

Interim Advice Note 78 / 06

**VOLUME 11 ENVIRONMENTAL
ASSESSMENT**

**SECTION 2: PRINCIPLES OF
ENVIRONMENTAL
ASSESSMENT**

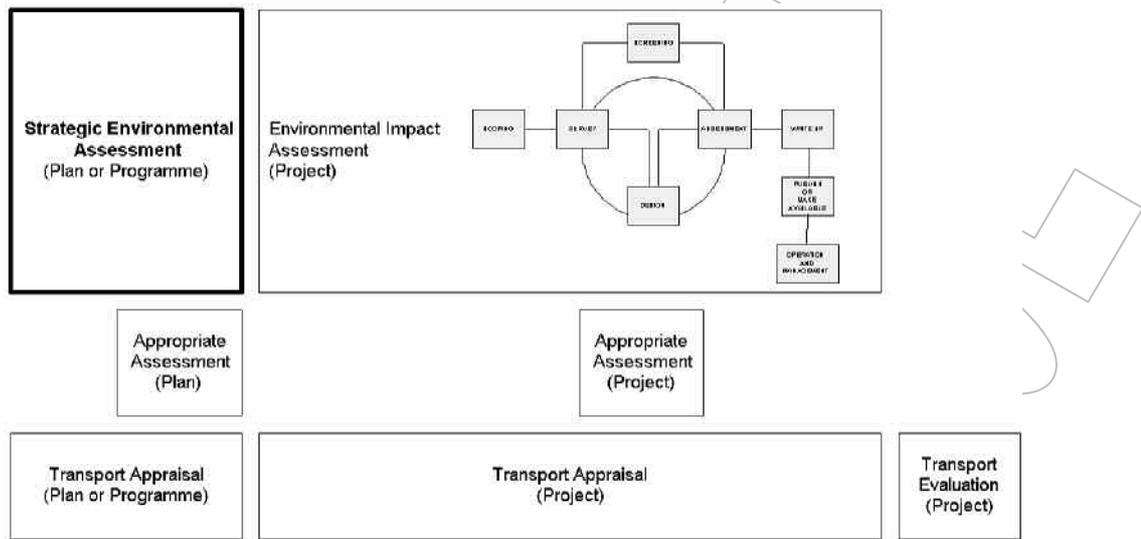
PART 2

ENVIRONMENTAL ASSESSMENTS

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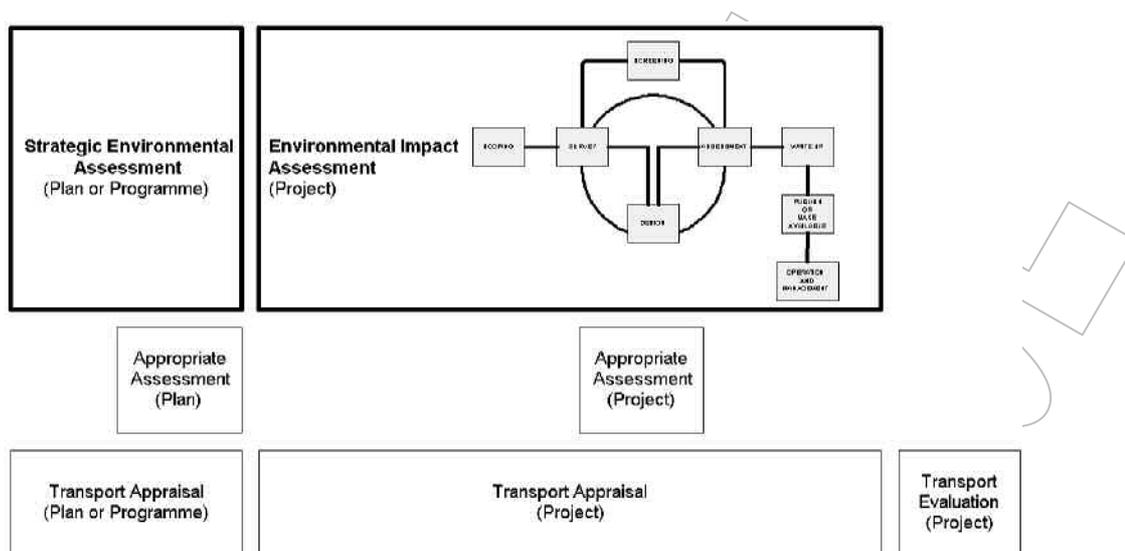
1. STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)



