



Sustainability & Environment
Appraisal

LA 102

Screening projects for Environmental Impact Assessment

(formerly HD 47/08, IAN 126/15, IAN 133/10)

Revision 0

Summary

This document sets out the requirements on screening projects for Environmental Impact Assessment in line with Directive 2011/92/EU as amended by 2014/52/EU.

Application by Overseeing Organisations

Any specific requirements for Overseeing Organisations alternative or supplementary to those given in this document are given in National Application Annexes to this document.

Feedback and Enquiries

Users of this document are encouraged to raise any enquiries and/or provide feedback on the content and usage of this document to the dedicated Highways England team. The email address for all enquiries and feedback is: Standards_Enquiries@highwaysengland.co.uk

This is a controlled document.

Contents

Release notes	2
Foreword	3
Publishing information	3
Contractual and legal considerations	3
Introduction	4
Background	4
Assumptions made in the preparation of this document	4
Abbreviations	5
Terms and definitions	6
1. Scope	9
Aspects covered	9
Implementation	9
Use of GG 101	9
2. Principles and purpose of screening	10
Annex I projects	10
Annex II projects	10
Screening Annex II projects against Annex III criteria	10
Re-screening	11
3. Screening and the project lifecycle	12
4. Screening and consultation	13
5. Reporting	14
Annex I projects	14
Annex II projects	14
Publishing the screening opinion	14
6. Normative References	15
7. Informative References	16

Release notes

Version	Date	Details of amendments
0	Jul 2019	LA 102 replaces HD 47/08, IAN 126/15 and IAN 133/10. The full document has been re-written to make it compliant with the new Highways England drafting rules.

Foreword

Publishing information

This document is published by Highways England.

This document supersedes previous screening advice contained in Volume 11 Section 2, Part 3 (HD 47/08) of the DMRB, IAN 126/15 (Environmental Assessment Screening and Determination) and IAN 133/10 (Environmental Assessment and the Planning Act 2008) and makes provision for requirements outlined within Directive 2011/92/EU as amended by 2014/52/EU [Ref 3.N].

This document contains clear reference to other volumes, sections and parts of the DMRB that will aid the delivery of proportionate environmental assessment.

Contractual and legal considerations

This document forms part of the works specification. It does not purport to include all the necessary provisions of a contract. Users are responsible for applying all appropriate documents applicable to their contract.

Introduction

Background

Screening determines if a project requires an Environmental Impact Assessment (EIA) and publication of an environmental statement (ES) in line with the requirements of the Directive 2011/92/EU as amended by 2014/52/EU [Ref 3.N] (hereafter referred to as the EIA Directive).

Assumptions made in the preparation of this document

The assumptions made in GG 101 [Ref 5.N] apply to this document.

Abbreviations

Abbreviations

Abbreviation	Definition
EIA	Environmental Impact Assessment
ES	Environmental Statement

Terms and definitions

Terms and definitions

Term	Definition
Annex I project	Projects listed within Annex I of the EIA Directive [Ref 3.N].
Annex II project	Projects listed within Annex II of the EIA Directive [Ref 3.N].
Authorities likely to be concerned by a project	Authorities or organisations (statutory or non-statutory) that have environmental responsibilities or local and regional competences (as defined by the relevant consenting regime).
Competent authority	An authority that is legally responsible for discharging the requirements of the EIA Directive [Ref 3.N] via the development consenting process.
Environmental assessment	A process by which information about environmental effects is collected, assessed and used to inform decision-making. NOTE: This includes Environmental Impact Assessment and non-statutory environmental assessment.
Environmental Impact Assessment	Statutory process consisting of: 1) preparation of an Environmental Statement; 2) consultation; 3) examination by the competent authority of the information contained within the Environmental Statement; and 4) the reasoned (justified or evidenced) conclusion by the competent authority on the significant effects of the project on the environment; and 5) the reasoned (justified or evidenced) decision by the competent authority to grant or refuse development consent. 1. preparation of an Environmental Statement; 2. consultation; 3. examination by the competent authority of the information contained within the Environmental Statement; and 4. the reasoned (justified or evidenced) conclusion by the competent authority on the significant effects of the project on the environment; and 5. the reasoned (justified or evidenced) decision by the competent authority to grant or refuse development consent.

Terms and definitions (continued)

Environmental statement	<p>The information to be provided by the developer to include at least:</p> <ol style="list-style-type: none"> 1) a description of the project; 2) a description of the likely significant effects of the project on the environment; 3) a description of the features of the project and/or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment; 4) a description of the reasonable alternatives; 5) a non-technical summary; and 6) any additional information relevant to the characteristics of a project. <ol style="list-style-type: none"> 1. a description of the project; 2. a description of the likely significant effects of the project on the environment; 3. a description of the features of the project and/or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment; 4. a description of the reasonable alternatives; 5. a non-technical summary; and 6. any additional information relevant to the characteristics of a project.
Maintenance	Activities which do not change the nature of the asset.
Monitoring	<p>Assessment of the performance of the project, including mitigation measures.</p> <p>NOTE This determines if effects occur as predicted or if operations remain within acceptable limits, and if mitigation measures are as effective as predicted.</p>

Terms and definitions (continued)

Non-statutory environmental assessment	<p>Process consisting of:</p> <ol style="list-style-type: none"> 1) preparation of an environmental assessment report; 2) examination by the Overseeing Organisation of the information contained within that report; and 3) the reasoned (justified or evidenced) decision by the Overseeing Organisation to proceed (or not) with the project. <p>1. preparation of an environmental assessment report;</p> <p>2. examination by the Overseeing Organisation of the information contained within that report; and</p> <p>3. the reasoned (justified or evidenced) decision by the Overseeing Organisation to proceed (or not) with the project.</p> <p>1. preparation of an environmental assessment report;</p> <p>2. examination by the Overseeing Organisation of the information contained within that report; and</p> <p>3. the reasoned (justified or evidenced) decision by the Overseeing Organisation to proceed (or not) with the project.</p>
Preferred option	The chosen design option that most successfully achieves the project objectives and becomes subject to further design and assessment.
Project	Construction works, installations, schemes, or interventions (in the natural surroundings and landscape) including those involving the extraction of mineral resources.
Screening	The identification of likely significant effects on the environment and consequential need for an Environmental Impact Assessment.
Screening request	Application by the developer for a screening opinion from the competent authority (or Overseeing Organisation).
Screening opinion	A written statement by the competent authority as to whether a project requires EIA.

1. Scope

Aspects covered

- 1.1 The requirements and procedures set out in this document must be followed for screening a project and to determine whether it requires an Environmental Impact Assessment (EIA) and publication of an environmental statement (ES) in line with the requirements of the EIA Directive [Ref 3.N].
- NOTE 1 *This document does not cover screening projects under the Habitats Directive [Ref 1.N] see DMRB Volume 11, Section 4 HD 44 09 [Ref 1.I].*
- NOTE 2 *This document does not cover screening projects under the Environmental Assessment of Plans and Programmes Directive [Ref 2.N].*

Implementation

- 1.2 This document shall be implemented forthwith on all projects on the Overseeing Organisations' motorway and all-purpose trunk roads according to the implementation requirements of GG 101 [Ref 5.N].

