

**LAND SOUTH OF GLAN USK PRIMARY SCHOOL, HERBERT ROAD
NEWPORT**

ENVIRONMENTAL STATEMENT

**VOLUME 2
CHAPTER 2: THE EIA PROCESS**

2. THE EIA PROCESS

Introduction

- 2.1 This chapter explains the main stages in the Environmental Impact Assessment (EIA) process, the approach followed to complete the EIA, including the legal requirements and other guidance underpinning the EIA process and the proposed approach to assessing impacts is also included in this chapter.

Legislation

- 2.2 In the UK, EIA's have been undertaken for certain major developments since the implementation of the European Council Directive on Environmental Assessment in 1985. The Directive was subsequently amended in 1997, 2003 and 2009 before being codified under Directive 2011/92/EU of 13th December 2011.
- 2.3 The EIA Directive was further amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment ("the 2014 EIA Directive").
- 2.4 Broadly, the intention of the 2014 EIA Directive is to:
- Clarify and strengthen the screening process, in particular by specifying the content of the screening decision;
 - Strengthen the quality of the Environmental Statement (ES) related elements of the EIA Directive by:
 - Requiring it to be based on the scoping decision where there is one;
 - Expanding the required content;
 - Requiring it to include information on new environmental challenges (such as climate change);
 - Enhance policy coherence and synergies with other EU/international law and simplify procedures by:
 - Co-ordinating certain environmental assessments;
 - Specifying timeframes for the various stages of the EIA process.
- 2.5 In Wales, the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 ("the EIA Regulations – now 2017 see below") transpose Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment ("the EIA Directive") in relation to development under the Town and Country Planning Act 1990.
- 2.6 Following a consultation period which ended in February 2017, the Welsh Government has subsequently brought into force the change in Regulations (16th May 2017) to:
- implement European Directive 2014/52/EU on environmental impact assessment
 - amend legislation relating to third party screening requests
 - amend the time period for providing scoping opinions

- make specific provision in the EIA regulations for consents under section 141 of the Town and Country Planning Act 1990 - Action by Welsh Ministers in relation to a purchase notice.

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (“the 2017 Regulations”) incorporating these changes have therefore replaced Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (“the 2016 Regulations”).

- 2.7 The outcome of referendum held on 23 June 2016 was that the UK should leave the European Union. Importantly before, and during the negotiations, the UK continues to participate in EU activities, the EU institutions, and abides by EU law. Therefore until the completion of the negotiations the Welsh Ministers are obliged to make legislation to transpose the requirements of the Directive.

THE EIA PROCESS

Main Stages and Guidance

- 2.8 Guidance on how the Regulations are applied in Wales remains within Welsh Office Circular 11/99 Environmental Impact Assessment (EIA). The relationship between a proposed development and its location is a crucial consideration. For any given development proposal, the more sensitive the location, the more likely that the effects will be significant and will require EIA. All developments within environmentally sensitive areas, must be screened for the need for EIA.
- 2.9 The main steps in the assessment procedure leading up to the publication of the ES are as follows:-
- Screening;
 - Scoping;
 - Description of the project/development;
 - Complete detailed baseline surveys;
 - Identification of potential environmental impacts;
 - Prediction of impacts;
 - Evaluation and assessment of significance;
 - Identification of mitigation measures and modifications to the design;
 - Identification of residual impacts and cumulative impacts; and
 - Presentation of results of the EIA in the ES (up to 16 week decision period).
- 2.10 Key stages in the process can be summarised as follows:-
- Identify relevant natural and man-made processes that may change the character of the site;
 - Consider the possible interactions between the proposed development and both existing and future site conditions;
 - Using the initial designs of the development, predict the possible environmental effects of construction and operation, both direct and indirect;

- Recommendations can then be made to avoid, minimise or mitigate adverse effects and enhance positive effects. Alterations to the design can then be reassessed and the effectiveness of mitigation proposals determined; and
- Any uncertainties inherent in the methods used, impact predictions made and conclusions drawn would be identified during the course of the assessment process.

2.11 The EIA has been undertaken, and the ES prepared, taking into account UK Environmental Legislation and guidance, including the published 'Environmental Impact Assessment: A Guide to Good Practice and Procedures' and The Institute of Environmental Management and Assessment (IEMA) 'Guidelines for Environmental Impact Assessment (2004)'.

Approach to the Assessment of Impacts

2.12 The determination of the significance of the impacts arising from the proposed development is a key stage in the EIA process. It is this judgement that is crucial to informing the decision-making process. However, defining what is significant is not a simple task. The following criteria have been used (where appropriate to the issue being addressed) in the EIA to inform the assessment of the significance of an impact:-

- Type of impact (adverse/beneficial);
- Extent and magnitude of impact;
- Duration of impact (short term/long term);
- Sensitivity of receptor;
- Comparison with legal requirements, policies and standards;
- Comparison with applicable environmental thresholds; and
- Effectiveness of mitigation.

2.13 It should be noted that the residual significance of impacts is assessed taking into account mitigation, i.e. the assessment applies to the residual impacts. A residual impact is any impact that would remain following the implementation of proposed mitigation measures.

2.14 Unless specifically indicated in the methodologies to the following technical chapters, the significance of the impacts arising from the proposed development have been categorised throughout the ES using a seven point scale, as follows:-

- Insignificant;
- Minor (adverse or beneficial);
- Moderate (adverse or beneficial); and
- Major (adverse or beneficial).

2.15 Impacts are assessed for all phases of the development. Construction impacts are considered to be temporary, short term impacts which occur during the construction phase only. Permanent impacts are those long term effects which would occur as a result of the proposed development once it is in operation.

Cumulative Impacts

2.16 Schedules 4 of the Town and Country Planning (EIA) Regulations 2016 emphasise the need for the consideration of cumulative effects at a project level. Schedule 4 details the information for inclusion in Environmental Statements. This includes the following:-

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

- 2.17 Cumulative impacts are best described as *'impacts that result from incremental changes caused by other past, present or reasonably foreseeable actions together with the project.* Significantly, the proximity of development (past, present or planned) to a particular project does not always provide the criteria for inclusion in an assessment of cumulative impact. What should be borne in mind is whether the other development affects the resources which would be affected by the project. If this is not the case then it will not be necessary to include it in the assessment.
- 2.18 The results of the assessment of cumulative impacts need to be reported in the ES by integrating the assessment into each topic section. The findings appear under clearly identifiable sub-sections in each technical chapter. A methodology to cumulative impacts is included in Chapter 3 of this ES.