Title:
The Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2012
IA No: DCLG 0075

Lead department or agency:
Department for Communities and Local Government

Other departments or agencies:

Impact Assessment (IA)

Date: 15/12/2011

Stage: Final

Source of intervention: EU

Type of measure: Secondary legislation

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Summary: Intervention and Options

RPC Opinion: Awaiting Scrutiny

Cost of Preferred (or more likely) Option				
Total Net Present Value	**Business Net Present Value**	**Net cost to business per year** (EANCB on 2009 prices)	**In scope of One-In, One-Out?**	**Measure qualifies as**
£m	£m	£m	Yes	Zero Net Cost

What is the problem under consideration? Why is government intervention necessary?

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 implement the provisions of the European Environmental Impact Assessment Directive (Council Directive 85/337/EEC - the 'EIA Directive') with respect to nationally significant infrastructure proposals that fall under the Planning Act 2008. As far as was feasible, these Regulations closely followed the approach taken by the Town and Country Planning Act system (TCPA) to implementing that Directive. They now need amending so as to appropriately address recent court judgements on cases relating to the TCPA approach. Failure to do this will risk infraction proceedings being made by the European Commission against the UK.

What are the policy objectives and the intended effects?

The primary objective is for the Regulations to take into account the case law on the need to give reasons for negative EIA screening decisions (the 'Mellor' case), and on when screening is required for changes or extensions to existing development consent orders (the 'Baker' case). A further objective is for the Regulations to reflect that it is not always necessary to re-publicise, and re-consult, on an Environmental Statement when an application is made for the subsequent approval of provisions that are within development consent orders. These amendments will avoid the risk of infraction proceedings, and its associated fines, and remove a small element of gold-plating.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 1 - Amend the 2009 Regulations so that they take into account the recent court judgements and meet all the objectives as stated above. In doing so it will remove the risk of infraction proceedings, remove a small element of gold-plating, and therefore more appropriately implement the Directive. This can only be achieved by amending the existing Regulations. This is the preferred option.

Option 2 - Do nothing. This is not feasible as it would mean the EIA Directive was not correctly transposed into UK law, and which would result in infraction proceedings being taken by the European Union and the consequential risk of resulting fines.

Will the policy be reviewed? It will be reviewed. **If applicable, set review date:** 12/2016

Does implementation go beyond minimum EU requirements?			No		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	**Micro** Yes	**< 20** Yes	**Small** Yes	**Medium** Yes	**Large** Yes
What is the CO_2 equivalent change in greenhouse gas emissions? (Million tonnes CO_2 equivalent)			**Traded:**	**Non-traded:**	

I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs.

Signed by the responsible Minister: Bob Neill Date: 12th March 2012

Summary: Analysis & Evidence

Policy Option 1

Description: Amendment of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009, so that they reflect the judgement on EIA-related court cases known as 'Mellor', 'Barker' and 'Baker'.

FULL ECONOMIC ASSESSMENT

Price Base Year 2011	**PV Base Year** 2011	**Time Period Years** 10	**Net Benefit (Present Value (PV)) (£m)**		
			Low: Optional	**High:** Optional	**Best Estimate:** N/A

COSTS (£m)	**Total Transition** (Constant Price)	Years	**Average Annual** (excl. Transition) (Constant Price)	**Total Cost** (Present Value)
Low	Optional		Optional	**Optional**
High	Optional		Optional	**Optional**
Best Estimate				

Description and scale of key monetised costs by 'main affected groups'

N/A

Other key non-monetised costs by 'main affected groups'

There are no costs to business (i.e. applicants for major infrastructure projects).
The Infrastructure Planning Commission will also not incur additional costs. For example, it already provides written reasons when deeming that proposed developments are not subject to the EIA procedures, and so will not incur additional costs in respect of this now legal requirement. It is also already required to consider the adequacy of environmental information within subsequent approval applications, and so will not now incur additional costs due to the applicant not having to either submit a screening request or provide an updated environmental statement. Fuller analysis of these points is set out on pages 5 to 10.

