

**Interim Advice Note 79 / 06**

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**VOLUME 11**

**ENVIRONMENTAL  
ASSESSMENT**

**SECTION 2:**

**PRINCIPLES OF  
ENVIRONMENTAL  
ASSESSMENT**

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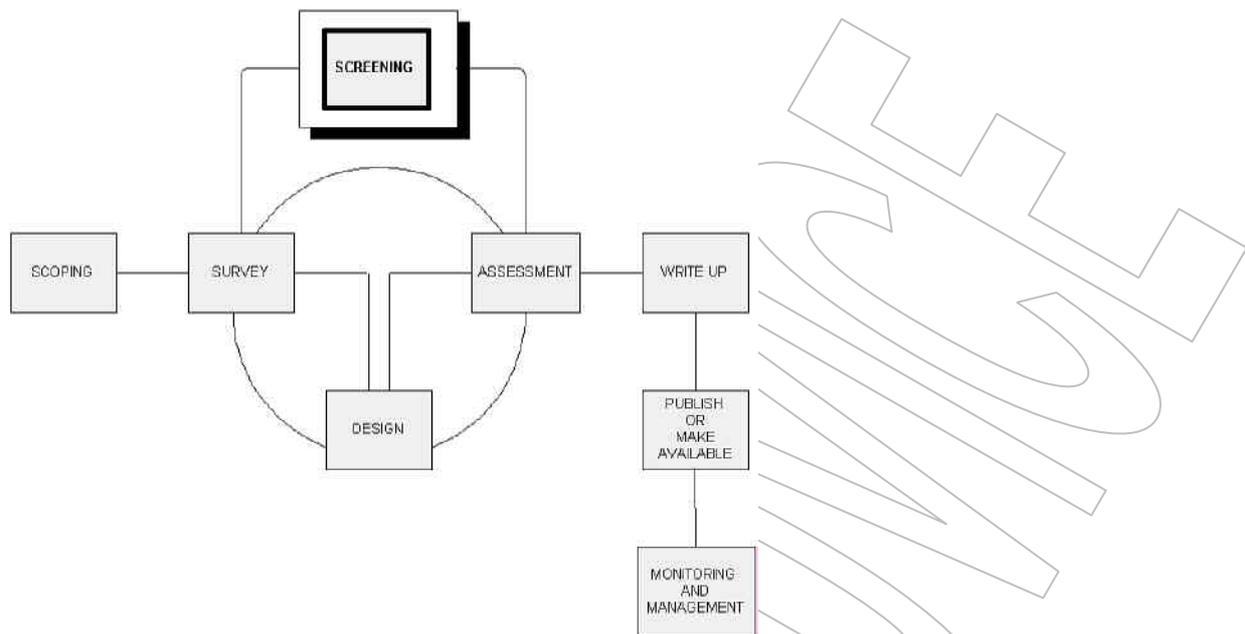
**PART 3**

**SCREENING**

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1. Screening a Project

## 1 SCREENING A PROJECT



1.1 Screening should be used to decide whether a project would have an Environmental Impact Assessment (EIA) requirement. Screening establishes

- i. If a project represents a 'relevant project';
- ii. The 'determination' for the purposes of the EIA regulations; and
- iii. Whether EIA is to be completed or not.

1.2 As noted in SECTION 2, PART 2, Chapter 3 - Environmental Impact Assessment Regulations, only certain projects must complete EIA and publish an Environmental Statement. The first screening decision is identifying whether the project falls within Annex I or Annex II of the EC Directive 85/337/EEC (see Figure 1.1):

