

England

Country: [United Kingdom](#) [1]

EIA Law: Town and Country Planning Act 1990

Law Link: [Link](#) [2]

EIA Regulations: The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

Regulations Link: [Link](#) [3]

EIA Guidelines or Other Guidance: Guidance: Environmental Impact Assessment (website)

Guidance Link: [Link](#) [4]

Projects Requiring EIA: Government projects
Private Projects

Abridged Assessments: No

Best Practices in Lieu of EIA: No

Who Conducts Screening: Government

Who Conducts Screening Detail: Screening is guided by Schedules 1 & 2 of the EIA Regulations. A project proponent may request a screening opinion or direction, or submit an application with an EIA if it is clear that an EIA is required. EIA Regulations, sec. 5(2), (3)

Criteria for Screening: List or appendix of project or activity types

Proposed project or activity may cause significant environmental impact

Criteria for Screening Detail: For Schedule 1 projects an EIA must always be carried out. For Schedule 2 projects an EIA must be carried out if the development is likely to have a significant impact on the environment by virtue of its nature, size or location. Developments which meet or exceed the applicable threshold are considered on a case-by-case basis. EIA Regulations, sec. 2 (definition of "EIA Development") & Schedules 1-3

Who Prepares EIA: Project Proponent (with or without contractor)

Who Prepares EIA Detail: There is no provision directly stating that the project proponent is responsible for preparing the EIA, however it can be determined through context. "In order to ensure the completeness and quality of the environmental statement—(a) the developer must ensure that the environmental statement is prepared by competent experts" EIA Regulations, sec 18(5)(a)

Who Pays for EIA: Project Proponent

Who Pays for EIA Detail: EIA Regulations, sec 18(5)

EIA Contractor Qualifications: Yes

EIA Contractor Qualification Detail: England's Town & Country Planning Act and Regulations do not specify minimum qualifications for experts preparing an EIA, however, "the developer must ensure that the environmental statement is prepared by competent experts; and (b) the environmental statement must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts." EIA Regulations, sec. 18(5)

Conflict of Interest: No

Conflict of Interest Detail: Although England's EIA law does not contain conflict of interest provisions directed towards the entities that prepare EIA reports, the EIA regulations state: "Where an authority or the Secretary of State has a duty under these Regulations, they must perform that duty in an objective manner and so as not to find themselves in a situation giving rise to a conflict of interest." EIA Regulations, sec. 64(1)

Terms of Reference: Sometimes

Terms of Reference Detail: If a project developer requests a scoping opinion, the opinion will address the "scope and level of detail of information to be provided in the environmental statement." EIA Regulations, sec. 15(1). The public is not involved in this process.

Days for Decision Maker Review: 2-4 months

Automatic Approval: No

Written Decision: Yes

Written Decision Detail: "Where an EIA application is determined by a local planning authority, the authority must promptly—(a) inform the Secretary of State of the decision in writing; (b) inform the consultation bodies of the decision in writing" EIA Regulations, secs. 30(a) and (b)

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: A decision notice must include "any conditions to which the decision is subject which relate to the likely significant environmental effects of the development on the environment[.]" EIA Regulations, sec. 29(2)(i)(bb)

Expiry of Decision: 3 years

Expiry of Decision Detail: Generally, a planning permission is valid for three years. The duration that a permission is valid may be lengthened or shortened by the planning authority. Town and Country Planning Act 1990, Art. 91

Financial Assurances or Bond: No

Interdisciplinary Team: No

Interdisciplinary Team Detail: "[T]he EIA report must be accompanied by a statement from the developer outlining the relevant expertise or qualifications" of the experts who prepared the EIA, but there is no explicit requirement for an interdisciplinary team. EIA Regulations, sec. 18(5)(b)

Range of Alternatives: Yes

Range of Alternatives Detail: "An environmental statement is a statement which includes at least . . . a description of the reasonable alternatives studied by the developer, which are relevant to the development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment" EIA Regulations, sec. 18(3)(d)

No Action Alternative: No

Type(s) of Impact Analysis: Direct environmental impacts
Cumulative environmental impacts
Cultural impacts
Health impacts
Economic impacts

Mitigation: Yes

Mitigation Detail: An EIA statement includes a description of "measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment[.]" EIA Regulations, sec. 18(c); see also Schedule 4, para. 8

Monitoring Plans: No

Monitoring Plans Detail: Monitoring plans are not required content for EIA statements. It is up to the discretion of the project proponent and/or planning authorities. See EIA Regulations, Schedule 4(7); secs.26, 29

Public Notice of Draft EIA: No

Draft EIA Available: No

Draft EIA Available Detail: Drafts EIAs are not available for public input.

