

INTERIM ADVICE NOTE 133/10

Environmental Assessment and the Planning Act 2008

Summary

This IAN explains how to use the existing DMRB Volume 11 guidance for undertaking Environmental Assessments for Nationally Significance Infrastructure Projects as defined by the Planning Act 2008. It is for use by the Highways Agency or those undertaking work on behalf of the Highways Agency.

Instructions for Use

This IAN is supplementary guidance and should be read in conjunction with IAN 134/10 and the relevant parts of Way We Work processes, including the Project Control Framework (PCF) for Major Projects.

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1. Introduction

1.1 Background

The *Planning Act 2008* (PA08) was enacted in November 2008 and changes the approval route for projects that are considered to be Nationally Significant Infrastructure Projects (NSIPs). For the definition of a highways NSIP and general advice on Highways Applications to the IPC, refer to IAN 134/10 Operational Guidance for Highways Applications to the Infrastructure Planning Commission.

Associated with the PA08 are a number of statutory instruments (SI), including SI 2263, *The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009* (referred to as the 'PA08 EIA Regulations'). These Regulations govern the environmental assessment of NSIP projects and readers should familiarise themselves with these as a first step as their requirements must be adhered to.

These Regulations are mainly concerned with a different procedural requirements, from those that accompany the Highways Act 1980. Both sets of regulations still transpose the principles set out in EC Directive 85/337/EEC as amended by (Directives 97/11/EC and 2003/35/EC).

Therefore there is a need to provide guidance how this change affects Environmental Assessment guidance and procedures set out in DMRB Volume 11 and how it is applied to highways (NSIPs) projects.

In addition it is worth noting that the IPC additionally produce a range of products to help guide applicants through the processes available via their web site which the reader is directed to. The advice contained in this IAN should be regarded as supplementary to advice published by the IPC.

1.2 Purpose

The specific purpose of this IAN is to explain the approach to be used for Environmental Assessment for road projects that are NSIPs. Specifically it:

- Explains how to use the existing DMRB Volume 11 Environmental Assessment guidance in the context of the PA08 EIA Regulations; and
- Explains the specific Environmental Assessment procedures required for NSIPs as set out in PA08 EIA Regulations.

To avoid duplication this IAN does not replicate guidance that is provided elsewhere in terms of background information on the PA08 nor the principles of Environmental Assessment. For these areas readers should refer to:

- IAN 134/10, *Operational Guidance for Highways Applications to the Infrastructure Planning Commission*, for background information on the Planning Act 2008 and general guidance on making an application. It is recommended that this is read in advance of using this IAN.

and

- DMRB Volume 11 in terms of the general approach and principles to Environmental Assessment.

Equally it does not provide procedural advice that is specific to Major Projects (MP) and Network Delivery and Development (NDD). Readers are referred to NDD and MP's Way we Work (WwW) processes (including Project Control Framework (PCF))

1.3 Scope

This IAN is focused on projects that are highways NSIPs as defined by section 22 of the PA08 and that consequently follow the PA08 EIA Regulations. Refer to IAN 134/10 for expanded definition of highways NSIPs.

1.4 Mandatory Sections

Sections of this document containing requirements are identified by being contained in boxes. These requirements must be complied with or a prior agreement to a Departure from Standard must be obtained from the Overseeing Organisation. The text outside boxes contains advice and explanation, which is commended to users for consideration.

1.5 Equality Impact Assessment

This IAN provides guidance to ensure that legislation is complied with. Any adverse or beneficial impacts that result from the introduction and adoption of this guidance are not expected to discriminate against any defined group in society. No equality impact assessment has been carried out in the development of this IAN as it is not considered relevant.

1.6 Devolved Administration Issues

This IAN is applicable to projects that are highways NSIPs as defined by section 22 of the PA08. For highways, this only applies to projects that are wholly in England. This IAN is therefore not applicable to the Devolved Administrations of Scotland, Wales and Northern Ireland.

