



PRACTICE NOTE 4

A BRIEF GUIDE TO DEVELOPMENT REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT

This note is intended to provide an overview of the Environmental Impact Assessment process to assist the understanding of applicants, agents and other members of the public. This note replaces 'Guidance Note 4: Development Requiring Environmental Impact Assessment' previously published by the Environment Department.

What is an Environment Impact Assessment?

An Environmental Impact Assessment (or EIA) is a detailed assessment of the environmental effects of a development and how such effects can be identified and measured.

Since April 2009, it has been a legal requirement in Guernsey for certain types of development project to undergo EIA before decisions are made on whether consent should be given. In addition to informing decision-making, clear detailing of the likely environmental impacts of a proposal enables early consideration of ways to minimise impacts so that these can be designed into the scheme.

An Environmental Statement (ES) is the document produced to present the findings and conclusions of the EIA and is submitted to accompany a planning application for certain types of development (see below).

EIA and preparation of the ES is the responsibility of the applicant. Pre-application advice will be provided by the Department on whether EIA will be required (a process known as 'Screening') and if so, what matters will need to be addressed by the EIA (known as 'Scoping').

When is an EIA required?

An EIA **MUST** be carried out where:

- Development is on States owned/occupied land and the States has resolved that an EIA is required, or;
- Development falls within Schedule 1 of the EIA Ordinance.

Summary of Schedule 1

- Disposal or processing of waste (landfill, hazardous, incineration, energy from waste) excluding small-scale recycling/sorting;
- Reservoirs, waste water plants, sewage treatment plants;
- Sludge deposition;
- Mineral extraction (quarrying, mining, drilling, marine dredging);
- Reclamation of land from the sea;
- Non-domestic energy production (marine power, wind power) excluding wind power with no more than 1 turbine;
- Agriculture water management (irrigation, land drainage, reservoirs);
- Scrap metal/vehicle storage;
- Golf courses, and;
- Airport runways

(Reference: Schedule 1, EIA Ordinance 2007)

An EIA **MAY** be required, subject to screening by the Department to ascertain whether a significant environmental effect is likely to occur, where:

- Development would be on or would affect a Site of Special Significance (section 40(5) of the Land Planning and Development (Guernsey) Law, 2005), or;
- Development would relate to or affect trees or land subject of a Tree Protection Order (section 44(3) of the Land Planning and Development (Guernsey) Law, 2005), or;
- Where development falls within Schedule 2 of the EIA Ordinance.

Summary of Schedule 2:

- Any development project (not in Schedule 1) exceeding an area of 1 hectare (including business parks, industrial estates, retail or leisure);
- Construction of roads, harbours, port installations;
- New/reconstruction of coastal/sea defences;
- Infrastructure projects (not in Schedule 1 or elsewhere in Schedule 2) of Island wide significance;
- Project on or effecting a Ramsar site;
- Agriculture waste management project;
- Animal slaughter installation;
- Natural gas storage installation of >1000 kilograms;
- Petroleum/petrochemicals/hazardous chemicals storage installation of >10,000 litres capacity, and;
- Any change or extension to Schedule 1 or 2 development, where permission has been given, and the change/extension may have significant adverse environmental effects.

(Reference: Schedule 2, EIA Ordinance 2007)

When is an EIA not required?

EIA will not normally be required for the above types of development in the following circumstances:

- *Precluded development*: the Department considers the development would be contrary to the Development Plan Policies and the application would therefore have to be refused;
- *Minor development*: the Department has determined that the development is of so minor a nature as to have no significant adverse effect on the environment, and has confirmed this in writing, or;
- *Development unlikely to have significant environmental effects*: the Department has issued a Screening Opinion that the development is unlikely to have significant environmental effects and therefore no EIA is required.

How do I find out whether a project would need EIA?

The options below and as shown in the attached charts 'Determining Whether a Project needs Environmental Impact Assessment' look at three different routes for planning applications involving EIA development and what will occur in each case:

Option A: The applicant thinks an EIA is required

The Department would encourage applicants who think their project requires EIA to book a pre-application meeting to discuss whether the proposal is EIA development and to confirm that the proposed development is not contrary to planning policy. Provisional advice can also be given at this stage by the Department on

the matters that should be addressed in the EIA.

