subject to an Environmental Impact Assessment depends on how the development fits in to the categories indicated in the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations, 1999

Uncertainty has however sometimes existed with regards to certain schemes which appear to fall within Schedule 2 of these Regulations but which Local Authorities subsequently decide should not be subject to the EA procedures. This is increasingly the case with small scale renewable energy schemes.

It is therefore important for members wishing to make representations about such schemes in their area to note that Annex A of Welsh Office Circular 11/99 Environmental Impact Assessment (hereafter referred to as Circular 11/99), states the following:-

***“The criteria and thresholds ... are only indicative” and that:-***

***“ in determining whether significant effects are likely, the location of development is of crucial importance. The more sensitive a location, the lower will be the threshold at which significant effects are likely”***

In addition, para 36 of Circular 11/99 also states that,

***....in the case of designated sites, the thresholds do not apply at all.***

That being the case Local Planning Authority (LPA) should not automatically use the stated thresholds as clear parameters to decide if an EAI is necessary and should be challenged if they do.

### Screening for the need for EIA:

In addition Paragraph 36 of Circular 11/99 also states:-

***“ all developments (i.e. those falling within para 36 (a) and (b) must be screened for the need for EIA”*** (emphasis added). These are stated as:-

- “a) those in an SSSIs ... and international conservation sites, and***
- b) those in National Parks*** (remembering that AONBs also have the same legal status as an NP)

Paras 37 further states:-

***“in practice, the likely environmental effects of Schedule 2 development will often be such as to require EIA if it is located in or close to such sites”*** (i.e. sites listed in 36 (a) and (b))

**Members should therefore pursue this matter with their LPA as soon if there is a likelihood that a development has not been subject to an appropriate scoping or screening assessment.**

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