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Guidance

Environmental Impact Assessment

Explains requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

From:

[Department for Levelling Up, Housing and Communities \(/government/organisations/departments/departments-for-levelling-up-housing-and-communities\)](/government/organisations/departments/departments-for-levelling-up-housing-and-communities) and [Ministry of Housing, Communities & Local Government \(/government/organisations/ministries/ministry-of-housing-communities-and-local-government\)](/government/organisations/ministries/ministry-of-housing-communities-and-local-government)

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Please note [new section \(https://www.gov.uk/guidance/consultation-and-pre-decision-matters#eia\)](https://www.gov.uk/guidance/consultation-and-pre-decision-matters#eia) which provides guidance on the changes that have been introduced to publicity requirements in response to the coronavirus (COVID-19) pandemic

Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised [National Planning Policy Framework](https://www.gov.uk/government/publications/national-planning-policy-framework--2) (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>), the policies in the [previous version of the framework published in 2012](http://webarchive.nationalarchives.gov.uk/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework--2) (<http://webarchive.nationalarchives.gov.uk/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework--2>) will continue to apply, as will any previous guidance which has been superseded since the new framework was published in July 2018. If you'd like an email alert when changes are made to planning guidance please [subscribe](https://www.gov.uk/topic/planning-development/planning-officer-guidance/email-signup) (<https://www.gov.uk/topic/planning-development/planning-officer-guidance/email-signup>).

Legislation covering Environmental Impact Assessment

What legislation covers Environmental Impact Assessment?

The process of Environmental Impact Assessment in the context of town and country planning in England is governed by the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(the '2017 Regulations'\)](http://www.legislation.gov.uk/ukxi/2017/571/introduction/made) (<http://www.legislation.gov.uk/ukxi/2017/571/introduction/made>). These regulations apply to development which is given planning permission under Part III of the Town and Country Planning Act 1990.

These regulations apply the amended EU directive “on the assessment of the effects of certain public and private projects on the environment” (usually referred to as the [‘Environmental Impact Assessment Directive’](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0052&from=EN) (<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0052&from=EN>)) to the planning system in England. All further references in this guidance to regulations are to the 2017 Regulations unless otherwise stated. Subject to certain transitional arrangements set out in [regulation 76 of the 2017 Regulations](http://www.legislation.gov.uk/ukxi/2017/571/regulation/76/made) (<http://www.legislation.gov.uk/ukxi/2017/571/regulation/76/made>), the 2017 regulations revoke the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (referred to in this guidance as ‘the 2011 Regulations’). [Read about the transitional provisions.](#)

The regulations only apply to certain types of development. They can even apply to ‘permitted development’ which is development for which you do not need to get planning permission. They do not apply to development given consent under other regimes, these are subject to separate Environmental Impact Assessment regulations.

Paragraph: 001 Reference ID: 4-001-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment) (<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment>)

What is the procedure for dealing with developments that were initiated before the 2017 Regulations came into force?

The 2017 Regulations include transitional provisions for procedures which were initiated before the 2017 Regulations came into force.

Where, before 16 May 2017 an applicant, appellant or qualifying body has submitted an Environmental Statement or requested a scoping opinion, or in respect of a local development order a local planning authority has prepared an environmental statement or a scoping opinion,

or requested a scoping direction, the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011](http://www.legislation.gov.uk/uksi/2011/1824/contents/made) (<http://www.legislation.gov.uk/uksi/2011/1824/contents/made>) will continue to apply ([regulation 76\(2\) of the 2017 Regulations](http://www.legislation.gov.uk/uksi/2017/571/regulation/76/made)) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/76/made>).

The screening provisions set out in [Part 1](http://www.legislation.gov.uk/uksi/2011/1824/part/1/made) (<http://www.legislation.gov.uk/uksi/2011/1824/part/1/made>) and [Part 2](http://www.legislation.gov.uk/uksi/2011/1824/part/2/made) (<http://www.legislation.gov.uk/uksi/2011/1824/part/2/made>) of the 2011 Regulations will continue to apply to requests for a screening opinion or direction made or initiated before 16 May 2017. (Including both screening opinions adopted by the local planning authority and screening directions made by the Secretary of State.)

Paragraph: 060 Reference ID: 4-060-20170728

Revision date: 28 07 2017

What is the procedure for dealing with relevant projects that are below the screening thresholds introduced by the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015?

The screening thresholds for industrial estate development and urban development projects were raised in April 2015 as set out in the [Annex to the guidance on the 2011 Regulations](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA) (<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA>). Projects which are wholly outside sensitive areas and do not exceed the revised screening thresholds are not Schedule 2 development and should not be screened by the local planning authority.

There will be projects which do not exceed the revised thresholds but which were determined to be Environmental Impact Assessment development before the 2015 Regulations came into force. The implications for Environmental Impact Assessment are as follows.

Where the local planning authority has, prior to 6 April 2015, screened a project which does not exceed the relevant revised threshold and determined that it is Environmental Impact Assessment development, it continues as such. It remains, as usual, open to the applicant to request that the Secretary of State issues a screening direction to determine whether a development is likely to have significant effects on the environment.

Subsequent applications in relation to development which was determined to be Environmental Impact Assessment development prior to 6 April 2015 but which is below the thresholds introduced in 2015 should continue to be treated as Environmental Impact Assessment development. The local planning authority should consider whether the environmental information is adequate to assess the environmental effects of the development, and if so, take that information into consideration in its decision on the application in accordance with [regulation 8 of the 2011 Regulations](http://www.legislation.gov.uk/uksi/2011/1824/regulation/8/made) (<http://www.legislation.gov.uk/uksi/2011/1824/regulation/8/made>). If the environmental information is not adequate to assess the environmental effects of the development, the necessary information should be sought from the developer in accordance with [regulation 22\(1\) of the 2011 Regulations](http://www.legislation.gov.uk/uksi/2011/1824/regulation/22/made) (<http://www.legislation.gov.uk/uksi/2011/1824/regulation/22/made>).

Subsequent applications made after 6 April 2015 in respect of development which has never been determined to be Environmental Impact Assessment development should be treated in line with the revised thresholds.

Paragraph: 061 Reference ID: 4-061-20170728

Revision date: 28 07 2017

The purpose of Environmental Impact Assessment

What is the purpose of Environmental Impact Assessment?

The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. The regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.

The aim of Environmental Impact Assessment is also to ensure that the public are given early and effective opportunities to participate in the decision making procedures. See [Before submitting an application \(https://www.gov.uk/guidance/before-submitting-an-application\)](https://www.gov.uk/guidance/before-submitting-an-application) and [Consultation and pre-decision matters \(https://www.gov.uk/guidance/consultation-and-pre-decision-matters\)](https://www.gov.uk/guidance/consultation-and-pre-decision-matters).

Environmental Impact Assessment should not be a barrier to growth and will only apply to a small proportion of projects considered within the town and country planning regime. Local planning authorities have a well established general responsibility to consider the environmental implications of developments which are subject to planning control. The 2017 Regulations integrate Environmental Impact Assessment procedures into this framework and should only apply to those projects which are likely to have significant effects on the environment. Local planning authorities and developers should carefully consider if a project should be subject to an Environmental Impact Assessment. If required, they should limit the scope of assessment to those aspects of the environment that are likely to be significantly affected. Pre-application engagement can also play a role in identifying when a proposal should be subject to environmental impact assessment. [Read more information \(https://www.gov.uk/guidance/before-submitting-an-application\)](https://www.gov.uk/guidance/before-submitting-an-application).

Paragraph: 002 Reference ID: 4-002-20140306

Revision date: 06 03 2014

Overview of the Environmental Impact Assessment process

What are the stages of Environmental Impact Assessment?

There are 5 broad stages to the process:

Screening

Determining whether a proposed project falls within the remit of the Regulations, whether it is likely to have a significant effect on the environment and therefore requires an assessment.

[Further information on screening.](#)

Scoping

Determining the extent of issues to be considered in the assessment and reported in the Environmental Statement. The applicant can ask the local planning authority for its opinion on what information needs to be included (which is called a 'scoping opinion').

[Further information on scoping.](#)

Preparing an Environmental Statement

Where it is decided that an assessment is required, the applicant must prepare and submit an Environmental Statement. The Environmental Statement must include at least the information reasonably required to assess the likely significant environmental effects of the development listed in [regulation 18\(3\) and comply with regulation 18\(4\)](#) (<http://www.legislation.gov.uk/ukxi/2017/571/regulation/18/made>).

To help the applicant, public authorities must make available any relevant environmental information in their possession.

To ensure the completeness and quality of the Environmental Statement, the developer must ensure that it is prepared by competent experts. The Environmental Statement must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts.

[Further information on preparing an Environmental Statement.](#)

Making a planning application and consultation

The Environmental Statement (and the application for development to which it relates) must be publicised electronically and by public notice. The statutory ‘consultation bodies’ and the public must be given an opportunity to give their views about the proposed development and the Environmental Statement.

[Further information on consultation and publicity.](#)

Decision making

The Environmental Statement, together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority and/or the Secretary of State in deciding whether or not to grant consent for the development. The public must be informed of the decision and the main reasons for it both electronically and by public notice.

[Further information on decision making.](#)

Paragraph: 003 Reference ID: 4-003-20170728

Revision date: 28 07 2017 [See previous version](#) (<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment>).

Development covered by the regulations

What development is covered by the regulations?

The [2017 Regulations](#) (<http://www.legislation.gov.uk/ukxi/2017/571/contents/made>) apply to England only, except for provisions relating to projects serving national defence purposes in Northern Ireland, Scotland and Wales. They apply to:

- planning applications: received by a local planning authority or which are referred to the Secretary of State for determination;
- [“subsequent applications”](#): i.e. applications for approval of a matter which is required by an extant planning permission and which must be obtained before all or part of the development permitted by the planning permission may begin;
- [a local planning authority’s own development](#);
- development permitted by [simplified planning zone schemes](#), enterprise zone orders, local development orders and neighbourhood development orders ([Part 7 of the 2017 Regulations](#)) (<http://www.legislation.gov.uk/uksi/2017/571/part/7/made>);
- [development which is subject to a planning enforcement notice](#)([Part 8 of the 2017 Regulations](#)) (<http://www.legislation.gov.uk/uksi/2017/571/part/8/made>);
- applications to [review a mineral permission](#) and for approval of conditions ([Part 9 of the 2017 Regulations](#)) (<http://www.legislation.gov.uk/uksi/2017/571/part/9/made>);
- development which is carried out under [permitted development rights](#);
- applications under [section 73 of the Town and Country Planning Act 1990](#) (<http://www.legislation.gov.uk/ukpga/1990/8/section/73>) to carry out development without complying with a condition attached to an existing planning permission;
- [crown development](#);
- [demolition](#); and
- [EIA orders and permissions](#).