BENEFITS (£m)	**Total Transition** (Constant Price)	Years	**Average Annual** (excl. Transition) (Constant Price)	**Total Benefit** (Present Value)
Low	Optional		Optional	**Optional**
High	Optional		Optional	**Optional**
Best Estimate				

Description and scale of key monetised benefits by 'main affected groups'

N/A

Other key non-monetised benefits by 'main affected groups'

The main benefit of the amendments is the UK avoiding EU infraction fines, but these cannot be monetised. Other benefits are increased transparency, understanding and efficiency for users in the implementation of some of the EIA processes. This includes the removal of an element of gold-plating of the Directive, through the removal of the requirement that an applicant has to automatically either submit a screening request or provide an updated environmental statement for a subsequent approval application ('Barker' case). Other examples of these benefits are – the making available of information on why a project is not EIA development ('Mellor' case); greater steer on what information is most needed from applicants within screening and scoping requests ('Barker' case); clarification that other persons can ask the Secretary of State to undertake screening directions ('Baker' case). Fuller analysis of these points is set out on pages 5 to 10.

Key assumptions/sensitivities/risks **Discount rate (%)**

The amendments will not affect whether a development proposal does or does not require an environmental impact assessment, or affect how many infrastructure projects are submitted for development consent. There is a risk that the Mellor and Baker amendments may together increase the likelihood of screening direction requests being made to the Secretary of State by third parties who disagree that a development has not been considered to be subject to the EIA procedures. However, such requests are likely to still be very low in frequency and would not, in themselves, incur costs on the actual applicant. The assumptions are more fully analysed on pages 5 to 10.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			**In scope of OIOO?**	**Measure qualifies as**
Costs:	**Benefits:**	**Net:**	Yes	Zero net cost

Evidence Base (for summary sheets)

Background

The Environmental Impact Assessment Directive (the 'EIA Directive') (i.e. Council Directive 85/337/EEC) requires an assessment of the effects of certain public and private projects on the environment before development consent is granted. The aim of this Environmental Impact Assessment ('EIA') is to ensure that an authority giving development consent for a project makes its decision in the full knowledge of any likely significant effects on the environment. The Directive's requirements are procedurally based and must be followed by Member States for certain types of projects before development consent can be granted. It helps to ensure that the importance of the predicted effects, and the scope for reducing them, are properly understood by the public and by the consent granting authority before it makes its decision.

Annex 1 of the Directive lists the types of development that require an EIA to be undertaken in all cases, whilst Annex 2 lists the types of development that would require one if the specific project in question is considered likely to have significant environmental effects. When an EIA is needed it means that the applicant is required to set out, in an Environmental Statement ('ES'), the significant environmental effects and any means of mitigation. This Environmental Statement forms part of the application documents for the proposed project.

For proposals for nationally significant infrastructure projects that fall under the Planning Act 2008, the provisions of the EIA Directive were transposed into UK law by The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. Since then, those Regulations have been amended by The Infrastructure Planning (Environment Impact Assessment) (Amendment) Regulations 2011 so that EIA is also applied to the infrastructure types of carbon capture and storage and of overhead electricity lines of a specified nature, when projects for these types of infrastructure fall under the Planning Act 2008.

A nationally significant infrastructure project is given consent through the making of a development consent order by the Infrastructure Planning Commission. Where any aspects of the proposal need to be finalised at some point in time after the order has been made, these will be set out as such in provisions within the order and will require the gaining of consent through 'subsequent approval' applications. Essentially, that process is the equivalent of determining 'reserved matters' under the Town and Country Planning Act (TCPA) system. The 'relevant authority' that will determine a subsequent approval application would have been identified within the order and will depend on the issue in question, e.g. it could be a local authority, a regulatory organisation such as the Environment Agency, the Marine Management Organisation, etc, or potentially the Infrastructure Planning Commission itself.