- 1.1 Strategic Environmental Assessment (SEA) can be defined as a formal, systematic and comprehensive process for assessing the environmental effects of a proposed plan or programme and its alternatives. The SEA process progresses through a number of stages including consultation on an environmental report and setting out how consultation comments have been taken into account. The Environmental Assessment of Plans and Programmes Regulations (SI 2004/1633) in England provide for the transposition of Council Directive 2001/42/EC (The SEA Directive).
- 1.2 These regulations require that a SEA is undertaken during the preparation of plans and programmes that set the framework for an EIA project, or which is determined to require an assessment under Articles 6 or 7 of the Habitats Directive (92/43/EEC) as amended by Council Directive 97/62/EC. Such plans and programmes are not to be adopted without taking account of:
- i. The Environmental Report for the plan or programme; and
 - ii. Opinions expressed by consultees, the public and any consultations with other Member States.
- 1.3 Where SEA is necessary, then an Environmental Report is required to identify, describe and evaluate the likely significant environmental effects of implementing the plan or programme and reasonable alternatives available to the plan. The scope and level of detail of the information presented in the plan should be decided in consultation with the consultation bodies.
- 1.4 The Environmental Report is to describe, among other matters:
- i. The environmental characteristics of areas likely to be affected and relevant environmental problems;
 - ii. Environmental protection objectives;
 - iii. Significant environmental effects;
 - iv. Measures to prevent, reduce and, as fully as possible, offset any significant adverse effects arising from implementing the plan; and
 - v. Monitoring significant environmental effects and to identify at an early stage unforeseen adverse effects and to being able to undertake appropriate remedial action.

- 1.5 These requirements have consequences upon the subsequent project assessments by the Highways Agency.
- 1.6 In England, guidance on the strategic environmental assessment process for transport plans and programmes is provided by WebTAG Unit 2.11 www.webtag.org.uk.

2 SEA IMPLICATIONS FOR PROJECT ENVIRONMENTAL ASSESSMENT



2.1 The SEA Regulations apply to plans and programmes that set the framework for EIA projects. Hence, all EIA projects will need to be aware of any obligations set out in an Environmental Report or SEA Statement prepared for the plan or programme.¹ It is also good practice to recognise that projects not requiring a formal EIA should recognise that Environmental Reports may have a bearing on the scope of their design and assessment activities.

2.2 The SEA Statement could create implications for projects, for example:

- i. Problems that are to be addressed by the project – these may well include those of an environmental or community form;
- ii. Identifying significant environmental impacts that need to be addressed;
- iii. Design and delivery of measures to prevent, reduce and offset significant adverse effects identified in the Environmental Report;
- iv. Delivery of monitoring surveys and results to those responsible for the monitoring of the significant effects of the plan or programme; and
- v. Assembling environmental data to rectify gaps in knowledge to inform future SEAs.

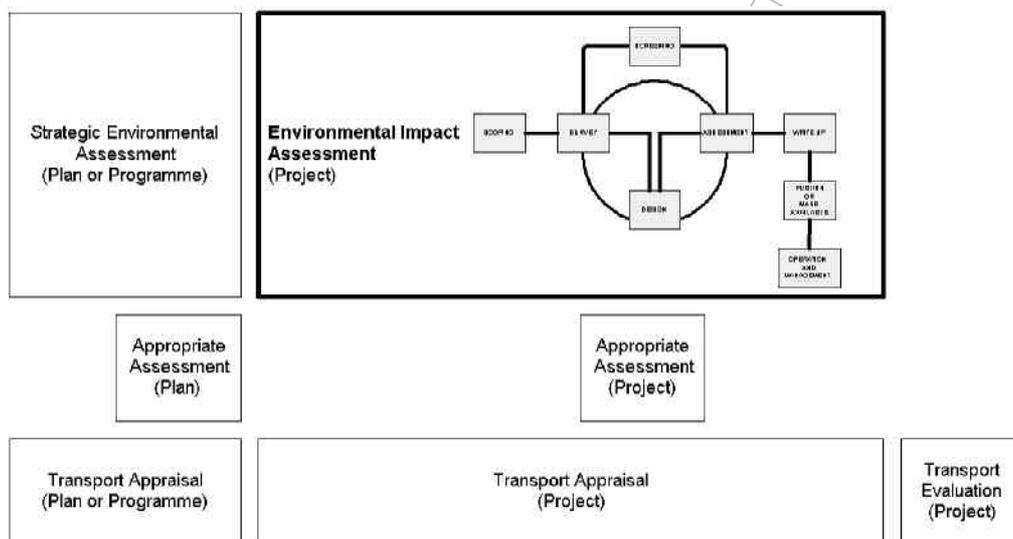
2.3 In addition, there could be a series of other elements within the Environmental Report that could impact the delivery of the projects. These could include:

