



Section 4:

Environmental Impact Assessment

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HOW TO USE THIS GUIDANCE

Environmental Impact Assessment (EIA) is a statutory assessment which should only be carried out by MOD specialists, or where internal MOD support is not available, qualified consultants may undertake the necessary work.

This guidance does not aim to provide in depth methodology for undertaking EIA as there is a range of good practice Government and Industry guidance available.

Chapter 4.1: Provides an introduction to EIA, its relationship with other tools and appraisal techniques, the legal drivers, when it should be undertaken and by who.

Chapter 4.2: provides an overview of EIA implementation so that project teams can better understand and manage the type, quality and consistency of EIA work they should expect to obtain from MOD specialists/external consultancy support, which the MOD is ultimately responsible for. Also sets out tips and illustrative examples for undertaking stages of an EIA and the preparation of the Environmental Statement (ES).

Chapter 4.3: Contains further information and references.

Frequently asked questions

A summary of where to find information in this guidance booklet (based on frequently asked questions) is provided below.

Frequently Asked Question	Relevant section of guidance booklet
What is EIA?	Paragraph 4.1.1
Should I undertake EIA or Sustainability Appraisal?	Summary Booklet – Figure S.3 and Table S.3
When does EIA apply to my Project?	Paragraphs 4.1.8 , 4.1.13 and Figure 4.2
Who is responsible for undertaking EIA?	Paragraph 4.1.16
What are the likely timescales and resource requirements for EIA?	Paragraph 4.2.21
How does the EIA process relate to the project cycle?	Figure 4.3
What assistance is available to help understand and undertake EIA?	Section 4.3

4.1 INTRODUCTION

What is EIA?

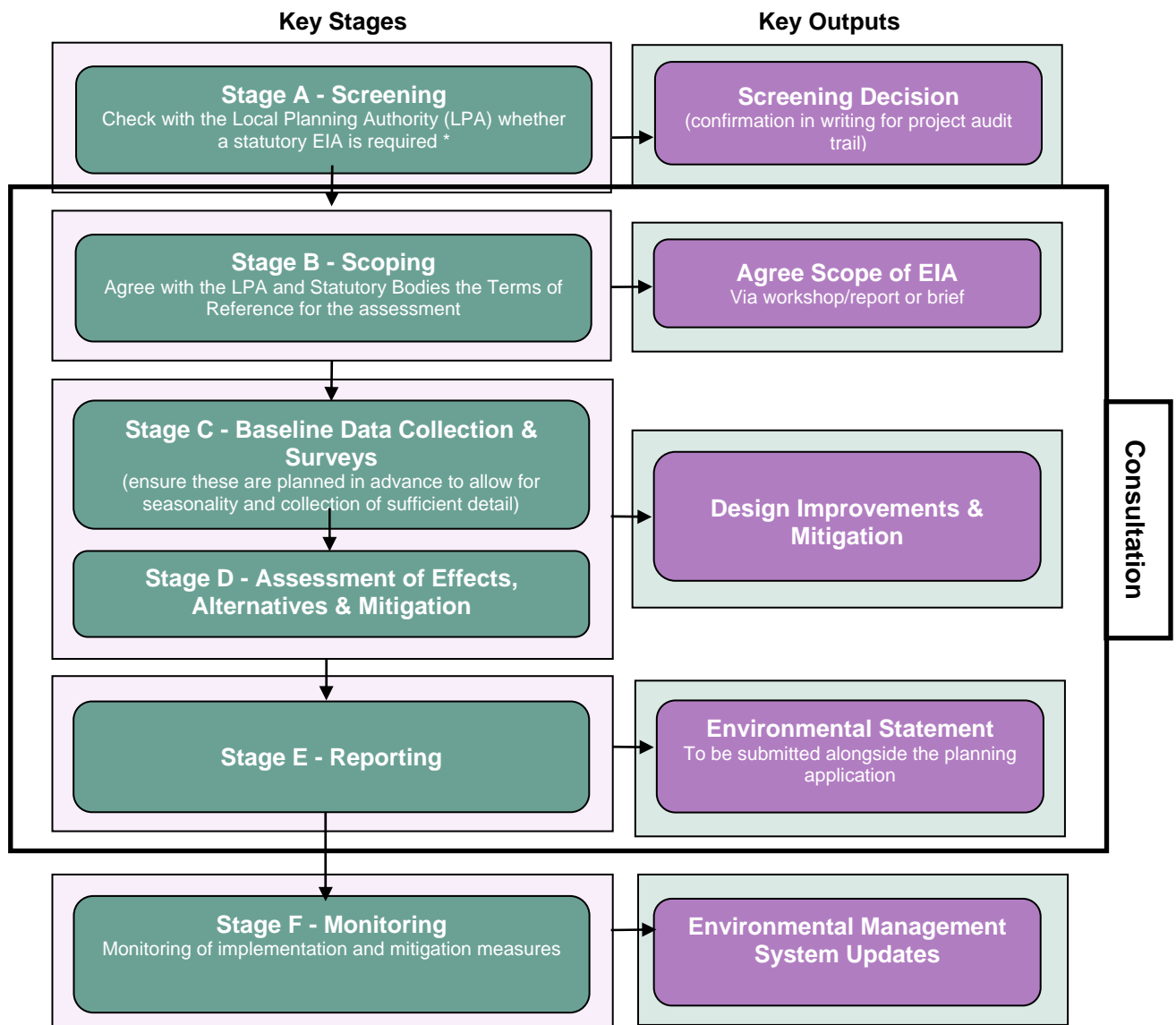
- 4.1.1. EIA is a statutory requirement for certain projects. It is an iterative process to consider and manage the potential environmental effects of a proposed development or activity and supports the environmental objectives for sustainable development. It should be implemented prior to decision making and should not be seen as a barrier to the activity or development. The findings, presented in an Environmental Statement (ES), inform decision-makers (e.g. MOD and Local Planning Authorities (LPAs)) of the likely environmental consequences of a project. EIA is required for certain types of projects which are likely to have significant environmental effects and it must be completed before the project can be given development consent.
- 4.1.2. The EIA process gathers data and evaluates effects on a range of environmental topics and the inter-relationships between these factors. The findings from each of these topic areas collectively provide a picture of the effects of the proposal as a whole.
- 4.1.3. In broad terms, EIA has a range of objectives and these are as follows:
- Improve environmental design of the proposal;
 - Check environmental acceptability of proposals compared to the capacity of the site;
 - Ensure resources are used appropriately and efficiently;
 - Identify appropriate measures for mitigating potential impact of the proposal;
 - inform decision making,
 - Avoid irreversible serious damage to the environment;
 - Safeguard valuable resources, natural areas and ecosystem components;
 - Enhance the social aspects of proposals; and
 - Protect human health and safety.”¹
- 4.1.4. The EIA process can be split into stages, each of which has a key output in terms of a tangible product, action or decision. These stages are represented in Figure 4.1.

