

# ENVIRONMENTAL IMPACT ASSESSMENT

Supplementary Planning Guidance: SPG.22 - NLLP Policy NBE.1 and DSP.4

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## INTRODUCTION

1. This Supplementary Guidance has been prepared to complement the North Lanarkshire Local Plan. This Guidance aims to assist developers making planning applications which require an Environmental Impact Assessment (EIA). It will also be used by Development Management in assessing the negative and positive environmental effects of certain public and private development proposals. It is a material consideration in determining planning applications.
2. North Lanarkshire Council is committed to preserving the quality of the natural and built environment to protect and enhance the attractiveness of the area as a place in which to invest, work and live.
3. The environment is complex. It includes: the human population, fauna, flora, soil, water, air, climatic factors, material assets (including the architectural & archaeological heritage), landscape, habitat and the way these interact with each other. Evaluating the impact of a project on the environment can be an elaborate technical exercise, requiring the collection, presentation and analysis of a large amount of information, the identification of issues involved and the specification of mitigation measures. The Environmental Impact Assessment process provides a structured approach to the complicated task of understanding the likely environmental effects of certain proposals and taking them into account in the design of the proposal and the determination of the planning application.

**See also SPG.20 on Biodiversity and Development and SPG.09 on Flooding and Drainage.**

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The latest Supplementary Planning Guidance can be found online at:- [www.northlanarkshire.gov.uk/spg](http://www.northlanarkshire.gov.uk/spg)

## LEGISLATIVE FRAMEWORK

1. The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 and parts 11 and 12 of the The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 1999 concerning Roads and Bridges and Land Drainage apply the EC EIA Directive to the Scottish Planning System.
2. The EIA Directive requires an assessment of the effects of certain public and private projects on the environment before development consent is granted. The aim of the Directive is to ensure that the authority giving consent for a project makes its decision in the full knowledge of any potentially significant effects on the environment. The Directive sets out a procedure that must be followed for certain types of project before this consent can be given. This procedure is known as Environmental Impact Assessment (EIA) and is a means of drawing together an assessment of a project's likely significant environmental effects. It helps to ensure that the importance of the predicted effects, and the scope for mitigating negative impacts, are properly understood by the public and the local authority before a decision is made.
3. This SPG seeks to provide simple and succinct advice to help you understand this complex issue. Further detailed information is available in Circular 3/2011 ([www.scotland.gov.uk](http://www.scotland.gov.uk)) and the EIA Directive.

The council will seek to ensure these principles are achieved through the development management process



## A. POLICY CONTEXT

1. Scottish Planning Policy (SPP) is a statement of Scottish Government policy on land use planning. Planning is about where development should happen, where it should not and how it interacts with its surroundings. This involves promoting and facilitating development while protecting and enhancing the natural and built environment.

2. Landscape and natural heritage are sensitive to inappropriate development and planning authorities ensure that potential effects are considered when preparing development plans and deciding planning applications.

3. Scottish Planning Policy (SPP) stresses the importance of environmental quality. It identifies protecting and enhancing the urban and rural environment as key objectives of the planning system.

4. The Local Plan has four strategic policies that apply to all applications for planning permission. They deal with:-

- DSP.1 amount of development,
- DSP.2 location of development,
- DSP.3 the impact on communities and
- DSP.4 the quality of development.

Where applications relate to a particular place or particular type they will be further assessed for consistency with a topic policy as indicated on the Proposals Maps and any related Supplementary Planning Guidance (e.g. SPG.20 on Biodiversity).

## B. WHAT IS ENVIRONMENTAL IMPACT ASSESSMENT (EIA) ?

1. EIA is a systematic way of drawing together an assessment of a project's potential effects on the environment. This helps to ensure that the importance of the predicted effects and the scope for reducing any adverse effects are properly understood by the public and the planning authority before making a decision. Many of the procedures involved are required by law but the effectiveness of EIA relies on integrity and good practice.

