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

PART 3

HD 47/08

**SCREENING OF PROJECTS FOR
ENVIRONMENTAL IMPACT
ASSESSMENT**

SUMMARY

This Standard provides guidance on the screening process as applied to 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 Remove the existing document entitled 'Mitigation' located in Volume 11, Section 2, Part 3 which is superseded by this document and archive as appropriate.
3. Insert the new Standard HD 47/08 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

Screening of Projects for Environmental Impact Assessment

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REGISTRATION OF AMENDMENTS

Amend No	Page No	Signature & Date of incorporation of amendments	Amend No	Page No	Signature & Date of incorporation of amendments

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2. References
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1. SCREENING A PROJECT

1.1 This document is a Standard and mandatory sections apply.

Mandatory Sections

1.2 Mandatory sections of this document are contained in boxes. The Service Provider must comply with these sections or obtain agreement to a Departure from Standard (or equivalent) from the Overseeing Organisation. The remainder of the document contains advice and explanation, which is commended to users for consideration.

Departure from Standards

1.3 Unless a departure has been agreed, the implementation of the processes described in this Standard must be applied to all projects. If it is not considered necessary for this Standard to be applied, approval for Departure from Standards must be obtained from the Overseeing Organisation with the departure application clearly stating why this Standard should not be applied.

Screening

1.4 As noted in SECTION 2, Part 2, the requirement to carry out a statutory Environmental Impact Assessment (EIA) and publish an Environmental Statement only applies to certain projects that are deemed to exceed certain thresholds (refer to paragraph 1.8 below) and are predicted to have a significant effect on the environment. The process for deciding whether it is necessary to carry out an EIA and publish an Environmental Statement (ES) is called Screening. The context of screening within the overall environmental impact assessment process is shown in Figure 1.1 below.

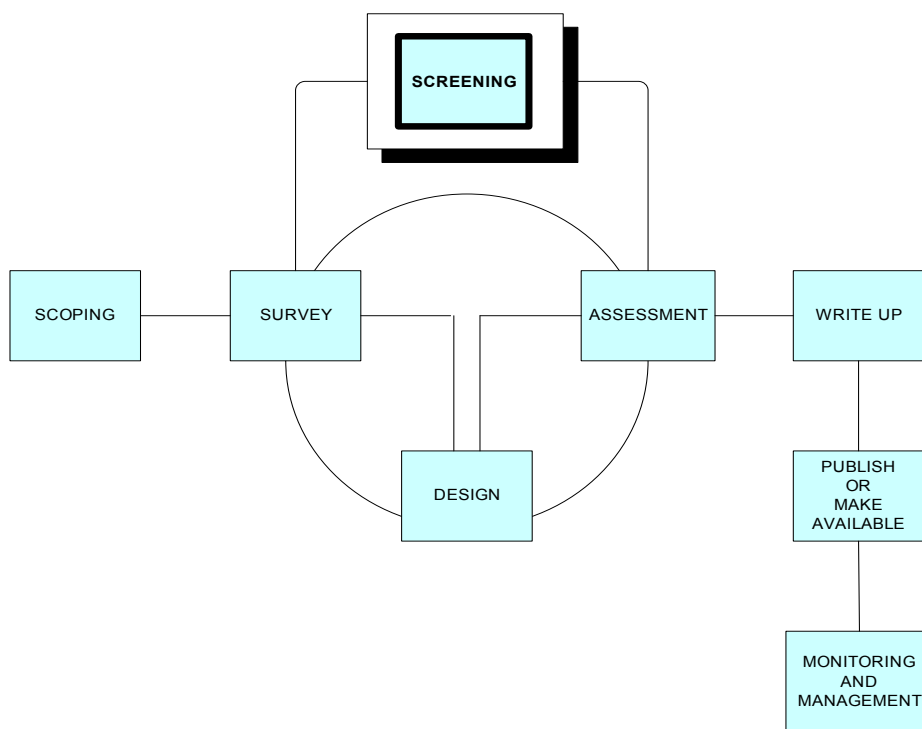


Figure 1.1 Diagram of Activities Undertaken Within the Environmental Impact Assessment Process

1.5 The screening process involves a number of steps which are required to determine whether or not an EIA should be undertaken for a project. Screening establishes:

- a) whether the project falls within Annex I or Annex II of the EIA Directive;
- b) whether an Annex II project represents a 'relevant project';
- c) the 'determination' for the purposes of the EIA Regulations; and
- d) reporting the determination.