Why Undertake EIA?

- 4.1.5. The EIA process is triggered by a specific legislative² requirement and at the same time, planning permission or similar consents must be applied for. If an EIA is undertaken this does not negate the requirement for other studies including Habitats Regulations Assessment, Building Research Establishment Environmental Assessment Method (BREEAM) or Defence Related Environmental Assessment Method (DREAM) and they should be used alongside EIA to assess the environmental performance and design of any buildings that are being developed as part of the project

¹ Based upon Sadler & Fuller et al (2002) contained in Fuller, K. et al (2004), Guidelines for Environmental Impact Assessment, IEMA, Lincoln

² Statutory Instruments 1999 No. 293 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as amended.

Figure 4.1: Key Stages and outputs of EIA

*Although developers/projects are advised to consult the LPA to obtain a screening opinion, this is not compulsory. However, this is considered best practice.

- 4.1.6. Similarly, a Sustainability Appraisal (see section 3 for further information), which must be completed for all MOD plans, programmes and projects and appraises environmental, social and economic impacts, may highlight areas for attention within the EIA. Where a statutory EIA is not required, an SA should be completed. This will fulfil MOD policy to undertake the appropriate level of sustainability and environmental appraisal, as appropriate on its new or renewed projects and activities.
- 4.1.7. A Strategic Environmental Assessment (SEA) may already have been completed on the higher level plan or programme that has led to the development of the current project. The data and findings of the SEA can be used to inform the baseline data collection (see Stage C) for the EIA.

Box 4.1. The limit of SA in terms of EIA

Sustainability Appraisal can identify areas of further investigation through EIA, but does not identify baseline information or determine the level of significance. Therefore SA highlights potential negative impacts and can provide a basis for the EIA.

It should be noted that a Sustainability Statement may be required by an LPA to accompany a planning application and the SA can be used to inform this statement.



- 4.1.8. The DE&S Project Orientated Environmental Management System (POEMS) also contains a stage called environmental impact assessment. The completion of this stage of the POEMS does not negate the preparation of a statutory EIA.

Box 4.2. Reasons for Undertaking EIA

- legal compliance;
- avoids delays and legal challenges when obtaining planning (or other) permission(s);
- facilitates an informed decision making process and consultation; and
- improves the environmental design of the proposals and ensure resources are used in a sustainable way.

**Statutory Requirement**

- 4.1.9. The loss of Crown Immunity from the Town and Country Planning legislation mean the MOD is now bound to comply with statutory planning controls. **Where there is no defence exemption, MOD must undertake an EIA and submit an Environmental Statement (ES) with planning applications for most large scale developments or developments which have the potential to significantly affect the environment.**

Box 4.3: Statutory Requirement for EIA

MOD no longer has an unqualified exemption from the requirements of the EIA Directive. Exemptions from the requirement for EIA can only be applied where it is considered by MOD and DCLG that by undertaking the EIA and issuing an ES there will be an adverse effect on national defence activities.



- 4.1.10. Further guidance on the application of the Town and Country Planning regime to MOD can be found on the Defence Estates Intranet [Practitioner's Guide to the Planning Acts](#). EIA may also be required for specific activities such as harbour works, or the use of semi-natural or uncultivated land. Appendix 4A presents the UK EIA legislation, with devolved administration iterations, and each can be viewed in full on [The Stationery Office](#) or devolved administrations' websites (Details can be found in Section 3 appendix J)
- 4.1.11. The Environment Act 1995 assigns National Park Authorities the responsibility of Local Planning Authority (LPA) in National Parks and the associated Circular³ states

³ DoE Circular 12/96 Environment Act 1995, Part III National Parks

statutory EIAs must be undertaken for new, renewed or intensified MOD development or changes where there is a requirement to apply for Planning Permission (i.e. where Town and Country Planning regime applies).