The applicant can then volunteer to undertake an EIA for the proposal and submit a draft ES with the planning application. The Department will consider the adequacy of the draft ES and if necessary issue a Scoping Opinion specifying additional matters that need to be addressed.

Option B: The applicant is not sure whether the project needs EIA

If there is degree of uncertainty over whether an EIA is required, before committing to the costs involved in an application the applicant may apply in writing to the Environment Department for a formal pre-application Screening Opinion.

The Department should provide a Screening Opinion to the applicant within 28 days of the request being made valid. However, the Department can request additional information from the applicant as necessary to issue a Screening Opinion and can consult with any other body during the Screening process if deemed appropriate. If the Department finds that a Screening Opinion cannot be provided within 28 days, for example due to awaiting a consultation response on the project, the applicant's agreement for additional time may be sought in writing.

Option C: The applicant thinks that an EIA is not needed OR the applicant prefers to undertake EIA based on the Department's Scoping Opinion

If the applicant does not think their project requires an EIA or wishes the Department to Scope the application first so they may use the Scoping Opinion as the basis for undertaking the EIA work, a planning application can be submitted to the Department without a draft ES and without making a request for a Screening Opinion.

In such cases, the Department will have to Screen and Scope the application within 28 days of a valid planning application being made. Once a Screening Opinion has been issued, where appropriate, the Department will proceed to Scope the application and issue a Scoping Opinion identifying key issues to be addressed by the EIA. The Department is required by law to consult with any States Department promoting/supporting the project and with any States Department responsible for the requirements of any legislation applicable to the development and referred to within the Scoping Opinion. The Department may consult with any other department or body as appropriate. If a Screening and Scoping Opinion cannot be provided within 28 days, the applicant's written agreement for additional time can be sought.

In order to save time, the Department would advise an applicant choosing this route to provide as much information as possible about the project, the proposed site and the impacts that the project might give rise to.

What are the next steps?

If you are considering a development proposal which requires or may require an EIA, the Department would encourage you to book a pre-application meeting to discuss your proposal and how to proceed.

If it is apparent to the Department that an EIA is required, provisional advice can be given on request as

to what matters an EIA may need to address. This advice is without prejudice to the Department's formal Scoping Opinion, and without prejudice to the outcome of any planning application.

How do the public have their say about EIA Planning Applications?

Once a valid application relating to EIA development is submitted, the documents will be available for public inspection at the Environment Department reception, Sir Charles Frossard House. You may support or object to an EIA application by writing to the Department in the same way as for normal planning applications.

The Department recommends that any observations or comments you have on the application are submitted after the Scoping process is complete and the Environmental Statement is considered duly made and has been formally advertised.

In some cases, the Department may place an advert in the local media to inform the public of receipt of such applications and explain the steps in the process including when and how people can have their say.

For further details on making a valid representation, please see Planning Practice Note 8: Supporting or Objecting to a Planning Application, available on www.gov.gg/planning.

Relevant legislation

- The Land Planning and Development (Guernsey) Law, 2005.
- The Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007 ("EIA Ordinance").
- The Land Planning and Development (General Provisions) Ordinance, 2007.