Draft EIA Locations: Not available

Public Notice of Final EIA: Yes

Public Notice of Final EIA Detail: The project developer must publish notice in a local newspaper informing the public that the planning application, any accompanying plan and other documents, and a copy of the environmental statement may be inspected by the public. EIA Regulations, sec. 20(2)(d)

Final EIA Available: Yes

Final EIA Available Detail: EIA Regulations, sec. 20(2)

Final EIA Locations: Internet
Other

Fee to View EIA Documents: No

Fee to Obtain EIA Documents: Yes

Availability of Reference Studies: No

Availability of Reference Studies Detail: An EIA must include a reference list of sources (See Schedule 4, para. 10), but there is no requirement for these sources to be disclosed in full.

Public Notice of Final Decision: Yes

Public Notice of Final Decision Detail: "Where an EIA application is determined by a local planning authority, the authority must promptly . . . inform the public of the decision, by local advertisement, or by such other means as are reasonable in the circumstances." EIA Regulations, sec. 30(c)

Public Scoping: No

Public Scoping Detail: Scoping occurs among government entities, not with the public. See EIA Regulations, sec. 15(4)

Public Review of TOR: No

Public Review of TOR Detail: If a project developer requests a scoping opinion, the opinion will address the "scope and level of detail of information to be provided in the environmental statement." EIA Regulations, sec. 15(1). The public is not involved in this process.

Public Participation Opportunities: Public Meetings and/or public hearings
Review of final EIA

Public Meetings: Sometimes

Public Meetings Detail: The Town & Country Planning Act and subsidiary regulations are not clear on the criteria for holding public meetings concerning proposed development activities. The EU EIA Directive, Art. 6(5)(as amended) gives Member States discretion in this regard: "The detailed arrangements for informing the public, for

example by bill posting within a certain radius or publication in local newspapers, and for consulting the public concerned, for example by written submissions or by way of a public inquiry, shall be determined by the Member States."

Public Input at Meeting: Yes

Public Input at Meeting Detail: It is presumed that if a public meeting is held, the public may make submissions. There are no regulations specifically addressing this issue, however.

Criteria to Hold Public Meeting: Ministry or agency has discretion to decide whether to hold a meeting and/or hearing

Days for Public to Review Final EIA: 30 days

Public Comments on Draft EIA: No

Public Comments on Final EIA: Yes

Public Comments on Final EIA Detail: "[A]ny person wishing to make representations about the application should make them in writing, before the latest date named in accordance with sub-paragraph (e) or (f), to the relevant planning authority or (in the case of an application made or referred to the Secretary of State, or of an appeal) to the Secretary of State." EIA Regulations, sec. 20(2)(j)

Response to Public Comments: Yes

Response to Public Comments Detail: "Where an EIA application is determined by a local planning authority, the authority must promptly . . . make available . . . a statement containing . . . a summary of the results of the consultations undertaken, and information gathered, in respect of the application and how those results (in particular, in circumstances where regulation 58 applies, the comments received from an EEA State pursuant to consultation under that regulation) have been incorporated or otherwise addressed." EIA Regulations, sec. 30(1)(d)(iii); see also Town & Country Planning Act, Art. 71.

Facilitation of Public Participation: No

Citizen Administrative Review: No

Citizen Administrative Review Detail: Application is made directly to the High Court. Town and Country Planning Act 1990, Art. 288

Citizen Judicial Review: Yes

Citizen Judicial Review Detail: Application is made directly to the High Court. Town and Country Planning Act 1990, Art. 288

Project Monitoring: No

Enforceability of EIA: No

Enforceability of Permit: No

Modified: October 25th, 2019

Source URL: <https://elaw.org/eialaw/england-and-wales>

Links

[1] <https://elaw.org/countries-and-regions/united-kingdom>

[2] <http://www.legislation.gov.uk/ukpga/1990/8/contents>

[3] http://www.legislation.gov.uk/uksi/2017/571/pdfs/uksi_20170571_en.pdf

[4] <https://www.gov.uk/guidance/environmental-impact-assessment>