Case-by-Case Defence Exemption

- 4.1.12. The exemption can only be applied on a case-by-case basis where clear justification of the adverse effects on national defence purposes is provided and is authorised by both the Secretary of State for Defence and the Secretary of State for Communities and Local Government. The resulting Defence (EIA) Exemption Direction (D(EIA)ED) will disapply the EIA legislative requirement.
- 4.1.13. A flow chart illustrating the D(EIA)ED process and relevant contacts to assist is shown in Appendix 4C. The D(EIA)ED process must be initiated well in advance of the submission of the Planning Application, ideally prior to the point when a Screening Opinion (see Chapter 4.2) would need to be requested from the LPA, in order to avoid delays to the planning process. The Department of Communities and Local Government (DCLG) will send a copy of the D(EIA)ED to the relevant LPA to inform them of the decision.
- 4.1.14. In these circumstances, in line with the SofS Safety, Health, Environmental and Sustainable Development Policy Statement, an equivalent non-statutory appraisal (e.g. an Environmental Appraisal) should be undertaken that “*as far as reasonably practicable is at least as good as*” the one required by legislation. If it is not reasonably practicable to undertake certain stages of the EIA (e.g. consultation due to the classified nature of the information), then this should be detailed in the submission to Minister for clearance to seek D(EIA)ED.

When is an EIA Required?

- 4.1.15. The process of deciding whether your project requires an EIA is called Screening and is the first stage or Stage A of any EIA. Although developers/projects are advised to consult the LPA to obtain a screening opinion, this is not compulsory. However, this is considered best practice. The key information for EIA Screening is determined by a series of schedules to the EIA Regulations (see Section 4.2 and Annex 4b) and the level of significance for any potential impacts.

Who is responsible for screening for the requirement for EIA and undertaking the process?

- 4.1.16. For an infrastructure project delivered via the Core Works, Minor New Works or Regional Prime Contracting route, the responsibility for screening for the requirement, commissioning and managing an EIA lies with the DE Project Manager. The funding should form part of the overall project funding line. If the project is a DE&S Hybrid equipment project, the responsibility for screening for the requirement, commissioning and managing an EIA for the infrastructure line of development lies with the IPT.
- 4.1.17. If a standalone PFI or Prime Contractor is engaged to deliver the development then MOD as project owner is still responsible for funding and managing the EIA unless the contract specifically transfers the EIA process and funding to the contractor. If the

latter is the case, it is the responsibility of the IPT to ensure that the contractor delivers a legally compliant EIA to support the Planning application.

- 4.1.18. DE EAS can advise on choosing consultants and setting up statements of requirements (see Chapter 4.3). For relevant contacts for advice, guidance and TLB focal points see section 4.3

Visiting Forces

- 4.1.19. Visiting forces (e.g. United States Visiting Forces - USVF) have an obligation to comply with substantive UK legislation and work in partnership with DE to support MOD's objectives. Where a project of work is to be implemented on the MOD Estate, USVF and other foreign defence forces should approach DE International Directorate for further guidance.