1.6 A summary of the process is given below.

Step 1 – Deciding if the Project Falls Within Annex I or Annex II of the EIA Directive

1.7 The first screening decision is identifying whether the project falls within Annex I or Annex II of the EIA Directive (see Table 1.1). Certain types of projects are listed within Annex I and for these EIA is mandatory and no determination is necessary.

EIA Directive	Type of project	EIA requirement
Annex I	Construction of motorways and express roads. Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road would be 10 km or more in a continuous length.	EIA mandatory; an ES must be published.
Annex II	All other road projects (excluding strictly maintenance projects) not listed in Annex I.	A determination process must be followed that meets the requirements of the EIA Directive and the EIA Regulations. EIA need is determined by significance of effect.

Table 1.1: Projects That Fall Within Annex I or Annex II of the EIA Directive

Step 2 – Deciding if the Annex II Project is a ‘Relevant Project’

1.8 All projects not listed in Annex I, except those classed as strictly maintenance projects, fall under Annex II of the EIA Directive. To determine whether or not Annex II projects are relevant, thresholds of project size and environmental sensitivity exist in the EIA Regulations for Annex II projects:

- In England and Wales, the thresholds for project size and environmental sensitivity are defined in the Highways (Assessment of Environmental Effects) Regulations 1999 (as amended).
- In Northern Ireland, the thresholds for project size and environmental sensitivity are defined in the Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 1999.
- In Scotland, the thresholds for project size and environmental sensitivity are defined in Part 3 of the Environmental Impact Assessment (Scotland) Regulations 1999 as amended by The Environmental Impact Assessment (Scotland) Amendment Regulations 2006.

1.9 In general, a relevant Annex II project is defined as:

“a project for constructing or improving a highway where the area of the completed works together with any area occupied during the period of construction or improvement by requisite apparatus, equipment, machinery, materials, plant, spoil heaps or other such facilities exceeds 1 hectare or where any such area is situated in whole or in part in a sensitive area.”¹

1.10 ‘Sensitive areas’ are listed in the EIA Regulations.

1.11 In general, if the Annex II project falls below the thresholds of size and outside of environmentally sensitive areas then it is considered not to be a relevant project and may be screened out of the formal EIA process. No determination decision is necessary, a Notice of Determination does not need to be published, and an Environmental Statement is not required. The result of Step 2 will need to be recorded for audit purposes.

1.12 A non-statutory environmental impact assessment (refer to SECTION 2, Part 2, Chapter 2) may still need to be undertaken to identify environmental constraints such as legally protected species, in order to inform good design and decision-making.

1.13 However, the thresholds are not absolute. There may be instances where the Annex II project falls outside the thresholds, but still has the potential to cause significant effects in consideration of the selection criteria in Annex III (refer to Step 3 below). This may occur, for example, where the project is located adjacent to a sensitive area and has potential to cause indirect significant environmental effects. It is therefore necessary to consider the likely significance of any effects arising from an Annex II project that falls outside of the thresholds on a case-by-case basis. A project of this nature may still be determined to be a ‘relevant project’.

1.14 All ‘relevant’ Annex II projects require a determination (see Step 3).

¹ Statutory Instrument 1999 No. 369 The Highways (Assessment of Environmental Effects) Regulations 1999, The Stationery Office Limited, ISBN 0 11 082053 3.

Step 3 – The Determination of a ‘Relevant Project’ for the Purposes of the EIA Regulations

1.15 For Annex II projects that are ‘relevant projects’ a determination process must be followed that meets the requirements of the EIA Regulations. This is the third stage in the screening process.