1.7 Implementation

The Government has announced its intention to revise the Planning Act 2008 however no formal consultations have taken place. It is anticipated that this IAN will therefore remain in force for some time. Amendments may however need to be made in the future should legislative changes effect the need for or processes required to obtain a DCO. Until this time, this Standard must be used forthwith for the environmental assessment on all motorway and all-purpose trunk roads projects that are defined as NSIPs under section 22 of the PA08 (see IAN 134/10 for definition of NSIPs).

1.8 Definitions and Abbreviations

AoS	Appraisal of Sustainability
AIES	Assessment of Implications on European Sites
DCO	Development Consent Order
DfT	Department for Transport
DMRB	Design Manual for Roads and Bridges
EIA	Environmental Impact Assessment
ES	Environmental Statement
HA80	<i>Highways Act 1980</i> (as amended)
HA80 EIA Regulations	<i>Highways Act 1980</i> and subsequent EIA Regulations
IAN	Interim Advice Note
IPC	Infrastructure Planning Commission
MP	Major Projects
NDD	Network Delivery and Development
NSIP	Nationally Significant Infrastructure Project
PA08	<i>Planning Act 2008</i>
PA08 EIA Regulations	<i>The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009</i>
PCF	Project Control Framework
SoS	Secretary of State (for Transport)
WwW	Way we Work

1.9 Feedback

Feedback helps to improve the performance of Standards. Comments on this IAN should be sent to standards_enquiries@highways.gsi.gov.uk.

2. Environmental Assessment Guidance for NSIPs

2.1 Route Map for Environmental Assessment process

Figure 1 below summarises the routes that must be followed in terms of the Environmental Assessment process, depending on whether the project is an NSIP or not.