- i. Objectives and indicators that could have a bearing upon the design objectives for the project. It may also be appropriate to compare the performance of the project against such objectives and indicators;
- ii. Information concerning the scheduling of other linked projects in the plan or programme that would inform the assessment of cumulative effects;
- iii. Opportunities for strategic mitigation measures in which some effects resulting from the project are identified as being more appropriately resolved beyond the confines of the site boundary at more strategic locations, perhaps in partnership with others.

¹ There is currently no statutory requirement for Project EIAs to be in conformity with Environmental Reports prepared for Plans or Programmes.

- 2.4 It is prudent for the reporting of project environmental assessments to make reference to not only the transport and development framework applicable to the study area, but also the Environmental Reports that are prepared for that area. Designers should bring to the Highways Agency's attention Environmental Reports relevant to the project. While Environmental Reports prepared for transport plans are likely to be of most direct relevance, those prepared for land use planning or for river basin management may also be of relevance.

3 ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS

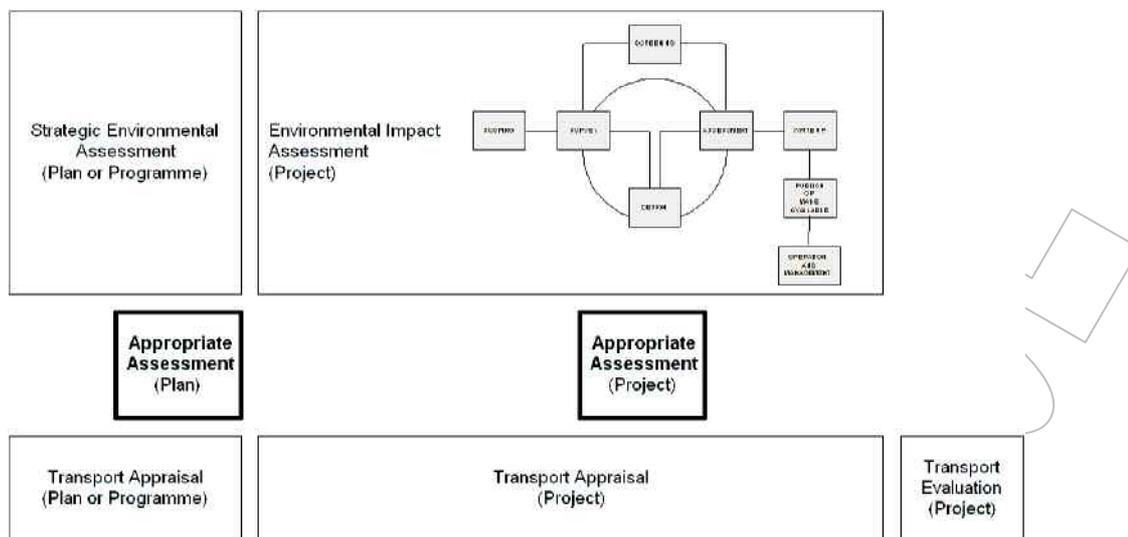


- 3.1 Environmental Impact Assessment (EIA) refers to the whole process by which information regarding the likely environmental effects of a planned project is systematically collected, publicised and taken into account in reaching a decision on whether the project should proceed. Council Directive 85/337/EEC² (the EIA Directive) on the Assessment of the Effects of Certain Public and Private Projects on the Environment on the environment has been transposed, in respect of trunk road projects, into UK law by Section 105A of the Highways Act 1980 in England and Wales.