Use of GG 101

- 1.3 The requirements contained in GG 101 [Ref 5.N] shall be followed in respect of activities covered by this document.

2. Principles and purpose of screening

Annex I projects

- 2.1 Where a project meets the criteria in Annex I of the EIA Directive [Ref 3.N], as reproduced in Table 2.1, an Environmental Impact Assessment (EIA) must be undertaken.

Table 2.1 Extract from Annex I of the EIA Directive (Ref 3.N) to identify projects that require a mandatory EIA

Extract from the EIA Directive	Project type
Annex I (7)	<p>b) Construction of motorways and express roads.</p> <p>NOTE Express road is defined as a road which complies with the definition in the European Agreement on Main International Traffic Arteries of 15 November 1975 [Ref 4.N] "Roads reserved for automobile traffic, accessible only from interchanges or controlled junctions and on which, in particular, stopping and parking are prohibited".</p> <p>c) 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.</p> <p>NOTE Point c) is interpreted to be construction of a dual carriageway or larger road or widening of a single carriageway into a dual carriageway or larger road.</p>

NOTE For Annex I projects, consideration of Annex II, II.A and III of the EIA Directive [Ref 3.N] is not required.

Annex II projects

- 2.2 Projects that do not fall under Annex I of the EIA Directive [Ref 3.N] must be screened against Annex II of the EIA Directive.
- 2.2.1 Screening should be undertaken for those projects that do not fall under Annex I or II of the EIA Directive [Ref 3.N], where there is a potential for likely significant environmental effects arising from a project.
- 2.3 Projects shall apply the specific requirements of the Overseeing Organisation.
- 2.4 For maintenance activities, the specific requirements of the Overseeing Organisations shall apply.

Screening Annex II projects against Annex III criteria

- 2.5 Where a project falls under Annex II of the EIA Directive [Ref 3.N], projects must provide evidence that the relevant selection criteria set out in Annex III of the EIA Directive have been taken into account in concluding whether a project is likely to have significant effects on the environment.
- 2.6 Where a project is likely to result in significant environmental effects an EIA must be undertaken in accordance with the EIA Directive [Ref 3.N].
- 2.7 Where an Annex II project is not likely to result in significant environmental effects, this shall be recorded according to the specific requirements of the Overseeing Organisation.
- 2.7.1 Where a project has an absence of significant environmental effects, the environmental assessment should provide sufficient evidence to support the decision to not undertake an EIA.

- 2.8 For maintenance activities, the specific screening requirements of the Overseeing Organisation shall apply.

Re-screening

- 2.9 Projects shall be re-screened where there are material changes:
- 1) in the physical characteristics and/or location of the project;
 - 2) in the environmental assessment assumptions e.g. the construction or design year; and
 - 3) in the level of understanding of the current state of the environment (baseline scenario).

3. Screening and the project lifecycle

3.1 A screening request shall be submitted to the competent authority as soon as the information required in Annex II.A of the EIA Directive [Ref 3.N] can be compiled with sufficient evidence to support a screening opinion.

NOTE *Sufficient evidence to support a screening opinion can typically be gathered once a project has identified the preferred option and, there is a level of certainty regarding a projects characteristics, location and environmental baseline to determine likely significant environmental effects.*

3.1.1 Where sufficient information exists to make a judgement on likely significant environmental effects towards the conclusion of options selection stage, a screening request may be submitted.

3.1.2 When compiling a screening request, the principles of environmental assessment in LA 101 [Ref 2.] Introduction to environmental assessment should apply and include a level of work sufficient to support the screening conclusions.

NOTE *A level of uncertainty in the screening conclusions can be included and accepted so long as they can be reasonably justified.*

4. Screening and consultation

4.1 All relevant authorities affected by a project shall be identified and engaged where this would support the screening conclusions.

NOTE 1 There are no mandatory requirements under the EIA Directive [Ref 3.N] to undertake consultation in respect to reaching screening conclusions (project teams) or making a screening opinion (competent authority).

NOTE 2 Engagement with the relevant authorities affected by a project can assist in understanding the environmental (and wider) risks associated with a project.

5. Reporting

Annex I projects

- 5.1 Where a project falls under Annex I of the EIA Directive [Ref 3.N], a record of the decision must be made supported by sufficient evidence.
- 5.2 Projects shall apply the specific requirements of the Overseeing Organisation, in recording evidence of decisions.

Annex II projects

- 5.3 Where a project falls under Annex II of the EIA Directive [Ref 3.N], projects shall submit a screening request to the competent authority providing the information required by Annex II.A of the Directive.
- 5.4 Screening requests must describe the elements of projects, and/or any mitigation measures and monitoring envisaged to avoid, prevent, reduce and, if possible, offset significant adverse effects on the environment, in accordance with the EIA Directive [Ref 3.N].
 - 5.4.1 Screening requests should only include those elements and/or mitigation measures, where there is evidence that:
 - 1) they are technically achievable and will deliver the desired outcome;
 - 2) they are deliverable in terms of project budgets; and
 - 3) there is a relevant legal route to support their delivery.
 - 5.4.2 The level of information reported against the items in Annex II.A should be proportionate to the scale or complexity of project being screened.
 - 5.4.3 Professional judgement should be exercised when deciding the level of effort and environmental assessment necessary to support the screening conclusions.
- 5.5 Projects shall apply the specific environmental assessment reporting requirements of the Overseeing Organisation.
- 5.6 Where a project does not fall under Annex II of the EIA Directive [Ref 3.N] a record of the decision shall be made with sufficient evidence.

Publishing the screening opinion

- 5.7 The screening opinion must be published by the competent authority in accordance with the EIA Directive [Ref 3.N].
- 5.8 Liaison with the Overseeing Organisation shall be established to ensure the screening opinion is published in a timely manner.
 - 5.8.1 Where there is potential for a challenge to be made following the publication of a screening opinion, projects should identify whether a 'standstill period' is required.
 - 5.8.2 When deciding whether a 'standstill period' is appropriate, the following issues should be identified:
 - 1) the degree of confidence that the screening opinion has been based on appropriate information and sound judgement; and
 - 2) any knowledge about any potential risk of judicial challenge.

NOTE *There is no requirement for a 'standstill period' following publication of a negative screening opinion and the start of construction.*

6. Normative References

The following documents, in whole or in part, are normative references for this document and are indispensable for its application. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

Ref 1.N	'Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora'
Ref 2.N	'Directive 2001/42/EC(d) of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment'
Ref 3.N	'Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment Text with EEA relevance, Official Journal L 124, 25/04/2014.'
Ref 4.N	'European Agreement on main international traffic arteries (AGR) (with annexes and list of roads), Geneva, 15 November 1975, United Nations Treaty Series, vol. 1556, No. 2168'
Ref 5.N	Highways England. GG 101, 'Introduction to the Design Manual for Roads and Bridges'

7. Informative References

The following documents are informative references for this document and provide supporting information.

