

Environmental Impact Assessment for Waterway Restoration Projects

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- What is Environmental Impact Assessment (EIA)
- Regulations/legislation covering EIA
- When EIA is required
- The EIA process



What is EIA?

Environmental Impact Assessment (EIA) is a process of evaluating the likely environmental impacts of a proposed project or development, taking into account inter-related socio-economic, cultural and human-health impacts, both beneficial and adverse.

If the likely effects are unacceptable, design measures or other relevant mitigation measures can be taken to reduce or avoid those effects.



The Aim of EIA

The aim of EIA is to protect the environment by ensuring that when a local planning authority (LPA) decides whether to grant planning permission for a project with likely potential for significant environmental impact, they do so in the full knowledge of the likely significant effects, and take this into account in the decision making process.

The aim of EIA is also to ensure that the public are given early and effective opportunities to participate in the decision making procedures.

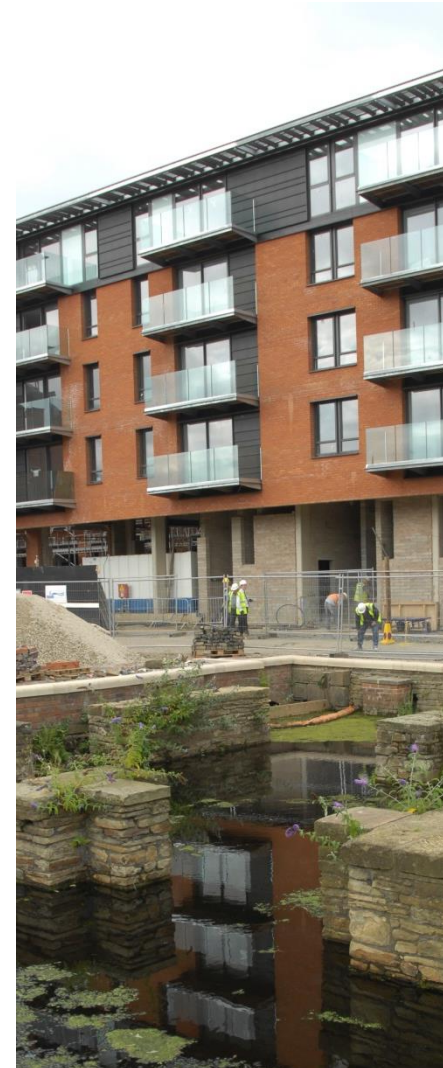


The Regulations

Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)

These regulations apply the EU directive “on the assessment of the effects of certain public and private projects on the environment” to the planning system in England.

The regulations set out a procedure for identifying those projects which should be subject to an EIA, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.



When EIA Applies

- EIA only applies to projects which are likely to have **significant effects** on the environment.
- If EIA is required the scope of the assessment should be restricted to those aspects of the environment that are likely to be significantly affected – not all aspects.
- In some cases projects that do not require planning permission may still require EIA.



When EIA Applies

The legislation includes two schedules. Projects listed in Schedule 1 of the legislation always require an EIA, whereas projects listed in Schedule 2 only require EIA if the development is likely to give rise to significant impacts.

Restoration projects are unlikely to qualify under Schedule 1 due to the volume of water involved:

- Groundwater abstraction/artificial groundwater recharge schemes with a volume >10 million m^3 ;
- Transfer of water resources between river basins where the transfer aims at preventing possible shortages of water and where the volume >10 million m^3 /year;
- Dams and other installations designed for the holding back or permanent storage of water, where water held back >10 million m^3 .

When EIA Applies

Statutory EIA is applicable to waterways projects under Schedule 2 where the **‘area of works exceeds 1 hectare’**:

- Inland-waterway construction, canalisation and flood-relief works.
- Dams and other installations designed to hold water or store it on a long-term basis.
- Groundwater abstraction and artificial groundwater recharge schemes.
- Works for the transfer of water resources between river basins.



When EIA Applies

The Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999 apply to improvement works to land drainage infrastructure undertaken by land drainage bodies, including the Environment Agency. Such works are permitted development and therefore not subject to the Town and Country Planning EIA requirements.

Drainage bodies must determine whether improvement works are likely to have significant effects on the environment.

Where improvement works are likely to have significant effects on the environment, the drainage body must publicise their intention to prepare an environmental statement, notify specified consultation bodies and prepare the statement.

The EIA Process

Screening

- Determine if the development requires an EIA.
- Contact the LPA for an opinion on whether EIA is needed. This is optional but recommended. The LPA must provide a written statement of its decision and reasoning within 3 weeks.

Scoping

- Determine the extent of the issues to be considered in the assessment and ensure only relevant issues are considered.
- Obtain a formal opinion from the LPA on what to include. The LPA has 5 weeks to reply.

Environmental Assessment

- Undertake EIA for potentially significant issues. Likely to include ecology, water, heritage, landscape, socio-economic etc. and mitigation measures.
- The process and conclusions are documented in the Environmental Statement.

The EIA Process

Submit the application

- Send the ES to the LPA for review.
- They will make the ES available to the public and other consultees.

Consultation

- The statutory consultees and the public have the opportunity to give their views about the proposal.
- The LPA takes the responses into account when making their decision.

Decision Making

- The LPA determines the application within 16 weeks.
- The public is informed of the decision and the main reasons for it.

Implementation & Monitoring

- The commitments made in the EIA (e.g. mitigation measures) must be honoured by monitoring the project during construction and operation.
- Implementation is usually achieved through the enforcement of planning conditions and legal agreements.

Conclusion

- The EIA process identifies potential constraints and opportunities early on and results in fewer issues at later stages in the project.
- The benefits of EIA in terms of reduced impact and financial savings are such that, for some projects, it is advantageous to undertake EIA on a **non-statutory basis**.
- Bear in mind that the LPA may not be familiar with waterway restoration projects. Early engagement with the LPA and providing examples of other similar restoration schemes helps them to understand the project plans.



Thank you



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