- 3.2 Projects that require a statutory EIA (EIA projects) fall into two categories: those that always require an EIA (Annex I projects); and, those that require an EIA when they do not meet the Annex I criteria, but are likely to cause a significant environmental effect (Annex II projects). The Annexes referred to relate to those of the EIA Directive.
- 3.3 In the case of relevant Annex II projects, it is necessary to determine whether they are likely to give rise to significant environmental impacts. Advice on significance can be found in Annex III of the EIA Directive. Important to the operation of the regulations is the process of determination as to whether a project falling within Annex II is a relevant project and whether it should complete EIA and publish an Environmental Statement. SECTION 2 PART 3 provides guidance on this process.
- 3.4 The regulations apply to construction and improvement projects. Projects that are strictly maintenance, necessary to keep the trunk road in a fit state to accommodate the traffic expected to pass along it and includes repair, clearance of obstructions and general upkeep, are excluded from the scope of these requirements.

² As amended by Directive 97/11/EC and 2003/35/EC

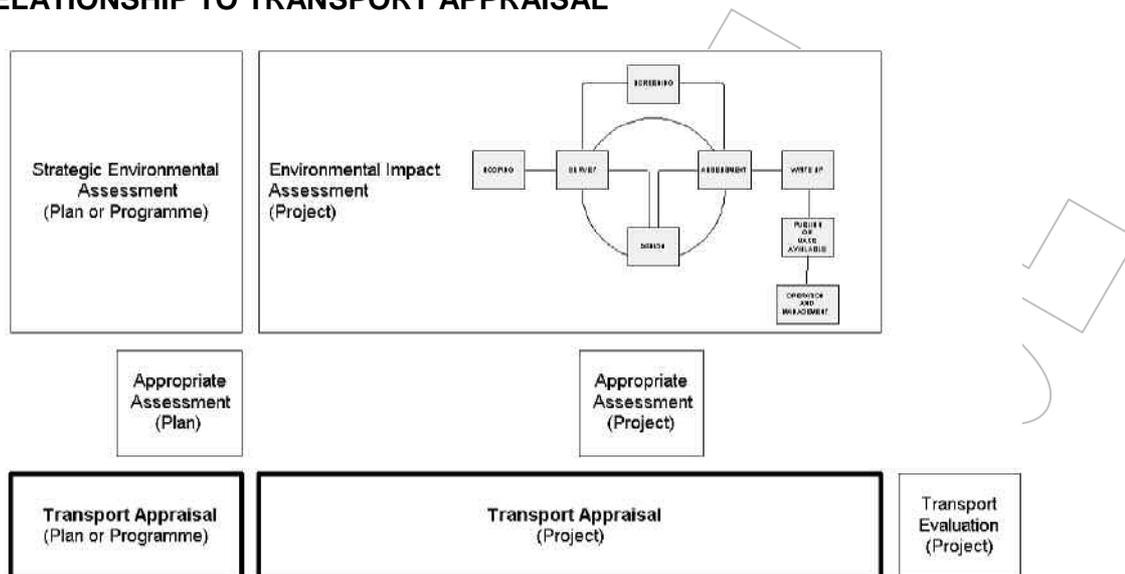
- 3.5 Proponents of EIA projects are required to examine and report the following in an Environmental Statement (ES):
- i. A description of the project;
 - ii. A description of the measures envisaged in order to avoid, reduce, and, if possible, remedy significant adverse effects;
 - iii. The data required 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;
 - v. A non-technical summary.
- 3.6 The Regulations also require that a more extensive list of information (contained in Annex IV) is included in an ES. The need for this information is however subject to the meeting the following criteria:
- 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).
- 3.7 The proponent of an EIA project must publish the Environmental Statement including a Non-Technical Summary. A reasonable opportunity for the public to comment upon the Environmental Statement must also be provided as required by legislation.