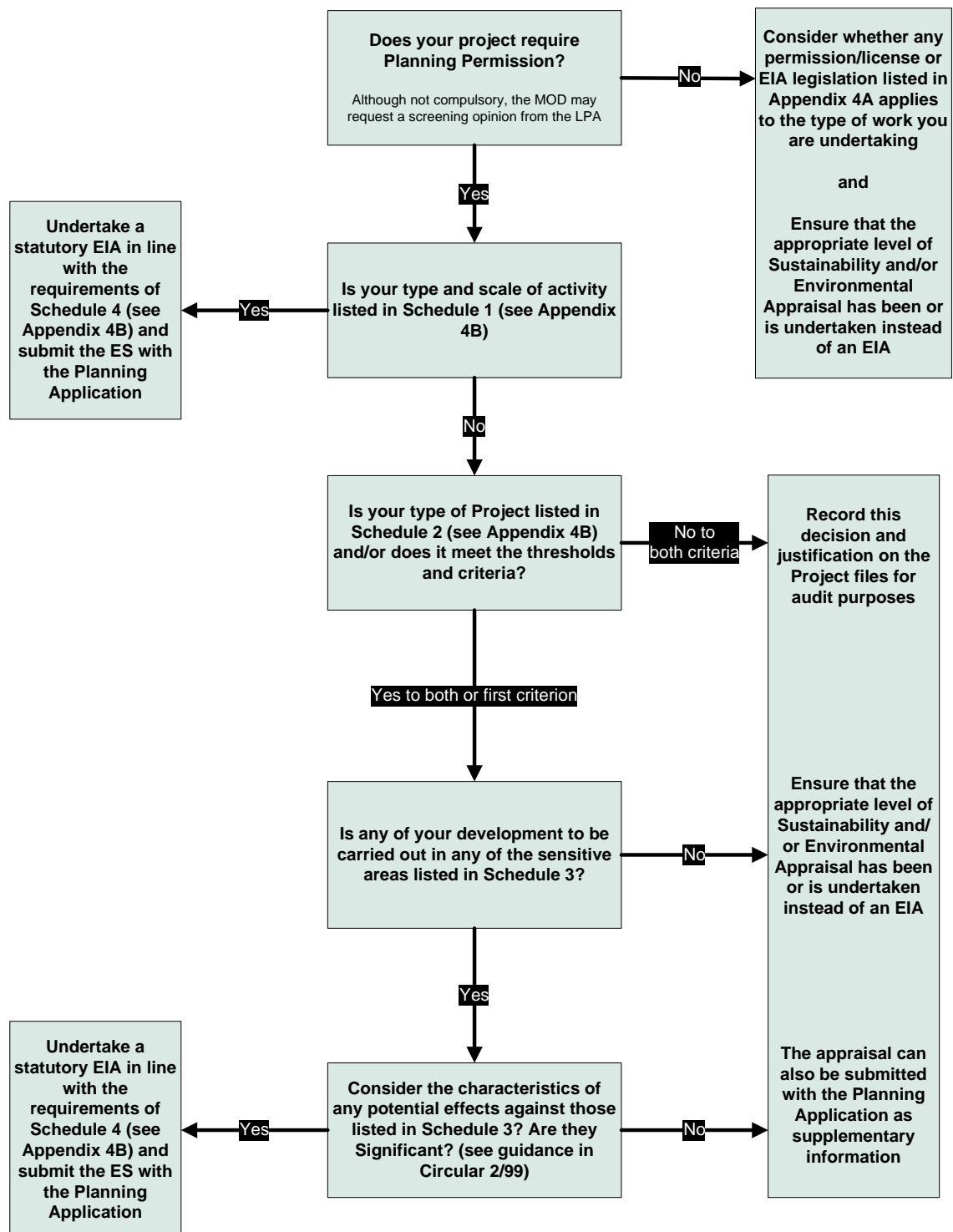
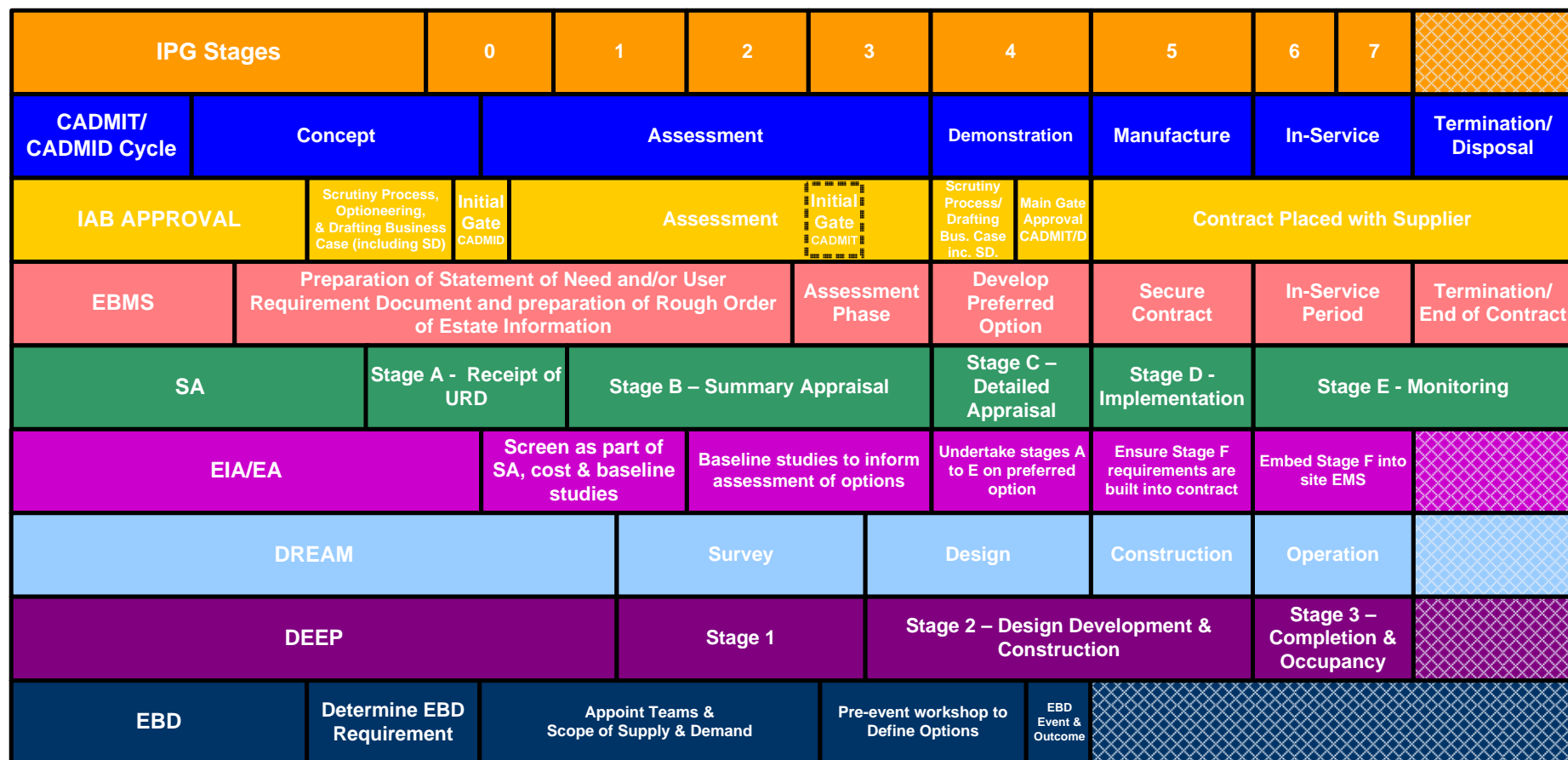
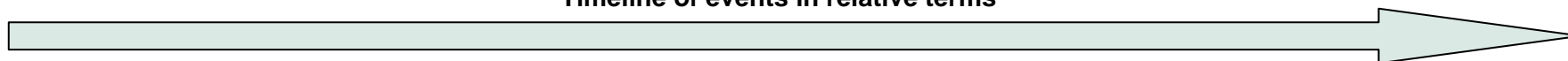
Figure 4.2: Is an EIA required? - 'The Screening Process'

Figure 4.3 Relationship between Environmental Impact Assessment (EIA) / Environmental Assessment (EA), Sustainability Appraisal (SA), CADMIT/D cycle, Defence Estate's Estate Business Management System (EBMS), the Investment Approvals Board (IAB) process, Integrated Project Guide (IPG) stages, Defence Related Environmental Assessment Methodology (DREAM), Defence Excellence Evaluation Process (DEEP) and Enquiry by Design (EBD)



Timeline of events in relative terms



4.2 EIA METHODS AND APPROACH WITHIN MOD

IMPORTANT TO NOTE

EIA's must be carried out by MOD specialists or by suitably qualified and experienced consultants. Therefore this section has been produced so that project teams can better understand and manage the type, quality and consistency of EIA work they should expect to obtain from MOD specialists/external consultancy support, which the MOD is ultimately responsible for.