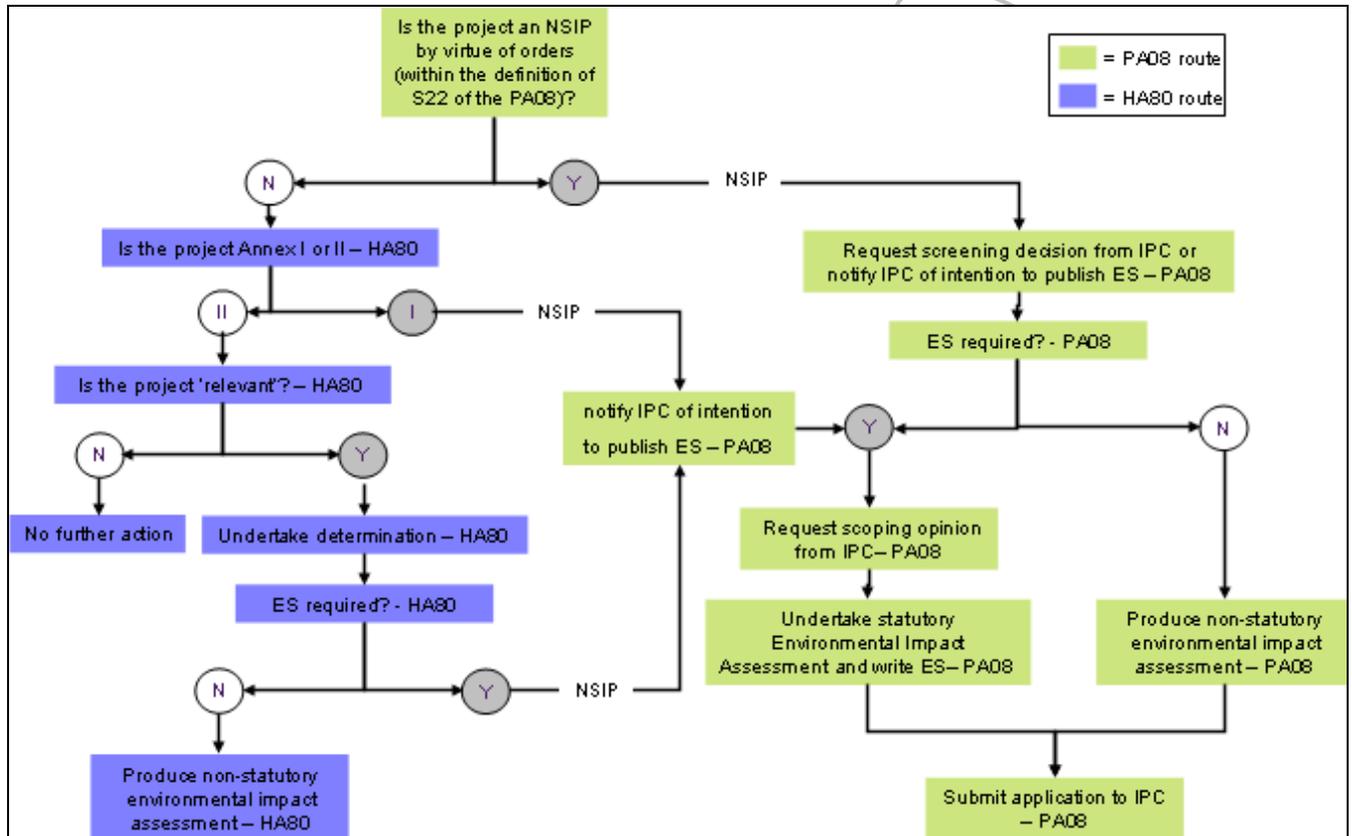


Figure 1: Route Map for Environmental Assessment Process

Where a project is an NSIP, the principles for Environmental Assessment, including the methodologies for each topic assessment, as set out in DMRB Volume 11 remain unchanged. However, there are procedural changes that must be adhered to, in line with the PA08 EIA Regulations. These changes are outlined in subsequent sections of this IAN.

Project teams should note, where a project is not an NSIP it should follow the HA80 EIA Regulations only, DMRB Volume 11, including IANs 125/09 and 126/09, should be used as currently published and the remainder of this IAN does not need to be considered.

2.2 Environmental Assessment for NSIPs

This section considers how to use the existing parts of DMRB volume 11 to undertake environmental assessments in the context of the PA08 and associated Regulations.

2.2.1 HA 200/08: Aims and Objectives of Environmental Assessment

Both Regulations, those that amend the Highways Act and those that accompany the Planning Act still transpose the principles set out in EC Directive 85/337/EEC as amended by (Directives 97/11/EC and 2003/35/EC). Therefore the general aims and objectives that underpin Environmental Assessment are not changed by the PA08 EIA Regulations and therefore the principles contained within HA 200/08 should be adhered to. However, please note the following differences:

- There are specific requirements, set out in the PA08, PA08 EIA Regulations and SI 2264 *The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009*, which must be adhered to. These include consultation, screening, scoping and publication requirements. The reader is referred to the above regulations and Advice Notes published by the IPC. Refer to IAN 134/10 for further details regarding consultation requirements under the PA08. Refer to **Annex A** for a summary of consultation requirements with respect to Environmental Assessment and the PA08.
- Projects should pay particular attention to consultation requirements which are set out in Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 as the range of consultation bodies are potentially wide in scope.
- For NSIPs, the Infrastructure Planning Commission (IPC) is the decision maker on applications for Development Consent Order (DCO).¹ As part of the application process, the IPC will ensure that environmental issues are adequately addressed. For NSIPs, the IPC will be responsible for the provision of screening and scoping opinions whether they be for statutory EIAs or non statutory environmental assessments

2.2.2 HA 201/08: General Principles and Guidance of Environmental Impact Assessment

The general principles of undertaking both statutory and non-statutory environmental impact assessment remain the same. However, please note:

- SI 2263, *The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009* are the relevant EIA regulations that must be adhered to with respect to NSIPs, **not** the Highways Act 1980 and associated Regulations.
- The principles contained within the National Networks National Policy Statement (NN NPS) and its accompanying Appraisal of Sustainability (AoS)² and Habitats Regulation Assessment³ must be taken into account in any project level assessment. The current status of the NN NPS should be checked with the Highways Agency's Spatial Planning Team as and when the need arises.