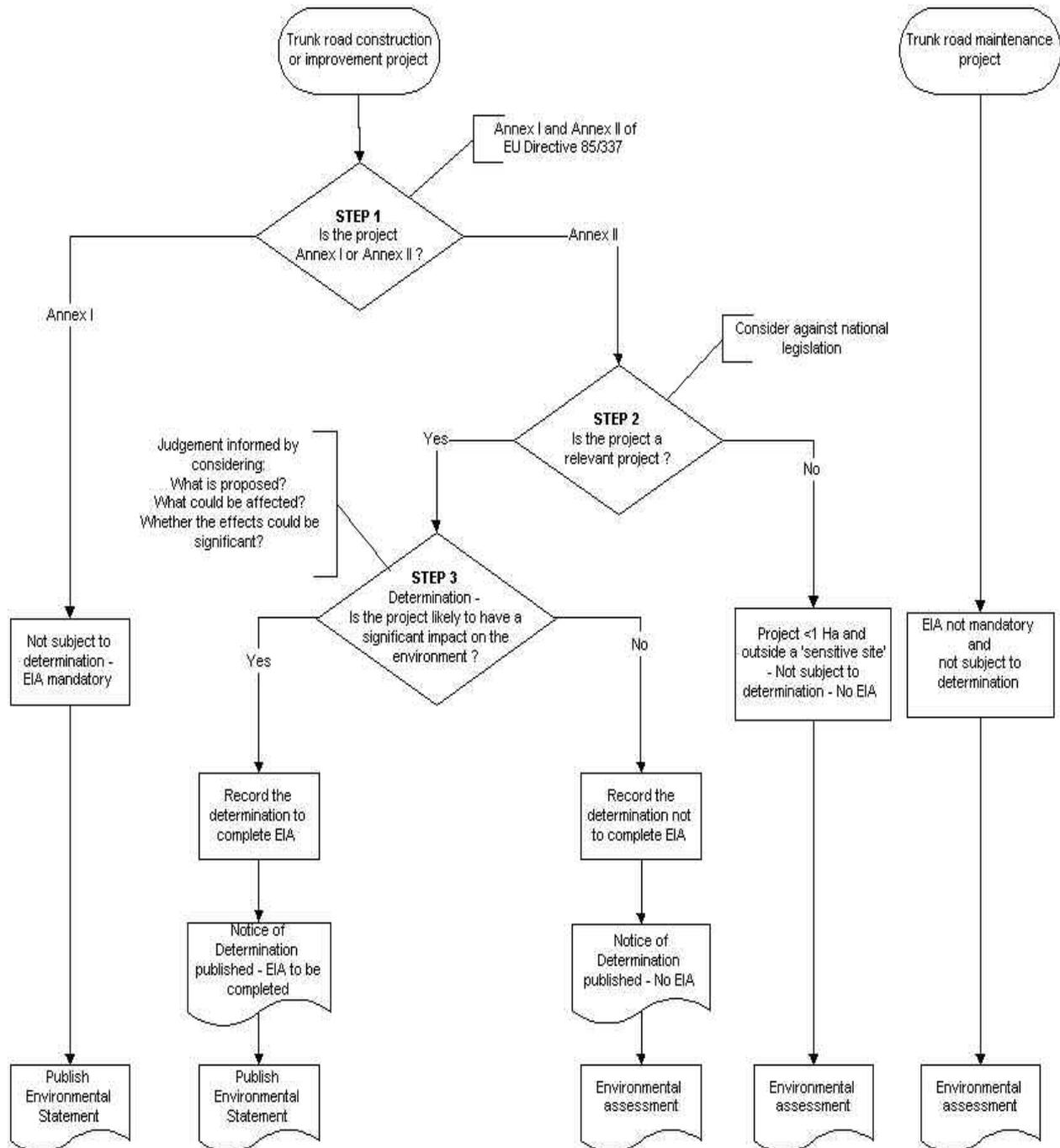
**Step 1:** deciding if the project is Annex I or Annex II;

1.3 All road projects not listed in Annex I, except those classed as strictly maintenance projects, fall under Annex II of the EIA Regulations. Thresholds of project size and environmental sensitivity exist in UK legislation. Below these thresholds Annex II projects can be considered not relevant. For these small projects, below the thresholds and outside sensitive sites, no determination or EIA is required. As set out below all other Annex II projects require a determination, that is whether they are likely to have significant environmental impacts and hence whether to complete EIA and publish an Environmental Statement.

