

MASTERCLASS IN SCREENING, SCOPING AND ENVIRONMENTAL STATEMENT REVIEW

Incorporating the 2017 Environmental
Impact Assessment Regulations

Tuesday 7 and Wednesday 8 April 2020



A linked two-day masterclass from the School of the Built Environment
at Oxford Brookes University Headington Campus Oxford OX3 0BP
Essential for local authority planners, industry, regulators, decision makers,
planning consultants, developers and their agents

MASTERCLASS IN SCREENING, SCOPING AND ENVIRONMENTAL STATEMENT REVIEW INCORPORATING THE 2017 ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS

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Preamble

Planning attempts to mediate between conflicting interest in the use and development of land. Environmental Impact Assessment (EIA), which is a key tool to aid decision making, takes place within a complex land use planning decision making process. In England, the planning system is defined by:

- **Legislation** (including Town and County Planning (TCP) Act 1990, Planning Act 2008, Localism Act 2011)
- **Regulation and Orders** (including The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 2017/571) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (SI 2017/572)
- **Judicial Precedence**
- **National Policy and Advice** (eg National Planning Policy Framework (NPPF), New Planning Practice Guidance, EIA Guidance)
- **Appeal Precedence** (eg material considerations, the need for EIA and role of the ES)

The current TCP EIA Regulations came into force on 16 May 2017 transposing changes made to EU Directive 2011/92/EU ("the EIA Directive") by EU Directive 2014/52/EU. As a result the Regulations operate very differently to how they did prior to 2011. The process of their revision and interpretation will continue with new Planning Practice Guidance yet to be issued. The Planning Act (2008) is also shaping practice in the assessment of the environmental impact of Nationally Significant Infrastructure Projects (NSIPs).

The amendments to the EIA Directive aim to: simplify the rules for assessing the potential effects of projects on the environment in line with the drive for smarter regulation; to lighten unnecessary administrative burdens; and to improve the level of environmental protection, with a view to making business decisions on public and private investments more sound, predictable and sustainable in the longer term.

The most significant changes introduced by the amending Directive are:

- The introduction of **joint and/or co-ordinated procedures** for projects which are subject to assessment under Directive 92/43/EEC ("the Habitats Directive") or under Directive 2009/147/EC ("the Wild Birds Directive") and the EIA Directive. (TCP Regulation 27 and 26 in IP) .
- **Determining the scope** – the changes refer to the Environmental Statement (ES) being "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 that opinion or direction)". To the list of environmental factors to be considered as part of the EIA process. The term 'human being' has been replaced by the term 'population and human health'; the term 'fauna and flora' has been replaced by 'biodiversity' and there is a new requirement to consider, where relevant, the effects on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters.
- **A new requirement to use competent experts** the developer must ensure that their environmental statement is prepared by competent experts, while the consenting authority must ensure that it has, or has access as necessary to, sufficient expertise to examine the environmental statement.
- **Reasonable Alternatives** – a description of the reasonable alternatives (for example in terms of development, design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.
- **Cumulative effects** – the requirement for considering cumulative schemes has been restricted to 'cumulation with other existing development and/or approved development'. This omits the previous requirement to assess schemes that are

'reasonably foreseeable' (eg were allocated for future development).

- **Up-to-date reasoned conclusion** – the changes state that a competent authority's reasoned conclusion on the significant impacts of a proposal needs to be "up-to-date" (ie based on current information) at the time a final decision is taken.
- **The decision to grant development consent should also now include, where appropriate, monitoring measures.** It is considered that implementation of this measure is achieved by the general framework of the planning system. Any aspects of, or conditions imposed on, a planning permission must be implemented in line with the terms of the planning permission. A developer who failed to do this would be in breach of their permission and subject to potential enforcement action. See the Town and Country Planning Act 1990 and particularly Part III -Control over development and Part VII – Enforcement.

Research at Oxford Brookes University suggests that the full complexity of the operation of the EIA process is still not fully understood by local authorities and planning and environmental consultancies. Yet, because of the broad scope of the Regulations, EIA has become a mainstream planning activity that every planner needs to have an in-depth knowledge of.

This two day masterclass aims to develop the skills and knowledge necessary to correctly implement the key areas of the EIA process and to provide practitioners with confidence in their ability to avoid the many legal pitfalls that exist.

The course will concentrate on the following key aspects of the EIA process and procedures:

- Screening,
- Scoping and
- Environmental Statement (ES) review.

Through workshop sessions to develop skills in these key areas, the course will provide delegates with hands on experience of the procedures. The course will also draw on the School of the Built Environment's extensive research into EIA and the operation of the EIA Directive and the UK Regulations.

Programme

DAY 1: SCREENING AND SCOPING

- 09.30 Registration and coffee
- 10.00 Introduction to the day
- 10.20 An overview of EIA:**
 - origins, definition
 - EU context, key concepts, UK context
 - EIA Regulations(England)
- 11.15 Break
- 11.30 Introduction to screening**
- 11.40 Screening workshop
- 12.40 Presentations from teams
- 13.00 Lunch
- 13.45 Introduction to scoping**
- 14.00 Scoping workshop (with tea/coffee available at 15.00)
- 15.30 Presentations from teams
- 16.00 Review of the day
- 16.30 CLOSE

Optional evening activity – dinner at local restaurant with course speakers and fellow delegates (**please note** – the cost of this is not included in course fee)

DAY 2: ENVIRONMENTAL STATEMENT REVIEW

- 09.30 Registration and coffee
- 10.00 Introduction to the day
- 10.15 Overview of HRA
- 10.45 Break
- 11.00 Introduction to ES Review**
- 11.30 ES review workshop – Stage 1
- 13.00 Lunch
- 13.30 ES review workshop – Stage 2 (with tea/coffee available at 14.15)
- 14.45 Presentations from teams and discussion
- 15.15 Review of the day
- 15.30 CLOSE

CPD – this course may be put forward under professional schemes as contributing upto eleven hours' towards CPD.