¹ Or, where there is no designated NPS is in place, the IPC makes a recommendation (as a report) to the Secretary of State, who is the decision maker.

² The AoS fulfils the requirements of the Strategic Environmental Assessment (SEA) Directive (EU Directive 2001/42/EC).

³ The Habitats Regulation Assessment fulfils the requirements of the Habitats Directive (EU Directive 92/43/EEC).

2.2.3 HA 202/08: Environmental Impact Assessment

Statutory EIA

The general principles of undertaking a statutory EIA remain the same, in line with the EIA Directive. However, please note:

- SI 2263, *The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009* are the relevant EIA regulations that must be adhered to with respect to NSIPs, **not** the Highways Act 1980 and associated Regulations.
- There are specific reporting requirements for Environmental Statements (ES) for NSIP projects which are detailed in Section 2.2.7 of this IAN.
- ES publication and consultation requirements must be carried out in line with the PA08 EIA Regulations and SI 2264. Refer to **Annex A** for a summary of consultation requirements with respect to Environmental Assessment and the PA08.

Non-statutory environmental impact assessment

The general principles of undertaking non-statutory environmental impact assessment remain the same. However, please note:

- If non-statutory environmental impact assessment is required for an NSIP, this must form part of an application to the IPC for DCO and will be subject to the same consultation and publication requirements as the rest of the application documents.
- Whilst there is no requirement on the IPC to give a scoping opinion for non statutory environmental assessment, it is possible that the IPC may give a view in their response to the application.

2.2.4 HD 47/08: Screening of projects for Environmental Impact Assessment and IAN 126/09: Reporting of Determination and Publication Notices

The principles of screening remain the same. However, the procedures for screening are significantly different under the PA08 EIA Regulations. The reader is referred to the IPC's published Advice Note 7 on Screening and Scoping. The process to be adhered to is dependent on three different scenarios (see Figure 1):

1. A project with no orders (within the definition of section 22 of the PA08) and no ES. This will not be an NSIP;
2. A project with no orders (within the definition of section 22 of the PA08) and an ES required. This will be an NSIP;
3. A project with orders (within the definition of section 22 of the PA08). This will be an NSIP.

1. No orders and no ES - *not* an NSIP

The screening process should follow fully the existing DMRB guidance (HD47/08 and IAN 126/09), which is in line with the HA80 EIA Regulations. The Highways Agency, on behalf of the Secretary of State (SoS), remains the competent authority.

2. No orders and an ES required – an NSIP

The screening process should start by following the existing DMRB guidance HD47/08.

However, if during the screening process it is evident that an ES is required (either because it falls within Annex I, or it is an Annex II ‘relevant’ project and subsequently determined that the project is likely to have a significant environmental effect), this becomes an NSIP and therefore the requirements of the PA08 need to be adhered to. The IPC is then the competent authority.

Please note:

• The project team must notify the IPC in writing of its intention to provide an ES using the template provided in **Annex D**. This is based on information required for a Record of Determination.

• Subsequent procedures must then follow the PA08, including the requirement for an application to the IPC for DCO.

• A Notice of Determination does *not* need to be published.

3. Orders - an NSIP

The general principles of screening again remain the same but the procedure is different. The IPC is then the competent authority. The process is as follows:

• Under regulation 6 of the PA08 EIA Regulations the project team must request the IPC to either adopt a screening opinion in respect of the NSIP, or notify the IPC in writing that the project team proposes to provide an ES in respect of the NSIP.

• The screening procedure must follow the PA08 EIA Regulations (and not the existing DMRB Volume 11 guidance or IAN 126/09).