2. One of the main purposes of EIA is to ensure that potentially significant environmental effects of proposed projects are avoided or reduced as far as possible or practicable. To minimise adverse effects consideration should be given to:-

- Locating the project so as not to effect environmentally sensitive locations
- Using construction, operation & restoration methods or processes which reduce environmental effects.
- Designing the whole project carefully to avoid or minimise environmental impacts
- Introducing specific measures into the project design, construction, decommissioning & restoration that will reduce or compensate for adverse effects.

3. The process rarely proceeds in a simple linear fashion. It is a continuous process of assessment and reassessment until the best environmental fit is achieved and/or environmental effects cannot be reduced further.



*Open cast coal mining*

### North Lanarkshire Local Plan

There are many good quality aspects to North Lanarkshire's natural and built environments. Protecting and enhancing those environmental assets is a Council priority. The following policies ensure the protection of the environment:

**DSP.4** Quality of Development

**NBE.1** Protecting the Natural and Built Environment

**NBE.2** Promoting the Natural and Built Environment

**NBE 3** Assessing Development in the Green Belt and Rural Investment Area.

see [www.lanarkshire.com/nllocalplan/](http://www.lanarkshire.com/nllocalplan/)

## C. WHEN IS AN ENVIRONMENTAL IMPACT ASSESSMENT REQUIRED?

1. The Directive and Regulations relate to 'certain public and private projects' generally those which require some form of licence, permission, consent or other authorisation before they can proceed. The types of project for which an EIA is undertaken are typically complex, with a wide range of environmental effects. They often occupy extensive sites and are in sensitive locations. They are also likely to raise issues which are not always easy to resolve and often attract contentious representations. For such projects Environmental Impact Assessment provides a systematic approach to obtaining and considering environmental information.

### Schedule 1 Project - EIA always required

2. Determining if a project is subject to the EIA process depends entirely on whether it is of a kind described in the Regulations issued by the Scottish Government to ensure compliance with the EC Directives on EIA. EIA is always required for a Schedule 1 project which by its nature or scale is likely to have significant environmental effects. These include projects relating to crude oil refineries, power stations, reprocessing of nuclear fuel, metal production, processes relating to asbestos, production of chemicals, construction of major road, rail, airport and port projects, waste disposal installations, dams, pipelines, intensive poultry and pig rearing, pulp and paper production, quarries and open-cast mining. The 2011 Regulations now include sites for the storage of carbon dioxide, installations for the capture of carbon dioxide streams for geological storage and associated transportation pipelines. For a more comprehensive and detailed list see PAN 58, Annex 1. (PAN 58 to be updated in 2011)

### Schedule 2 Project - EIA may be required

3. EIA is only required for Schedule 2 projects if it is judged to have significant environmental effects. Schedule 2 projects include agriculture and aquaculture, extractive industries, energy industry, production and processing of metals, mineral industry, chemical industry (unless included in Schedule 1), food industry, textile, leather, wood and paper industries, rubber industry, infrastructure projects, tourism and leisure. For a more comprehensive and detailed list see PAN 58, Annex 2.

4. The wording of the EIA Directive should be interpreted widely. The fact that a particular type of development is not listed specifically within one of the categories of projects in the Directive or the EIA Regulations does not imply that it is exempt. The categories of projects are illustrative, not exhaustive. They should be read in a way that favours the application of the Directive, rather than avoiding its effects. Further advice is available from the Council's Development Management Teams. Assessments may also be required if there are protected habitats or species - see SPG.20.