1.16 The focus of the determination is based on the question *‘Is the project being considered likely to have a significant effect on the environment?’*. The judgement as to whether the project is likely to have a significant effect is informed by the selection criteria in Annex III of the EIA Directive. The selection criteria² from the EIA Directive is summarised as follows:

1. Characteristics of projects;
2. Location of projects; and
3. Characteristics of the potential impacts.

1.17 At this stage, the judgement on the requirement for EIA revolves around the consideration of:

- a) What is proposed? (Project);
- b) What could be affected? (People and environment); and
- c) Whether the effects could be significant? (Assessment findings and judgement).

1.18 The question to consider in arriving at the determination is as follows:

Considering Annex III of the EIA Regulations, is the project going to have a significant environmental effect? If yes, then an EIA will be required. If no, a non-statutory environmental impact assessment may still need to be undertaken (refer to SECTION 2, Part 2, Chapter 2).

1.19 In order to make a satisfactory determination, some assessment work is required to inform the screening process. It is essential that determinations are soundly based whilst at the same time minimising the effort spent on assessment where it is not warranted.

Step 4 – Reporting the Determination

1.20 Each Overseeing Organisation has established procedures for recording the determination process (often referred to as the Record of Determination or RoD). As a minimum the procedures must record the considerations undertaken and the knowledge or judgement used, including the views of statutory environmental bodies, to inform the determination on behalf of the Secretary of State or equivalent. The determination has to be made available to the public and is referred to here as the “Notice of Determination”. A Notice of Determination must be published for each relevant project considered in accordance with the EIA Regulations.

1.21 The Notice of Determination should be published as early as practical, having due consideration for the related statutory procedures for the project and for when construction is likely to start for projects without a need for EIA. For example, ideally for a new construction project involving alignment choices and draft Orders, the Notice of Determination would be expected with the preferred route announcement, but this may not be possible. Table 1.2 gives examples of when the Notice of Determination should be published. No significant project progression or works should be undertaken that would prejudice the Secretary of State’s (or equivalent’s) position should representations be received.

² Council Directive 97/11/EC: Council Directive 97/11/EC of 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.

Project and related statutory procedures	When should the Notice of Determination be published at the very latest?		What is the preferable time for the publication of the Notice of Determination?
EXAMPLE 1			
Project with Line and Side Road Orders.	When EIA is mandatory the Notice of Determination should be published no later than the publication of the ES and draft Line and Side Road Orders.	When EIA is not a legal requirement, the Notice of Determination should be published no later than the publication of the draft Line and Side Road Orders.	Earlier publication of the Notice of Determination would be desirable e.g. with the preferred route announcement or scoping report publication.
EXAMPLE 2			
Project with no Line and Side Road Orders.	When EIA is mandatory the Notice of Determination should be published no later than the publication of the ES	When EIA is not a legal requirement, the Notice of Determination should be published early enough not to prejudice the Secretary of State's position.	When determination is not to complete EIA, publication should be at least six weeks (42 days) before either the investment, the start of works, or similar milestone.