• Project teams should note:

- a ‘screening opinion’ means a written statement of the opinion of the IPC as to whether the development is EIA development.
- ‘EIA Development’ means development which is either: listed in Schedule 1 of the PA08 EIA Regulations; or Listed in Schedule 2 of the PA08 EIA Regulations and is likely to have significant effects on the environment by virtue of factors such as its nature, size or location.
- Where the IPC has to decide whether a Schedule 2 development is EIA development the IPC must take into account in making that decision the selection criteria set out in Schedule 3 of the PA08 EIA Regulations.
- There is no size threshold or ‘relevant’ project criteria in the PA08 EIA Regulations which the IPC would use in giving a Screening Opinion.

- The screening stage (request for a screening opinion from the IPC or notification of the intention to provide an ES) must occur *before* consultation is carried out under section 42 of the PA08 (duty to consult).

- Notifying the IPC in writing of the intention to provide an ES, or requesting a screening opinion from the IPC must include (in line with regulation 6 of the PA08 EIA Regulations):
 - A plan sufficient to identify the land;
 - A brief description of the nature and purpose of the development and of its possible effects on the environment;
 - Other relevant information or representations.

A screening letter template (and guidance notes) to supply this information, based on the information required for a Record of Determination, is provided in **Annex B**. Project teams must use this template when notifying the IPC of the intention to provide an ES or requesting a screening opinion. A draft should be issued to the relevant Network Services Regional Environmental Advisor for technical review prior to submission to the IPC. A turnaround of 10 working days should be allowed for initial review and for each subsequent review. Once finalised, it is the project team's responsibility to send the request to the IPC.

- At this stage, some preliminary assessment work will be required in order to provide the IPC with adequate information in order that they can adopt a screening opinion. This will need to include an appropriate level of assessment based on an appreciation of the design for the project..
- On receipt of a request, the IPC has 21 days in which to adopt a screening opinion, or request additional information from the applicant.
- A Notice of Determination does *not* need to be published

2.2.5 HA 2004/08 Scoping of Environmental Impact Assessments

Statutory EIA

The general principles of scoping as set out in HA 204/08 remain the same. However, the process is as follows:

- If an EIA is required, under the PA08 EIA Regulations the project team *may* request a scoping opinion from the IPC as to the information to be provided in the ES. Although this stage is not mandatory, it is considered prudent to seek the IPC's opinion as to what information should be included in the ES.
- Project teams should note that a 'scoping opinion' means a written statement by the IPC as to the information to be provided in an ES.
- This stage should be undertaken as soon as is practicable after screening.

- A request for a scoping opinion from the IPC must include (in line with regulation 8 of the PA08 EIA Regulations):
 - A plan sufficient to identify the land;
 - A brief description of the nature and purpose of the development and of its possible effects on the environment;
 - Other relevant information or representations.

It is worth referring to the IPC's published Advice Notes 3 & 7

- It is recommended that this information is provided in the form of a scoping report. HD48/08 should be used for guidance on the content of a scoping report, ensuring that as a minimum, the requirements of regulation 8 are included.

- A template (letter) for requesting a scoping opinion from the IPC is provided in Annex C. Project teams must use this template when requesting a scoping opinion from the IPC. In addition, the scoping report (4 hard bound copies, 1 copy on CD and preferably, a link to where the scoping report can be accessed from a website if so stored) should accompany the letter.

- On receipt of a request, the IPC has 42 days to provide a written scoping opinion or request additional information from the applicant. Before a scoping opinion is provided, the IPC must consult with 'consultation bodies'⁴ i.e. there is no requirement for the project team to consult on the scoping report. If the project team proposes to consult other parties not listed as statutory consultation bodies on the scoping report, it is advisable to notify the IPC. The IPC will allow a period of 28 days (as part of the overall 42 days) for consultation bodies to respond, and will pass on these responses to the applicant.

Non- statutory environmental impact assessment

Please note that scoping of non-statutory environmental impact assessment should be undertaken in line with the principles set out in HA204/08; however, whilst there is no formal requirement for a scoping opinion to be provided by the IPC, the IPC may give a view.