The Regulations also apply to development with significant [transboundary effects](#) ([regulations 58 and 59](#) (<http://www.legislation.gov.uk/uksi/2017/571/part/10/made>)).

Paragraph: 004 Reference ID: 4-004-20170728

Revision date: 28 07 2017 [See previous version](#) (<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#development-covered-by-the-regulations>).

List of relevant development consent mechanisms and controls

A local planning authority’s own development

Where a local planning authority makes an Environmental Impact Assessment application for planning permission or subsequent consent, the procedures set out in the 2017 Regulations apply as they do to any other Environmental Impact Assessment application. See also [guidance on the separation of functions between the applicant and the decision-maker](#).

Paragraph: 005 Reference ID: 4-005-20170728

Revision date: 28 07 2017 [See previous version](#) (<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#development-covered-by-the-regulations>)

Simplified planning zones and enterprise zones

[Schedule 1 \(http://www.legislation.gov.uk/ukxi/2017/571/schedule/1/made\)](http://www.legislation.gov.uk/ukxi/2017/571/schedule/1/made) development must not be granted planning permission by the adoption or approval of a Simplified Planning Zone, or through the designation or modification of an Enterprise Zone. This applies equally to permission granted under existing and new schemes.

[Schedule 2 \(http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made\)](http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made) development can be included in, and permitted by Simplified Planning Zones and Enterprise Zones, providing the development has been the subject of a screening opinion or direction ([regulation 31 \(http://www.legislation.gov.uk/ukxi/2017/571/regulation/31/made\)](http://www.legislation.gov.uk/ukxi/2017/571/regulation/31/made)) and determined not to be Environmental Impact Assessment development.

Paragraph: 006 Reference ID: 4-006-20170728

Revision date: 28 07 2017 [See previous version \(http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#development-covered-by-the-regulations\)](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#development-covered-by-the-regulations)

Local development orders

A local planning authority should not make a Local Development Order for [Schedule 1 \(http://www.legislation.gov.uk/ukxi/2017/571/schedule/1/made\)](http://www.legislation.gov.uk/ukxi/2017/571/schedule/1/made) development.

For [Schedule 2 \(http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made\)](http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made) development a local planning authority should not make a Local Development Order unless they have adopted a screening opinion or the Secretary of State has made a screening direction.

If screening identifies likely significant environmental effects, then an Environmental Impact Assessment is required. The procedure for making a Local Development Order for which an Environmental Statement has been prepared is set out in [regulation 32 \(http://www.legislation.gov.uk/ukxi/2017/571/regulation/32/made\)](http://www.legislation.gov.uk/ukxi/2017/571/regulation/32/made).

Paragraph: 007 Reference ID: 4-007-20170728

Revision date: 28 07 2017 [See previous version \(http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#development-covered-by-the-regulations\)](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#development-covered-by-the-regulations)

EIA orders and permissions

Under [section 97 \(https://www.legislation.gov.uk/ukpga/1990/8/section/97\)](https://www.legislation.gov.uk/ukpga/1990/8/section/97), [section 102 \(https://www.legislation.gov.uk/ukpga/1990/8/section/102\)](https://www.legislation.gov.uk/ukpga/1990/8/section/102) and [paragraph 1 of schedule 9 \(https://www.legislation.gov.uk/ukpga/1990/8/schedule/9\)](https://www.legislation.gov.uk/ukpga/1990/8/schedule/9) of the Town and Country Planning Act 1990 a local planning authority or mineral planning authority may make an order modifying or granting planning permission. These orders may in themselves have the potential to cause significant environmental effects; the method by which they should be screened and, if determined to be EIA orders, made subject to the EIA process is set out in [regulation 33A of the 2017 regulations, as amended in 2018 \(http://www.legislation.gov.uk/ukxi/2018/695/regulation/2/made\)](http://www.legislation.gov.uk/ukxi/2018/695/regulation/2/made).

The Secretary of State has similar powers under the Town and Country Planning Act 1990 to make orders modifying or granting planning permission. Where these are likely to cause significant environmental effects they should be screened and, if determined to be EIA permissions, made subject to the EIA process using the method set out in [regulation 33B of the 2017 regulations, as amended in 2018 \(http://www.legislation.gov.uk/ukxi/2018/695/regulation/2/made\)](http://www.legislation.gov.uk/ukxi/2018/695/regulation/2/made).

Paragraph: 065 Reference ID: 4-065-20190315

Neighbourhood development orders

A Neighbourhood Development Order, which grants planning permission, may not be made by a local planning authority in respect of [Schedule 1](http://www.legislation.gov.uk/ukxi/2017/571/schedule/1/made) (<http://www.legislation.gov.uk/ukxi/2017/571/schedule/1/made>) development. An order proposal for a [Schedule 2](http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made) (<http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made>) development may be made provided the correct Environmental Impact Assessment procedures are followed, the basic conditions and other legal requirements are met and the order proposal achieves a majority at a referendum.

[Regulation 33](http://www.legislation.gov.uk/ukxi/2017/571/regulation/33/made) (<http://www.legislation.gov.uk/ukxi/2017/571/regulation/33/made>) applies to Neighbourhood Development Orders and seeks to mirror as closely as possible the procedure to be followed by an applicant seeking planning permission for development that may be an Environmental Impact Assessment development. As a general rule for neighbourhood planning purposes references to 'applicants' in this guidance mean the 'qualifying body' and references to 'applications' mean the 'order proposal'.

For [Schedule 2](http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made) (<http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made>) development, a screening opinion or screening direction must be adopted to determine whether the development is Environmental Impact Assessment development. If screening identifies likely significant environmental effects, then an Environmental Impact Assessment is required. In this situation when a qualifying body submits an order proposal to the local planning authority it should be accompanied by an Environmental Statement. The Environmental Statement will be one of the documents sent to the Independent Examiner.

[Schedule 3](http://www.legislation.gov.uk/ukxi/2012/637/schedule/3/made) (<http://www.legislation.gov.uk/ukxi/2012/637/schedule/3/made>) of the Neighbourhood Planning (General) Regulations 2012 prescribes a basic condition that must be met where the development described in an order proposal is Environmental Impact Assessment development. A referendum may not be held on the making of a Neighbourhood Development Order unless the local planning authority is satisfied that, having taken the environmental information into consideration, this basic condition has been met.

Paragraph: 008 Reference ID: 4-008-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#development-covered-by-the-regulations) (<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#development-covered-by-the-regulations>)

Development which is the subject of a planning enforcement notice

Development subject to a planning enforcement notice can be subject to Environmental Impact Assessment. Such development is referred to as 'unauthorised Environmental Impact Assessment development' ([Part 8](http://www.legislation.gov.uk/ukxi/2017/571/part/8/made) (<http://www.legislation.gov.uk/ukxi/2017/571/part/8/made>) of the Regulations).

The 2017 Regulations aim to better reflect the duty of the local planning authority to ensure, when exercising their enforcement functions, that the requirements and objectives of the Environmental Impact Assessment Directive are met. They require the local planning authority to take such steps as appear reasonable to it to obtain information about the unauthorised development so as to enable it to issue a screening opinion, where relevant.

Paragraph: 009 Reference ID: 4-009-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#development-covered-by-the-regulations)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#development-covered-by-the-regulations>)

Determining whether Environmental Impact Assessment is needed for unauthorised development

The local planning authority will determine whether Environmental Impact Assessment is needed ([regulation 37](http://www.legislation.gov.uk/uksi/2017/571/regulation/37/made) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/37/made>)) and if necessary serve a “regulation 37 notice” with the enforcement notice, stating that Environmental Impact Assessment is required.

Paragraph: 010 Reference ID: 4-010-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#development-covered-by-the-regulations)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#development-covered-by-the-regulations>)

Directions made by the secretary of state

A recipient of a “regulation 37 notice” may apply to the Secretary of State for a screening direction (see [regulation 38](http://www.legislation.gov.uk/uksi/2017/571/regulation/38/made) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/38/made>)).

Paragraph: 011 Reference ID: 4-011-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#development-covered-by-the-regulations)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#development-covered-by-the-regulations>)

Enforcement appeals

Procedures for dealing with appeals against a planning enforcement notice are given in [regulations 40-44](http://www.legislation.gov.uk/uksi/2017/571/regulation/40/made) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/40/made>).

Paragraph: 012 Reference ID: 4-012-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#development-covered-by-the-regulations)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#development-covered-by-the-regulations>)

Review of mineral permissions

The 2017 Regulations apply to applications and consents relating to a review of a mineral permission under [Schedule 2 to the Planning and Compensation Act 1991](http://www.legislation.gov.uk/ukpga/1991/34/schedule/2) (<http://www.legislation.gov.uk/ukpga/1991/34/schedule/2>), or [Schedule 13](http://www.legislation.gov.uk/ukpga/1995/25/schedule/13) (<http://www.legislation.gov.uk/ukpga/1995/25/schedule/13>) or [Schedule 14](http://www.legislation.gov.uk/ukpga/1995/25/schedule/14) (<http://www.legislation.gov.uk/ukpga/1995/25/schedule/14>) to the Environment Act 1995, with necessary modifications as set out in [Part 9 to the 2017 Regulations](http://www.legislation.gov.uk/uksi/2017/571/part/9/made) (<http://www.legislation.gov.uk/uksi/2017/571/part/9/made>).