1.4 For Annex II projects a determination process must be followed that meets the requirements of the EIA Directive. Two subsequent steps are identified within the determination process:

**Step 2:** deciding if the project is a 'relevant project';

**Step 3:** arriving at a determination of a 'relevant project'.



**Figure 1.1: Determination Process**

The process applies to all construction and improvement projects. The construction and improvement process must be applied to the improvement component of any project linked to maintenance works. Maintenance works are included in the figure for completeness only.

## Step 1 - Deciding if the project is Annex I or Annex II

- 1.5 Certain types of trunk road projects are listed within Annex I, for these EIA is mandatory.

EIA Directive 85/337/EEC	Type of trunk road 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 Environmental Statement must be published.
Annex II	All other road improvements not caught by Annex I.	A determination process must be followed that meets the requirements of the EIA Directive and UK regulations. EIA need determined by significance.

## Step 2 - Deciding if the Project is a Relevant Project

- 1.6 For Annex II projects, the next step is to determine whether the project falls within the ambit of the UK regulations, which state that: “*relevant project means a project for constructing or improving a trunk road 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 such area is situated in whole or in part in a sensitive area*” (SI 1999/369).
- 1.7 If the project is *not* a relevant project, the project is screened out of the process. No determination decision is necessary, no Notice (see below) would be published and an Environmental Statement is not required.

## Step 3 – Arriving at a Determination on a relevant project

- 1.8 The focus of the determination is 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 screening criteria in Annex III (Schedule 3) of the EIA Directive. In order to make a satisfactory determination, some environmental assessment work is required. It is essential that determinations be soundly based whilst at the same time minimising the effort spent on assessment where it is not warranted.
- 1.9 The approach towards screening 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)

## Reporting the Determination

- 1.10 The Highways Agency has established internal procedures for recording the determination process. As a minimum the procedures should 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. The Secretary of State's determination has to be made available to the public and is referred to here as the "Notice". A Notice must be published for each relevant project considered. The England and Wales regulations require that all notices shall be published in the London Gazette and in at least one local newspaper circulating in the area in which the project for the construction or improvement is situated.

- 1.11 The Notice 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, typically for a project involving alignment choices and draft Orders, the Notice would be expected with the preferred route announcement. No significant project progression or works should be undertaken that would prejudice the Secretary of State position should representations be received.

Project delivery	Determination Yes EIA	Determination No EIA	Comment
Project with Line and Side Road Orders.	Latest Notice publication with ES and draft Line and Side Road Orders.	Latest Notice publication with draft Line and Side Road Orders.	Earlier Notice publication would be desirable e.g. with the preferred route announcement or scoping report publication.
Project with no Line and Side Road Orders.	Latest Notice publication with ES.	Early enough not to prejudice the Secretary of State.	When determination is <i>not</i> to complete EIA, publication should be least six weeks (42 days) before investment, start of works or similar milestone.

### Environmental Statement publication and published Notice of decision

- 1.12 Where it appears to the Secretary of State that a project falls within Annex I or that it falls within Annex II, and has such characteristics that it should be made subject to an environmental assessment in accordance with the Directive, the Secretary of State shall publish not later than the date of publication of details of the project an Environmental Statement. Advice on Environmental Statement writing can be found in IAN 82.
- 1.13 For all Annex I projects, and when the Annex II determination was to undertake an EIA, then subsequent to the Environmental Statement, at an appropriate time, the Secretary of State is required to publish the reasons for proceeding with the project. The published decision must include:
- i. The decision and any conditions attached;
  - ii. The main reasons and considerations on which the decision is based;
  - iii. Information about the public participation process carried out prior to the decision being taken; and
  - iv. Where the decision is to proceed with the construction or improvement, a description of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the project.

### Maintenance projects

- 1.14 The EIA regulations make specific reference to construction and improvement works. Trunk road maintenance projects lie outside the EIA regulations but may require an Appropriate Assessment. Maintenance works are not subject to the determination

process and would not complete EIA. They should be subject to environmental assessment to inform the works, particularly the timing of site activities.

## References

**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

**SI 1999/369:** Statutory Instrument 1999 No. 369 The Highways (Assessment of Environmental Effects) Regulations 1999, *The Stationery Office Limited*, ISBN 0110820533.