Screening (Stage A)

- 4.2.1. The Town and Country Planning EIA Regulations (and devolved administration equivalents) list the developments that require EIA. A summary of the development types is given in Appendix 4B, although it is important to refer to the Regulations and Government guidance within Circular 2/99 (as well as other relevant specialist EIA legislation in Appendix 4A) for further detail of specific environmental aspects or size thresholds that trigger an EIA.
- 4.2.2. Defence activities and infrastructure can have unusual, indirect or complex impacts and carry a high level of public sensitivity and can be subject to intense scrutiny. Although these activities may not appear to naturally fit within the categories of Schedule 2, Government guidance states that where there will be an 'urbanising' effect due to the nature or scale of the proposals or a significant change from the baseline situation, an EIA would more than likely be required e.g. large scale additional garages or Single Living Accommodation on a previously undeveloped area in a rural setting.
- 4.2.3. The Screening exercise and consultation with the LPA for what is termed a 'Screening Opinion' and should be carried out at the earliest opportunity after plans are firmed up. Although developers/projects are advised to consult the LPA to obtain a screening opinion, this is not compulsory. However, this is considered best practice. A template for the screening can be obtained through contacting the Environmental Advisory Services (EAS) using the contact information in section 4.3. The Screening Opinion that is sent to the LPA should consist of the following information:
 - a plan identifying the land the application will apply to; and
 - a brief description of the nature and purpose of the development and of its possible effects on the environment (i.e. a copy of the SA).
- 4.2.4. A SA may constitute the earliest stage of such a voluntary exercise, the expansion of which would emerge through consultation with the local authority and relevant stakeholders. Figure 4.2 illustrates the screening process.
- 4.2.5. The LPA should reply to the request for an opinion within 3 weeks or agree, in writing, a longer period. Written evidence of this decision should be kept, thus minimising the risk of planning refusal, project delay and providing early identification of the resource implications for MOD.

Scoping (Stage B)

- 4.2.6 Scoping is undertaken to ensure the EIA focuses on those key issues which are relevant, and is one of the most important stages. Scoping should set the parameters for the EIA and ensure resources are focused on areas where significant effects are likely.
- 4.2.7 When agreeing these parameters, MOD projects should consider framing them around the 16 sustainable development themes that are considered in Section 3 of the Handbook. DCLG's guide to the EIA procedures also includes an additional checklist of issues which *may* need to be considered.
- 4.2.8 The EIA Regulations make provision for the LPA to provide, where requested, a formal scoping opinion. This request must be made in writing, and will usually take the form of a scoping report. A template for the scoping report can be obtained through contacting the EAS using the contact information within section 4.3

Box 4.4: Combined Screening and Scoping Opinions - Timescales

A formal 'scoping opinion' can be requested from the LPA at the same time that the screening opinion is requested, as long as there is enough detail known about both the project and the proposed site at that time.

The LPA must respond to a request for a scoping opinion within five weeks, or a longer period if this is agreed in writing. If the screening and scoping opinions are applied for together, the LPA have five weeks to give a scoping opinion after the screening opinion has been issued. The scoping opinion will then be available for inspection by the general public for up to two years at the LPA offices.



- 4.2.9 A scoping report would typically include the following:
- Details of the proposed development, its nature and the reasons for it;
 - The main aspects of the proposal which are likely to impact the environment, e.g. increases in traffic, visual impact, noise etc.,
 - The sensitivity of the receiving environment, any designations etc.;
 - An initial indication of the principal environmental impacts to be addressed;
 - The nature and extent of the baseline data that will need to be collected for more detailed study, and methods of data collection;
 - The methodology that will be used to assess the potential impacts; and
 - Preliminary suggestions for mitigation measures.
- 4.2.10 The LPA's scoping opinion will set out what they see as the priorities in terms of the most significant impacts on the environment and the LPA are likely to consult with the statutory consultees (see box 4.5). For this reason, it is often good practice to have at least spoken to the statutory consultees before the scoping opinion is sought.

Consultation - Who should be consulted and when?

- 4.2.11 Consultation is an essential element of the EIA process (see Figure 4.1), and whilst scoping is mandatory for every application, the EIA Regulations provide a mechanism for developers to agree the scope of the EIA formally through the request for a 'scoping opinion'. This is where the MOD asks the LPA for its view on the information to be

included in the Environmental Statement. Although there is no formal requirement to do so, it may sometimes be appropriate to invite views on the scope of the EIA from the wider public likely to be affected by the proposed development. This may identify local concerns and areas of expertise and may help to minimise future problems. However, the Regulations require that consultation takes place with the statutory consultees (Box 4.5).

Box 4.5: Statutory and Non Statutory Consultees



The EIA Regulations identifies the range of statutory consultation bodies which should be consulted during the EIA process. Similarly depending upon the type of planning application, it may be necessary to consult additional bodies and organisations. In some instances it may also be advisable to consult the wider public and non-statutory organisations that may be affected by the proposal, as this may highlight local expertise and minimise/prevent future problems.

Below is a summary of some of these organisations, but this list is by no means definitive. As each planning application is unique, specialist advice should be sought from the Environmental Planning Team within EAS (See Chapter 4.3 for contact information) on identifying the key stakeholders.