[Minerals Guidance](https://www.gov.uk/guidance/minerals) (<https://www.gov.uk/guidance/minerals>)

Paragraph: 013 Reference ID: 4-013-20170728

Revision date: 28 07 2017 [See previous version](#)

<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#development-covered-by-the-regulations>

Permitted development

[The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#)

<http://www.legislation.gov.uk/uksi/2015/596/contents/made>) grants a general planning permission (usually referred to as 'permitted development rights') for various specified types of development. Although many permitted development rights concern development of a minor, non-contentious nature, there are some that could fall within the descriptions of Environmental Impact Assessment development in [Schedule 1](#) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/1/made>) or [Schedule 2](#) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/2/made>) of the Regulations.

[Schedule 1](http://www.legislation.gov.uk/uksi/2011/1824/schedule/1/made) (<http://www.legislation.gov.uk/uksi/2011/1824/schedule/1/made>) development is excluded from being permitted development unless the Secretary of State has directed that the development is exempt from the 2017 Regulations. In all other cases Schedule 1 development always requires the submission of a planning application and an Environmental Statement (and, where relevant, a subsequent application and revised Environmental Statement). Part 12 of the 2017 Regulations makes consequential amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015.

[Schedule 2](http://www.legislation.gov.uk/uksi/2011/1824/schedule/2/made) (<http://www.legislation.gov.uk/uksi/2011/1824/schedule/2/made>) development does not constitute permitted development unless the local planning authority has adopted a screening opinion to the effect that an Environmental Impact Assessment is not required, the Secretary of State has made a screening direction to the same effect or the Secretary of State has directed that the development be exempt from the requirements of the 2017 Regulations. Where an Environmental Impact Assessment is required, permitted development rights are withdrawn and a planning application must be submitted and accompanied by an Environmental Statement.

Application of the Environmental Impact Assessment requirements is excluded in the case of certain types of permitted development listed in [article 3\(12\) of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) (<http://www.legislation.gov.uk/uksi/2015/596/article/3/made>). There may be some cases in which an application for prior approval needs to be made before development for which permitted development rights exist can proceed. In the case of [Schedule 1](#) (<http://www.legislation.gov.uk/uksi/2011/1824/schedule/1/made>) or [Schedule 2](#) (<http://www.legislation.gov.uk/uksi/2011/1824/schedule/2/made>) development authorised under Class A in [Part 18 of Schedule 2 to the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) (<http://www.legislation.gov.uk/uksi/2015/596/schedule/2/part/18/made>) by an Act of Parliament, or by an order approved by both Houses, it will be necessary to carry out screening at the stage when the authority is asked to approve detailed plans and specifications, to check whether any Environmental Statement considered during the course of the passage of the Bill needs to be revised or updated.

Paragraph: 014 Reference ID: 4-014-20170728

Revision date: 28 07 2017 [See previous version](#)

<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#development-covered-by-the-regulations>

Crown development

Planning applications by the Crown are subject to Environmental Impact Assessment procedures in the same way as applications by other bodies or individuals. Development solely serving national defence purposes is also subject to Environmental Impact Assessment procedures except where, in individual cases, the Secretary of State is of the opinion that an assessment would have an adverse effect on the fulfilment of the purpose of the project. In such a case a direction will be issued exempting such development from the relevant Environmental Impact Assessment Regulations (see [regulations 60 to 62](http://www.legislation.gov.uk/ukxi/2017/571/part/11/made) (<http://www.legislation.gov.uk/ukxi/2017/571/part/11/made>) in relation to such development in Scotland, Wales and Northern Ireland respectively and [regulation 63](http://www.legislation.gov.uk/ukxi/2017/571/regulation/63/made) (<http://www.legislation.gov.uk/ukxi/2017/571/regulation/63/made>) in relation to such development in England).

Paragraph: 015 Reference ID: 4-015-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#development-covered-by-the-regulations) (<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#development-covered-by-the-regulations>)

Demolition

The demolition of a building is considered a ‘building operation’ and falls within the definition of development in the Town and Country Planning Act 1990. Planning permission is generally required, therefore, with limited exceptions. [Part 11 of Schedule 2 to the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](http://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/11/made) (<http://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/11/made>) grants permitted development rights for demolition, subject to conditions. A developer may need to apply to the local planning authority, for example, for a determination as to whether they will require prior approval for the method of demolition.

The European Court of Justice has made it clear that demolition works are capable of constituting a ‘project’ within the meaning of the Environmental Impact Assessment Directive, and can therefore be subject to Environmental Impact Assessment. Local planning authorities will need to consider whether demolition projects are likely to have significant environmental effects and require a screening opinion to be issued; as such projects can fall within [Schedule 2](http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made) (<http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made>) of the 2017 Regulations (particularly Schedule 2.10(b) - urban development projects).

Paragraph: 016 Reference ID: 4-016-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#development-covered-by-the-regulations) (<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#development-covered-by-the-regulations>)

Screening Schedule 2 projects

When is Environmental Impact Assessment required?

‘Screening’ is a procedure used to determine whether a proposed project is likely to have significant effects on the environment. It should normally take place at an early stage in the design of the project. However, it can also occur after a planning application has been made or even after an appeal has been made. A developer can choose not to seek a screening opinion for a [Schedule 2](http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made) (<http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made>) development, and proceed to prepare and submit an Environmental Statement.

The local planning authority (or the Secretary of State as the case may be) should determine whether the project is of a type listed in [Schedule 1](http://www.legislation.gov.uk/uksi/2017/571/schedule/1/made) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/1/made>) or [Schedule 2](http://www.legislation.gov.uk/uksi/2017/571/schedule/2/made) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/2/made>) of the 2017 Regulations:

- if it is listed in [Schedule 1](http://www.legislation.gov.uk/uksi/2017/571/schedule/1/made) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/1/made>) an Environmental Impact Assessment is required in every case;
- if the project is listed in [Schedule 2](http://www.legislation.gov.uk/uksi/2017/571/schedule/2/made) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/2/made>), the local planning authority should consider whether it is likely to have significant effects on the environment.

If a proposed project is listed in the first column in [Schedule 2](http://www.legislation.gov.uk/uksi/2017/571/schedule/2/made) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/2/made>) of the 2017 Regulations and exceeds the relevant thresholds or criteria set out in the second column (sometimes referred to as 'exclusion thresholds and criteria') the proposal needs to be screened by the local planning authority to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required. Projects listed in Schedule 2 which are located in, or partly in, a sensitive area also need to be screened, even if they are below the thresholds or do not meet the criteria.

Projects which are described in the first column of [Schedule 2](http://www.legislation.gov.uk/uksi/2017/571/schedule/2/made) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/2/made>) but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development.
[Read more about sensitive areas.](#)

Paragraph: 017 Reference ID: 4-017-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects) (<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects>)

What is the procedure for deciding whether a Schedule 2 project is likely to have significant effects?

When screening [Schedule 2](http://www.legislation.gov.uk/uksi/2017/571/schedule/2/made) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/2/made>) projects, the local planning authority must take account of the selection criteria in [Schedule 3](http://www.legislation.gov.uk/uksi/2017/571/schedule/3/made) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/3/made>) of the 2017 Regulations. Not all of the criteria will be relevant in every case. Each case should be considered on its own merits in a balanced way. When the local planning authority or Secretary of State issues its opinion they must state the main reasons for their conclusion with reference to the relevant criteria listed in Schedule 3. Where it is determined that the proposed development is not Environmental Impact Assessment development, the authority must state any features of the proposed development and measures envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment (see [regulation 5](http://www.legislation.gov.uk/uksi/2017/571/regulation/5/made) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/5/made>)).

Local planning authorities will need to consider carefully how such measures are secured. This will usually be through planning conditions or planning obligations, enforceable by the local planning authority which has powers to take direct action to ensure compliance. See also [How should mitigation measures proposed in a planning application be secured?](#)

Only a very small proportion of Schedule 2 development will require an Environmental Impact Assessment. While it is not possible to formulate criteria or thresholds which will provide a universal test of whether or not an assessment is required, it is possible to offer a broad indication of the type or scale of development which is likely to require an assessment. It is also possible to provide an indication of the sort of development for which an assessment is unlikely to be necessary. To aid local planning authorities to determine whether a project is likely to have significant environmental effects, a set of indicative thresholds and criteria have been produced. See the [indicative thresholds and criteria](#). The table also gives an indication of the types of impact that are most likely to be significant for particular types of development.

However, it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits.

While there is no requirement to use a screening checklist, they can help to ensure that the relevant issues are considered and to provide a clear audit trail.

[See the Environmental Impact Assessment screening checklist](#)
(<https://www.gov.uk/government/publications/environmental-impact-assessment-screening-checklist>)

Having completed the screening exercise, the local planning authority must provide a screening opinion, indicating either that an Environmental Impact Assessment is required (a 'positive screening opinion') or is not required (a 'negative screening opinion').

[View a flowchart summarising the screening process.](#)

The Secretary of State can also direct that an Environmental Impact Assessment is required in circumstances in which development of a type listed in Schedule 2 of the 2017 Regulations does not meet the relevant criteria or exceed the relevant thresholds, but is considered likely to have significant environmental effects ([regulation 5\(7\)](#)
(<http://www.legislation.gov.uk/uksi/2017/571/regulation/5/made>)).

[Read more about interpreting project types.](#)

Paragraph: 018 Reference ID: 4-018-20170728

Revision date: 28 07 2017 [See previous version](#)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects>)

How can an applicant obtain a screening opinion from the local planning authority?

If anyone is considering carrying out development of a type listed in [Schedule 2](#) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/2/made>) of the 2017 Regulations, or is unsure whether their proposed development requires an Environmental Impact Assessment, they may request the local planning authority to provide a screening opinion on the need for an Environmental Impact Assessment. The request should include the information set out in [regulation 6\(1\)](#) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/6/made>).

When compiling the information the developer must take into account the criteria of [Schedule 3](#) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/3/made>) to the 2017 Regulations; and where relevant the results of any relevant environmental assessments required under other European

Union legislation. In most cases, the environmental assessment that is most likely to be relevant is the strategic environmental assessment undertaken during the preparation of the local plan for the area.

Requirements for making any such submitted documents available to the public are set out in [regulation 28](http://www.legislation.gov.uk/uksi/2017/571/regulation/28/made) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/28/made>).

Paragraph: 019 Reference ID: 4-019-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects>)

Can the local authority's screening opinion be challenged?

