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**VOLUME 11 ENVIRONMENTAL  
ASSESSMENT**  
**SECTION 2 ENVIRONMENTAL  
IMPACT ASSESSMENT**

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**PART 2**

**HA 202/08**

**ENVIRONMENTAL IMPACT  
ASSESSMENT**

**SUMMARY**

This Advice Note provides guidance for undertaking statutory and non-statutory environmental impact assessments of all trunk road projects.

**INSTRUCTIONS FOR USE**

1. Remove Contents pages from Volume 11 and insert new Contents pages for Volume 11 dated August 2008.
2. Remove the existing document entitled 'The Scope of Environmental Assessment' located in Volume 11, Section 2, Part 2 which is superseded by this document and archive as appropriate.
3. Insert the new Advice Note HA 202/08 into Volume 11, Section 2.
4. Please archive this sheet as appropriate.

Note: A quarterly index with a full set of Volume Contents Pages is available separately from The Stationery Office Ltd.



THE HIGHWAYS AGENCY



SCOTTISH GOVERNMENT



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

WELSH ASSEMBLY GOVERNMENT  
LLYWODRAETH CYNULLIAD CYMRU



THE DEPARTMENT FOR REGIONAL DEVELOPMENT  
NORTHERN IRELAND

# Environmental Impact Assessment

**Summary:** This Advice Note provides guidance for undertaking statutory and non-statutory environmental impact assessments of all trunk road projects.

**REGISTRATION OF AMENDMENTS**

<b>Amend No</b>	<b>Page No</b>	<b>Signature &amp; Date of incorporation of amendments</b>	<b>Amend No</b>	<b>Page No</b>	<b>Signature &amp; Date of incorporation of amendments</b>

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1. Statutory Environmental Impact Assessment
2. Non-statutory Environmental Impact Assessment
3. References
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# 1. STATUTORY ENVIRONMENTAL IMPACT ASSESSMENT

1.1 As noted in SECTION 2, Part 3, the Screening process will determine whether a project requires statutory Environmental Impact Assessment (EIA). EIA refers to the whole process by which information regarding the likely environmental effects of a project is systematically collected, assessed, publicised and taken

into account in accordance with the requirements of the EIA Regulations.