'Screening' and 'scoping' under the EIA Directive and EIA Regulations:

Potential applicants can make a screening request if they are unsure, or require confirmation, as to whether their development proposals would require an EIA. They can also make a scoping request if they wish to obtain advice on what information should be contained within the Environmental Statement, and therefore addressed within the EIA, for their particular development proposals. These requests are made to the competent authority, and which is the Infrastructure Planning Commission for development consent order applications for nationally significant infrastructure projects under the Planning Act 2008. In response to these requests, the Infrastructure Planning Commission issue screening and scoping 'opinions' and, for the latter, it does so after first consulting prescribed consultation bodies. Screening opinions are referred to as 'negative' if an EIA is deemed to not be required, and 'positive' if it is. Screening opinions can also be requested for applications for 'subsequent approval'.

For both development consent order applications and applications for subsequent approval, the Secretary of State has the power to intervene by making a screening 'direction'. This can occur if the proposed application has previously been given a negative screening opinion by the relevant competent authority, or if the application is otherwise not accompanied by an Environmental Statement.

The type and scale of infrastructure that falls to be determined under the major infrastructure planning system is set out within Part 3 of the Planning Act 2008. It is widely expected (including by the infrastructure development industry) that most of these projects will automatically require an EIA to be undertaken, as they are likely to clearly fall within the development types of Annex 1 of the EIA Directive (as explained above). Therefore, very few screening opinions and directions are likely to ever be made. From 1 October 2009 (when the Infrastructure Planning Commission was established) until 1 December 2011, only four screening requests had been made, three of which had been resolved and all of them as negative screenings. (To date, only one of these projects has subsequently been submitted as an application). This is out of a total of seventy-six projects that have been notified or submitted to the Infrastructure Planning Commission during that period, albeit some of those are still at an early stage of project development and a few of which could feasibly be the subject of screening requests subsequently.

Problems under consideration

Court case judgements on how some aspects of the EIA Directive were being applied under the TCPA system has necessitated amendments being made to that system's EIA Regulations. Some amendments also now need to be made to the 2009 EIA Regulations that apply to the major infrastructure planning system, as those Regulations had been drafted to reflect the TCPA Regulations, as far as was appropriate. The court cases in question are known as 'Mellor', 'Barker' and 'Baker'. The aspects of these which are relevant to the current procedures within the 2009 EIA Regulations are explained below.

(1) The **Mellor case** requires amendments to be made in relation to the giving of reasons for screening opinions that are made by the Infrastructure Planning Commission (or for screening directions made by the Secretary of State). The Mellor ruling stated that, if an interested party so requests, the reasons for the screening determination, or copies of the relevant information and documents, must be communicated to that party irrespective of whether it was a 'positive' screening (i.e. that an EIA needs to be undertaken) or a 'negative' screening (i.e. that an EIA does not need to be undertaken). The 2009 EIA Regulations need to be amended as they currently do not require the provision of reasons when a negative screening opinion is given.

(2) The **Barker case** requires some amendments to be made in relation to applications for the subsequent approval of provisions contained within made development consent orders. The Barker ruling means that, before determining such applications, the 'relevant authority' must give consideration to the adequacy of the environmental information that has been provided by the applicant. The 2009 EIA Regulations need to be amended so that they introduce a degree of flexibility, so as to not require the applicant to automatically have to make a screening request if it was not already intending to submit further environmental information as part of its subsequent approval application. The requirement for screening in such circumstances has been deemed to be an element of 'gold-plating', and which will be removed via these amendment regulations.