“Excellent course content and inter-active learning which was relevant to day to day working”

Speakers/Workshop Facilitators



Dr Bridget Durning is a Senior Lecturer in the School of the Built Environment and Director of the IAU (impacts appraisal research group). Bridget is a lecturer in environmental assessment and management at both undergraduate and postgraduate levels and is also a regular speaker/facilitator on a number of CPD short courses run by the School.

Bridget's background is in earth science and land development. She was awarded her PhD by the University of Exeter in 1990 and then spent ten years working in environmental consultancy and in local government as a specialist environmental adviser to planning authorities; she joined the School of the Built Environment at Oxford Brookes in 2000. Bridget's current research interests are in: environmental assessment and management – their relation, interconnection and the tools, policies and procedures to support the connection; the interaction between science and policy, particularly earth sciences and development policy and implementation; skills and knowledge development in land professionals. She has authored/co-authored over thirty-five academic journal papers, conference papers, book chapters and reports. Her book (co-edited with Anastassios Perdicoulis and Lisa Palframan) *Furthering Environmental Impact Assessment: towards a seamless connection between EIA and EMS* was published by Edward Elgar (Cheltenham) in 2012.



Professor Martin Broderick FIEMA is a Visiting Professor, with the Impacts Assessment Unit (IAU), Oxford Brookes University. He is also an Examining Inspector at the National Infrastructure Directorate of the Planning Inspectorate (PINS).

Martin is co-author of 'Guiding Principles for Cumulative Effects Assessment of Offshore Wind-farms' published by Renewable UK and 'Noise in EIA' guidelines published by Institute of Environmental Management and Assessment (IEMA) and the Institute of Acoustics (IOA).

Recent publications include:

Durning, B and Broderick, M . Development of cumulative impact assessment guidelines for offshore wind farms and evaluation of use in project making. *Impact Assessment and Project Appraisal* (IAPA) (July 2018)

Broderick, M., Durning, B., and Sanchez, L., 2018. Chapter 19: Cumulative Effects. In Therivel R, Wood G, editors. *Methods of Environmental and Social Impact Assessment*. 4th ed. New York: Routledge; p. 649-677.

Durning, B, Broderick, M., 2018. Chapter 20: Environmental and Social Management Plans. In Therivel R, Wood G, editors. *Methods of Environmental and Social Impact Assessment*. 4th ed. New York: Routledge; p. 678-703.

THREE WAYS TO BOOK

Post the completed booking form to:

CPD Coordinator, School of the Built Environment, Oxford Brookes University,
Headington Campus, Oxford OX3 0BP

Online Shop for Credit/Debit Card payments:

<https://shop.brookes.ac.uk/short-courses>

Scan and email the completed booking form to khughes@brookes.ac.uk

Telephone +44 (0) 1865 483560 to provisionally reserve a place

Please book by Thursday 26 March 2020



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Please reserve me a place on this masterclass (this is a two day linked masterclass that is possible to attend on individual days). Please tick box and specify date/s required).

Day 1 Tuesday 7 September 2020 Screening and Scoping

Day 2 Wednesday 8 September 2020 ES Review

The fee (including light lunch and refreshments, course notes and other materials) will be: £250 for one day or £460 for both days

Title First name

Surname

Address

..... Postcode

Day-time telephone Fax

Email address

Organisation

Occupation

Level of EIA Experience 0-3 yrs* 3-7 yrs 7-10 yrs >10 yrs

EIA experience by Sector Residential/commercial Energy Minerals

Oil & Gas Transport Water Waste NSIP TCPA

What professional body are you a member of?

Special dietary/mobility requirements.....

.....

Please tick box if you require a CPD certificate

**PLEASE NOTE: If you have less than 3 years experience in EIA we strongly advise you attend our basic Introductory course 'Introduction to EIA' before attending this masterclass.*

Payment details on back of this form



Payment Details

For debit and credit card payments please go to the Oxford Brookes University Online shop:
<https://shop.brookes.ac.uk/short-courses>

For other methods of payment please see below:

- Please find cheque enclosed** (payable to Oxford Brookes University)
- Please invoice** (for applicants being funded by their employer)

Name

Address

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Your Purchase order no

Please send this form with either:

- i) your purchase order; or
- ii) written authorisation from your sponsor

Please provide a VAT No. with either of the above

Applicant's signature

Please tick box if receipt is required

For further details please contact:

Karen Hughes, CPD Coordinator
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Headington Campus, Oxford, OX3 0BP
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Email: khughes@brookes.ac.uk

A full refund will be given for cancellations received in writing at least 1 week prior to the course.
No refunds will be made for cancellations received less than 1 week prior to the course.
Non-arrivals will be charged the full fee.
A substitute delegate is welcome at no extra charge.
Oxford Brookes University reserves the right to alter the programme without notice.