Statutory Consultees

The Local Planning Authority
 Countryside Council for Wales / Scottish Natural Heritage / Northern Ireland
 Environment and Heritage Service (EHS)
 Natural England
 Environment Agency / Scottish Environmental Protection Agency
 Secretary of State for Wales (where the land is situated in Wales)
 Scottish Ministers (where land is situated in Scotland)

Other bodies which may need to be consulted depending on the proposed development / site

English Heritage / Welsh Historic Monuments (Cadw) / Historic Scotland
 Department of Environment, Food and Rural Affairs (Defra) / Department of
 Transport (DfT) / Health and Safety Executive (HSE)
 British Waterways / Local Highway Authority

Non-Statutory bodies with whom consultation can be beneficial

Community and Amenity Groups, RSPB, Local Wildlife Trusts, local history / geological societies and records offices

- 4.2.12 In addition, it can highlight the environmental impacts likely to cause greatest concern amongst stakeholders. Addressing these issues early on can help to ensure that objections to the proposal are minimised.
- 4.2.13 Consultation with the public from an early stage also helps generate a good relationship with the local community, minimising risk of misunderstandings about a proposal and adverse publicity. However, this must be balanced with any requirements for confidentiality and ensuring that schemes are not aired in public too early on, when plans could change. The ES will be made available to the public by the LPA following its submission with the Planning Application.

Baseline Data Collection (Stage C)

- 4.2.14 Baseline data helps provide an interpretation of how existing conditions might be expected to change over time if the development does not go ahead.
- 4.2.15 The level of detail provided by the baseline data has been one of the main areas of legal challenge in the courts. The relative importance of various issues should have been identified through scoping and consultation. There must be sufficient information to allow the significant impacts to be assessed, (whether direct, indirect, or cumulative). However, the EIA process is flexible enough to allow changes to be made as information is gathered, and refined as the assessment progresses.

Box 4.6: Resources for Gathering Baseline Data

Enough time must be allowed for gathering baseline information.

This is particularly important if survey work is required for aspects where seasonal constraints exist, for example, certain flora or fauna surveys, or visual assessments, must be carried out at specific times of year. Repeat surveys over a number of seasons may also be required.



Assessment of effects (or Impact Assessment) and their significance (Stage D)

- 4.2.16 Impact assessment is the process of predicting the changes that will take place in the baseline environmental conditions as a result of a proposal and can be completed by utilising existing information and/or collecting new data. Impact prediction is subjective and there is inevitably a level of uncertainty attached. Discussions with consultees and the LPA can be helpful in defining the acceptable levels of uncertainty. This definition should be clearly acknowledged within the ES.
- 4.2.17 Consideration needs to be given to whether the predicted impacts are:
- Positive or negative;
 - Direct, indirect and/or secondary;
 - Cumulative;
 - Short, medium and long term; and
 - Reversible - Permanent or temporary.
 - Magnitude
- 4.2.18 Where an impact is identified it is also necessary to know how significant that impact is likely to be. The magnitude of an impact is taken to be an expression of scale. The significance of the impact is the importance likely to be placed on the impact by society. The EIA Regulations provide further information on this matter.


Consideration of Alternatives (Stage D)

- 4.2.19 Whilst not a legal requirement, good practice supports the consideration of reasonable alternatives. This can include alternative means by which the scheme objectives could be delivered. Only reasonable alternatives need be included. It is often a good idea to discuss the appropriate extent of alternatives with the LPA and stakeholders. The assessment of alternatives, in terms of environmental impacts, feasibility, cost

effectiveness and reasonableness will lead to the development of a preferred project proposal. A justification of the final choice should also be provided.

Identification of Mitigation Measures (Stage D)

- 4.2.20 Where impact analysis predicts significant environmental impacts, mitigation measures should be taken to avoid, reduce or compensate for the impacts on the environment. These measures may be incorporated into the design of the proposal or undertaken during implementation. The earlier that mitigation measures are identified, the greater the likelihood is they can be integrated, thus avoiding “bolt-on” solutions which are often more costly and less effective.
- 4.2.21 Ideally, impacts should be avoided whenever possible. Where this is not possible, they should be minimised. The last resort for mitigation is compensation. This order of priority is often referred to as the ‘Mitigation Hierarchy’. Mitigation measures can also be introduced to enhance conditions, so that environmental quality is better than it was prior to the proposal.

Box 4.7: Mitigation Hierarchy		
Avoid	Design and operate to avoid impacts, e.g. fence off sensitive areas.	
Minimise at source	Put measures in place to ensure impacts are minimal, e.g., time noisy activities to avoid certain times of day.	
Abate on site	Reduce impacts where they occur, for example, provide interceptors for hard surface water run-off.	
Abate at receptor	Put measures in place to reduce the effect of the impact where it is felt, e.g. install double glazing.	
Repair	Remedy any remaining damage which cannot be avoided, e.g. restore original surface condition damaged by construction traffic.	
Compensate	Provide compensation either in kind, or other means, for damage that cannot be abated or repaired. For example, if a hectare of important habitat has to be destroyed, a hectare of habitat could be re-created in a suitable area so that overall habitat loss is nil.	

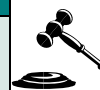
Preparation of Environmental Statement (ES) (Stage E)

- 4.2.22 The ES is a legal requirement that communicates the results of the EIA to decision makers and stakeholders. The ES should not attempt to conclude whether or not the proposal should go ahead. Its role is simply to inform the decision makers so that they can make a decision. Along with the final technical report, a non-technical summary must be provided, summarising the main issues in a form which can be made widely available to the public.