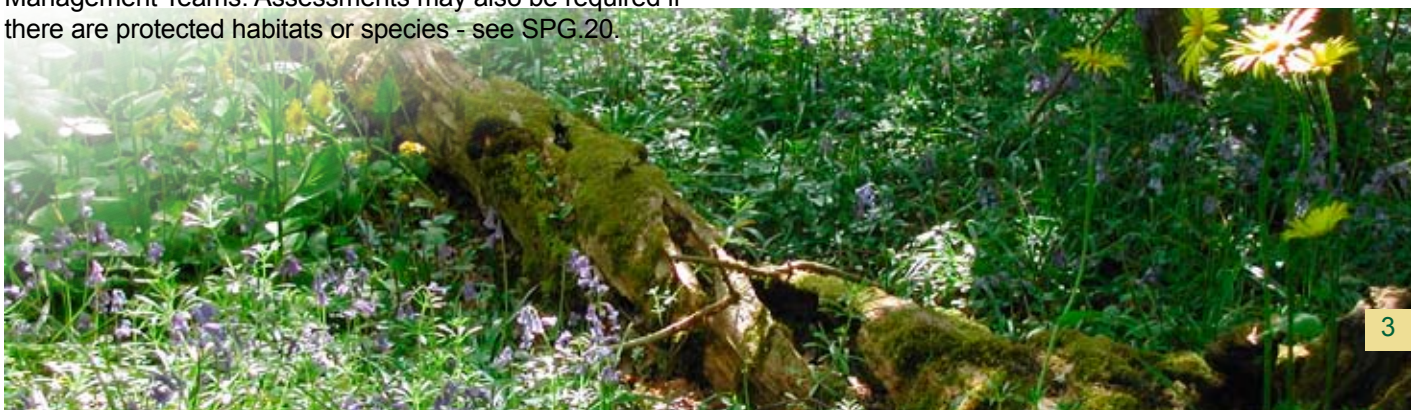


*Energy from Waste Plant on Isle of Man*

## D. SCREENING

1. Planning Authorities have a statutory duty to consider whether any project, which they may be responsible for authorising, is a project that should be subject to the EIA process. This involves checking whether the project falls within the classes of project in Schedules 1 or 2 of the Regulations (or Annexes I or II of the Directives) and, if in Schedule 2, whether it would be likely to have significant effects on the environment. Where an EIA is required, the authority must provide a written statement (screening opinion) giving full reasons for its decision.

2. A Screening Direction can be requested from the Scottish Ministers by the proposer if he / she disputes the need for EIA or a screening opinion is not adopted within the required period. Under the 2011 Regulations, any person may ask the Scottish Ministers to make a screening direction. The Scottish Ministers may determine that an EIA is required for a planning application that has been called-in for their determination or is before them on appeal. The Scottish Ministers may also direct that EIA is required at any stage prior to the granting of consent for a particular project. For further guidance see PAN 58 paras. 35-37 & Circular 3/2011 paras. 69-70.



## E. KEY STAGES AND STEPS IN THE EIA PROCESS

Key Stage	Issues to be considered
<b>STAGE 1</b> Before submission of the Environmental Statement	<ul style="list-style-type: none"> <li>● Deciding whether EIA is required (screening)</li> <li>● Requiring submission of an Environmental Statement</li> <li>● Preliminary contact and liaison</li> <li>● Scoping the Environmental Statement *</li> <li>● Information collection</li> <li>● Describing baseline environmental impacts</li> <li>● Assessing the significance of impacts</li> <li>● Mitigation measures and enhancement</li> <li>● Presenting environmental information in the Environmental Statement</li> </ul>
<b>STAGE 2</b> Submission of Environmental Statement & Consideration of Environmental Information	<ul style="list-style-type: none"> <li>● Submission of Environmental Statement &amp; project application</li> <li>● Consultation &amp; publicity</li> <li>● Requiring more information</li> <li>● Modification to the project</li> <li>● Considering environmental information</li> </ul>
<b>STAGE 3</b> Making the Decision	<ul style="list-style-type: none"> <li>● Making the decision</li> <li>● Guaranteeing compliance</li> </ul>
<b>STAGE 4</b> Implementation	<ul style="list-style-type: none"> <li>● Implementation of mitigation &amp; compensation measures</li> <li>● Monitoring</li> <li>● Review, reporting, reassessment and remedial measures</li> </ul>
<b>STAGE 5</b> Mitigation	<p>In the EIA process it will be necessary to consider five potentially distinct kinds of counter-acting measures for the effects of a project on the environment as follows:</p> <ul style="list-style-type: none"> <li>● Avoidance</li> <li>● Cancellation</li> <li>● Reduction</li> <li>● Remedial / compensatory</li> <li>● Enhancement / Net beneficial</li> </ul>
<p>Further detailed information and advice is available in Planning Advice Note (PAN) 58.            * An extremely important exercise to identify key issues for the EIA before detailed studies can commence. This process can avoid excessive detail and omission of important issues and help the EIA process to focus only on key issues.</p>	