Generally, it will fall to local planning authorities in the first instance to consider whether a proposed development requires an Environmental Impact Assessment. However, the Secretary of State is empowered to make directions in relation to the need for Environmental Impact Assessment. Such screening directions can be made of the Secretary of State's own volition, or following a request from any person. Directions of the Secretary of State will normally be made in response to a request from a developer. Where the local planning authority's opinion is that Environmental Impact Assessment is required, or where a local planning authority fails to adopt a screening opinion within 3 weeks (or within an extended period agreed in writing with the person making the request), the person who requested the screening opinion of the local planning authority may request that the Secretary of State make a screening direction.

Requests for a screening direction of the Secretary of State should be made to:

Planning Casework Unit
4th Floor
23 Stephenson Street
Birmingham
B2 4BH

pcu@communities.gov.uk

However, any person, where they consider a proposed development requires an Environmental Impact Assessment, may write to the Secretary of State requesting a screening direction, even though neither the relevant planning authority nor the applicant takes that view. Any such requests will be considered on a case-by-case basis. Some indication will therefore be looked for to demonstrate that the person making the request has seriously considered the basis on which an Environmental Impact Assessment might be needed, and has offered relevant grounds for that request.

Paragraph: 020 Reference ID: 4-020-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects>)

Can a screening opinion or direction be changed?

There may, exceptionally, be cases where a screening opinion or direction has been issued but it becomes evident that it needs to be changed, for example, because new evidence comes to light.

Paragraph: 021 Reference ID: 4-021-20170728

Revision date: 28 07 2017 [See previous version](#)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects>)

Should proposed changes or extensions to Schedule 1 or Schedule 2 development be screened?

Applicants and local planning authorities need to consider if significant environmental effects may result from an existing or approved [Schedule 1](#) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/1/made>) or [Schedule 2](#) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/2/made>) development being changed or extended.

[More guidance on changes or extensions to existing development.](#)

Paragraph: 022 Reference ID: 4-022-20170728

Revision date: 28 07 2017 [See previous version](#)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects>)

Can mitigation measures be taken into account at the screening stage?

Developers are encouraged to identify any features of their proposed development and any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment and to include these with the information required to inform the screening decision (see [regulation 6](#) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/6/made>)).

The extent to which mitigation or other measures may be taken into account in reaching a screening opinion depends on the facts of each case. The local planning authority must have regard to the amount of information available, the precautionary principle and the degree of uncertainty in relation to the environmental impact. However, there may be cases where the uncertainties are such that Environmental Impact Assessment is required. The local planning authority or the Secretary of State must ensure that, where such measures have enabled them to conclude that there will not be significant effects on the environment, and an Environmental Impact Assessment is not required, that their screening decision states those features of the development and those measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment (see [regulation 5\(5\)\(b\)](#) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/5/made>)).

Paragraph: 023 Reference ID: 4-023-20170728

Revision date: 28 07 2017 [See previous version](#)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects>)

When should cumulative effects be assessed?

Each application (or request for a screening opinion) should be considered on its own merits. There are occasions, however, when other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development.

Paragraph: 024 Reference ID: 4-024-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects>)

How should multiple applications be treated?

An application should not be considered in isolation if, in reality, it is an integral part of a more substantial development (Judgment in the case of R v Swale BC ex parte RSPB [1991] 1PLR 6). In such cases, the need for Environmental Impact Assessment must be considered in the context of the whole development. In other cases, it is appropriate to establish whether each of the proposed developments could proceed independently (R (Candlish) v Hastings Borough Council [2005] All ER (D) 178 (Jul); Baker v Bath & North East Somerset Council [2009] All ER (D) 169 (Jul)).

Paragraph: 025 Reference ID: 4-025-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects>)

Can an Environmental Statement be submitted without a screening opinion?

An applicant may decide that an Environmental Impact Assessment will be required and submit an Environmental Statement with an application without having obtained a screening opinion. If an applicant expressly states they are submitting a statement which they refer to as an Environmental Statement, then, for the purposes of the 2017 Regulations, the application is classified as an Environmental Impact Assessment application and must be treated as such by the local planning authority.

If the applicant has not made it clear that the information submitted is intended to constitute an Environmental Statement, the local planning authority should contact the applicant to clarify the position. In case of doubt, the local planning authority should issue a screening opinion. If the local planning authority considers that they do not have sufficient information to adopt an opinion, having taken into account the information requirements in [regulation 6\(2\) and \(3\)](http://www.legislation.gov.uk/uksi/2017/571/regulation/6/made) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/6/made>) as appropriate, they should notify in writing the applicant of the points on which they require additional information. Where it is determined that an Environmental Impact Assessment is not required, the information provided by the applicant should still be taken into account in determining the application, if that information is material to the decision.

Paragraph: 026 Reference ID: 4-026-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects>)

What happens if a planning application for a Schedule 2 development is not accompanied by an Environmental Statement?

When a local planning authority receives an application which appears to be an application for [Schedule 2](http://www.legislation.gov.uk/uksi/2017/571/schedule/2/made) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/2/made>) development, and the application has not been the subject of a screening opinion or direction and there is no

accompanying Environmental Statement, the local planning authority must provide an opinion on the need for Environmental Impact Assessment as if the applicant had requested such a screening opinion under [regulation 6](http://www.legislation.gov.uk/ukxi/2017/571/regulation/6/made) (<http://www.legislation.gov.uk/ukxi/2017/571/regulation/6/made>) of the 2017 Regulations (see [regulation 8](http://www.legislation.gov.uk/ukxi/2017/571/regulation/8/made) (<http://www.legislation.gov.uk/ukxi/2017/571/regulation/8/made>)).

Where the screening opinion is that an Environmental Impact Assessment is required, the local planning authority must notify the applicant in writing, in accordance with [regulation 11](http://www.legislation.gov.uk/ukxi/2017/571/regulation/11/made) (<http://www.legislation.gov.uk/ukxi/2017/571/regulation/11/made>), that the submission of an Environmental Statement is necessary. On receipt of that notice the developer should, within 21 days of the date of the notice, reply to the authority stating their intention either to provide an Environmental Statement or to request a screening direction from the Secretary of State. If the developer does not reply within the 21 days, the planning application will be deemed to have been refused.

Where the developer responds indicating an Environmental Statement will be provided, the local planning authority should suspend consideration of the planning application (unless they are already minded to refuse planning permission because of other material considerations, in which case they should proceed to do so as quickly as possible and in any event before the end of the 21 day period when the application is deemed to be refused). There are specific requirements in relation to subsequent applications in [regulation 9](http://www.legislation.gov.uk/ukxi/2017/571/regulation/9/made) (<http://www.legislation.gov.uk/ukxi/2017/571/regulation/9/made>) and [regulation 10](http://www.legislation.gov.uk/ukxi/2017/571/regulation/10/made) (<http://www.legislation.gov.uk/ukxi/2017/571/regulation/10/made>).

Paragraph: 027 Reference ID: 4-027-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects) (<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects>)

What is the procedure where the Secretary of State calls-in an application which is not accompanied by an Environmental Statement?

When a planning application which has not previously been subject to a screening opinion or direction is called in for determination by the Secretary of State (under [section 77 of the Town and Country Planning Act 1990](http://www.legislation.gov.uk/ukpga/1990/8/section/77) (<http://www.legislation.gov.uk/ukpga/1990/8/section/77>)) and it is not accompanied by an Environmental Statement, the Secretary of State will consider whether it is an Environmental Impact Assessment development. Where necessary the Secretary of State will make a screening direction. If the Secretary of State considers that sufficient information has not been provided to enable the making of a screening direction, having taken into account the information requirements in [regulation 6\(2\) and 6\(3\)](http://www.legislation.gov.uk/ukxi/2017/571/regulation/6/made) (<http://www.legislation.gov.uk/ukxi/2017/571/regulation/6/made>), the applicant will be notified in writing of the points on which additional information is required.

If the Secretary of State directs that an Environmental Impact Assessment is required, the applicant and the local planning authority will be notified accordingly. There is no right of appeal against such a notification. An applicant who wishes to continue with their application must reply within 3 weeks of such a notification, stating that an Environmental Statement will be provided. Otherwise, at the end of the 3 week period, the Secretary of State will inform the applicant that no further action will be taken on the application. Where the applicant indicates that an Environmental Statement will be provided, the Secretary of State will notify the [consultation bodies](#) accordingly.

If the Secretary of State concludes that an Environmental Impact Assessment is not required, and there has been no previous screening opinion to that effect, the Secretary of State shall make a screening direction to that effect and send a copy to the local planning authority. The local planning authority must ensure that the direction is placed on the planning register.

Paragraph: 028 Reference ID: 4-028-20170728

Revision date: 28 07 2017 [See previous version](#)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects>)

What is the procedure for planning appeals?

An appeal made under [section 78](#) (<http://www.legislation.gov.uk/ukpga/1990/8/section/78>) of the 1990 Act which is not accompanied by an Environmental Statement will be dealt with in a similar way to a called-in application, and the same procedures and time limits will apply (see [regulation 14](#) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/14/made>)). However, where an Inspector dealing with an appeal considers that an Environmental Impact Assessment might be required, that question will be referred to the Secretary of State. The Inspector is then precluded from determining the appeal (except by refusing the planning permission) until he receives a screening direction from the Secretary of State. If the Secretary of State directs that an Environmental Impact Assessment is required, the Inspector may not determine the appeal (except by refusing permission) until the appellant submits an Environmental Statement. The Secretary of State may direct that an Environmental Impact Assessment is required at any time before an appeal is determined.

Paragraph: 029 Reference ID: 4-029-20170728

Revision date: 28 07 2017 [See previous version](#)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects>)

Establishing whether a proposed development requires an environmental impact assessment

Download the [flowchart](#)
(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/630686/eia-flow1.pdf) (PDF, 26.8 KB, 1 page).

