

# **Transposition of Environmental Impact Assessment Directive through the Town and Country Planning and Infrastructure Planning Regulations**

**Department for Communities and Local Government**

**RPC rating: confirmed as a non-qualifying regulatory provision**

## **Description of proposal**

The proposal will transpose into UK law the requirements of the Directive 2014/52/ and Directive 2011/92/EU ‘on the assessment of the effects of certain public and private projects on the environment’ (usually referred to as the ‘environmental impact assessment’ or ‘EIA’ Directive). Currently the regulations require that where any planning proposals have a significant effect on the environment, the developer must provide an environmental impact assessment to the local planning authorities in order to secure their planning consent. The proposal covers two amendments:

- a) To require developers to provide specific information on the characteristics of the project and the likely effects on the environment, known as screening determinations.
- b) To require developers to provide, at an early stage of consideration by the planning authority, a description of any features of the project or measures which are intended to avoid or prevent adverse effects on the environment.

## **Impacts of proposal**

The IA states that providing information to inform the screening determinations will increase the amount of work undertaken by businesses by around five per cent. The Department estimates this will impose an additional cost on business of £95,200 per annum. However, the Department believe that standardisation of the information requirements will reduce the number of times where additional information will be requested by local planning authorities. By comparison, the early provision of details of the project which will aim to mitigate adverse environmental effects is expected to reduce the number of EIAs required. The Department estimates that the number of applications requiring an EIA will fall by between five per cent and ten per cent. The Department estimates the cost of preparing an EIA to be £50,000 based on estimates provided by the Institute of Environmental Management and Assessment.

The Department expects a reduction in the number of EIAs prepared of between 29 and 58 – resulting in a saving to business of between £1.45 million and £2.9 million per annum. As developers are not usually willing, for confidentiality reasons, to provide figures on how much they spend on preparing an environmental statement, the Department does not have comprehensive data to further verify this estimate.

The IA explains that the amended Regulation does not reflect a new policy or change of policy approach. Rather, it offers clarity and certainty regarding the application of an EU directive. This is, therefore, a non-qualifying regulatory provision that will not score under the business impact target.

### **Quality of submission**

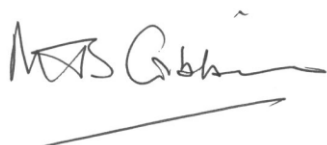
The Department has provided sufficient information for the RPC to confirm that this proposal is a non-qualifying regulatory provision, which does not go beyond the minimum requirements of the Directive. The IA would have benefited from a further explanation as to why the amendments (ie the points of clarification) were necessary. The IA would also benefit from providing further support, even from informal consultation, for its assumptions around the expected reduction in the number of occasions developers will need to provide additional information.

### **Departmental assessment**

Classification	Non-qualifying regulatory provision (EU)
Equivalent annual net direct cost to business (EANDCB)	Not applicable (low cost non-qualifying regulatory provision)

### **RPC assessment**

Classification	Non-qualifying regulatory provision (EU)
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**Michael Gibbons CBE**, Chairman