Ref 1.I	Highways England. HD 44, 'Assessment of Implications (of Highways and/or Roads Projects) on European Sites (Including Appropriate Assessment)' , 09
Ref 2.I	Highways England. LA 101, 'Introduction to environmental assessment'

© Crown copyright 2019.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/,
write to the **Information Policy Team, The National Archives, Kew, London TW9 4DU**,
or email psi@nationalarchives.gsi.gov.uk.



Sustainability & Environment
Appraisal

LA 102

England National Application Annex to LA 102 Screening projects for Environmental Impact Assessment

Revision 0

Summary

This National Application Annex sets out the Highways England specific requirements on screening projects for Environmental Impact Assessment in line with Directive 2011/92/EU as amended by 2014/52/EU.

Feedback and Enquiries

Users of this document are encouraged to raise any enquiries and/or provide feedback on the content and usage of this document to the dedicated Highways England team. The email address for all enquiries and feedback is: Standards_Enquiries@highwaysengland.co.uk

This is a controlled document.

Contents

Release notes 2

Foreword 3

 Publishing information 3

 Contractual and legal considerations 3

Introduction 4

 Background 4

 Assumptions made in the preparation of this document 4

Abbreviations 5

Terms and definitions 6

E/1. Highways Act 1980 (as amended) 8

 Principles and purpose of screening 8

 Reporting 9

E/2. Planning Act 2008 (as amended) 10

 Principles and purpose of screening 10

 Reporting 11

E/3. Normative References 12

E/4. Informative References 13

Release notes

Version	Date	Details of amendments
0	Jul 2019	Highways England National Application Annex to LA 102.

Foreword

Publishing information

This document is published by Highways England.

Contractual and legal considerations

This document forms part of the works specification. It does not purport to include all the necessary provisions of a contract. Users are responsible for applying all appropriate documents applicable to their contract.

Introduction

Background

This National Application Annex defines the Highways England specific requirements for screening related to the application of the Directive 2011/92/EU as amended by 2014/52/EU [Ref 1.N] (hereafter referred to as the EIA Directive).

Assumptions made in the preparation of this document

The assumptions made in GG 101 [Ref 4.N] apply to this document.

Abbreviations

Abbreviations

Abbreviation	Definition
EIA	Environmental Impact Assessment
ES	Environmental statement
IP EIA	Infrastructure Planning EIA
NSIP	Nationally significant infrastructure project
PINS	Planning Inspectorate

Terms and definitions

Terms and definitions

Term	Definition
Alteration	<p>A highway-related development meeting the size and speed thresholds defined in section 22 of the Planning Act 2008 (as amended) [Ref 5.N].</p> <p>NOTE: Alteration is not applicable to the Highways Act 1980 (as amended) Act CHAPTER 66 [Ref 2.N].</p>
Construction	<p>A highway-related development:</p> <ol style="list-style-type: none"> 1) Planning Act 2008 (as amended) - meeting the size and speed thresholds defined in section 22 of the Planning Act 2008 (as amended) [Ref 5.N]; or 2) Highways Act 1980 (as amended) - is defined within Part III of the Highways Act 1980 (as amended) Act CHAPTER 66 [Ref 2.N].
Improvement	<p>A highway-related development:</p> <ol style="list-style-type: none"> 1) Planning Act 2008 (as amended) - likely to have a significant effect on the environment as defined in section 22 of the Planning Act 2008 (as amended) [Ref 5.N]; or 2) Highways Act 1980 (as amended) - meeting the criteria defined in section 62 of the Highways Act 1980 (as amended) Act CHAPTER 66 [Ref 2.N] and not likely to have a significant effect on the environment.
Nationally significant infrastructure project	<p>A highway-related development as defined within Part III of the Planning Act 2008 (as amended) [Ref 5.N] including construction, alteration and improvement.</p>
Planning Inspectorate	<p>An executive agency responsible for national infrastructure planning applications, examination of local plans and other planning-related and specialist casework in England and Wales.</p>
Relevant project	<p>A project for constructing or improving a highway where:</p> <ol style="list-style-type: none"> 1) 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 2) where any such area is situated in whole or in part in a sensitive area. <p>NOTE: definition from Section 105 of the Highways Act 1980 (as amended) Act CHAPTER 66 [Ref 2.N].</p>

Terms and definitions (continued)

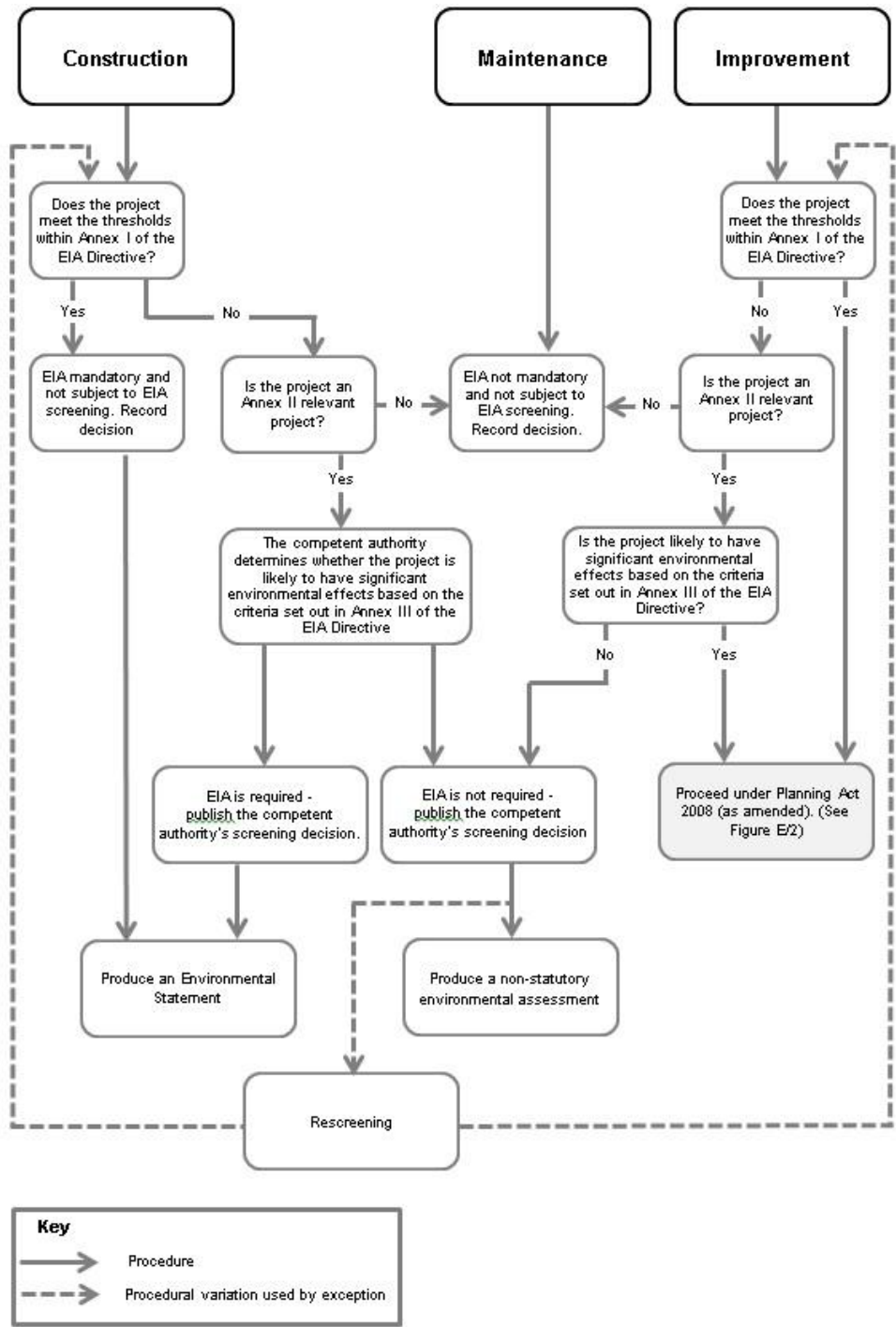
Term	Definition
Sensitive area	<p>Areas as defined within Section 105A of the Highways Act 1980 (as amended) Act CHAPTER 66 [Ref 2.N].</p> <p>NOTE: Generally taken to include:</p> <ol style="list-style-type: none">1) Sites of special scientific interest (SSSI);2) any land adjacent to such an area that is notified to the local planning authority in accordance with [England legislation];3) National parks;4) Areas of outstanding natural beauty (AONB);5) The broads;6) World heritage sites;7) Scheduled monuments; and8) European sites (Natura 2000 sites).