2.2.6 HA 205/08 Assessment of Environmental Effects

When undertaking the assessment of environmental effects, the principles as set out in HA 205/08 should be adhered to. In addition, the principles contained within DMRB Section 3, *Environmental Assessment Techniques*, should be used as existing. In addition, project teams should note:

- The PA08 (section 5) sets out the requirement for the NPS to take account of Government policy relating to the mitigation of, and adaptation to, climate change. Section 10 of the PA08 further emphasises this in terms the objective of achieving sustainable development through achieving good design. These considerations should be integral to the development of any project.

⁴ Statutory list of consultees from The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 SCHEDULE 1 Regulations 3 and 8(1))

- The principles set out in the NN NPS and associated AoS and Habitats Regulations Assessment must be taken into account in any project level assessment. The current status of the NN NPS should be checked with the Highways Agency's Spatial Planning Team.

2.2.7 HD 48/08 Reporting of Environmental Impact Assessments

The general principles of environmental reporting remain the same. However, please note:

- For statutory EIA, the requirements under the PA08 EIA Regulations must be adhered to in terms of content of a scoping report and the associated consultation requirements and responsibilities. Refer to section 2.2.5 of this IAN for scoping requirements under the PA08 and HD/08 for further guidance on the content of a scoping report.

- For statutory EIA, the requirements under the PA08 EIA Regulations (Schedule 4 *Information for inclusion in environmental statements*) must be adhered to in terms of the content of an ES. The ES must include the information contained within Part 1 of Schedule 4 of the PA08 regulations *'that is reasonably required to assess the environmental effects of the development and of any associated development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile.* As a minimum, the ES must contain the information referred to in Part 2 of Schedule 4:

- A description of the development comprising information on the site, design and size of the development;
- A description of the measures envisaged in order to avoid reduce and, if possible, remedy significant adverse effects;
- The data required to identify and assess the main effect which the development is likely to have on the environment;
- An outline of the main alternatives studies by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects.
- A non-technical summary of the information provided under paragraphs 1 to 4 of this Part.

- The *'Indicative ES Contents List'* given in Table 3.1 of HD48/08 is still applicable and it is recommended that this is used as it is considered that this will cover the above requirements.

- The ES and any supporting documents must be submitted with the application to the IPC for DCO.

- The project team must send the following to 'consultation bodies':

- A copy of the accepted application;
- A map showing where the NSIP is to be sited;
- A copy of the ES, in line with regulation 13.

- The project team must send a certificate of compliance with this regulation to the IPC using the form set out in certificate 1 in Schedule 5 of the PA08 EIA Regulations.

- If an application includes an ES, the applicant must ensure that a reasonable number of copies of the ES are available at the address set out in the 'notice of an accepted application' that the applicant must publish in accordance with regulation 20 of the PA08 Regulations.

- Project teams should note that for NSIPs, if non-statutory environmental impact assessment is required, this must form part of an application to the IPC for DCO.

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3. Withdrawal Conditions

This IAN will be withdrawn in due course as and when the advice contained within is included within an updated version of DMRB Volume 11 and/or other WwW processes.

4. References

IAN 134/10 – Operational Guidance for Highways Applications to the Infrastructure Planning Commission

IAN 141/10 - Assessment of Implications (of Highways and/or Roads Projects) on European Sites (Including Appropriate Assessment) and the Planning Act 2008 (*to be published at a later date*)

Design Manual Roads & Bridges (DMRB) Vol 11. HMSO

Highways Agency Major Projects Project Control Framework (PCF)
<http://www.highways.gov.uk/roads/19638.aspx>

Planning Act 2008

Statutory Instrument 2009 No 2263. The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

Statutory Instrument 2009 No 2264. The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009

Infrastructure Planning Commission Advice Note 3 Scoping Opinion Consultation

Infrastructure Planning Commission Advice Note 7 Environmental Impact Assessment .Screening and Scoping

5. Enquiries

For queries regarding this IAN please contact:

David Hinde
Senior Environmental Advisor

Postal Address: Highways Agency
Ash House
Falcon Road
Sowton Industrial Estate
Exeter
EX2 7LB

Email: Standards_Feedback&Enquiries@highways.gsi.gov.uk
Tel: 01392 312510

Annex A - Environmental Assessment Consultation Requirements

The full consultation requirements of the PA08 are detailed in IAN 134/10 Operational Guidance for Highways Applications to the Infrastructure Planning Commission.

