

Environmental Impact Assessment (EIA) Regulations

The EIA process is a necessary part of project development, from scoping and site surveying, to final document presentation. This process ensures that all projects are undertaken with careful consideration of the potential impacts on the existing environment, thus enabling preventative measures to be taken to preserve existing habitats and ecosystems. Regulative and statutory requirements have been set out by Government bodies to ensure a measured and consistent approach. These requirements vary from country to country and sector to sector.

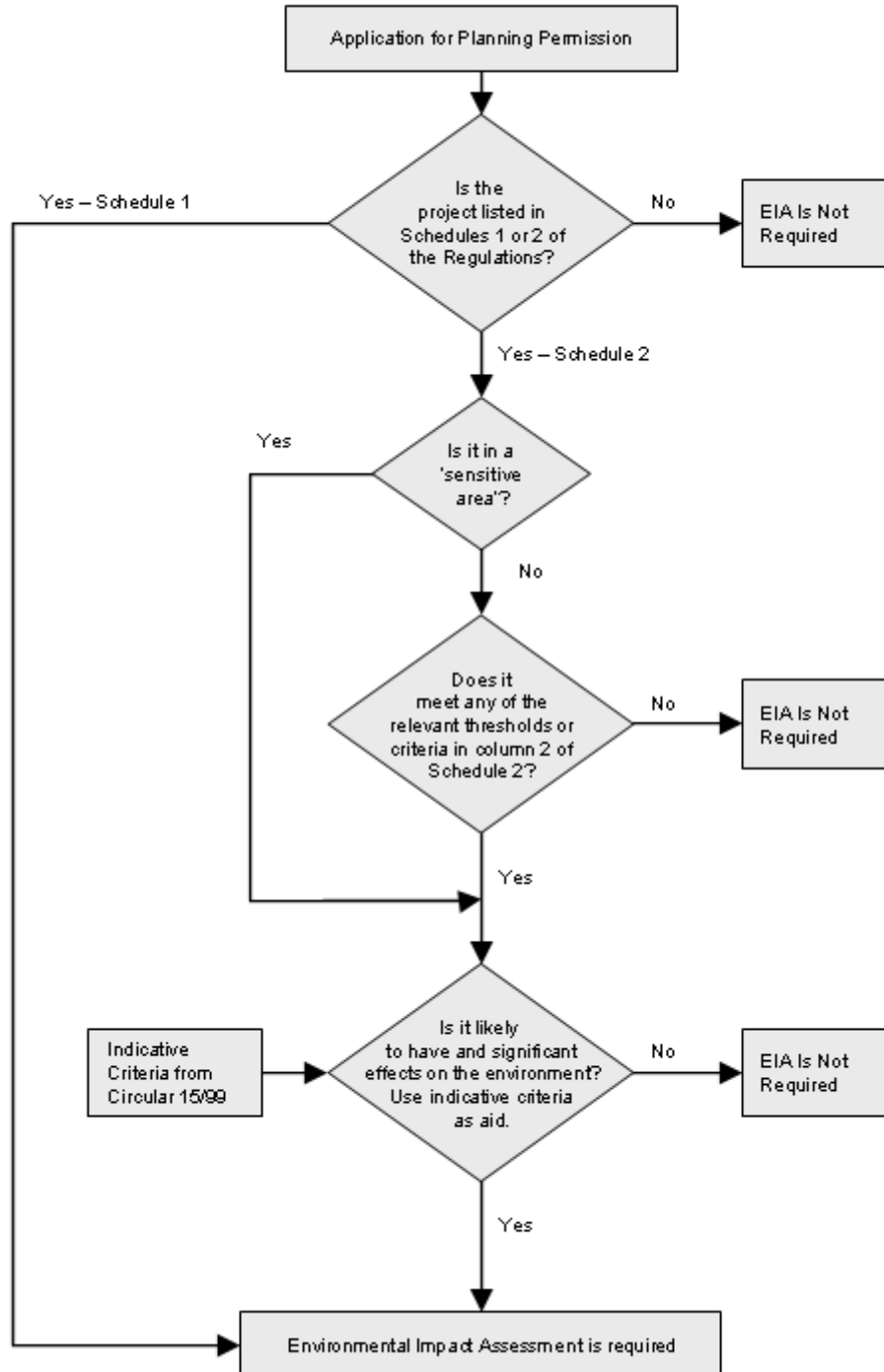
For example, in Scotland where an EIA is required The Environmental Impact Assessment (Scotland) Regulations 1999 must be followed. These regulations set out three broad stages to the procedures:

- a) The developer must compile detailed information about the likely main environmental effects. To help the developer, public authorities must make available any relevant environmental information in their possession. The developer can also ask the 'competent authority' for their opinion on what information needs to be included. The information finally compiled by the developer is known as an 'Environmental Statement' (ES)
- b) The ES (and the application to which it relates) must be publicised. Public authorities with relevant environmental responsibilities and the public must be given an opportunity to give their views about the project and ES.
- c) The ES, together with any other information, comments and representations made on it, must be taken into account by the competent authority in deciding whether or not to give consent for the development. The public must be informed of the decision and the main reasons for it.¹

¹ <http://www.scotland.gov.uk/library2/doc04/eia-09.htm>

Determining the need for an EIA:

Figure 1: Establishing whether a proposed development required EIA



EIA and other assessments of environmental effects

In addition to the EIA (Scotland) Regulations 1999, there are a number of other European Community Directives which require the assessment of effects on the environment. The Scottish Government also imposes guidance on a number of other procedural measures which must be followed in completing the full process, such as:

- *Compiling an Environmental Statement*
- *Provision to seek a formal opinion from the planning authority on the scope of an ES*
- *Request to Scottish Ministers for a scoping direction*
- *Effect of a scoping opinion or direction*
- *Provision of information by the consultation bodies*
- *Submission of EIA Applications and Initial Publicity Procedures*
- *Copies of Environmental Statement for the consultation bodies*
- *Further information provided for a public inquiry*
- *Securing mitigation measures*

Atmos Consulting is fully conversant with all relevant legislative and statutory regulations which govern the EIA process across different sectors and countries, including:

Sector	Regulations
Planning	<ul style="list-style-type: none"> – Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI No 293) – Town and Country Planning (Environmental Impact Assessment) (England and Wales) (Amendment) Regulations 2000 (SI 2000 No 2867) - implements EIA for reviews of existing mineral permissions
Forestry	Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (SI 2228) Environmental Impact Assessment (Forestry) Regulations (Northern Ireland) 2006.
Land drainage	Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999 (SI 1783)
Fish farming	Environmental Impact Assessment (Fish Farming in Marine Waters) Regulations (SI 367) - England & Wales, Scotland
Transport	<ul style="list-style-type: none"> – Highways (Assessment of Environmental Effects) Regulations 1999 (SI No. 369) – Transport and Works (Assessment of Environmental Effects) Regulations 2000 (SI 2000 No. 3199) – Transport and Works (Assessment of Environmental Effects) Regulations 1995 (SI 1995 No. 1541) – Transport and Works (Assessment of Environmental Effects) Regulations 1998 (SI 1998 No. 2226) - applies to England & Wales

Ports and Harbours	<ul style="list-style-type: none"> - The Harbour Works (Environmental Impact Assessment) Regulations 1999 (SI 1999 No. 3445) - England & Wales, Scotland - The Harbour Works (Environmental Impact Assessment) (Amendment) Regulations 2000 (SI 2000 No. 2391) - England & Wales, Scotland - The Harbour Works (Environmental Impact Assessment) (Amendment) (England and Wales) Regulations 2009
Energy	<ul style="list-style-type: none"> - The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000 (SI 2000 No 1927) - Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999 (SI 1999 No 2892) - applies to England & Wales, & Scotland - The Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999 (SI 1999 No. 360) - applies to England & Wales, Scotland, & Northern Ireland. - The Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999 (SI 1999 No 1672) - applies to England, Scotland & Wales - The Pipe-line Works (Environmental Impact Assessment) Regulations 2000 (SI 2000 No. 1928) - applies to England & Wales, Scotland, & Northern Ireland
Agriculture	<ul style="list-style-type: none"> - Environmental Impact Assessment (Uncultivated Land and Semi-natural Areas) (England) Regulations 2001 (SI 2001 No. 3966) - Environmental Impact Assessment (Uncultivated Land and Semi-natural Areas) (Wales) Regulations 2002 (SI 2002 No. 2127 (W214)) - The Environmental Impact Assessment (Agriculture) (England) (No.2) Regulations 2006
Water abstraction	Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003 (SI 2003 No. 164)

Our depth and breadth of experience means that we are well placed to advise and support clients through the entire EIA process. Contact us to find out how we can help you.