E/1. Highways Act 1980 (as amended)

Principles and purpose of screening

E/1.1 Projects shall follow the procedure outlined in Figure E/1, when screening projects for EIA under the Highways Act 1980 (as amended) Act CHAPTER 66 [Ref 2.N].

Figure E/1.1 EIA Screening for Highways Act 1980 (as amended) projects



E/1.2 For the purposes of the Highways Act 1980 (as amended) Act CHAPTER 66 [Ref 2.N], the Overseeing Organisation's nominee must act as competent authority, with specific responsibility for issuing screening opinions.

- E/1.3 'Relevant projects' which do not fall under Annex I of the EIA Directive [Ref 1.N] must be subject to screening under Annex II of that Directive.
- E/1.4 Maintenance shall be excluded from the consideration of 'relevant projects', where there is evidence that they meet the definition of maintenance within this document.
- NOTE 1 Maintenance is considered unlikely to generate potential significant environmental effects.*
- NOTE 2 Best practice and legal compliance requirements for maintenance beyond those associated with environmental assessment can be reported in an environmental management plan.*
- E/1.5 Maintenance which involves elements of construction or improvement must adhere to the requirements for screening 'relevant projects' in accordance with the EIA Directive [Ref 1.N].
- E/1.5.1 Where there is uncertainty around the potential for significant environmental effects projects should be subject to screening.
- E/1.6 A project must be screened as a 'relevant project' if the area of completed works and the area occupied during construction or improvement is >1ha and/or it is either within or adjacent to a 'sensitive area' in accordance with the Highways Act 1980 (as amended) Act CHAPTER 66 [Ref 2.N].
- E/1.6.1 Screening should evidence how temporary traffic management has been incorporated into the calculation of the area occupied during construction or improvement.
- E/1.6.2 The proportion of traffic management occupied by 'requisite apparatus, equipment, machinery, materials, plant, spoil heaps or other such facilities' during construction should be taken into account when calculating the 1ha area.

Reporting

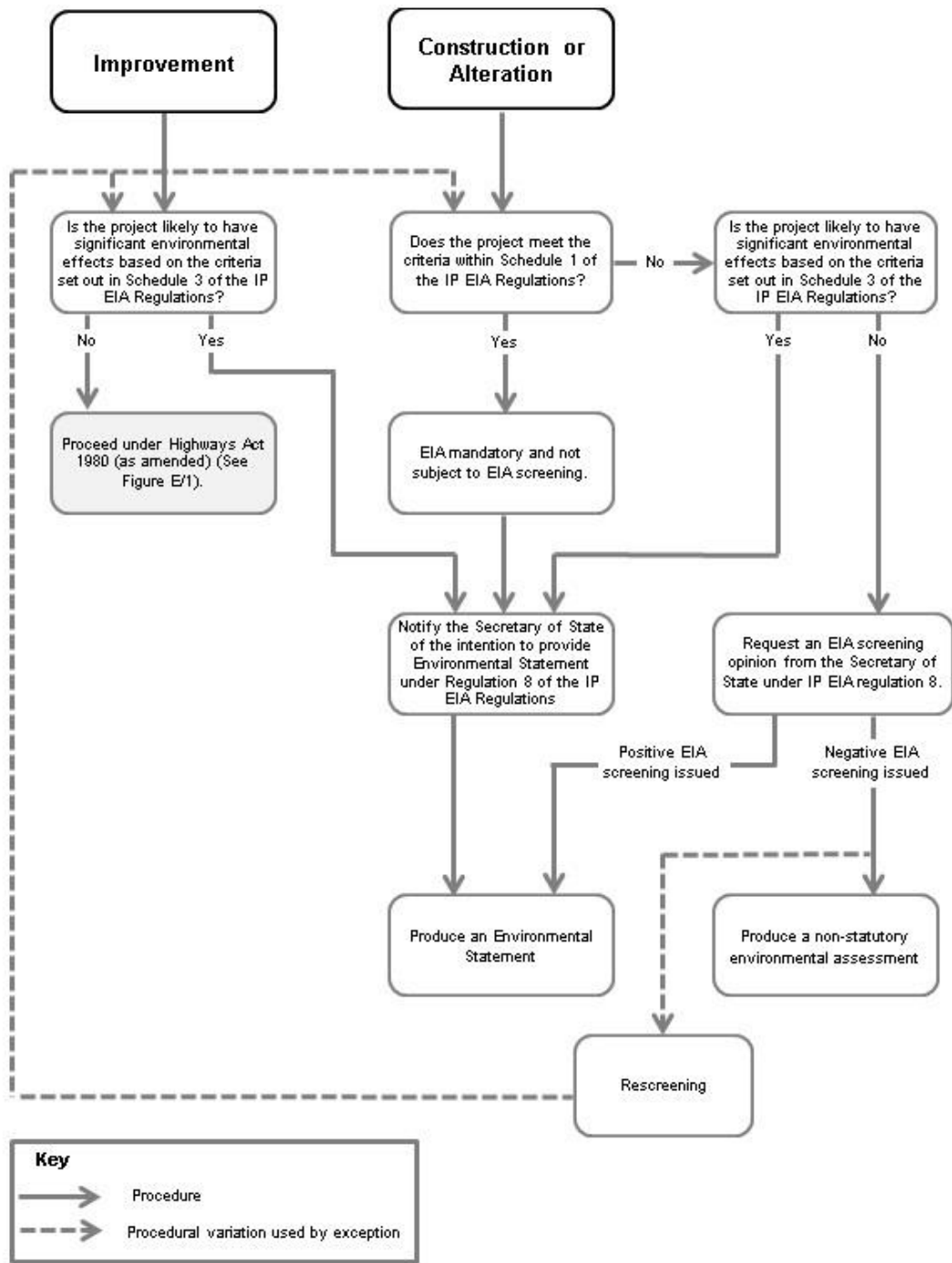
- E/1.7 Where a project falls under Annex II of the EIA Directive [Ref 1.N] and is a 'relevant project', the competent authorities screening decision must be published in accordance with Section 105 of the Highways Act 1980 (as amended) Act CHAPTER 66 [Ref 2.N].