With respect to consultation undertaken during the Environmental Assessment process, the following is a summary of the key issues and statutory duties of the project team:

- Under the PA08 EIA Regulations the project team must request the IPC to adopt a screening opinion in respect of the NSIP, or notify the IPC in writing that the applicant proposes to provide an ES in respect of the NSIP.

- The screening stage (request for a screening opinion from the IPC or notification of the intention to provide an ES) must occur *before* consultation is carried out under section 42 of the PA08 (duty to consult).

- Under the PA08 EIA Regulations the applicant *may* (not mandatory although recommended) request a scoping opinion from the IPC as to the information to be provided in the ES. Note that it is the duty of the IPC to consult 'consultation bodies' when a scoping opinion has been requested by the applicant.
- 'Consultation bodies' are defined in Statutory Instrument 2264 and a list is provided in IAN 134/10.

- The Statement of Community Consultation (SOCC) produced under section 47 of the PA08 must set out whether the NSIP is EIA development and, if the NSIP is EIA development, how the applicant intends to publicise and consult on the preliminary environmental information.

- When publicising a proposed application under section 48 of the PA08 (duty to publicise), it must include a statement as to whether the NSIP is EIA development in line with the requirements in SI 2264.

- Where the NSIP is EIA development, the project team must, at the same time as publishing a notice of the proposed application under section 48 of the PA08, send a copy of that notice to the 'consultation bodies'.

- When an application for DCO is accepted by the IPC (and includes an ES), the project team must send the following to 'consultation bodies': a copy of the accepted application, a map showing where the NSIP is to be sited, and a copy of the ES, in line with regulation 13 of the PA08 EIA Regulations. The applicant must send a certificate of compliance with this regulation to the IPC using the form set out in certificate 1 in Schedule 5 of the PA08 EIA Regulations.

- If an application includes an ES, the project team must ensure that a reasonable number of copies of the ES are available at the address set out in the notice of an accepted application in accordance with regulation 20 of the PA08 Regulations.

Annex B – EIA Screening Letter Template and guidance notes

Interim Advice

Highways Nationally Significant Infrastructure Projects

[Delete one of the paragraphs below that does not apply]

a) The Highways Agency hereby gives notification to the IPC of the Agency's intention to publish an Environmental Statement in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009, Regulation 6(1)(b) forproject.

b) The Highways Agency hereby requests a screening opinion for project, which the Agency requests the IPC to adopt, under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009, Regulation 6(1)(a) as a Nationally Significant Infrastructure Project.

Information on the project is provided below, in line with regulation 6(3) of the above regulation.

Date:

Name of project:	Location (including national grid reference): <i>Attach a plan sufficient to identify the land</i>
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Annex I/ Schedule 1	Y/N
Annex II/Schedule 2	Y/N

A. Description of project, including its nature and purpose. *Attach a plan of the project (as a minimum at outline design):*

B. Description of local environment, including statutory and non-statutory designations:

C. Summary of possible environmental effects of project:

D. Details of extent of environmental impact assessment work undertaken and summary of any consultation undertaken with the statutory consultation bodies (including English Heritage, Natural England, the Environment Agency, and any other public authority which has environmental responsibilities):

E. Highways Agency's proposed screening decision:

References of supporting documentation:

Highways Agency contacts:

Signature Project Manager

Date:

Guidance for completion of the EIA Screening Letter Template

The following table (Table D.1) should be used by those drafting a Screening Letter to the IPC and by Network Services Regional Environmental Advisors in their review of a Screening Letter.