## F. WHAT IS AN ENVIRONMENTAL STATEMENT ?

1. An Environmental Statement (ES) is an essential part of the EIA process. The Environmental Statement is the report produced by, or on behalf of and at the expense of the developer. The ES must be submitted with the planning application and embraces the initial elements of the EIA process:

- Gathering environmental information
- Describing the project
- Predicting and describing the environmental effects of the project
- Defining ways of avoiding, reducing or compensating for the adverse effects

2. An Environmental Statement (ES) should:

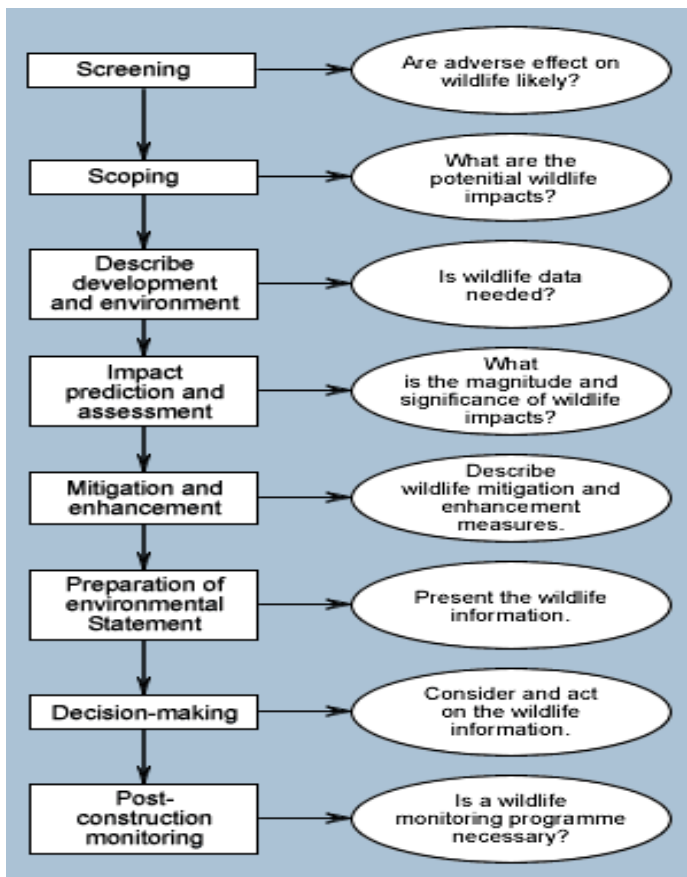
- be a 'stand-alone' and complete document (though not necessarily a single volume)
- provide enough detail to allow consultees & the planning authority to form an independent judgement
- be unbiased, neither advocating the project nor attempting to serve public relations purposes
- avoid technical discussion and terminology except when absolutely necessary, e.g. in relation to noise or air quality
- Include a Non-Technical Summary setting out the main findings of the ES in accessible plain English.

3. Essentially the Environmental Statement provides a focus for the EIA process by setting out all of the relevant information on which the public and consultees may then comment and the planning authority must then take into account in making the decision.

4. The responsibility for carrying out the studies for the ES and reporting the findings is placed on the developer, although there are statutory responsibilities for the public bodies to make available the relevant information which they hold. The Regulations require the developer to include alternatives which have been considered.