Related links:

- [Schedule 1](#) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/1/made>) of the 2017 Regulations
- [Schedule 2](#) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/2/made>) of the 2017 Regulations
- [Schedule 3](#) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/3/made>) of the 2017 Regulations
- [More information on sensitive areas](#)
- [More information about the Secretary of State's power to make directions](#)
(<http://www.legislation.gov.uk/uksi/2017/571/regulation/7/made>)

Paragraph: 030 Reference ID: 4-030-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916tf_/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects)
(http://webarchive.nationalarchives.gov.uk/20170417111916tf_/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects)

Interpretation of project categories

In determining whether a particular proposal for development is included within one of the categories of development listed in [Schedule 1](http://www.legislation.gov.uk/uksi/2017/571/schedule/1/made) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/1/made>) or [Schedule 2](http://www.legislation.gov.uk/uksi/2017/571/schedule/2/made) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/2/made>) of the 2017 Regulations, local planning authorities and developers should have regard to the ruling of the Court of Justice of the European Union that the Directive has a “wide scope and broad purpose” (In the Court of Justice of the European Union case (Kraaijeveld v Holland)). The fact that a particular development is not specifically identified in one of the Schedules does not necessarily mean that it falls outside the scope of the Regulations. For example, the Schedule 2.10(b) category, “urban development” (which accounts for by far the largest proportion of Environmental Impact Assessment development in England), includes residential and other development of an urban nature. It can also apply to development in non-urban areas which has an urbanising effect on the local environment, for example, an out-of-town shopping complex.

The European Commission has published [guidance](http://ec.europa.eu/environment/eia/pdf/cover_2015_en.pdf) (http://ec.europa.eu/environment/eia/pdf/cover_2015_en.pdf) on the interpretation of the definitions of project categories.

Paragraph: 031 Reference ID: 4-031-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects>)

Sensitive areas

The more environmentally sensitive the location, the more likely it is that the effects on the environment will be significant and will require an Environmental Impact Assessment. Certain designated sites are defined in [regulation 2\(1\)](http://www.legislation.gov.uk/uksi/2017/571/regulation/2/made) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/2/made>) as sensitive areas and the thresholds and criteria in the second column of the table in [Schedule 2](http://www.legislation.gov.uk/uksi/2017/571/schedule/2/made) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/2/made>) are not applied. All developments in, or partly in, such areas should be screened. These are:

- Sites of Special Scientific Interest and European sites;
- National Parks, the Broads and Areas of Outstanding Natural Beauty; and
- World Heritage Sites and scheduled monuments.

An Environmental Impact Assessment is more likely to be required if the project affects the features for which the sensitive area was designated. However, it does not follow that every Schedule 2 development in (or affecting) these areas will automatically require an Environmental Impact Assessment. It will be necessary to judge whether the likely effects on the environment of that particular development will be significant in that particular location. Local planning authorities are advised to consult the [consultation bodies](#) in cases where there is a doubt about the significance of a development’s likely effects on a sensitive area.

In practice, the likely environmental effects of Schedule 2 development will often be such as to require an Environmental Impact Assessment if development is to be located in or close to sensitive sites. It may also be necessary to undertake an appropriate assessment under the [Conservation of Habitats and Species Regulations 2010](http://www.legislation.gov.uk/ukxi/2010/490/contents/made) (<http://www.legislation.gov.uk/ukxi/2010/490/contents/made>) if the proposed development is likely to have a significant effect on a European site. See also [How should applications requiring both an environmental impact assessment and assessment under the Habitats Regulations be considered?](#)

If a local planning authority or applicant is uncertain about the significance of a proposed development's likely effects on a Site of Special Scientific Interest or European site it should consult Natural England.

See also: [What are the legal obligations on local planning authorities and developers regarding European sites designated under the Birds or Habitats Directives, protected species and Sites of Special Scientific Interest](https://www.gov.uk/guidance/natural-environment#para11) (<https://www.gov.uk/guidance/natural-environment#para11>)

In certain cases, local designations which are not included in the definition of “sensitive areas”, but which are nonetheless environmentally sensitive, may also be relevant in determining whether an assessment is required.

In considering the sensitivity of a particular location, regard should also be had to whether any national or internationally agreed environmental standards (eg air quality) are already being approached or exceeded.

Paragraph: 032 Reference ID: 4-032-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects) (<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects>)

Proposed changes or extensions to Schedule 1 or Schedule 2 development

Where a change or extension is made to a development of a type listed in [Schedule 1](http://www.legislation.gov.uk/ukxi/2017/571/schedule/1/made) (<http://www.legislation.gov.uk/ukxi/2017/571/schedule/1/made>) to the 2017 Regulations and that change or extension itself meets the thresholds or description set out in that Schedule, it constitutes Schedule 1 development and an Environmental Impact Assessment is required (*Baker v Bath & North East Somerset Council* [2009] All ER (D) 169 (Jul)).

Other changes or extensions to Schedule 1 development, which when considered with the development as a whole (ie as changed or extended), may result in significant adverse effects on the environment, or which meet the thresholds or criteria set out in column two of paragraph 13 of Schedule 2, are Schedule 2 development and should be screened.

Changes or extensions to [Schedule 2](http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made) (<http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made>) development, which when considered with the existing development as a whole, may result in significant adverse effects on the environment, or which meet the thresholds or criteria set out in column two of Schedule 2, are also Schedule 2 development and require screening.

If it is considered that the change or extension will not lead to other significant adverse effects, taking into account the effects on the development as a whole, screening should not be required where the change or extension does not meet the criteria or thresholds in Schedule 2. This is likely to be the outcome in the vast majority of cases involving a minor change or extension to an existing development (for example, the majority of permitted developments, such as

development within the curtilage of a dwelling house, minor operations, temporary buildings and uses, small business use or minor infrastructure development such as that carried out within the boundaries of airports and other large site operations).

In some cases, repeated small extensions may be made to existing development. Quantified thresholds cannot easily deal with this kind of “incremental” development. An expansion of the same size as a previous expansion will not automatically lead to the same determination on the need for an Environmental Impact Assessment because the environment may have altered since the question was last addressed.

Paragraph: 033 Reference ID: 4-033-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects>)

Preparing an Environmental Statement

Who is responsible for preparing the Environmental Statement?

The applicant is responsible for the preparation of the Environmental Statement. In order to ensure the completeness and quality of the Environmental Statement, the applicant must ensure that it is prepared by competent experts and that it is accompanied by a statement from the developer outlining the relevant expertise, or qualifications of such experts, sufficient to demonstrate that this is the case.

Paragraph: 034 Reference ID: 4-034-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Preparing-an-Environmental-Statement1)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Preparing-an-Environmental-Statement1>)

What information should the Environmental Statement contain?

The Environmental Statement must contain the information specified in [regulation 18\(3\)](http://www.legislation.gov.uk/uksi/2017/571/regulation/18/made) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/18/made>) and must meet the requirements of regulation 18(4). It must also include any additional information specified in [Schedule 4](http://www.legislation.gov.uk/uksi/2017/571/schedule/4/made) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/4/made>) to the 2017 Regulations which is relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected.

The applicant does not need to consult anyone about the information to be included in an Environmental Statement. However, local planning authorities will often possess useful local and specialised information and may be able to give preliminary advice on those aspects of the proposal that are likely to be of particular concern to the applicant. It may also be helpful to an applicant preparing an Environmental Statement to obtain relevant environmental information from the statutory [consultation bodies](http://www.legislation.gov.uk/uksi/2017/571/regulation/17/made) as is provided for in [regulation 17](http://www.legislation.gov.uk/uksi/2017/571/regulation/17/made) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/17/made>) of the 2017 Regulations and also to consult any appropriate non-statutory bodies that also have relevant information.

Whilst every Environmental Statement should provide a full factual description of the development, the emphasis should be on the “main” or “significant” environmental effects to which a development is likely to give rise. The Environmental Statement should be proportionate and not be any longer than is necessary to assess properly those effects. Where, for example,

only one environmental factor is likely to be significantly affected, the assessment should focus on that issue only. Impacts which have little or no significance for the particular development in question will need only very brief treatment to indicate that their possible relevance has been considered.

Where alternative approaches to development have been considered, the Environmental Statement should include a description of the reasonable alternatives studied which are relevant to the proposed development and its specific characteristics and provide an indication of the main reasons for the choice made, including a comparison of the environmental effects (see [regulation 18\(3\)\(d\)](http://www.legislation.gov.uk/ukxi/2017/571/regulation/18/made) (<http://www.legislation.gov.uk/ukxi/2017/571/regulation/18/made>)).

The Environmental Statement may, of necessity, contain complex scientific data and analysis in a form which is not readily understandable by the lay person. The main findings must be set out in accessible, plain English, in a non-technical summary, to ensure that the findings can more readily be disseminated to the general public, and that the conclusions can be easily understood by non-experts as well as decision-makers (see [regulation 18\(3\)\(e\)](http://www.legislation.gov.uk/ukxi/2017/571/regulation/18/made) (<http://www.legislation.gov.uk/ukxi/2017/571/regulation/18/made>)).

Paragraph: 035 Reference ID: 4-035-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Preparing-an-Environmental-Statement1) (<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Preparing-an-Environmental-Statement1>)

Does an applicant have to obtain a formal opinion from the local planning authority on the scope of an Environmental Statement?

An applicant is not required to consult anyone about the information to be included in an Environmental Statement. However, they may ask the local planning authority for its formal opinion on the information to be supplied in the Environmental Statement (a “scoping opinion”) ([regulation 15](http://www.legislation.gov.uk/ukxi/2017/571/regulation/15/made) (<http://www.legislation.gov.uk/ukxi/2017/571/regulation/15/made>)). This allows the local planning authority to clarify what it considers the main effects of the development are likely to be and, therefore, the aspects on which the applicant’s Environmental Statement should focus. There is no right to seek a formal scoping opinion once a planning application has been submitted.

When making a request for a scoping opinion, the applicant must, as a minimum, provide the information set out in [regulation 15\(2\)](http://www.legislation.gov.uk/ukxi/2017/571/regulation/15/made) (<http://www.legislation.gov.uk/ukxi/2017/571/regulation/15/made>).

A request for a scoping opinion may be made at the same time as a request for a screening opinion. A local planning authority must request additional information if it considers that it has not been provided with sufficient information to adopt a scoping opinion (see [regulation 15\(3\)](http://www.legislation.gov.uk/ukxi/2017/571/regulation/15/made) (<http://www.legislation.gov.uk/ukxi/2017/571/regulation/15/made>)).

