

## Environmental Impact Assessments

The Parish Council are concerned that residents do not understand the process when prospective developers apply for an opinion on if an Environmental Impact Assessment known as an EIAE is required. The following explanation from the Corporate Director at Hart District Council who is responsible for Planning may set minds at rest:

*Hart District Council is receiving a number of notifications from developers seeking "screening opinions". These are not planning applications but could be a precursor to the submission of a planning application for potentially large developments.*

*Environmental Impact Assessment (EIA) is a process for identifying the environmental effects of a proposed development before a planning application is decided.*

*Development of a certain type and scale, or development that is proposed in a defined 'sensitive area', often require EIA.*

*The EIA Regulations only apply to certain types of development, and before the Council can request an EIA it must determine whether the proposal is subject to the Regulations and can be classified as 'EIA development', and decide whether EIA is required in that particular case. This process is called 'screening' and there are two ways in which it can be applied:*

- 1) A developer can ask the planning authority to give an EIA screening opinion before the application for planning permission is submitted; or*
- 2) Where a planning application has been submitted without an environmental statement and alternatively no request has been made in the past for a screening opinion, the planning authority has the right to adopt an EIA screening opinion for the proposal, which will determine whether or not the scheme requires EIA.*

*In either case the Council has only 3 weeks within which to adopt their EIA screening opinion. With the exception of notifying certain designated consultees, given the very short timescales it is not possible to carry out wide notification.*

*By way of background, EIA development is set out in Schedule 1 and 2 of the EIA Regulations. Development of a type listed in Schedule 1 always requires EIA.*

*Development of a type listed in Schedule 2 requires EIA where it would be located in a sensitive area or it meets one of the relevant criteria or exceeds one of the relevant thresholds set out in the Schedule. For example, Government advice is that a development is more likely to require EIA where it would have significant urbanising effects in a previously non, urbanised area (e.g. a new development of more than 1,000 dwellings).*

*Sensitive areas include for example Special Protection Areas. It does not however, follow that every Schedule 2 development in (or affecting) sensitive areas will automatically require EIA. In each case, it will be necessary to judge whether the likely effects on the environment of that particular development will be significant in that particular location. Any views expressed by the consultation bodies (such as Natural England) must be taken into account.*

*When submitting a request for a screening opinion, all that the applicant needs to provide is a plan indicating the proposed location of the development, a brief description of the nature and purpose of the proposal and its possible environmental effects, giving a broad indication of their likely scale.*

*Screening criteria is set out in The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*

*Applicants have the right to appeal to the Secretary of State for a Screening Direction to determine whether an assessment is necessary.*

*A determination that something does or does not require an EIA had no relevance to the merits of a planning application. A requirement that a development requires EIA does not imply that the development is unacceptable and neither should it be assumed that a development is otherwise acceptable if it is held that an EIA is not required.*