5. Environmental Statements must be submitted for Schedule 1 projects. However if it is a Schedule 2 project, the developer can, either submit an ES with the planning application, in which case the EIA process is initiated, or request a screening opinion from the Planning Authority to determine if EIA is necessary. It should not be assumed that conformity with a development plan rules out the need for an EIA. The more environmentally sensitive the location, the more likely it is that the effects of a project will be significant and will require EIA.

6. The 2011 Regulations 14 and 15 enable a person to seek an opinion from the planning authority ('a scoping opinion') on the information to be included in an environmental statement.



The EIA process - biodiversity considerations

## G. PRESENTATION OF ENVIRONMENTAL STATEMENTS

- Environmental Statements should be:
  - adequate for the purpose but succinct & not over-detailed
  - clear & understandable
  - consistent in content & presentation across issues
  - well presented with effective use of maps, diagrams, charts, drawings, illustrations, photographs, sketches, photo montages, tables & matrices to reduce text & explain complex issues. With summaries & key conclusions highlighted
  - scientifically sound, but with the minimum use of scientific & technical language, with glossaries & the use of common names for species & an annex for scientific nomenclature wherever possible
  - inclusive source of data to allow readers to interpret this for themselves but with detailed information in appendices or separate volumes to avoid cluttering the main text of the assessment
  - logical in its structure, presenting a clear description of the project baseline information, prediction of effect and their significance, before mitigation measures, and then describing the mitigation measures and the residual effects of the project (including their significance) taking mitigation into account
  - free standing and not reliant on key information in another document especially if that document is not publicly available
  - based wherever possible on standard methods or other forms of presentation that will be familiar at least to other specialists or professionals advising the Competent Authority