Box 4.8: Contents of an Environmental Statement

There is no set format for an ES, but there is a list of information which it should contain.

Schedule 4 of the Regulations is divided into two parts. Part I includes information which should be included as far as it is “reasonably required” to assess the environmental effects. Part II includes information which must be included in the ES. See Appendix 4B.



- 4.2.23 If the ES is submitted after the application rather than with it, the applicant becomes responsible for the publicity (e.g. adverts with details of where the ES can be reviewed at the site and in local newspapers), rather than the LPA.
- 4.2.24 The LPA have 16 weeks to make a decision on a development with an EIA (in contrast to the 8 week period for a normal planning application). This also allows time for the public to submit any comments on the ES. The LPA can request the provision of further information before determining the application if it considers that the EIA is not comprehensive enough. Effective consultation throughout should minimise the chance of this happening. The LPA may withhold planning consent until all of the relevant surveys have been undertaken and the correct information is presented.
- 4.2.25 A monitoring programme is recommended to support the EIA and ensure that any mitigation measures become an established element of the development. This should be outlined in the ES. These monitoring measures and any mitigation measures that have been committed to should be built in to MOD or Prime Contractors Environmental Management Systems, Integrated Rural Management Plans and Integrated Estate Management Plans as appropriate.

Cost and Timescales for an EIA

- 4.2.26 The time taken to complete an EIA will depend on the size, complexity and location of the project/proposal. Every project is unique and so there is no such thing as a typical EIA. However, from the decision to undertake an EIA to the production of the ES will take not less than three months for the very simplest proposal. With larger and / or more complex proposals, and / or those which are located close to sensitive areas, the time and cost of the EIA will increase.
- 4.2.27 It is equally difficult to define a typical cost. If consultants are brought in from the beginning to carry out the full EIA, costs will vary from £30,000 for the small, simple proposals to over £300,000 for large complex ones. About 10% of the EIA budget should be allocated for the scoping phase (more for small projects, possibly less for large developments).
- 4.2.28 Although initial costs may seem high, additional costs could be incurred if an EIA is not completed to the legal standard. This can include delays in the planning process, costs associated with public and statutory opposition, poor relations with stakeholders, expensive litigation or mitigation measures.

Quality Assurance

- 4.2.29 It is important that the ES produced for a project is legally compliant, that robust methodologies are used for the impact assessments and there is a good standard of presentation. There are a variety of approaches to assuring the ES produced for a MOD project is a good practice example. These include;
- use an external contractor who is an EIA assessor registered with the Institute of Environmental Assessment and Management (IEMA);
 - ensure the Statement of Requirements for the work is reviewed by the Defence Estates Ops Environmental Advisory Services (EAS) Environmental Planning Team (EPT);
 - request a review of the ES by Defence Estates EAS - EPT; and
 - external review for particularly sensitive or high profile projects, e.g. by the Institute of Environmental Management and Assessment (IEMA).
- 4.2.30 Where external assistance is required, the Departmental Guidance on Consultancy Assistance⁴ should be followed. The Category Gate Owner for this process is Chriss Derbyshire (christine.derbyshire@de.mod.uk ; (9)4421 2176)

⁴http://defenceintranetds.djiweb.r.mil.uk/sites/polestar/cs/DocumentLibrary/11/2165_Departmental_Guidance_on_Consultancy_Assistance_V6.pdf

REFERENCES AND FURTHER INFORMATION

The following references may be of use during the EIA process:

Key Legislation and Government Guidance

[DCLG Circular 02/99 \(March 1999\) Environmental Impact Assessment](#)

[DCLG \(2000\) *Environmental Impact Assessment - A Guide to Procedures*](#)

[Sources of information on Environmental Impact Assessment](#)

[Environmental Impact Assessment \(Scotland\) Regulations 1999](#)

[ODPM \(2002\) Notes On Environmental Impact Assessment Directive for Local Planning Authorities](#)

[The Town and Country Planning \(Environmental Impact Assessment\) \(England and Wales\) Regulations 1999](#)

[Welsh Office Circular 11/99 Environmental Impact Assessment](#)

Other Publications

HEMA - [Environmental Impact Assessment E Brief](#)

HEMA - [Environmental Impact Assessment Guidance on Updates](#)

Carroll, B. and Turpin, T. (2002) *Environmental Impact Assessment Handbook. A Practical Guide for Planners, Developers and Communities*. Thomas Telford, London.

Glasson, J., Therivel, R., Chadwick, A. (1999) (2nd edition): *Introduction to Environmental Impact Assessment: Principles, Procedures, Practice and Prospects*. UCL Press, London.

HEMA Perspectives (2004). *Guidelines for Environmental Impact Assessment*. (Available from www.ima.net/shop.htm)

Troman, S and Fuller K. (2003): *Environmental Impact Assessment: Law and Practice*. Lexis Nexis UK.

Advice on EIA Policy

DE Property Directorate
Sustainable Development Team
Room 14, K Block
Foxhill
Bath, BA1 5AB
Contact: Sus Dev1b1
Mil. 9355 83106
Civ. 01225 883106
sustainable.development@de.mod.uk

Advice on the Application and Completion of EIA

DE Operations Directorate
Environmental Advisory Services
Environmental Planning Team
Building 97a
Land Warfare Centre
Imber Road
Warminster
Wiltshire
BA12 0DJ

94381 2909
01985 222909
estsustainability@de.mod.uk

The Defence Estates Environmental Advisory Services (EAS) provides professional support for the implementation of MOD environmental policy. The Team comprises environmental specialists in five functional areas: sustainability, environmental planning, natural environment and historic environment. EAS provides assistance to Customer Estates Organisations (CEstOs), Chief Environmental and Safety Officers (CESOs), Military Units and MOD stakeholders in the UK and abroad.