E/2. Planning Act 2008 (as amended)

Principles and purpose of screening

E/2.1 Nationally significant infrastructure projects (NSIPs) shall follow the procedure outlined in Figure E/2.1, when screening projects for EIA under the Infrastructure Planning EIA Regulations 2017 [Ref 3.N] (hereafter referred to as the IP EIA Regulations).

Figure E/2.1 EIA Screening Planning Act 2008 (as amended) projects



NOTE The Secretary of State is the competent authority under the IP EIA Regulations 2017 [Ref 3.N]; this duty is delegated to the Planning Inspectorate (hereafter referred to as PINS).

E/2.2 NSIPs must follow the EIA screening procedures set out in Regulation 8 of the IP EIA Regulations [Ref 3.N].

NOTE PINS Advice Note Seven: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping [Ref 1.I] can be used when screening nationally significant infrastructure projects alongside this National Application Annex.

E/2.3 NSIPs which do not fall under Schedule 1 of the IP EIA Regulations must be subject to screening under Schedule 2 of the IP EIA Regulations [Ref 3.N].

Reporting

E/2.4 NSIPs which meet the criteria for EIA must provide PINS (on behalf of the Secretary of State) with a notification of the intention to submit an ES in accordance with regulation 8 of the IP EIA Regulations [Ref 3.N].

E/2.5 NSIPs which have been screened, and do to not require an EIA must request a screening opinion from PINS (on behalf of the Secretary of State) in accordance with regulation 8 of the IP EIA Regulations [Ref 3.N].

E/3. Normative References

The following documents, in whole or in part, are normative references for this document and are indispensable for its application. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

Ref 1.N	'Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014'
Ref 2.N	The National Archives. legislation.gov.uk . Act CHAPTER 66, 'Highways Act 1980'
Ref 3.N	'Infrastructure Planning (Environmental Impact Assessment) Regulations 2017'
Ref 4.N	Highways England. GG 101, 'Introduction to the Design Manual for Roads and Bridges'
Ref 5.N	'Planning Act 2008 (as amended)'

E/4. Informative References

The following documents are informative references for this document and provide supporting information.

Ref 1.I	The Planning Inspectorate. 'Advice note Seven: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping'
---------	---

© Crown copyright 2019.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/,
write to the **Information Policy Team, The National Archives, Kew, London TW9 4DU**,
or email psi@nationalarchives.gsi.gov.uk.



Sustainability & Environment
Appraisal

LA 102

Northern Ireland National Application Annex to LA 102 Screening projects for Environmental Impact Assessment

Revision 0

Summary

This National Application Annex sets out the Department for Infrastructure, Northern Ireland specific requirements on screening projects for Environmental Impact Assessment in line with Directive 2011/92/EU as amended by 2014/52/EU.

Feedback and Enquiries

Users of this document are encouraged to raise any enquiries and/or provide feedback on the content and usage of this document to the dedicated team in the Department for Infrastructure, Northern Ireland. The email address for all enquiries and feedback is: dcu@infrastructure-ni.gov.uk

This is a controlled document.

Contents

Release notes 2

Foreword 3

 Publishing information 3

 Contractual and legal considerations 3

Introduction 4

 Background 4

 Assumptions made in the preparation of this document 4

Abbreviations 5

Terms and definitions 6

NI/1. Transitional arrangements 8

NI/2. The screening process 9

NI/3. Publishing screening determinations 10

NI/4. Normative References 11

Release notes

Version	Date	Details of amendments
0	Jul 2019	Department for Infrastructure, Northern Ireland National Application Annex to LA 102.

Foreword

Publishing information

This document is published by Highways England on behalf of Department for Infrastructure, Northern Ireland.

Contractual and legal considerations

This document forms part of the works specification. It does not purport to include all the necessary provisions of a contract. Users are responsible for applying all appropriate documents applicable to their contract.

Introduction

Background

This National Application Annex defines the Department for Infrastructure, Northern Ireland, specific requirements for screening related to the application of the Directive 2011/92/EU as amended by 2014/52/EU (hereafter referred to as the EIA Directive [Ref 1.N]).

Assumptions made in the preparation of this document

The assumptions made in GG 101 [Ref 2.N] apply to this document.

The Department for Infrastructure should be consulted regarding any Northern Ireland specific queries, relating to the Environmental Assessment process, which are not addressed in this National Application Annex.

Abbreviations

Abbreviations

Abbreviation	Definition
EIA	Environmental Impact Assessment

Terms and definitions

Terms

Term	Definition
Competent authority	<p>An authority that is legally responsible for discharging the requirements of the EIA Directive and UK Regulations via the development consenting process.</p> <p>NOTE: The competent authority for road works permitted under the General Permitted Development Order [Ref 3.N] is the Department.</p>
Department	Department for Infrastructure, Northern Ireland
Environmental Impact Assessment	<p>Process consisting of:</p> <ol style="list-style-type: none"> 1) screening, scoping and preparation of an EIA Report; 2) consultation and publication of the report and any other environmental information in accordance with the Roads (NI) Order [Ref 5.N]; 3) examination by the competent authority of the information contained within the EIA Report, and any supplementary information provided, and the results of any consultations; 4) the reasoned conclusion of the competent authority, taking into account the results of the examination referred to in point 3, and where appropriate, its own supplementary examination; and 5) the integration of that reasoned conclusion into the decision as to whether to proceed with the project.
Environmental Impact Assessment Report	In Northern Ireland an Environmental Impact Assessment Report is synonymous with Environmental Statement in other jurisdictions. Therefore any reference to Environmental Statement within the main document should be taken to mean Environmental Impact Assessment Report.
Improvement	Any works for the widening, re-alignment and reshaping of roads, as well as, the laying out, planting, maintenance and protection of trees, shrubs and grass.
Relevant project	<p>A project for constructing or improving a highway where:</p> <ol style="list-style-type: none"> 1) 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 2) where any such area is situated in whole or in part in a sensitive area. <p>NOTE: definition from Article 67 of the Roads (NI) Order 1993 (as amended) [Ref 5.N].</p>

Terms (continued)

Term	Definition
Screening	The identification of likely significant effects on the environment and consequential need for an Environment Impact Assessment or non-statutory environmental assessment.
Screening determination	A written statement by the Department as to whether a project requires EIA or not.

NI/1. Transitional arrangements

- NI/1.1 Where the screening determination was made before 16 May 2017, the applicable screening requirements shall be those outlined in Article 67(4)(b) of the Roads (Northern Ireland) Order 1993 (hereafter referred to as the Roads Order) [Ref 5.N] before its amendment by the Roads (Environmental Impact Assessment) Regulations 2017 [Ref 4.N].