It should be noted that the purpose of the screening letter is to provide the relevant information in line with regulation 6 of the PA08 EIA Regulations in order to notify the IPC of the intention to provide an ES or enable the IPC to adopt a screening opinion. The screening letter should be based on an appropriate level of environmental assessment, which as a minimum will need to be based on a fixed outline design. Any supporting information should also be supplied with the screening letter.

Table B.1: Guidance for completing IPC Screening Letter

General
The screening letter should be written in a clear concise manner, and of a length proportionate to the size and complexity of the project. However two pages is considered a reasonable average. It must be accompanied by a location plan and national grid reference (6 figure eastings and northings based on the centre of the project).
A. Description of project
<ul style="list-style-type: none"> The project description should be concise and written using non-technical language. It should be accompanied by a plan – general arrangement drawing showing the fixed outline design. The project description should include the main elements of any new construction or improvement works. The project description should include the size (in hectares) of the project, including the construction working area.
B. Description of local environment
<ul style="list-style-type: none"> Ensure that a brief description of the surrounding environment is given. Ensure statutory and non-statutory environmentally designated sites are specifically identified and their proximity to the project described.
C. Summary of possible environmental effects
<ul style="list-style-type: none"> A summary of the possible environmental effects (either beneficial or adverse) that would result from project implementation should be provided. This should identify potential sensitive receptors and needs to include whether effects are likely to be permanent, temporary, direct, indirect, secondary, cumulative, short, medium or long-term, beneficial or adverse. This should include an indication of their potential significance. The summary should be consistent with the results of some preliminary supporting environmental assessment (including baseline information), clearly aligned with the assessment topics required by DMRB guidance, and with an indication of key mitigation assumptions clearly spelt out. The level of assessment required at this stage will be project dependent and a matter of professional judgement.
D. Details of extent of environmental impact assessment undertaken and summary of consultation
<ul style="list-style-type: none"> A summary of any assessment work undertaken to date should be included. A summary of any consultation with a consultation bodies (including nil responses) should be provided.
E. Highways Agency's proposed screening decision
<ul style="list-style-type: none"> Where the Highways Agency is notifying the IPC of the intention to provide an ES, the reasons for this should be summarised here, including if the project is Schedule 1 (or Annex1) or Schedule 2 (or Annex 2). Where the Highways Agency is requesting a screening opinion from the IPC, the Highways Agency can propose a decision on whether an EIA is required or not (with justification); however, it will be the IPC that makes the final decision.

Annex C – Request for EIA Scoping Opinion Template

Interim Advice

To: *Insert IPC contact name*

Project Manager Name
Highways Agency address

CC: *Insert as required*

Ref: *Insert reference*

Tel: *Insert contact number*

Insert date

Highways Nationally Significant Infrastructure Projects

REQUEST FOR A SCOPING OPINION FROM THE IPC UNDER REGULATION 8 OF THE INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009

Name of project:

Location (including national grid reference):

The Highways Agency hereby requests a scoping opinion from the IPC for the project named above, under the regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.

In line with regulation 8(3), please find enclosed X no. hard copies and X no. electronic copies of a Scoping Report to assist you in this matter.

This report can be accessed on the Highways Agency website using the following link: *[this sentence should be deleted if it is not possible to provide a link]*

We hope the information is satisfactory, but should you have any queries please do not hesitate to contact the undersigned.

Name Project Manager:

Signature Project Manager:

Dated:

Annex D - IAN 133/10 Environmental Assessment and the Planning Act 2008 in English DBFO schemes

When used on English DBFO Scheme, this IAN is to be amended as follows:

Para No.	Description
Annex B	Delete "Project Manager" and insert "Department's Nominee"
Annex C	Delete "Project Manager" and insert "Department's Nominee" at all occurrences