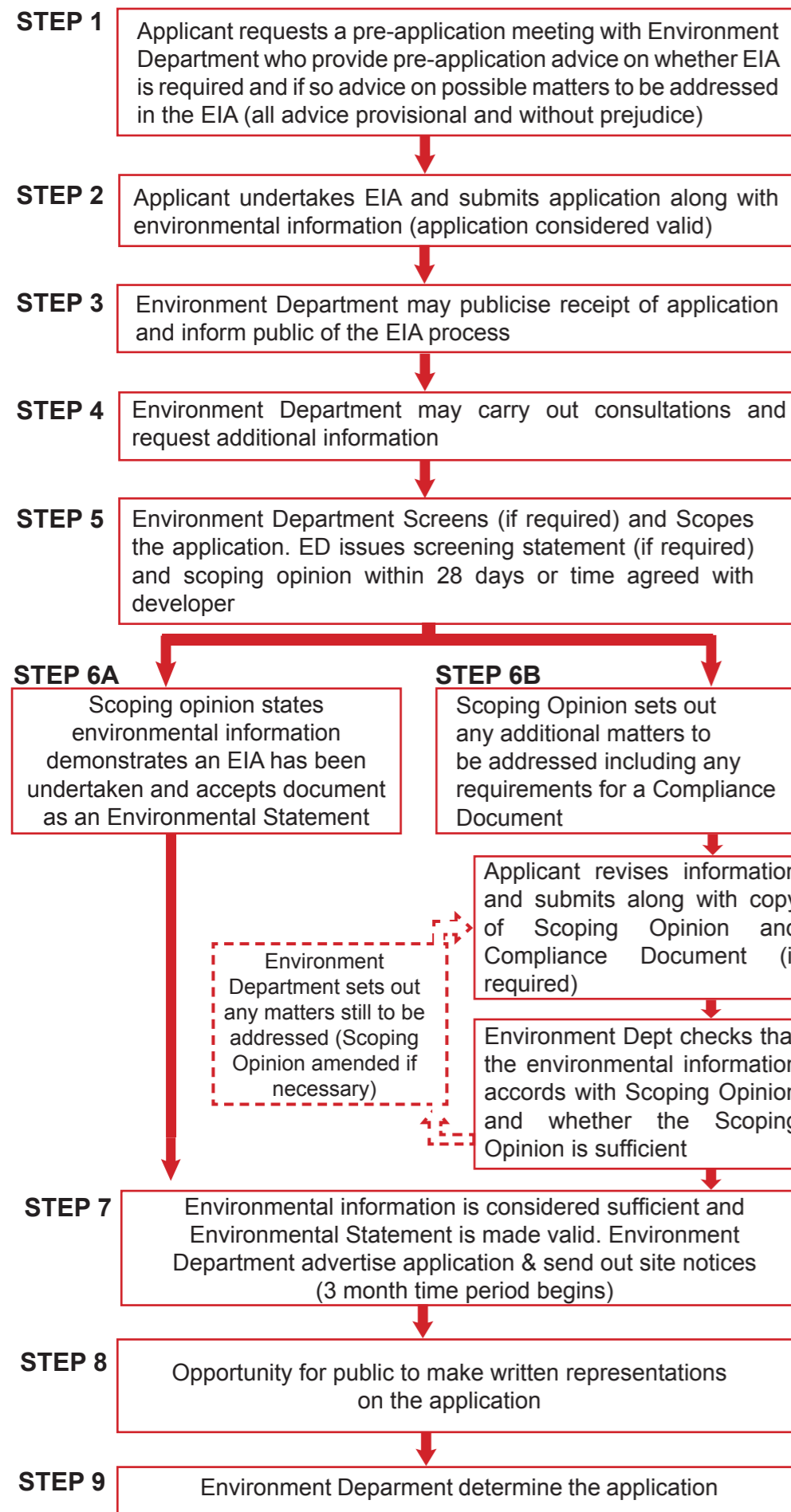
Contact Us for further information or advice at:
Environment Department
Sir Charles Frossard House
St Peter Port
GY1 1FH
Telephone 01481 717200 E-mail planning@gov.gg

Have you visited our website?
Go to www.gov.gg/planning for additional guidance material and other planning information, or to book a pre-application discussion