(3) The **Baker case** requires amendments to be made in relation to the operation of the Secretary of State's power for making screening directions when a third party disagrees with a negative screening opinion given by the 'relevant authority'. Under Article 10a of the EIA Directive there is an obligation that, where the relevant authority (i.e. the local planning authority for cases under the TCPA system, and the Infrastructure Planning Commission for infrastructure

cases under the Planning Act 2008) has decided that a development proposal does not require an EIA but a member of the public believes that is does, the relevant authority is required to make it known to the public that they can make representations to that effect to the Secretary of State. Such a representation would effectively be asking the Secretary of State to use his powers to issue a screening direction, and which would either uphold or reverse the relevant authority's decision. As part of the ruling on the Baker case, concern was raised over whether the EIA Direction's obligation for the public to be informed about their right of recourse to the Secretary of State was sufficiently explicitly addressed within the TCPA EIA Regulations. This obligation also needs to be more accurately reflected within the major infrastructure planning's EIA Regulations.

Policy options considered

Option 1 – Amend the 2009 EIA Regulations (preferred option)

The 2009 EIA Regulations will be amended so that they appropriately reflect the court judgements. The amendments are necessary in order for the EIA Directive to be deemed to be correctly transposed. The risk of infraction proceedings against the UK, and the associated fines, can only be removed by amending the existing Regulations. The impact of the amendments would also remove a small element of gold-plating, and have other benefits such as increasing transparency and understanding of, and efficiency within, some of the EIA procedures.

Option 2 – Do nothing, i.e. not amend the Regulations

This is not a feasible option as it would mean the Regulations would not be in compliance with the EIA Directive. Such a failure to correctly transpose the Directive into UK law would result in infraction proceedings being taken against the UK by the European Commission, and the consequential risk of infraction fines.

It is only possible to enact the changes to procedures that are required by amending the Regulations. Just clarifying the issues within guidance would not be adequate, as all parties are required to adhere to the procedures that are set out within the Regulations.

Analysis of the preferred option – Option 1: Amendment of Regulations

The following amendments to the 2009 EIA Regulations will ensure they reflect the court case rulings, and thereby conform to the EIA Directive.

<u>Amending with respect to the Mellor case</u>

Issuing written statements on screening opinions and screening directions:

Regulation 6 of the existing 2009 EIA Regulations require the applicant to be given a written statement of reasons when the Infrastructure Planning Commission gives a screening opinion (or the Secretary of State gives a screening 'direction') to the effect that the proposed development is EIA development, and therefore requiring the applicant to undertake an EIA (i.e. a positive screening). No written statement is currently required when the opinion or direction is to the effect that it is not EIA development (i.e. a negative screening).

The Regulations will be amended so as to require the Infrastructure Planning Commission (for a screening opinion) or the Secretary of State (for a screening direction) to always give a statement of reasons that sets out how the decision in question was reached, irrespective of whether the decision is positive or negative, or whether the reasons were requested. Requiring such an automatic provision of negative screening opinion reasons, irrespective of whether

these reasons were actually requested, will be consistent with the approach that has been taken within the TCPA EIA Regulations in response to the Mellor ruling. That approach was adopted in the interests of transparency. In deciding on that approach the views of the Cabinet Office Legal Advisors (COLA) was sought, and they confirmed that this did not constitute a gold-plating of the Directive.

Amending with respect to the Barker case

(a) Adequacy of environmental information:

Amendments are needed to the procedures that address the adequacy of environmental information within 'subsequent approval' applications. These are applications that seek approval for any provisions that are contained within granted development consent orders and which need to have their detail approved sometime after the order itself has been granted. Essentially, they are the equivalent of 'reserved matters' and 'conditions' under the TCPA regime.

The TCPA EIA Regulations were amended in 2008 in response to the Barker case ruling, which required consideration to be given to the need for an environmental impact assessment before determining a subsequent approval application. However, the TCPA amendment unintentionally created a requirement for the existing Environmental Statement to be screened again, even if it was still adequate for the purpose of obtaining the subsequent approval. That unintentional outcome was partially replicated within the 2009 EIA Regulations for major infrastructure, by requiring an applicant to always request a screening opinion if the applicant was not already intending to provide an updated Environmental Statement.