1.2 Figure 1.1 represents EIA in the context of the Environmental Assessment process:

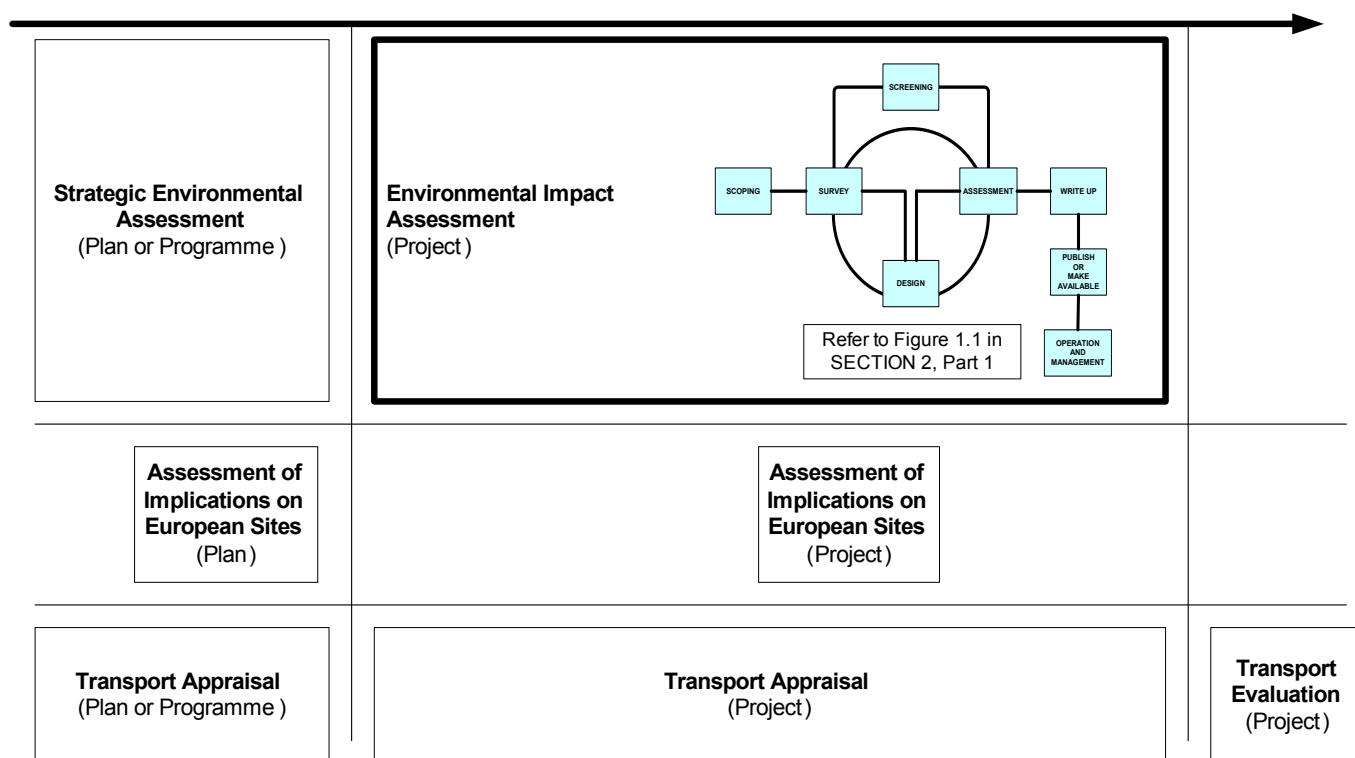


Figure 1.1 EIA Within the Context of the Environmental Assessment Process

1.3 Developers of projects requiring EIA are required to examine and report the following as a minimum in an Environmental Statement (ES) in accordance with the EIA Regulations and Annex IV of the EIA Directive:

- i. a description of the project (including site, design and size);
- ii. a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects;

- iii. the data required to identify and assess the main effects which the project is likely to have on the environment;
- iv. an outline of the main alternatives studied and an indication of the main reasons for the choice (taking into account environmental effects); and
- v. a non-technical summary of (i) to (iv) above.

1.4 The need for this information is however subject to meeting the following criteria in accordance with the EIA Regulations and Articles 4 to 11 of the EIA Directive:

- i. that it is relevant to the specific characteristics of the project and of the environmental features likely to be affected by it; and
- ii. that the information may be reasonably gathered (having regard among other matters to current knowledge and methods of assessment).

1.5 The Overseeing Organisation of a project requiring an EIA must publish an Environmental Statement (refer to SECTION 2, Part 6, Chapter 3) including a Non-Technical Summary (refer to SECTION 2, Part 6, Chapter 4) in accordance with the requirements of the EIA Regulations, the statutory requirements under the EIA Directive and the Environmental Information Regulations 2004 (in England, Northern Ireland and Wales) or the Environmental Information (Scotland) Regulations 2004 (in Scotland), and any specific requirements of the Overseeing Organisation. In addition, Notice of the ES must be published as required by the EIA Regulations so as to give reasonable opportunity for the public to comment upon the ES.

1.6 From time to time the Overseeing Organisation may need to develop projects not covered by powers given to them under the Highways Act 1980 (as amended), the Roads (Scotland) Act 1984 (as amended) or the Roads (Northern Ireland) Order 1993 (as amended), such as new picnic sites. These may require planning permission from the Local Planning Authority and so the assessment process in these situations will need to progress with regard to the Town and Country Planning system, in particular the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 (as amended), the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 (as amended), and the Environmental Impact Assessment (Scotland) Regulations 1999 (as amended).

## 2. NON-STATUTORY ENVIRONMENTAL IMPACT ASSESSMENT

2.1 Certain projects such as maintenance projects do not require statutory Environmental Impact Assessment (EIA), but they may still require adequate assessment to establish whether significant environmental effects are likely to arise, and if so, what their likely significance is, in order to inform option choice, good planning and design, incorporating any mitigation as necessary. This assessment is otherwise referred to as non-statutory environmental impact assessment.