EAS can provide assistance to those MOD projects which do, or which might require EIA. This assistance includes:

- screening the requirement for the applicability of EIA;
- giving advice and explanations of the policy and legislative issues;
- using practical experience gained from other EIAs which have been/are being carried out;
- assisting in commissioning consultancy work through the OGC framework (see note below);
- carrying out a project management role and providing quality assurance support to EIA (in other words, ensuring MOD assume the “intelligent customer” role);
- providing advice on stakeholder liaison, partnerships, the role of statutory bodies, NGOs and other organisations.

DE Ops International (point of contact for EIA guidance relating to USVF projects)

Col Iain Wright
Defence Estates Operations International - Divisional Director Overseas
St George's House, Kingston Road, Sutton Coldfield, England, B75 7RL
94421 3769 / 0121 311 3769
Iain.Wright@de.mod.uk

The following text provides guidance on the commissioning of Consultancy Support;

Office of Government Commerce (OGC) Contract

EAS has a call-off contract under the OGC framework with a specialist environmental consultancy firm. This contract involves agreed competitive rates for all types of environmental work, including EIA. EAS can provide advice and assistance in drawing up a SOR to submit to the consultancy firm. Based on the SOR, the consultancy firm will then draw up a proposal of work, and breakdown of costs. Once this has been agreed, one of the demanding officers within EAS can raise the appropriate paperwork for the work to go ahead. Note, however, that the PP must pay the consultancy fees for any work.

Contact Details

For any enquiries or to discuss the practical support that EAS may provide to your project, please contact EAS via the details below.

DE Operations Directorate
Environmental Advisory Services
Environmental Planning Team
Building 97a
Land Warfare Centre
Imber Road
Warminster
Wiltshire
BA12 0DJ

94381 2909
01985 222909
estsustainability@de.mod.uk

APPENDICES

Appendix 4A – Environmental Impact Assessment Legislation

Town and Country Planning

- Statutory Instruments 1999 No. 293 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999; as amended
- Scottish Statutory Instrument 2002 No. 324 The Environmental Impact Assessment (Scotland) Amendment Regulations 2002; as amended
- Statutory Rules of Northern Ireland 1999 No. 73 The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999; as amended

Uncultivated land and semi-natural areas

- Statutory Instrument 2001 No. 3966 The Environmental Impact Assessment (Uncultivated Land and Semi-natural Areas) (England) Regulations 2001; as amended
- Welsh Statutory Instrument 2002 No. 2127 (W.214) The Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) (Wales) Regulations 2002; as amended
- Statutory Rule 2001 No. 435 Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) Regulations (Northern Ireland) 2001; as amended
- Scottish Statutory Instrument 2002 No. 6 The Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) (Scotland) Regulations 2002; as amended

Forestry

- Statutory Instrument 1999 No. 2228 The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999; as amended
- Scottish Statutory Instrument 1999 No. 43 The Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999; as amended
- Statutory Rule 2000 No. 84 Environmental Impact Assessment (Forestry) Regulations (Northern Ireland) 2000; as amended
- Statutory Rule 2002 No. 249 Environmental Impact Assessment (Forestry) (Amendment) Regulations (Northern Ireland) 2002; as amended

Land drainage

- Statutory Instruments 1999 No. 1783 The Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999; as amended
- Statutory Rule 2001 No. 394 Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2001; as amended

Harbour works

- Marine Works Regulations 2007; as amended
- Statutory Instrument 1999 No. 3445 The Harbour Works (Environmental Impact Assessment) Regulations 1999; as amended
- Statutory Instrument 2000 No. 2391 The Harbour Works (Environmental Impact Assessment) (Amendment) Regulations 2000; as amended

Pipelines

- Statutory Instrument 2000 No. 1928 The Pipe-line Works (Environmental Impact Assessment) Regulations 2000; as amended

Roads and Highways

- Statutory Instrument 1999 No. 369 The Highways (Assessment of Environmental Effects) Regulations 1999; as amended
- Statutory Rule 1999 No. 89 Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 1999; as amended

Electricity works

- Statutory Instrument 2000 No. 1927 The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000; as amended

Nuclear decommissioning

- Statutory Instrument 1999 No. 2892 Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999; as amended

Fish farming

- Statutory Instrument 1999 No.367 The Environmental Impact Assessment (Fish Farming in Marine Waters) Regulations 1999; as amended

National Parks

- Environment Act, 1995, which states that new, renewed or intensified use of land in the National Parks for defence purposes should be subject to EIA (Department of the Environment Circular 12/96); as amended

Appendix 4B –EIA Regulations Schedules 1 to 4

(Source: Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999); as amended

- [Schedule 1](#) developments will always require an EIA, but it is unlikely that MOD is regularly involved in such projects.
- [Schedule 2](#) developments may require an EIA if a screening indicates the development to be of a certain type or size. This size threshold in combination with the criteria in [Schedule 3](#) will provide further indication whether an EIA is required.
- [Schedule 4](#) then defines requirements for the information that should be contained in an ES to ensure compliance with legislation.

It should be noted that issues such as the likelihood of significant effects, the characteristics of the project and any potential impacts, and the project's location and proximity to protected sites must all be taken into consideration. As EIA's must be carried out by MOD specialists or by suitably qualified and experienced consultants, please contact the Environmental Planning Team for further information (see section 4.3) relating to EIA screening and assessing the need to undertake an EIA for your project.

Appendix 4C: Flow Chart for the process of obtaining a Defence (EIA) Exemption Direction