## H. CONSULTATION AND PUBLICITY

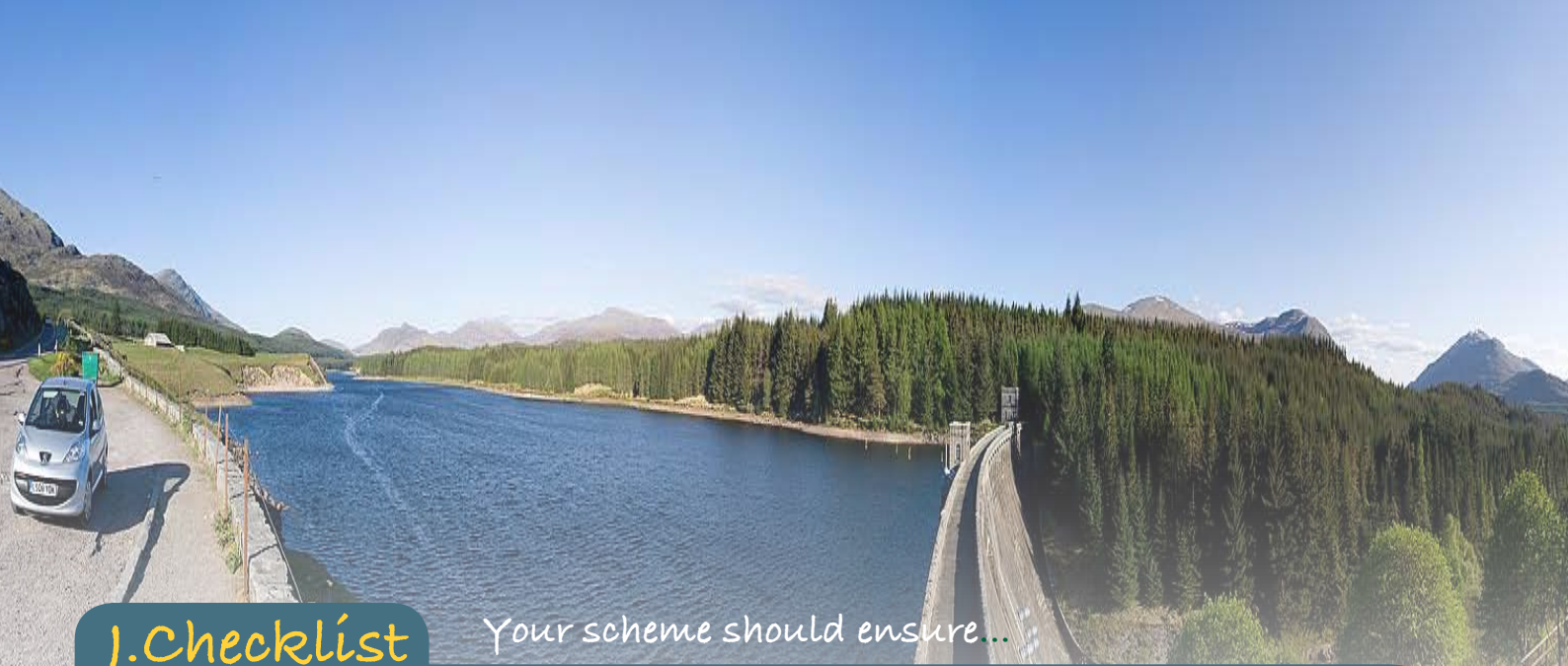
- The following statutory consultees must be consulted on the Environmental Statement (ES). This procedure is undertaken by the Planning Authority.
  - Adjacent planning authorities whose area may be affected
  - Scottish Natural Heritage
  - SEPA
  - Scottish Water
  - The Health & Safety Executive (but not for roads EIA)
  - The Scottish Ministers (Historic Scotland)
  - Other bodies designated by statutory provision as having specific environmental responsibilities & which the relevant planning authority or the Scottish Ministers consider are likely to have an interest in the application.
- Every Environmental Statement must be accessible to the public and is placed on deposit in the planning authority's office for at least 4 weeks & advertised by notices in newspapers (both the Edinburgh Gazette and the newspaper circulating in the locality where the development is situated) to enable public to make representations about the project and its environmental effects and to comment on the ES. Neighbouring owners/ occupiers/lessees are also notified of the ES. For further guidance see Guidance PAN 58 paras 26-27.

- Trans-boundary Environmental Effects Guidance on the Government's procedures for trans-boundary EIA are given in paras 132-134 of Circular 3/2011 & Statutory requirements are in Regs 40-41 of the principal regulations.



## I. WHAT HAPPENS NEXT? - EVALUATION

- The Environmental Statement is the most visible part of the whole EIA process and should be the main source of environmental information available to the planning authority.
- Evaluation involves not only reviewing the information & analysis in the ES but also considering representations from consultees and the public, plus information provided by the Council's own specialists and the expertise of the planning officers. Evaluation involves re-interpretation and reconsideration in the light of the representations, to the point where the planning authority has sufficient confidence in the nature of the likely impacts and the necessary mitigation to determine the application and attach any conditions.
- As this procedure progresses new issues which emerge have to be pursued in more depth with the developer. Developers can minimise this by undertaking a thorough scoping exercise and providing a good Environmental Statement.



## J. Checklist

Your scheme should ensure...

**That the Environmental Statement meets the requirements of Section G, namely does it:**

- Gather and assess environmental information?
- Describe the project succinctly and accurately?
- Predict & describe the environmental effects of the project?
- Define ways of avoiding, reducing or compensating for any adverse effects?

**That the Environmental Statement follows the format set out in Section G, namely:**

- Is it a 'stand-alone' document?
- Is sufficient detail of all options considered provided?
- Is unnecessary technical discussion avoided?
- Is a non-technical summary of the main findings provided?