2.2 In addition, even for new construction or improvement projects the results of the screening process (refer to SECTION 2, Part 3) may determine that EIA is not mandatory. In the cases where EIA is not a mandatory requirement, projects still require adequate assessment to establish whether environmental issues arise, and if so, what their likely significance is, in order to inform good planning, option choice, design, and project construction and implementation.

2.3 Non-statutory environmental impact assessment should progress under the framework and procedures set out for EIA, but with the assessment and reporting process adapted to reflect the significance of environmental effects that may arise on a case-by-case basis (refer to the assessment levels discussed in SECTION 2, Part 1, and to reporting discussed in SECTION 2, Part 6, Chapter 5). In each case, the assessment approach should be agreed with and approved by the Overseeing Organisation. It may be necessary to publish a Notice of Determination and report the determination process appropriately (refer to SECTION 2, Part 3 and SECTION 2, Part 6, Chapter 5).

2.4 Following completion of the determination process, there is no requirement to report or publish the non-statutory environmental impact assessment process under the EIA Regulations. However, it should be recognised these may be asked for: via The Freedom of Information Act 2000 (England, Northern Ireland and Wales) and the Freedom of Information (Scotland) Act 2002; in accordance with the Environmental Information Regulations 2004 (in England, Northern Ireland and Wales) or the Environmental Information (Scotland) Regulations 2004 (in Scotland); and in accordance with the specific requirements of the Overseeing Organisation. The Overseeing Organisation may therefore decide to publish the non-statutory environmental report.



### 3. REFERENCES

#### Legislation:

- Council Directive 85/337/EEC: Council Directive of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, *Official Journal No. L 175*, 05/07/1985.
- Council Directive 97/11/EC: Council Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, *Official Journal No. L 073*, 14/03/1997.
- Council Directive 2003/35/EC: Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC, *Official Journal No. L 156*, 25/06/2003.
- Environmental Assessment (Scotland) Act 2005, *The Stationery Office Limited*, ISBN 0105900893.
- Freedom of Information Act 2000.
- Freedom of Information (Scotland) Act 2002.
- Highways Act 1980.
- New Roads and Street Works Act 1991.
- Roads (Scotland) Act 1984.
- Scottish Statutory Instrument 1999 No.1 The Environmental Impact Assessment (Scotland) Regulations 1999, *The Stationery Office Limited*, ISBN 0 11 0591070.
- Scottish Statutory Instrument 2004 No. 520 The Environmental Information (Scotland) Regulations 2004, *The Stationery Office Limited*, ISBN 0110693566.
- Scottish Statutory Instrument 2006 No. 614 The Environmental Impact Assessment (Scotland) Amendment Regulations 2006, *The Stationery Office Limited*, ISBN 0110714725.
- Statutory Instrument 1988 No. 1221 (S.122) The Environmental Assessment (Scotland) Regulations 1988, *The Stationery Office Limited*, ISBN 0110872215.
- Statutory Instrument 1988 No. 1241 The Highways (Assessment of Environmental Effects) Regulations 1988, *The Stationery Office Limited*, ISBN 011087241X.
- Statutory Instrument 1993 No. 3160 The Roads (Northern Ireland) Order 1993, *The Stationery Office Limited*, ISBN 0110342895.
- Statutory Instrument 1994 No. 1002 The Highways (Assessment of Environmental Effects) Regulations 1994, *The Stationery Office Limited*, ISBN 0110440021.
- Statutory Instrument 1999 No. 369 The Highways (Assessment of Environmental Effects) Regulations 1999, *The Stationery Office Limited*, ISBN 0 11 082053 3.
- Statutory Instrument 2004 No. 3391 The Environmental Information Regulations 2004, *The Stationery Office Limited*, ISBN 011051436X.
- Statutory Instrument 2007 No. 1062 The Highways (Environmental Impact Assessment) Regulations 2007, *The Stationery Office Limited*, ISBN 9780110765969.
- Statutory Rule 1999 No.89 Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 1999, *The Stationery Office Limited*, ISBN 0 337 93407.

## 4. ENQUIRIES

All technical enquiries or comments on this Advice Note should be sent in writing as appropriate to:

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