4 APPROPRIATE ASSESSMENT



- 4.1 Appropriate Assessment is required under the ‘Habitats Directive’ (Council Directive 92/43/EEC) and the UK regulations for any project or plan likely to have significant effect on an international site for nature conservation. Appropriate Assessment is defined as *“the consideration of the impact on the integrity of the Natura 2000 site of the project or plan, either alone or in combination with other projects or plans, with respect to the site’s structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts”* European Commission (2001).
- 4.2 Under Article 6 of the ‘Habitats Directive’ on the conservation of natural habitats and of wild fauna and flora an assessment (known as an “Appropriate Assessment”) of the impacts upon the European Union’s most valuable nature conservation sites and threatened species can be required. These requirements have been implemented into UK legislation through the Habitats Regulations (SI 1994/2716).
- 4.3 The construction or improvement of roads is specifically dealt with under Regulation 69 of the Habitats Regulations, which contains a requirement to consider the effect on European sites.
- 4.4 Under Regulation 48(1) of the Habitats Regulations, the ‘Competent Authority’ must undertake an Appropriate Assessment considering the implications for a European site’s conservation objectives where a project is likely to have a significant effect and is not associated with the management of the site.
- 4.5 The EU Guidance establishes a stage by stage approach to the Appropriate Assessment process:
- Stage One: Screening
 - Stage Two: Appropriate Assessment
 - Stage Three: Assessment of Alternative Solutions
 - Stage Four: Assessment where adverse impacts remain
- 4.6 Projects, including maintenance works, which are not EIA projects, may still require an Appropriate Assessment if they have potential significant effects on a European protected site. Advice should be sought from the Highways Agency.

5 RELATIONSHIP TO TRANSPORT APPRAISAL



- 5.1 A key component in the transport planning process for government is appraisal. At the project level transport appraisal is carried out to provide input to efficient resource allocation and prioritisation across government. Appraisal allows for an objective review of investment options within the limits of resources. HM Treasury's Green Book (Appraisal and Evaluation in Central Government) forms the basis of government's process in relation to appraisal.
- 5.2 The appraisal advice for England is consolidated in the web based Transport Analysis Guidance (webTAG) system, which can be found at the Department for Transport website www.webtag.org.uk. This provides structured advice at both project management and technical levels. It also provides links to background documents.
- 5.3 The findings of environmental assessment and economic assessments are combined and used in transport appraisal reporting. Care should be taken to ensure that an entirely consistent message is being delivered in environmental assessment, and particularly an Environmental Statement, and the reporting strands of appraisal.
- 5.4 For EIA it is important to select the most appropriate predictive techniques for the particular project. The approach to environmental assessment is flexible to the planning milestone the project has reached. These assessment outputs are used as inputs to the transport appraisal.
- 5.5 There are important legal and process differences between EIA and appraisal, notably public consultation and public reporting are key parts of EIA. The EIA has to report significant environmental effects; it is possible that these are not all addressed by the appraisal criteria, e.g., soils and waste.
- 5.6 The reporting of the process and the results of assessment and appraisals will be separate, even if some of the information used is common to both processes.

6 EXPERTISE FOR THE ENVIRONMENTAL ASSESSMENT

- 6.1 It is important that those involved in projects have sufficient relevant expertise to conduct environmental assessments in the project delivery process. The level of expertise should be commensurate with the level of complexity of the project and the likely significance of environmental effects to be encountered.
- 6.2 The level of experience should reflect the anticipated level of environmental risks associated with the project. Appendix E of HD 46 (DMRB 5.2.1) gives indicative levels of experience, professional status, training and competency that the Highways Agency considers necessary to enable Designers to fulfil typical project roles. The Highways Agency should ensure that contractual arrangements obtain the necessary expertise called for by HD 46.

7. References

Council Directive 2001/42/EC: Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, *Official Journal No. L 197*, 21/07/2001

Council Directive 92/43/EEC: Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, *Official Journal L 206*, 22/07/1992

Council Directive 97/62/EC: Council Directive 97/62/EC of 27 October 1997 adapting to technical and scientific progress Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora *Official Journal No L 305*, 08/11/1997

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

European Commission (2001): Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and Article 6(4) of the 'Habitats' Directive 92/43/EEC. *European Commission DG Environment, Brussels.*

SI 2004/1633: Statutory Instrument 2004 No. 1633 The Environmental Assessment of Plans and Programmes Regulations 2004, *The Stationery Office Limited*, ISBN 0110494555.

SI 1994/2716: Statutory Instrument 1994 No. 2716 The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), *The Stationery Office Limited*, ISBN 0110457161

HD 46 Quality Management Systems for Highway Design (DMRB 5.2.1)