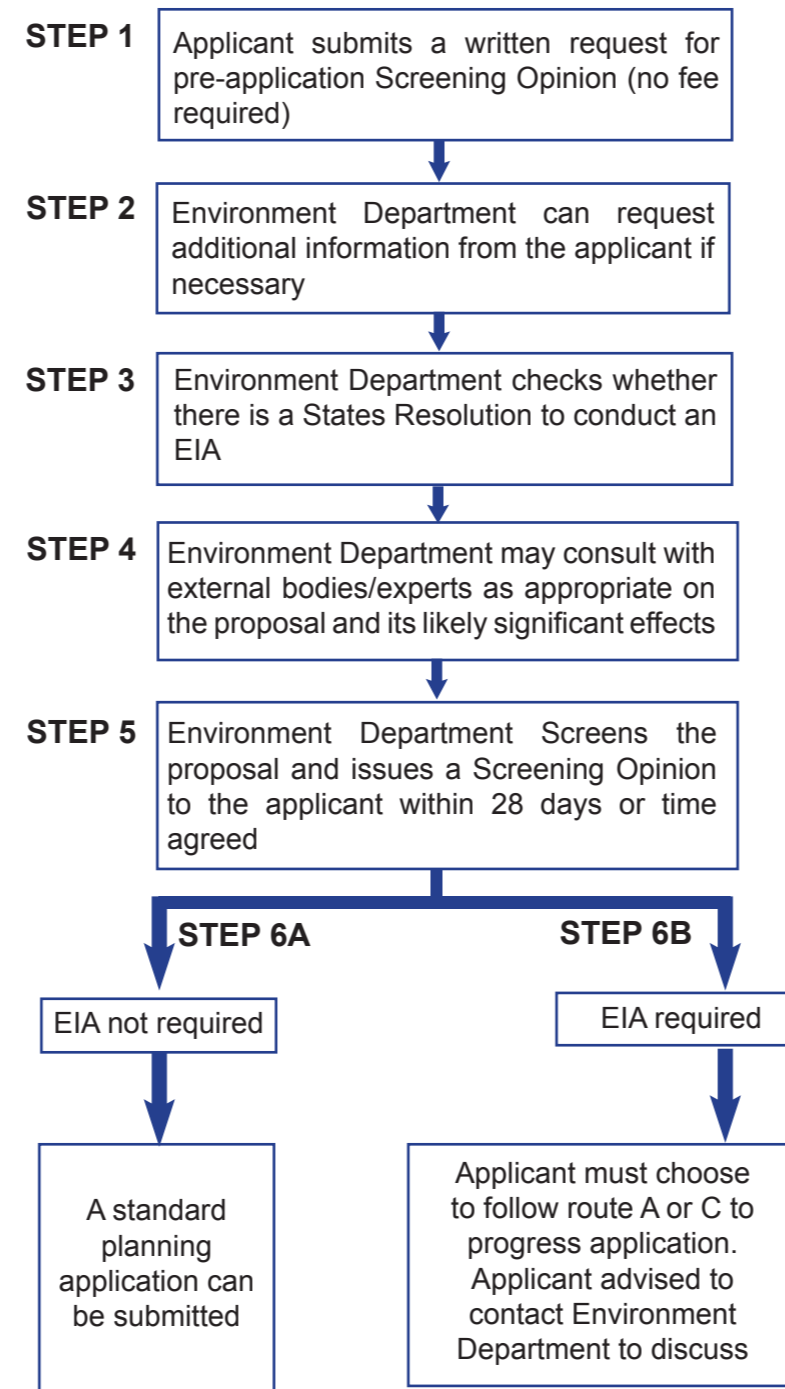
This note is issued by the Department to assist understanding of the provisions of the new planning legislation. It represents the Department's interpretation of certain provisions of the legislation and is not intended to be exhaustive or a substitute for the full text of the legislation copies of which are available from the Greffe. Electronic copies are also available at www.guernseylegalresources.gg. Substantive queries concerning the legislation should be addressed to the Department by telephone on 717200. The Department does not accept any liability for loss or expense arising out of the provision of, or reliance on, any advice given. You are recommended to seek advice from an independent professional advisor where appropriate.

DETERMINING WHETHER A PROJECT NEEDS ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

Option A: Applicant thinks an EIA is required



Option B: Applicant is not sure whether an EIA is required



Option C: Applicant thinks an EIA is not needed OR Applicant prefers to undertake EIA based on the Department's Scoping Opinion