The local planning authority must consult the [consultation bodies](#) and the applicant before providing a scoping opinion ([regulation 15\(4\)](http://www.legislation.gov.uk/ukxi/2017/571/regulation/15/made) (<http://www.legislation.gov.uk/ukxi/2017/571/regulation/15/made>)). It must provide its opinion within 5 weeks (or longer if agreed in writing with applicant) of receiving a request. The opinion should be proportionate, tailored to the specific characteristics of the development and the main environmental features likely to be significantly affected.

[Regulation 28](http://www.legislation.gov.uk/ukxi/2017/571/regulation/28/made) (<http://www.legislation.gov.uk/ukxi/2017/571/regulation/28/made>) sets out the requirements for making the scoping request and opinion available to the public.

Paragraph: 036 Reference ID: 4-036-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Preparing-an-Environmental-Statement1)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Preparing-an-Environmental-Statement1>)

Can an applicant request a scoping direction from the Secretary of State?

If a local planning authority fails to adopt a scoping opinion within the appropriate time period, the person who requested the scoping opinion may ask the Secretary of State to make a scoping direction. [Regulation 16](http://www.legislation.gov.uk/uksi/2017/571/regulation/16/made) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/16/made>) sets out the procedure for requesting a scoping direction.

Paragraph: 037 Reference ID: 4-037-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Preparing-an-Environmental-Statement1)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Preparing-an-Environmental-Statement1>)

Does the applicant need to comply with a scoping opinion or direction?

Where a scoping opinion or direction has been issued, an Environmental Statement must be based on the most recent scoping opinion or direction issued, so far as the proposed development remains materially the same as the proposed development which was subject to the opinion or direction.

The Environmental Statement must include the information that may reasonably be required to enable the local planning authority or Secretary of State to come to a reasoned conclusion on the significant effects of the proposed development on the environment. Therefore, where it becomes evident during the assessment process, for example, when undertaking a baseline survey, that a particular environmental factor is absent or unlikely to be significantly affected by a proposed development, there should be no need for further assessment of that factor even though it was identified in the scoping process. In such cases, the reasons for not undertaking further, more detailed assessment of that particular factor should be clearly set out in the Environmental Statement.

Paragraph: 038 Reference ID: 4-038-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Preparing-an-Environmental-Statement1)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Preparing-an-Environmental-Statement1>)

What information should the consultation bodies provide?

Under the [Environmental Information Regulations 2004](http://www.legislation.gov.uk/uksi/2004/3391/contents/made) (<http://www.legislation.gov.uk/uksi/2004/3391/contents/made>) public bodies must make environmental information available to any person who requests it. The consultation bodies are only required to provide information already in their possession. There is no obligation to make available information which is capable of being treated as confidential under the Environmental Information Regulations 2004. The 2017 Regulations supplement these provisions in cases where an applicant is preparing an Environmental Statement. Once an applicant has given the local planning authority notice under [regulation 17\(1\)](http://www.legislation.gov.uk/uksi/2017/571/regulation/17/made) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/17/made>) that it intends to submit an Environmental Statement, the local planning authority must inform the consultation bodies and

remind them of their obligation to make available, if requested, any relevant non-confidential, information in their possession. The local planning authority must also notify the applicant of the names and addresses of the bodies to which they have sent such a notice.

Paragraph: 039 Reference ID: 4-039-20170728

Revision date: 28 07 2017 [See previous version](#)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Preparing-an-Environmental-Statement1>)

What aspects of the environment need to be considered?

The purpose of the Environmental Impact Assessment Directive is to assess the significant effects of a development on the environment. Consequently, it is necessary for the Environmental Statement to include the information specified in [regulation 18](#) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/18/made>) and any additional information specified in [Schedule 4](#) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/4/made>) which is relevant to the specific characteristics of the development and to the environmental features likely to be affected.

Paragraph: 040 Reference ID: 4-040-20170728

Revision date: 28 07 2017 [See previous version](#)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Preparing-an-Environmental-Statement1>)

Does an applicant need to consider alternatives?

The 2017 Regulations do not require an applicant to consider alternatives. However, where alternatives have been considered, paragraph 2 of [Schedule 4](#) (<http://www.legislation.gov.uk/uksi/2017/571/schedule/4/made>) requires the applicant to include in their Environmental Statement a description of the reasonable alternatives studied (for example in terms of development design, technology, location, size and scale) and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

Paragraph: 041 Reference ID: 4-041-20170728

Revision date: 28 07 2017 [See previous version](#)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Preparing-an-Environmental-Statement1>)

Consultation bodies

[Regulation 2\(1\)](#) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/2/made>) defines certain public bodies as 'consultation bodies' for the purpose of the regulations. These include:

- Natural England;
- Environment Agency; and
- Marine Management Organisation.

The term 'consultation bodies' can also include other bodies designated by statutory provision as having specific environmental responsibilities and which the relevant local planning authority or the Secretary of State considers are likely to have an interest in the application.

Please refer to the [consultation chapter \(https://www.gov.uk/guidance/consultation-and-pre-decision-matters#eia\)](https://www.gov.uk/guidance/consultation-and-pre-decision-matters#eia) for updated guidance in response to the coronavirus (COVID-19) pandemic.

Paragraph: 042 Reference ID: 4-042-20170728

Revision date: 28 07 2017 [See previous version \(http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Preparing-an-Environmental-Statement1\)](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Preparing-an-Environmental-Statement1)

What steps should local planning authorities take to avoid conflicts of interest when bring forward their own development?

It is the responsibility of the local planning authority or the Secretary of State, as appropriate, to perform their duties under the regulations in an objective manner, avoiding conflict of interest. Where the local planning authority, or the Secretary of State, will decide their own application, the authority, or Secretary of State must ensure that there is a functional separation of duties within their organisation between those persons bringing forward the proposal for development and those persons responsible for determining that proposal ([regulation 64 \(http://www.legislation.gov.uk/uksi/2017/571/regulation/64/made\)](http://www.legislation.gov.uk/uksi/2017/571/regulation/64/made)).

Paragraph: 062 Reference ID: 4-062-20170728

Revision date: 28 07 2017 [See previous version \(http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Preparing-an-Environmental-Statement1\)](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Preparing-an-Environmental-Statement1)

The procedures for submitting an Environmental Statement

What are the procedures for submitting an Environmental Statement with an application?

When an applicant intends to submit a planning application with a statement which they refer to as an Environmental Statement, the applicant should send the local planning authority all the documents which must normally accompany a planning application as well as the Environmental Statement ([regulation 19 \(http://www.legislation.gov.uk/uksi/2017/571/regulation/19/made\)](http://www.legislation.gov.uk/uksi/2017/571/regulation/19/made)).

In addition, the applicant must also submit:

- one further copy of the Environmental Statement for onward transmission by the local planning authority to the Secretary of State;
- a note of the name of everybody to whom the applicant has already sent, or intends to send, a copy of the Environmental Statement and the date on which the Environmental Statement was so served, where relevant; and
- sufficient further copies of the Environmental Statement as are needed to allow the local planning authority to send one to each of the consultation bodies who have not received a copy directly from the applicant.

Applicants should also make copies of the Environmental Statement available to the public, either free of charge or at a reasonable cost reflecting printing and distribution costs.

Please refer to the [consultation chapter \(https://www.gov.uk/guidance/consultation-and-pre-decision-matters#eia\)](https://www.gov.uk/guidance/consultation-and-pre-decision-matters#eia) for updated guidance in response to the coronavirus (COVID-19) pandemic.

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Making-a-planning-application)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Making-a-planning-application>)

What are the publicity requirements for Environmental Impact Assessment applications?

The planning application and the Environmental Statement should be publicised in accordance with the procedures set out in [article 15](https://www.legislation.gov.uk/uksi/2015/595/article/15) (<https://www.legislation.gov.uk/uksi/2015/595/article/15>) and [article 16](https://www.legislation.gov.uk/uksi/2015/595/article/16) (<https://www.legislation.gov.uk/uksi/2015/595/article/16>) of, and [Schedule 3](https://www.legislation.gov.uk/uksi/2015/595/schedule/3) (<https://www.legislation.gov.uk/uksi/2015/595/schedule/3>) to the Town and Country Planning (Development Management Procedure) (England) Order 2015. [Schedule 3](https://www.legislation.gov.uk/uksi/2015/595/schedule/3) (<https://www.legislation.gov.uk/uksi/2015/595/schedule/3>) to the Order contains the appropriate form for the notices to be published in the local press and posted on site, which must:

- state that a copy of the Environmental Statement is included in the documents which will be open to inspection by the public and give the address where the documents can be inspected free of charge;
- give an address in the locality where copies of the Environmental Statement may be obtained;
- state that a copy may be obtained at that address while stocks last and the amount of any charge to be made for supplying a copy;
- give details of a website maintained by or on behalf of the authority on which the environmental statement and the other documents have been made available; and
- state the latest date by which any written representations about the application should be made to the local planning authority (being a date not less than 30 days later than the date on which the notice is published).

Copies of the Environmental Statement and the application must be sent to those [consultation bodies](#) that have not received one directly from the applicant.

Any particular persons or bodies (including non-governmental organisations promoting environmental protection) whom the local planning authority is aware are likely to be affected by, or have an interest in, the application, but are unlikely to become aware of it through a site notice or local advertisement, should be sent equivalent information to that publicised in the newspaper notice, so that they may obtain a copy of the Environmental Statement and comment or make representations if they wish.

The local planning authority must send a copy of the Environmental Statement and planning application to the Secretary of State within 14 days of receipt.

The Environmental Statement must be placed on Part I of the planning register, as should any related screening or scoping opinion or direction as soon as possible after publication.

Please refer to the [consultation chapter](https://www.gov.uk/guidance/consultation-and-pre-decision-matters#eia) (<https://www.gov.uk/guidance/consultation-and-pre-decision-matters#eia>) for updated guidance in response to the coronavirus (COVID-19) pandemic.

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Making-a-planning-application)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Making-a-planning-application>)

What are the publicity arrangements where the Environmental Statement is submitted after the planning application?