NI/2. The screening process

- NI/2.1 As part of the screening process, and to satisfy the requirements of Article 67 4(C) of the Roads (NI) Order, as amended [Ref 5.N], the project team must:
- 1) compile information on the characteristics of the project and its likely effects on the environment, including the information specified in Annex II.A of the EIA Directive [Ref 1.N];
 - 2) take into account the selection criteria set out in Annex III, as relevant to the project.
- NI/2.2 The project team's screening report, where relevant, must take account of the available results of other environmental assessments of the effects of the project carried out pursuant to Union legislation (Roads (NI) Order, as amended [Ref 5.N], article 67 4(C)).
- NI/2.3 The project team's screening report shall justify the conclusions made with reference to the relevant criteria set out in Annex III of the EIA Directive [Ref 1.N].
- NI/2.4 The project team shall submit this screening report to the Department for Infrastructure.
- NI/2.5 Where the screening determination indicates that the project does not require an EIA, the determination must state any features of the project and measures envisaged to avoid or prevent what otherwise might have been significant adverse effects on the environment, as per the requirements of the Roads (NI) Order 67 4(D) [Ref 5.N].

NI/3. Publishing screening determinations

- NI/3.1 To satisfy the requirements of Article 67 4(D) and (E) of the Roads (NI) Order [Ref 5.N], as amended, screening determinations must be published promptly on a website used by the Department for the purpose of giving information to the public about the project.

NI/4. Normative References

The following documents, in whole or in part, are normative references for this document and are indispensable for its application. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

Ref 1.N	EIA Directive, 'Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment'
Ref 2.N	Highways England. GG 101, 'Introduction to the Design Manual for Roads and Bridges'
Ref 3.N	legislation.gov.uk. 'The Planning (General Permitted Development) Order (Northern Ireland) 2015'
Ref 4.N	legislation.gov.uk. 'The Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 2017'
Ref 5.N	legislation.gov.uk. 'The Roads (Northern Ireland) Order 1993 (as amended)'

© Crown copyright 2019.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/,
write to the **Information Policy Team, The National Archives, Kew, London TW9 4DU**,
or email psi@nationalarchives.gsi.gov.uk.



Sustainability & Environment
Appraisal

LA 102

Scotland National Application Annex to LA 102 Screening projects for Environmental Impact Assessment

Revision 0

Summary

This National Application Annex sets out the Transport Scotland specific requirements on screening projects for Environmental Impact Assessment in line with Directive 2011/92/EU as amended by 2014/52/EU.

Feedback and Enquiries

Users of this document are encouraged to raise any enquiries and/or provide feedback on the content and usage of this document to the dedicated Transport Scotland team. The email address for all enquiries and feedback is: TSSStandardsBranch@transport.gov.scot

This is a controlled document.

Contents

Release notes 2

Foreword 3

 Publishing information 3

 Contractual and legal considerations 3

Introduction 4

 Background 4

 Assumptions made in the preparation of this document 4

Abbreviations 5

Terms and definitions 6

S/1. Roads (Scotland) Act 1984 (as amended) 8

 Relevant projects 8

S/2. Screening 9

 Reporting 9

S/3. Normative References 10

S/4. Informative References 11

Release notes

Version	Date	Details of amendments
0	Jul 2019	Transport Scotland National Application Annex to LA 102.

Foreword

Publishing information

This document is published by Highways England on behalf of Transport Scotland.

Contractual and legal considerations

This document forms part of the works specification. It does not purport to include all the necessary provisions of a contract. Users are responsible for applying all appropriate documents applicable to their contract.

Introduction

Background

This National Application Annex gives the Transport Scotland-specific requirements related to the application of the Directive 2011/92/EU as amended by 2014/52/EU (hereafter referred to as the EIA Directive [Ref 1.N]).

Assumptions made in the preparation of this document

The assumptions made in GG 101 [Ref 2.N] apply to this document.

Abbreviations

Abbreviations

Abbreviation	Definition
EIA	Environmental Impact Assessment

Terms and definitions

Terms and definitions

Term	Definition
Annex I project	Projects listed within Annex I of the EIA Directive [Ref 1.N].
Annex II project	Projects listed within Annex II of the EIA Directive [Ref 1.N].
Annex III	Criteria listed within Annex III of the EIA Directive [Ref 1.N].
Determination	Decision as to whether a project requires to be made subject to an Environmental Impact Assessment in accordance with the EIA Directive [Ref 1.N].
Environmental assessment	<p>A process by which information about environmental effects is collected, assessed and used to inform decision-making.</p> <p>NOTE: This includes Environmental Impact Assessment and non-statutory environmental assessment</p>
Maintenance	Activities which do not change the nature of the asset.
Notice of Determination	Statement of the determination that must be published in accordance with the requirements of the Roads (Scotland) Act 1984 (as amended) [Ref 5.N].
Record of Determination	Document collating the information relevant to the determination.
Relevant project	<p>A project for the construction or improvement of a road where the completed works (together with any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps or other such facilities or stores required during the period of construction):</p> <ol style="list-style-type: none"> 1) exceed 1 hectare in area; or 2) are situated in whole or in part in a sensitive area.

Terms and definitions (continued)

Term	Definition
Sensitive area	<ol style="list-style-type: none"> 1) Land notified under sections 3(1) or 5(1) (sites of special scientific interest) of the Nature Conservation (Scotland) Act 2004 [Ref 4.N]; 2) Land in respect of which an order has been made under section 23 (nature conservation orders) of the Nature Conservation (Scotland) Act 2004 [Ref 4.N]; 3) A European site within the meaning of regulation 10 of the Conservation (Natural Habitats, &c.) Regulations 1994 [Ref 6.N]; 4) A property appearing in the World Heritage List kept under article 1 1(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage [Ref 2.I]; 5) A scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979 c.46 [Ref 1.I]; 6) A National Scenic Area as designated by a direction made by the Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997 c.8 [Ref 3.I]; 7) An area designated as a National Park by a designation order made by the Scottish Ministers under section 6(1) of the National Parks (Scotland) Act 2000 [Ref 3.N].

S/1. Roads (Scotland) Act 1984 (as amended)

Relevant projects

- S/1.1 A determination must be made as to whether a project falls within Annex I or is a 'relevant project' falling within Annex II of the EIA Directive [Ref 1.N], before details of the project are published.
- S/1.2 The determination of whether a project falls within Annex I or II of the EIA Directive [Ref 1.N] must be made in accordance with the requirements of the Roads (Scotland) Act 1984 (as amended) [Ref 5.N].
- S/1.3 If the area of completed works and the area occupied during construction or improvement is >1ha or if it is situated in whole or in part in a 'sensitive area' then the project must be determined as a "relevant project" in accordance with the requirements of the Roads (Scotland) Act 1984 (as amended) [Ref 5.N].
- S/1.3.1 Screening should evidence how temporary traffic management has been incorporated into the calculation of the area occupied during construction or improvement.
- S/1.4 Where the area of the completed works is adjacent to a "sensitive site", this shall form part of the determination as to whether the project is a "relevant project".
- S/1.5 Maintenance activities shall be excluded from the determination of 'relevant projects', where there is evidence that it meets the definition of maintenance within this document.
- S/1.6 Maintenance projects with construction or improvement elements associated with them shall be screened against the 'relevant project' criteria.
- S/1.7 All maintenance projects, including those not subject to EIA screening, shall undergo a proportionate level of environmental assessment to ensure any significant issues are identified and addressed.
- S/1.8 Environmental assessment undertaken for maintenance activities shall be documented.