This will be addressed by amending regulation 6 of the 2009 EIA Regulations, so that the applicant will now have the choice of either (i) submitting an updated Environmental Statement; (ii) making a request for a screening opinion; or (iii) simply leaving it to the 'relevant authority' to consider whether the Environmental Statement, that was previously submitted with the development consent order application, still contained sufficient environmental information with respect to the detail of the proposals within the subsequent approval application. As stated above, the relevant authority in question would have been identified in the provisions within the development consent order and will depend on the issue in question.

(b) Clarification of information required for screening opinion requests:

Regulation 6(4) is being amended to provide greater clarify on what information the applicant is required to submit when it wishes to make a screening request for a proposed subsequent approval application. The regulation currently simply requires the provision of 'such other information or representations as the person making the request may wish to provide or make'. This is being amended by additionally inserting an explicit requirement for 'an explanation of the likely effects on the environment which were not identified at the time the order granting development consent was made'. Such an explanation will contain important information that will help the relevant authority (as defined above) to reach a decision on the screening request, i.e. of whether the applicant will need to submit further environmental information as part of a subsequent approval application.

(c) Clarification of information required for scoping opinion requests:

Regulation 8(4) is being amended for the same reason and in the same way as regulation 6(4) as stated above. Regulation 8(4) refers to the information that an applicant is required to submit when seeking a scoping opinion on a proposed subsequent approval application. As with the existing regulation 6(4) for screening opinion requests, regulation 8(4) currently requires the applicant to provide 'such other information or representations as the person making the

request may wish to provide or make'. This is being amended by additionally inserting an explicit requirement for 'an explanation of the likely effects on the environment which were not identified at the time the order granting development consent was made'.

Amending with respect to the Baker case

Secretary of State's screening direction powers:

Regulation 5 provides for when the Secretary of State, in specific circumstances, is able to direct that a proposed development is or is not EIA development, after the application has been accepted for examination by the Infrastructure Planning Commission. However, it does not explicitly provide for other persons to actually request that the Secretary of State makes use of that power. The regulation is being amended so as to make it clear that the direction making power can be used either at the own volition of the Secretary of State, or if requested to do so in writing by any person.

General redrafting of existing Regulation 19

Regulation 19 sets out procedures for where a subsequent approval application does not comply with the EIA requirements. In order for it to reflect the various relevant amendments that would be made throughout the Regulations, as described within this Impact Assessment, regulation 19 is being refreshed. The drafting includes the removal of some entries and procedures that would now be superfluous or otherwise unnecessary due to the other amendments.

Costs and benefits of Option 1 – the preferred option

Avoidance of infraction proceedings

The major benefit from amending the Regulations is a reduction in the risk of fines that may otherwise result from infraction proceedings brought by the European Union for failing to properly transpose the EIA Directive. It is difficult to predict with any degree of certainty the amount of fine that may be imposed by the European Court of Justice in any individual case, but the likely level might be significant with a minimum lump sum of about 9.666 million euros (based upon the United Kingdom's Gross Domestic Product[1]) and a possible substantial daily fine of thousands of pounds for continuing non-compliance. To give a very rough indication of historic fines, in a Spanish bathing water case, the levy was 624,000 euros per year for each 1% of bathing waters in breach of the relevant Directive. In a French fishing case the levy was a 20 million euro lump sum fine and 58 million euros every 6 months until the issue was resolved. In a Greece state aid case the levy was 16,000 euros for each day of delay in complying with the judgement and a lump sum of 2 million euros. Due to the major uncertainty around the actual imposition and size of the potential fine in this case, the benefit of avoiding this has not been monetised within this impact assessment.

In addition to this, the benefits and costs relating to the specific amendments to the Regulations are set out below. None of these have been monetised.