Where an applicant submits an Environmental Statement after the planning application has been submitted, the applicant is responsible for publicising the Environmental Statement ([regulation 20](http://www.legislation.gov.uk/uksi/2017/571/regulation/20/made) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/20/made>)).

The applicant must publish notices in the local press and submit a copy of the notice with the Environmental Statement when submitted. The applicant must also serve a notice with the required information to those persons or bodies who would otherwise be unaware of the Environmental Statement and who may have an interest in, or be affected by, the proposed development.

When the copies of the Environmental Statement are submitted to the local planning authority, they must be accompanied by certificates stating that the publicity arrangements have been met. It is the local planning authority's responsibility (or the Secretary of State's where the application has been referred to him) to send copies of the Environmental Statement to any of the [consultation bodies](#) that have not received one directly from the applicant. The local planning authority should also ensure that the Environmental Statement and other relevant documents are made available on their website.

Please refer to the [consultation chapter](https://www.gov.uk/guidance/consultation-and-pre-decision-matters#eia) (<https://www.gov.uk/guidance/consultation-and-pre-decision-matters#eia>) for updated guidance in response to the coronavirus (COVID-19) pandemic.

Paragraph: 045 Reference ID: 4-045-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Making-a-planning-application)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Making-a-planning-application>)

Considering and determining planning applications that have been subject to an Environmental Impact Assessment

Are there specific arrangements for considering and determining planning applications that have been subject to an Environmental Impact Assessment?

There are specific arrangements for considering and determining planning applications that have been subject to an Environmental Impact Assessment. These arrangements include consideration of the adequacy of the information provided, consultation, reaching a reasoned conclusion on the significant environmental effects of the proposed development, publicity, and informing the consultation bodies and public of both the decision and the main reasons for it. The local planning authority must take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application.

View a [flowchart](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/630687/eia-flow2.pdf)
(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/630687/eia-flow2.pdf) (P.D.F., 32 KB, 1 page) illustrating the submission and evaluation procedures.

Please refer to the [consultation chapter \(https://www.gov.uk/guidance/consultation-and-pre-decision-matters#eia\)](https://www.gov.uk/guidance/consultation-and-pre-decision-matters#eia) for updated guidance in response to the coronavirus (COVID-19) pandemic.

Paragraph: 046 Reference ID: 4-046-20170728

Revision date: 28 07 2017 [See previous version \(http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA\)](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA)

Can a local planning authority ask for additional information?

The local planning authority should check that the submitted Environmental Statement contains all the information specified in [regulation 18\(3\) or \(4\) \(http://www.legislation.gov.uk/uksi/2017/571/regulation/18/made\)](http://www.legislation.gov.uk/uksi/2017/571/regulation/18/made), as appropriate, and any additional information specified in [Schedule 4 \(http://www.legislation.gov.uk/uksi/2017/571/schedule/4/made\)](http://www.legislation.gov.uk/uksi/2017/571/schedule/4/made) to the 2017 Regulations which is relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected.

If the local planning authority considers that further information is required, they must ask the applicant, in writing, to provide it ([regulation 25 \(http://www.legislation.gov.uk/uksi/2017/571/regulation/25/made\)](http://www.legislation.gov.uk/uksi/2017/571/regulation/25/made)). All information provided must be publicised, and consulted on. Requests for further information should be limited to the “main” or “significant” environmental effects to which a development is likely to give rise and must be on relevant matters and directly relevant to reaching a reasoned conclusion on the significant effects of the proposed development on the environment ([regulation 26 \(http://www.legislation.gov.uk/uksi/2017/571/regulation/26/made\)](http://www.legislation.gov.uk/uksi/2017/571/regulation/26/made)). The local planning authority, the Secretary of State or an Inspector may also require an applicant or appellant to produce evidence to verify any information in the Environmental Statement.

Additional information of a substantive nature submitted voluntarily by an applicant must be treated in the same way as information required by the local planning authority (see the definition of “any other information” in [regulation 2\(1\) \(http://www.legislation.gov.uk/uksi/2017/571/regulation/2/made\)](http://www.legislation.gov.uk/uksi/2017/571/regulation/2/made)).

The 16 weeks time limit for determination of an Environmental Impact Assessment application continues to run while any correspondence about the adequacy of the information in an Environmental Statement is taking place.

Please refer to the [consultation chapter \(https://www.gov.uk/guidance/consultation-and-pre-decision-matters#eia\)](https://www.gov.uk/guidance/consultation-and-pre-decision-matters#eia) for updated guidance in response to the coronavirus (COVID-19) pandemic.

Paragraph: 047 Reference ID: 4-047-20170728

Revision date: 28 07 2017 [See previous version \(http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA\)](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA)

Can additional information be requested by the Secretary of State when determining a planning appeal?

The Secretary of State may request further information for the purposes of determining an appeal under provisions in the Town and Country Planning Act 1990. This includes local inquiries held into planning appeals arising under [section 78 \(http://www.legislation.gov.uk/ukpga/1990/8/section/78\)](http://www.legislation.gov.uk/ukpga/1990/8/section/78) of the Town and Country Planning Act 1990

and into planning applications referred to the Secretary of State under [section 77](http://www.legislation.gov.uk/ukpga/1990/8/section/77) (<http://www.legislation.gov.uk/ukpga/1990/8/section/77>) of the Town and Country Planning Act 1990. If the request specifically states that the information is to be provided for an inquiry or hearing, the publicity procedures set out in [regulation 25\(3\) to \(11\)](http://www.legislation.gov.uk/uksi/2017/571/regulation/25/made) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/25/made>) do not apply. However, such information, together with additional information provided voluntarily by the appellant for the purposes of a local inquiry, will be regulated by the Inquiry Rules relating to the submission of evidence to local planning inquiries ([The Town and Country Planning \(Inquiries Procedure\) \(England\) Rules 2000](http://www.legislation.gov.uk/uksi/2000/1624/contents/made) (<http://www.legislation.gov.uk/uksi/2000/1624/contents/made>)). Similar provisions are also included in the [Town and Country Planning Appeals \(Determination by Inspectors\) \(Inquiries Procedure\) \(England\) Rules 2000](http://www.legislation.gov.uk/uksi/2000/1625/contents/made) (<http://www.legislation.gov.uk/uksi/2000/1625/contents/made>)).

Please refer to the [consultation chapter](https://www.gov.uk/guidance/consultation-and-pre-decision-matters#eia) (<https://www.gov.uk/guidance/consultation-and-pre-decision-matters#eia>) for updated guidance in response to the coronavirus (COVID-19) pandemic.

Paragraph: 048 Reference ID: 4-048-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA) (<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA>)

What are the procedures for considering whether a proposal is likely to have transboundary effects on another country within the European Economic Area?

Local planning authorities are required to send a copy of every Environmental Statement and related planning application to the Secretary of State (Planning Casework Unit) within two weeks of receipt. This is to enable consideration of whether the proposed development is likely to have significant effects on the environment of any European Union Member State, or any other country that has ratified the United Nations Economic Commission for Europe Convention on Environmental Impact Assessment in a Transboundary Context (known as the 'Espoo Convention').

As a proportion of all planning applications, the number of developments in England that are likely to have significant effects on the environment of another country will be small. However, should they occur, the Secretary of State must send information about the development to the government of the affected country, and invite them to participate in the consultation procedures, determining with them a reasonable timescale to allow them to do so. In such a case, the Secretary of State may direct ([article 31\(1\) of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](http://www.legislation.gov.uk/uksi/2015/595/article/31/made) (<http://www.legislation.gov.uk/uksi/2015/595/article/31/made>)) that planning permission may not be granted until the end of such time as may be necessary for consultations with that government.

See the [Espoo Convention](http://www.unece.org/env/eia/eia.html) (<http://www.unece.org/env/eia/eia.html>).

Paragraph: 049 Reference ID: 4-049-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA) (<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA>)

How long does a local planning authority have to determine a planning application involving an Environmental Impact Assessment?

Where a valid planning application and Environmental Statement have been received by the local planning authority, they must determine the application within 16 weeks beginning with the day immediately following the day of receipt of the application and Environmental Statement ([regulation 68\(2\)](http://www.legislation.gov.uk/uksi/2017/571/regulation/68/made) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/68/made>)). This period may be extended by written agreement between the local planning authority and the applicant.

Where an Environmental Statement has not been submitted with a planning application but the applicant indicates that they propose to provide one, consideration of the application should be suspended until the Environmental Statement has been received ([regulation 20\(8\)](http://www.legislation.gov.uk/uksi/2017/571/regulation/20/made) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/20/made>)).

Paragraph: 050 Reference ID: 4-050-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA) (<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA>)

Should local planning authorities require monitoring measures?

If planning permission or subsequent consent is to be granted, the local planning authority or Secretary of State must consider whether it is appropriate to impose monitoring measures ([regulation 26](http://www.legislation.gov.uk/uksi/2017/571/regulation/26/made) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/26/made>)).

Local planning authorities should bear in mind that existing monitoring arrangements under other regulatory regimes may be used if appropriate, with a view to avoiding duplication. In all cases, authorities should ensure that all measures are proportionate to the nature, location and size of the relevant project and its effects on the environment.

Monitoring should not be used as a general means of gathering environmental information; rather it is a means of monitoring, where appropriate, any mitigating measures identified through the Environmental Impact Assessment process. Local authorities should consider whether to include, where appropriate, provisions for any potential remedial action to be taken.

Paragraph: 063 Reference ID: 4-063-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA) (<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA>)

How should mitigation measures proposed in a planning application be secured?

Mitigation measures proposed in an Environmental Statement are designed to limit or remove any significant adverse environmental effects of a development. Local planning authorities will need to consider carefully how mitigation measures proposed in an Environmental Statement are to be secured.

Where it is considered appropriate that monitoring measures are attached to a planning permission, this can be achieved through the use of existing mechanisms such as planning conditions and planning obligations. Regardless of the mechanism used, authorities should ensure that provisions are clear and precise, to ensure clarity for all parties concerned.