## K. FURTHER GUIDANCE

EIA Directive 85/337/EEC (as amended by Directive 97/11/EC)

**Circular 3/2011** Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (as from 1st June 2011) [www.legislation.gov.uk/ssi/2011/139/made/data.pdf](http://www.legislation.gov.uk/ssi/2011/139/made/data.pdf) - with

Circular 8/2007 The Environmental Impact Assessment (Scotland) Regulations 1999 (where not revoked) and the Addendum to Circular 8/2007; The Environmental Impact Assessment (Scotland) Regulations 1999

**PAN 58** Environmental Impact Assessment [www.scotland.gov.uk/Publications/1999/10/pan58-root/pan58](http://www.scotland.gov.uk/Publications/1999/10/pan58-root/pan58)

**Strategic Environmental Assessment (SEA)** see [www.scotland.gov.uk/topics/environment/17108/14587](http://www.scotland.gov.uk/topics/environment/17108/14587)

**Scottish Natural Heritage** – Handbook on Environmental Impact Assessment (2009) [www.snh.org.uk/pdfs/publications/heritagemanagement/EIA.pdf](http://www.snh.org.uk/pdfs/publications/heritagemanagement/EIA.pdf)

## L. CONTACT DETAILS

### North Lanarkshire Council Development Management Northern Area Office

Fleming House, 2 Tryst Road,  
Cumbernauld G67 1JW  
T: 01236 632500  
[esenquiries@northlan.gov.uk](mailto:esenquiries@northlan.gov.uk)

### North Lanarkshire Council Development Management Southern Area Office

Fleming House, 2 Tryst Road,  
Cumbernauld G67 1JW  
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[esenquiries@northlan.gov.uk](mailto:esenquiries@northlan.gov.uk)

### North Lanarkshire Council Development Management Major Developments Team

Fleming House, 2 Tryst Road,  
Cumbernauld G67 1JW  
T: 01236 632480  
[esenquiries@northlan.gov.uk](mailto:esenquiries@northlan.gov.uk)

### North Lanarkshire Council Strategic Planning

Fleming House, 2 Tryst Road,  
Cumbernauld, G67 1JW  
T: 01236 632625  
[esenquiries@northlan.gov.uk](mailto:esenquiries@northlan.gov.uk)

### North Lanarkshire Council Landscape Services

Strathclyde Country Park  
Motherwell ML1 3ED  
T: 01698 402072  
[esenquiries@northlan.gov.uk](mailto:esenquiries@northlan.gov.uk)

### SEPA

East Kilbride,  
5 Redwood Crescent,  
Peel Park, G74 5PP  
[Planning.ek@sepa.org.uk](mailto:Planning.ek@sepa.org.uk)  
[www.sepa.org.uk](http://www.sepa.org.uk)

### Scottish Natural Heritage

30 Hope Street, Lanark, ML11 7NE  
T: 01555 665928 [www.snh.gov.uk](http://www.snh.gov.uk)  
E: [enquiries@snh.gov.uk](mailto:enquiries@snh.gov.uk)  
[www.snh.org.uk/pdfs/publications/heritagemanagement/EIA.pdf](http://www.snh.org.uk/pdfs/publications/heritagemanagement/EIA.pdf)

### Scottish Government

publications and advice at  
[www.scotland.gov.uk/topics/planning](http://www.scotland.gov.uk/topics/planning)  
**Historic Scotland**  
Longmore House, Salisbury Place, Edinburgh,  
EH9 1SH T: 0131 668 8600  
[www.historic-scotland.gov.uk](http://www.historic-scotland.gov.uk)

**The latest Supplementary Planning Guidance and index can be found online at:-**  
[www.northlanarkshire.gov.uk/spg](http://www.northlanarkshire.gov.uk/spg)

This is one of a series of Supplementary Planning Guidance Leaflets aimed at encouraging good practice in the design and layout of new development. The advice supplements the policies in the emerging North Lanarkshire Local Plan. The Council will have regard to this Guidance when assessing the merits of planning applications. This leaflet has, following public consultation and consideration of all comments made, been formally approved as Supplementary Planning Guidance. It is available on-line can be translated or provided in other languages or formats on request