

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 – Compliance Check

Relevant Provision	Compliance Check
Regulation 18	
(1) Subject to regulation 9, an EIA application must be accompanied by an environmental statement for the purposes of these Regulations	For the reasons set out in section 1.2 of the main text, this ES has been submitted on a voluntary basis – thereby obviating the need for NLC to adopt an EIA screening opinion.
(2) A subsequent application is to be taken to be accompanied by an environmental statement for the purpose of paragraph (1) where the application for planning permission to which it relates was accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations, but this is subject to regulation 9.	This requirement does not apply in this case.
(3) An environmental statement is a statement which includes at least –	
(a) a description of the development comprising information on site, design, size and other relevant features of the development;	Sections 2 and 3 of this ES and the accompanying figures and drawings describe the development as required in Regulation 18(5)(3)(a).
(b) a description of the likely significant effects of the proposed development on the environment	Section 1 of this ES describes how the EIA has been scoped and the individual assessments are summarised in ES sections 5 to 14 and presented in full in the ES appendices where appropriate.
(c) a description of any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment	Section 3 of this ES describes the mitigation embedded in the scheme design and operation and the individual assessments summarised in ES sections 5 to 14 describe if any further mitigation is proposed.
(d) a description of the reasonable alternatives studied by the developer, which are relevant to the proposed 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	Section 4 of this ES describes the alternatives to the proposed development as considered reasonable by the applicant.

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the environment	
(e) a non-technical summary of the information referred to in subparagraphs (a) to (d); and	A non-technical summary of the ES is included.
(f) any additional information specified in Schedule 4 relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected.	See below.
(4) An environmental statement must –	
(a) where a scoping opinion or direction has been issued in accordance with regulation 15 or 16, be 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 the opinion or direction);	This requirement does not apply since NLC has not adopted an EIA scoping opinion in relation to the development now proposed.
(b) include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment; and	This ES includes the information reasonably required for reaching a reasoned conclusion on the likely significant effects of the proposed development – mainly in the form of ES sections 5 to 14, the accompanying figures and drawings and the ES appendices.
(c) be prepared taking into account the results of any relevant UK environmental assessment, which are reasonably available to the person preparing the environmental statement, with a view to avoiding duplication of assessment.	This ES incorporates the parts of the EIA carried out in relation to preceding planning application number MIN/2016/1823 and therefore complies with Regulation 18(4)(c).
Schedule 4 – Information for Inclusion in Environmental Statements	
(1) A description of the development including in particular:	

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<p>(a) a description of the location of the development;</p>	<p>Section 2 of this ES and the accompanying figures and drawings describe the location of the development as required in paragraph 1(a) of Schedule 4.</p>
<p>(b) a description of the physical characteristics of the whole development, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases;</p>	<p>Section 3 of this ES and the accompanying figures and drawings describe the physical characteristics of the development where appropriate and as required in paragraph 1(b) of Schedule 4.</p>
<p>(c) a description of the main characteristics of the operational phase of the development (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;</p>	<p>Sections 3 and 5 to 14 of this ES and the accompanying figures and drawings describe the main characteristics of the development where appropriate and as required in paragraph 1(c) of Schedule 4.</p>
<p>(d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil, and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases.</p>	<p>Sections 3 and 5 to 14 of this ES and the accompanying figures and drawings describe the expected residues and emissions where appropriate and as required in paragraph 1(c) of Schedule 4.</p>
<p>(2) 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.</p>	<p>Section 4 of this ES describes the relevant alternatives considered by Sibelco and gives the reasons for the choices made, including environmental effects – as required in paragraph 3 of Schedule 4.</p>
<p>(3) A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of availability of environmental information and scientific knowledge.</p>	<p>Sections 5 to 14 of this ES describe baseline environmental conditions and consider the potential for change in the absence of the proposed development, where appropriate – as required in paragraph 4 of Schedule 4.</p>
<p>(4) A description of the factors specified in Regulation 4 (2) likely to be</p>	<p>Section 1 of this ES describes how the EIA has been scoped and the</p>