S/2. Screening

- S/2.1 'Relevant projects' which do not fall under Annex I of the EIA Directive [Ref 1.N] must be subject to screening in accordance with the Roads (Scotland) Act 1984 (as amended) [Ref 5.N] to determine whether EIA is required.
- S/2.2 Screening of projects shall be carried out with reference to Transport Scotland Guidance on Environmental Impact Assessment of Trunk Road Projects [Ref 4.I].
- S/2.3 The determination as to whether a project is a relevant project falling within Annex II of the EIA Directive [Ref 1.N] must take account of:
- 1) the selection criteria set out in Annex III which is relevant to the project; and
 - 2) the available results of any relevant assessment of the effects of the project.
- S/2.4 To support the determination as to whether a project is a relevant project falling within Annex II of the EIA Directive [Ref 1.N], the following information shall be collated in a Record of Determination:
- 1) a description of the location of the project, including a plan sufficient to identify the land;
 - 2) a description of the project, including the physical characteristics of the project and, where relevant, of demolition works;
 - 3) a description of the location of the project, with particular regard to the environmental sensitivity of geographical areas likely to be affected;
 - 4) a description of the aspects of the environment likely to be significantly affected by the project; and
 - 5) a description of any likely significant effects, to the extent of the information available on such effects, of the project on the environment resulting:
 - a) from the expected residues and emissions and the production of waste, where relevant; and
 - b) the use of natural resources, in particular soil, land, water and biodiversity.
- S/2.5 All records of determination shall be submitted to Transport Scotland.

Reporting

- S/2.6 All determinations must be published in accordance with the Roads (Scotland) Act 1984 (as amended) [Ref 5.N].
- S/2.7 The Notice of Determination shall include:
- 1) the main reasons for the determination with reference to the criteria set out in Annex III, where relevant to the project; and,
 - 2) where the determination is to the effect that the project does not require an Environmental Impact Assessment, the features of the project which are envisaged to avoid or prevent significant adverse effects on the environment.

S/3. Normative References

The following documents, in whole or in part, are normative references for this document and are indispensable for its application. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

Ref 1.N	EIA Directive, 'Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment'
Ref 2.N	Highways England. GG 101, 'Introduction to the Design Manual for Roads and Bridges'
Ref 3.N	'National Parks (Scotland) Act 2000'
Ref 4.N	'Nature Conservation (Scotland) Act 2004'
Ref 5.N	The Stationery Office. 'Roads (Scotland) Act 1984'
Ref 6.N	'The Conservation (Natural Habitats, &c.) Regulations 1994'

S/4. Informative References

The following documents are informative references for this document and provide supporting information.

Ref 1.I	The National Archives. legislation.gov.uk . c.46, 'Ancient Monuments and Archaeological Areas Act 1979'
Ref 2.I	UNESCO, 1972. 'Convention Concerning the Protection of the World Cultural and Natural Heritage '
Ref 3.I	The National Archives. legislation.gov.uk . c.8, 'Town and Country Planning (Scotland) Act 1997'
Ref 4.I	Transport Scotland. 'Transport Scotland Guidance on Environmental Impact Assessment of Trunk Road Projects'

© Crown copyright 2019.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/,
write to the **Information Policy Team, The National Archives, Kew, London TW9 4DU**,
or email psi@nationalarchives.gsi.gov.uk.



Sustainability & Environment
Appraisal

LA 102

Wales National Application Annex to LA 102 Screening projects for Environmental Impact Assessment

(formerly IAN (W) 126/09)

Revision 0

Summary

This National Application Annex sets out the Welsh Government's specific requirements on screening projects for Environmental Impact Assessment in line with Directive 2011/92/EU as amended by 2014/52/EU for projects under the Highways Act 1980.

Feedback and Enquiries

Users of this document are encouraged to raise any enquiries and/or provide feedback on the content and usage of this document to the dedicated Welsh Government team. The email address for all enquiries and feedback is: CustomerHelp@wales.gsi.gov.uk

This is a controlled document.

Contents

Release notes 2

Foreword 3

 Publishing information 3

 Contractual and legal considerations 3

Introduction 4

 Background 4

 Assumptions made in the preparation of this document 4

Abbreviations 5

Terms and definitions 6

W/1. Screening under the Highways Act 1980 (as amended) 8

 Principles and purpose of screening 8

 Screening and consultation 9

 Publishing the screening decision 9

W/2. Normative References 10

Release notes

Version	Date	Details of amendments
0	Jul 2019	Welsh Government National Application Annex to LA 102.

Foreword

Publishing information

This document is published by Highways England on behalf of Welsh Government.

This document supersedes previous Welsh advice contained in IAN (W) 126/09 (Reporting of the determination and publication of notices).

Contractual and legal considerations

This document forms part of the works specification. It does not purport to include all the necessary provisions of a contract. Users are responsible for applying all appropriate documents applicable to their contract.

Introduction

Background

This National Application Annex gives the Welsh Government specific requirements for screening related to the application of the Directive 2011/92/EU [Ref 1.N] as amended by Directive 2014/52/EU (hereafter referred to as the EIA Directive [Ref 2.N]).

Assumptions made in the preparation of this document

The assumptions made in GG 101 [Ref 5.N] apply to this document.

Abbreviations

Abbreviations

Abbreviation	Definition
EIA	Environmental Impact Assessment

Terms and definitions

Terms and definitions

Term	Definition
Annex I project	Projects listed within Annex I of the EIA Directive [Ref 2.N].
Annex II project	Projects listed within Annex II of the EIA Directive [Ref 2.N].
Competent authority	An authority that is legally responsible for discharging the requirements of the EIA Directive and UK Regulations via the development consenting process.
Consultation bodies or authorities likely to be concerned by a project	Relevant authorities are those likely to be concerned by the projects, including NRW, CADW and relevant local authorities or National Park Authority, or their successors; and the relevant Trunk Road Agents or their successors.
Environmental impact assessment	Statutory process consisting of: <ol style="list-style-type: none"> 1) consultation; 2) examination by the competent authority of the information contained within the Environmental Statement; 3) examination by the competent authority of the responses to the consultation on the Environmental Statement; 4) the reasoned (justified or evidenced) conclusion by the competent authority on the significant effects of the project on the environment; and 5) the reasoned (justified or evidenced) conclusion by the competent authority to grant or refuse development consent.
Maintenance	An activity which does not change the nature of an asset.
Project	Construction works, installations, schemes or interventions (in the natural surroundings and landscape) including those involving the extraction of mineral resources.
Public authority / Competent authority	Welsh Ministers under the Highways Act 1980 Act CHAPTER 66 [Ref 3.N].
Screening	The identification of likely significant effects on the environment and consequential need for an Environmental Impact Assessment or non-statutory environmental assessment.