Table 1.2 Notice of Determination Publication for Relevant Annex II Projects

Summary

1.22 Figure 1.2 summarises the screening process.

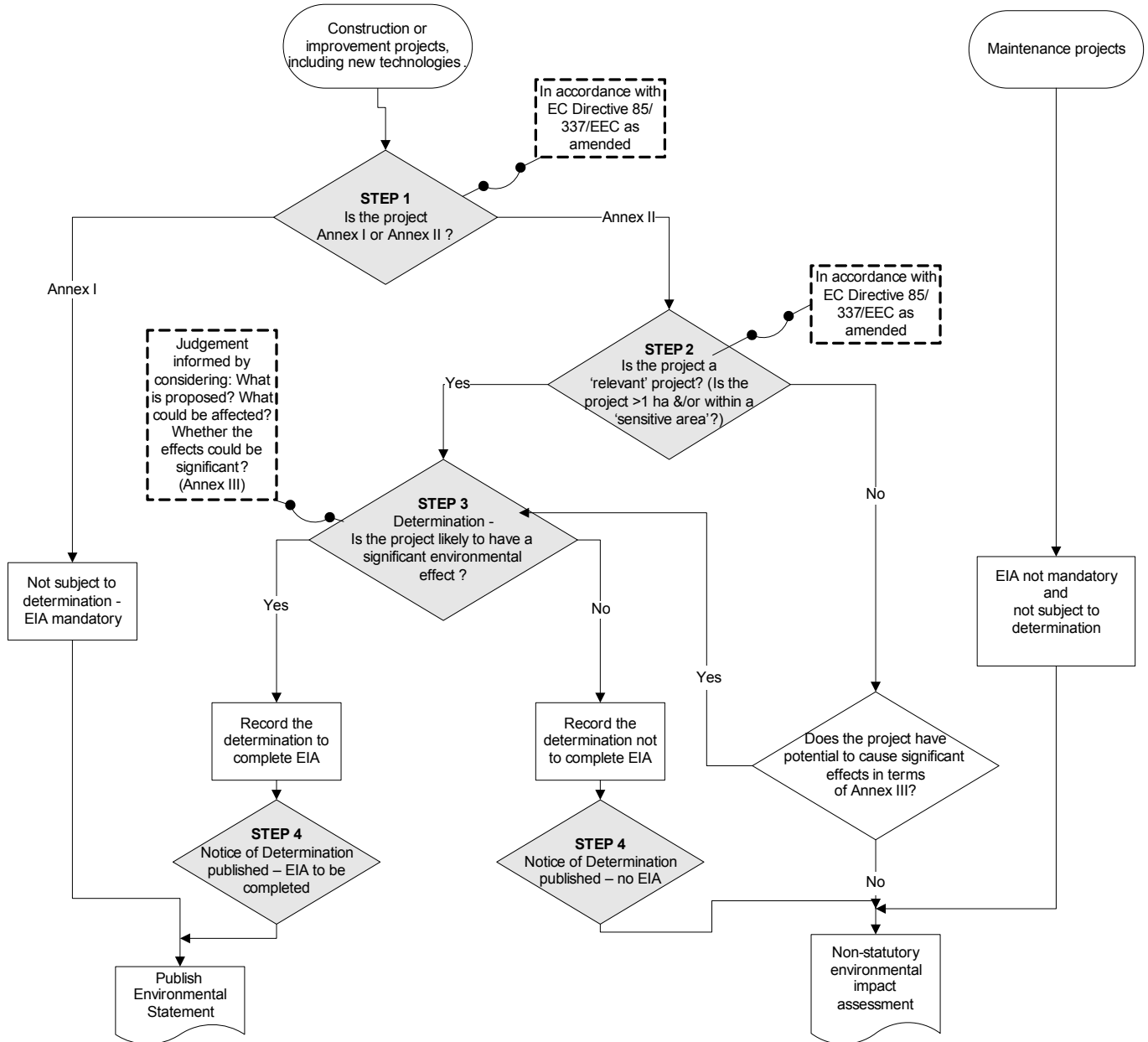


Figure 1.2 The Screening Process

1.23 The screening process applies to all projects, excluding those that are strictly maintenance. In addition, the screening process must be applied to the improvement component of any project linked to maintenance works. Purely maintenance works are included in the figure for completeness only.

2. 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 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: Council Directive 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 156/17*, 25/06/03.

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 059107 0.

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 0110820533 (England and Wales).

Statutory Instrument 2007 No. 1062 The Highways (Environmental Impact Assessment) Regulations 2007, *The Stationery Office Limited*, ISBN 9780110765969 (England and Wales).

Statutory Rule No. 89 Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 1999.

Statutory Rule 2007 No. 346 Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 2007, *The Stationery Office Limited*, ISBN 0 337 9790947.

3. ENQUIRIES

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

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