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<p>significantly affected by the development: population, human health, biodiversity (for example flora and fauna), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural aspects and landscape.</p>	<p>individual assessments are summarised in ES sections 5 to 14 and presented in full in the ES appendices where appropriate. All other factors referred to in Regulation 4(2) are considered to be ones which are unlikely to be significantly affected by the development.</p>
<p>(5) A description of the likely significant effects of the development on the environment resulting from, inter alia:</p>	
<p>(a) The construction and existence of the development, including, where relevant, demolition works;</p>	<p>Sections 5 to 14 of this ES assess the potential for significant effects arising from the development. While assessment is made of the effects of the site establishment works (i.e. construction) where relevant, no assessment is made of demolition works as none are involved in this case.</p>
<p>(b) The use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;</p>	<p>Sections 5 to 14 of this ES consider the use of natural resources where relevant – as required in paragraph 5(b) of Schedule 4. All other factors referred to in paragraph 5(b) are considered to be ones which are unlikely to be significantly affected by the development.</p>
<p>(c) The emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;</p>	<p>Sections 5 to 14 of this ES consider emissions where relevant – as required in paragraph 5(c) of Schedule 4. All other factors referred to in paragraph 5(c) are considered to be ones which are unlikely to be significantly affected by the development.</p>
<p>(d) The risks to human health, cultural heritage or the environment (for example due to accidents or disasters);</p>	<p>Sections 5 to 14 of this ES consider the risks listed in paragraph 5. All other factors referred to in paragraph 5(d) are considered to be ones which are unlikely to be significantly affected by the development.</p>
<p>(e) The accumulation of effects with other existing and/or approved projects taking into account any existing environmental problems relating to areas of particular environmental importance likely to be</p>	<p>The potential for cumulative and combined effects is assessed in section 14.6 of this ES.</p>

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affected or the use of natural resources;	
(f) The impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;	Sections 11 of this ES consider the vulnerability of the project to climate change. Any other potential impacts and/or vulnerabilities due to climate change are considered not likely to be significant.
(g) The technologies and the substances used.	The potential environmental effects due to technologies and substances used have been considered in sections 5 to 14 of this ES where relevant – as required in paragraph 5(g) of Schedule 4.
The description of the likely significant effects on the factors specified in Regulation 4(2) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development. This description should take into account the environmental protection objectives established at Union or Member State level which are relevant to the project including in particular those established under Council Directive 92/43/EEC(a) and Directive 2009/147/EC(b).	Likely significant effects in terms of the relevant on the factors specified in Regulation 4(2) due to direct, indirect, secondary, cumulative, trans-boundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects have been considered where relevant.
(6) A description of the forecasting methods or evidence, used to identify and assess the significant effects of on the environmental, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.	The assessment methods used are described in sections 5 to 14 of this ES and the ES appendices where appropriate – together with notes of any limitations encountered - as required in paragraph 6 of Schedule 4.
(7) A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.	Section 3 of this ES describes the mitigation embedded in the scheme design and operation and the individual assessments summarised in ES sections 5 to 14 describe if any further mitigation is proposed. Monitoring arrangements are proposed in the Traffic Management Plan included in ES Appendix C (Transport Statement).
(8) A description of the expected significant adverse effects of the	Section 1 of this ES describes how the EIA has been scoped.

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<p>development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned. Relevant information available and obtained through risk assessments pursuant to EU legislation such as Directive 2012/18/EU(c) of the European Parliament and of the Council or Council Directive 2009/71/Euratom(d) or UK environmental assessments may be used for this purpose provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.</p>	<p>No significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters are considered to be likely.</p>
<p>(9) A non-technical summary of the information provided under paragraphs 1 to 8.</p>	<p>A non-technical summary of the ES is included</p>
<p>(10) A reference list detailing the sources used for the descriptions and assessments included in the environmental statement.</p>	<p>Where necessary, references are included within the text of the ES or as footnotes.</p>