Terms and definitions (continued)

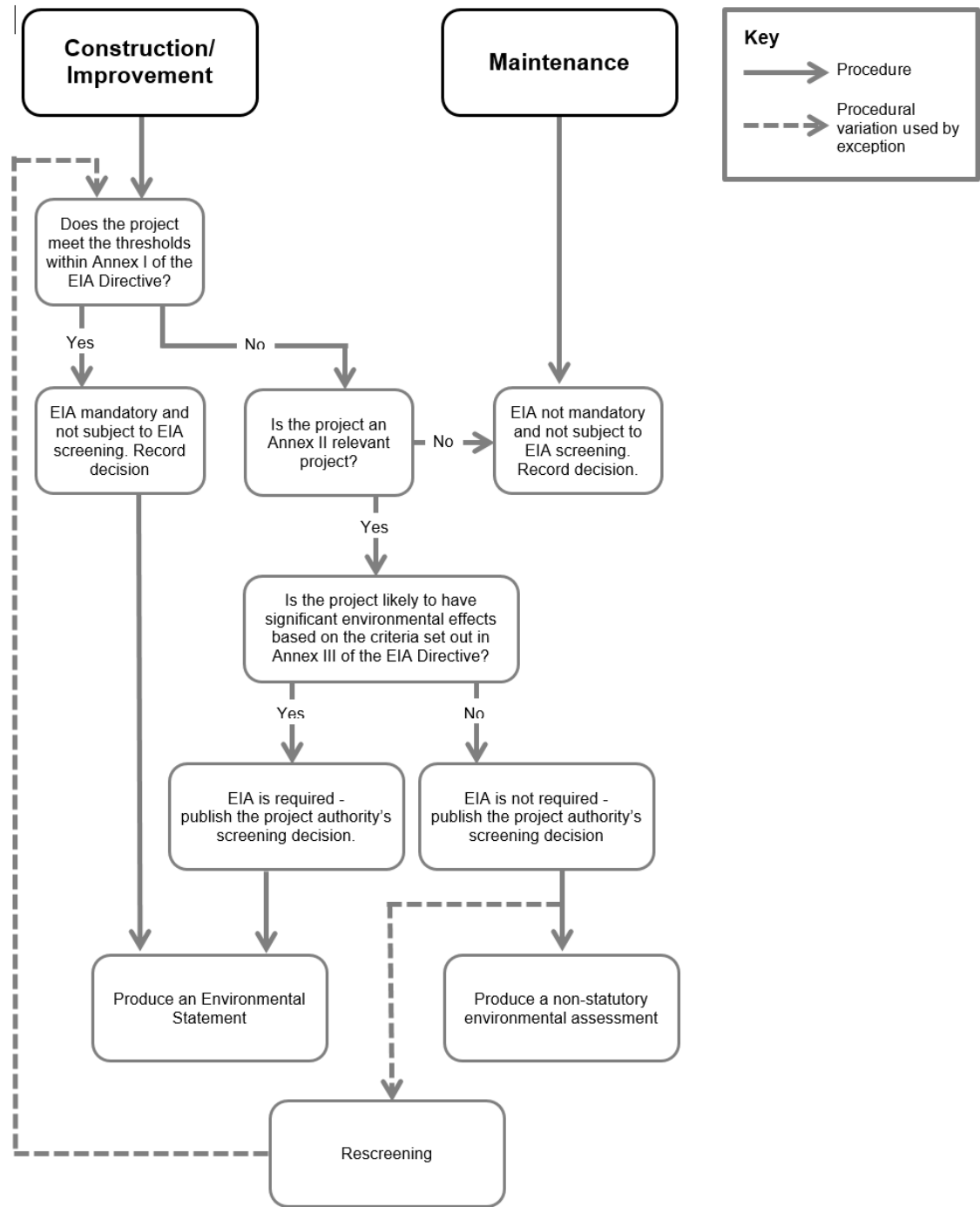
Term	Definition
Screening request	Application by the developer for a screening opinion from the competent authority, presented as a report.
Screening opinion	A written statement by the competent authority as to whether a project requires EIA or not.

W/1. Screening under the Highways Act 1980 (as amended)

Principles and purpose of screening

W/1.1 Projects shall follow the procedure outlined in Figure W/1.2, when screening projects for EIA under the Highways Act, 1980 (as amended) [Ref 4.N].

Figure W/1.1 EIA screening for Highways Act 1980 (as amended) projects



W/1.2 Relevant projects which do not fall under Annex I of the EIA Directive [Ref 2.N] must be subject to screening under Annex II of that Directive.

W/1.3 Maintenance shall be excluded from the consideration of 'relevant projects', where there is evidence

that they meet the definition of maintenance within this document.

W/1.4 Maintenance which involves elements of construction or improvement shall adhere to the requirements for construction or improvements for that part of the project which involves those elements.

W/1.4.1 Where there is uncertainty around the potential for significant environmental effects projects should be subject to screening.

W/1.5 A project must be screened as a relevant project if the area of completed works and the area occupied during construction or improvement is >1ha and/or it is either within or adjacent to the whole or part of a sensitive area (EIA Directive [Ref 2.N]).

NOTE *Some parts of the Welsh Government's network have sensitive areas within the Welsh Government's ownership, or pass over such areas.*

W/1.6 Information prepared as part of a screening request shall evidence how:

- 1) temporary traffic management has been incorporated into the calculation of the area occupied during construction or improvement;
- 2) the process has been carried out so that the sustainable development principles as described in the Well-Being of Future Generations Act (Wales) 2015 [Ref 7.N], section 5 have been taken into account;
- 3) results or information within relevant assessments related to other European legislation have been used to inform screening;
- 4) describe any mitigation measures which are envisaged to avoid and prevent significant adverse effects.

Screening and consultation

W/1.7 Information shall be sought from the consultation bodies to support screening.

Publishing the screening decision

W/1.8 Where a project falls under Annex II of the EIA Directive [Ref 2.N] and is a relevant project, the competent authorities screening decision must be published in line with the Highways Act, 1980 (as amended) Act CHAPTER 66 [Ref 3.N].

NOTE *Highways Act, 1980 (as amended) Act CHAPTER 66 [Ref 3.N] includes The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 [Ref 6.N].*

W/2. Normative References

The following documents, in whole or in part, are normative references for this document and are indispensable for its application. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

Ref 1.N	'Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014'
Ref 2.N	EIA Directive, 'Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment'
Ref 3.N	The National Archives. legislation.gov.uk. Act CHAPTER 66, 'Highways Act 1980'
Ref 4.N	Highways Act, 1980 (as amended), 'Highways Act, 1980 (as amended)'
Ref 5.N	Highways England. GG 101, 'Introduction to the Design Manual for Roads and Bridges'
Ref 6.N	'The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017'
Ref 7.N	'Well-being of Future Generations (Wales) Act 2015'

© Crown copyright 2019.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/,
write to the **Information Policy Team, The National Archives, Kew, London TW9 4DU**,
or email psi@nationalarchives.gsi.gov.uk.