[Conditions](https://www.gov.uk/guidance/use-of-planning-conditions) (<https://www.gov.uk/guidance/use-of-planning-conditions>) attached to a planning permission or subsequent consent may include mitigation measures. However, a condition requiring the development to be “in accordance with the Environmental Statement” is unlikely to

be sufficient unless the Environmental Statement was exceptionally precise in specifying the mitigation measures to be undertaken, and the condition refers to the specific part of the Environmental Statement specifying the mitigation measures.

Mitigation measures can also be secured through [planning obligations](https://www.gov.uk/guidance/planning-obligations) (<https://www.gov.uk/guidance/planning-obligations>) which are enforceable by the local planning authority. Planning obligations may be entered into unilaterally by a developer or by agreement between a developer and the local planning authority.

Paragraph: 051 Reference ID: 4-051-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA>)

What are the arrangements for publicising the decision on planning applications involving Environmental Impact Assessment?

The notification and publicity requirements for the Environmental Impact Assessment determination decision are set out in [regulation 30](http://www.legislation.gov.uk/uksi/2017/571/regulation/30/made)
(<http://www.legislation.gov.uk/uksi/2017/571/regulation/30/made>).

View a [flowchart](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/630688/eia-flow3.pdf)
(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/630688/eia-flow3.pdf) (PDF, 50.1 KB, 1 page) illustrating the procedure for announcing a decision involving Environmental Impact Assessment.

Paragraph: 052 Reference ID: 4-052-20170728

Revision date: 28 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA)
(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA>)

How should applications requiring both an environmental impact assessment and assessment under the Habitats Regulations be considered?

Where a development is subject to environmental impact assessment and there is also a requirement to carry out an assessment under [regulation 61 of the Conservation of Habitats and Species Regulations 2010](http://www.legislation.gov.uk/uksi/2010/490/regulation/61/made) (<http://www.legislation.gov.uk/uksi/2010/490/regulation/61/made>) (often referred to as a “Habitats Regulation Assessment”) the local planning authority or the Secretary of State, as the case may be, must where appropriate, ensure that the Habitats Regulation Assessment and the Environmental Impact Assessment are co-ordinated ([regulation 27](http://www.legislation.gov.uk/uksi/2017/571/regulation/27/made)
(<http://www.legislation.gov.uk/uksi/2017/571/regulation/27/made>)).

Paragraph 064 Reference ID: 04-064-20170728

Revision date: 28 07 2017

How should multi-stage consents be considered?

In cases where a consent procedure involves more than one stage (a multi-stage consent), for example, a first stage involving an outline planning permission and a second stage dealing with reserved matters, the effects of a project on the environment should normally be identified and assessed when determining the outline planning permission.

See more information on [multi-stage consents](#).

Paragraph: 053 Reference ID: 4-053-20140306

Revision date: 06 03 2014

Procedures for submitting and evaluating environmental impact assessment applications

[flowchart](#)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/630687/eia-flow2.pdf

P.D.F., 32 KB, 1 page

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Please refer to the [consultation chapter \(https://www.gov.uk/guidance/consultation-and-pre-decision-matters#eia\)](https://www.gov.uk/guidance/consultation-and-pre-decision-matters#eia) for updated guidance in response to the coronavirus (COVID-19) pandemic.

Paragraph: 054 Reference ID: 4-054-20170728

Revision date: 28 07 2017 [See previous version \(http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Procedures-for-submitting-and-evaluating-EIAapp\)](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Procedures-for-submitting-and-evaluating-EIAapp)

Procedure for announcing a decision involving environmental impact assessment

[flowchart](#)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/630688/eia-flow3.pdf

P.D.F., 50.1 KB, 1 page

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Paragraph: 055 Reference ID: 4-055-20170728

Revision date: 28 07 2017 [See previous version \(http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Procedure-for-announcing-an-EIA-decision\)](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#Procedure-for-announcing-an-EIA-decision)

Multi-stage consents

Where a consent procedure involves more than one stage (termed a 'multi-stage consent'), for example, a first stage involving a principal decision (such as an outline planning permission) and the other an implementing decision (such as reserved matters), the likely significant effects of a project on the environment should be identified and assessed at the time of the procedure relating to the principal decision (See reference for a preliminary ruling in *R (on the application of Wells) v Secretary of State for Transport, Local Government and the Regions* (C-201/02) and *Commission v UK* (C-508/03)). However, if those effects are not identified or identifiable at the time of the principle decision, an assessment must be undertaken at the subsequent stage.

Under the Town and Country planning system this could be prior to approval:

- of reserved matters following a grant of outline planning permission;
- of matters required by a condition attached to a full planning permission; or
- by a mineral planning authority or the Secretary of State of details required by conditions determined following a review of a minerals permission (known as a 'ROMP') under [Schedule 2 to the Planning and Compensation Act 1991](#) (<http://www.legislation.gov.uk/ukpga/1991/34/schedule/2>) or [Schedule 13](#) (<http://www.legislation.gov.uk/ukpga/1995/25/schedule/13>) or [Schedule 14](#) (<http://www.legislation.gov.uk/ukpga/1995/25/schedule/14>) to the Environment Act 1995.

An application for approval for the first two examples above is referred to in the 2017 Regulations as a "subsequent application" ([regulation 2\(1\)](#) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/2/made>)). A consent granted in approving a subsequent application is a "subsequent consent. The requirements for screening for Environmental Impact Assessment for "subsequent applications" are set out in [regulation 9](#) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/9/made>) and [regulation 10](#) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/10/made>).

An application to a relevant mineral planning authority to determine the conditions to which a planning permission is to be subject under [Schedule 2 of the Planning and Compensation Act 1991](#) (<http://www.legislation.gov.uk/ukpga/1991/34/schedule/2>) or [Schedule 13](#) (<http://www.legislation.gov.uk/ukpga/1995/25/schedule/13>) or [Schedule 14](#) (<http://www.legislation.gov.uk/ukpga/1995/25/schedule/14>) of the Environment Act 1995 is known as a 'ROMP application'.

A 'ROMP subsequent application' is an application for approval of a matter where the approval is required by a condition to which planning permission has been made subject following the determination of a ROMP application, and which must be determined before all or part of the minerals development may be begun or continued (see [regulation 2\(1\)](#) (<http://www.legislation.gov.uk/uksi/2017/571/regulation/2/made>)). [Part 9](#) (<http://www.legislation.gov.uk/uksi/2017/571/part/9/made>) of the 2017 Regulations makes provision for ROMP applications.

If sufficient information is provided with the application for planning permission, the local planning authority should determine whether an Environmental Impact Assessment undertaken at that stage will take account of all potential environmental effects of the project.

To minimise the possibility that further environmental information is required at a later stage of a multi-stage consent procedure, it is considered that (*R v Rochdale MBC ex parte Tew* [1999] 3 PLR 74 and *R v Rochdale MBC ex parte Milne* [2001 81PCR27]):

- where an application is made for an outline permission with all matters reserved for later approval, the permission should be subject to conditions or other parameters (such as a section 106 agreement) which ‘tie’ the scheme to what has been assessed; and
- while applicants are not precluded from having a degree of flexibility in how a scheme may be developed, each option will need to have been properly assessed and be within the remit of the outline permission.

However, there may be circumstances where an environmental impact assessment will be required even after outline planning permission has been granted (Commission v UK (C-508/03)). This is because it is not possible to eliminate entirely the possibility that it will not become apparent until a later stage that the project is likely to have significant effects on the environment. In that event, account will have to be taken of all the aspects of the project which have not yet been assessed, or which have been identified for the first time as requiring assessment.

Paragraph: 056 Reference ID: 4-056-20170728

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[\(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA>\)](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA)

Annex: Indicative screening thresholds

Thresholds and Criteria for the identification of Schedule 2 development requiring Environmental Impact Assessment and indicative values for determining significant effects

The criteria and thresholds in column 2 represent the ‘exclusion thresholds’ in [Schedule 2](http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made) (<http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made>) of the Regulations, below which Environmental Impact Assessment does not need to be considered (subject to the proposal not being in a [sensitive area](#)). The figures in column 3 are indicative only and are intended to help determine whether significant effects are likely. However, when considering the thresholds, it is important to also consider the location of the proposed development.

In general, the more environmentally sensitive the location, the lower the threshold will be at which significant effects are likely. It follows, therefore, that the thresholds below should only be used in conjunction with the general guidance on [determining whether Environmental Impact Assessment is required](#) and, in particular, the guidance on environmentally [sensitive areas](#). Column 4 illustrates the issues that are most likely to need to be considered for different development types. However, there will be other issues which will be specific to the nature of the environmental receptor. For example, ecological impacts are likely to be an issue for all development which is proposed to be located in a Site of Special Scientific Interest designated for its wildlife value.

Paragraph: 057 Reference ID: 4-057-2070720

Revision date: 20 07 2017 [See previous version](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA)
[\(<http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA>\)](http://webarchive.nationalarchives.gov.uk/20170417111916/https://www.gov.uk/guidance/environmental-impact-assessment#decision-making-subject-to-EIA)

Indicative screening thresholds

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PDF, 598 KB, 14 pages

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Paragraph: 058 Reference ID: 4-058-20150326

Revision date: 26 03 2015 [See previous version](#)

<http://webarchive.nationalarchives.gov.uk/20141202102440/http://planningguidance.planningportal.gov.uk/blog/guidance/environmental-impact-assessment/considering-and-determining-planning-applications-that-have-been-subject-to-an-environmental-impact-assessment/annex/>.

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1. 13 May 2020

Added links to the Consultation and pre-decision matters chapter for updated guidance in response to the coronavirus (COVID-19) pandemic.

2. 13 May 2020

Added links to the Consultation and pre-decision matters chapter for updated guidance in response to the coronavirus (COVID19) pandemic.

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4. 28 July 2017

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5. 6 March 2014

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Related content

- [Environmental impact assessment screening checklist \(/government/publications/environmental-impact-assessment-screening-checklist\)](/government/publications/environmental-impact-assessment-screening-checklist)
- [Assessing environmental impact: guidance \(/guidance/assessing-environmental-impact-guidance\)](/guidance/assessing-environmental-impact-guidance)
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- [EIA Submissions and Decisions - 2021 \(/government/collections/eia-submissions-and-decisions-2021\)](/government/collections/eia-submissions-and-decisions-2021)
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