Amending with respect to the Mellor case

Benefits:

[1] European Commission Communication SEC(2010) 923/3 p5 http://ec.europa.eu/eu_law/docs/docs_infringements/sec_2010_923_en.pdf

Requiring the provision of reasons for why screening opinions and directions are negative will increase transparency in the decision making process. It will give developers and other users of the major infrastructure planning system a greater understanding of why and when an EIA is not required. It is not possible to monetise such benefits.

Costs:
Due to how this issue is currently addressed in practice, this amendment will not increase costs. Whenever it makes a negative screening the Infrastructure Planning Commission already provides, within its screening opinion letter, the reasons for that negative screening. As it is required to adopt very transparent procedures throughout its activities, in addition to directly informing developers of its decisions it also places such letters on its website and so can be viewed by anyone. This amendment will also not affect whether or not a project will be deemed to require an EIA, neither will it alter any of the procedures undertaken for determining screening requests. Therefore, the amendment will have no cost implications to the Infrastructure Planning Commission, applicant or other persons.

In any case, the annual frequency of negative screening opinions is likely to be very small, as it is expected that the vast majority of projects to be considered under the major infrastructure planning regime will automatically require an EIA to be undertaken by virtue of clearly falling under Annex 1 of the EIA Directive (as explained in the 'Background' section, above).

<u>Amending with respect to the Barker case</u>

Benefits:

(a) With regards to the adequacy of the existing environmental information for subsequent approval applications:-

Where an applicant is not already intending to submit further environmental information as part of its application for subsequent approval, with the onus now on the relevant authority to decide whether or not the existing information is sufficient for it to determine the application, it means the applicant will no longer have to produce a screening request report unless it actually still wants to make a screening request. This removes the element of gold-plating that currently exists within the 2009 EIA Regulations with respect to subsequent approval applications. It is difficult to determine the scale of this benefit, as there have not yet been any applications for subsequent approval, and it is not feasible to estimate the potential frequency of such subsequent approval applications as so far only one project has received development consent under the major infrastructure planning system.

However, in unpublished research on the operation of the EIA procedures under the TCPA system, which was commissioned by DCLG under the previous administration, from a very small sample of respondents to a question about the costs of producing a screening request report for the initial application it was found that this could amount to a few hundred pounds, depending on the circumstances in question. Such reports for subsequent approval applications are likely to be less extensive and resource intensive, as they will build on the information that had been produced for the initial application. Whilst it is likely the cost to the applicant of producing such a report under the major infrastructure planning system would be higher than for the smaller types of projects that are determined under the TCPA, there is no evidence to suggest that this would be a substantial cost, again perhaps in the region of a few hundred pounds. This benefit (i.e. of a cost saving to the applicant) has not been monetised.

In addition, the amendment will not have any effect on the frequency of subsequent approval applications, as that purely depends on the nature of each individual development consent order and what aspects of that consent require further approval.

(b) With regards to clarifying what information should be provided within screening and scoping requests for subsequent approval applications:-

By explicitly stating what explanatory information is required, it reduces the risk that an applicant will fail to provide what is necessary in the first instance, and therefore be required to provide it later after already having submitted the screening or scoping request. For such situations there will be a benefit from the avoidance of delays and so enabling those applications to be determined more timely. The applicant would also avoid extra costs caused by having to revisit and revise the screening or scoping request report. These benefits have not been monetised.

The additional wording being introduced to the regulation is effectively the equivalent of what is already provided for within regulation 6(3) for the making of screening requests for proposed development consent orders. The amendment will therefore introduce greater consistency as well as clarity. It also brings the major infrastructure EIA Regulations appropriately into line with the equivalent environmental impact assessment procedures for applications made under the Town and Country Planning legislation.

Costs:

The requirement of the relevant authority to decide whether further environmental information is needed, in the situation where the applicant has neither submitted further environmental information nor requested a screening opinion, would not impose additional costs on that authority, given that such a decision would effectively be part of its overall consideration of the application. This is because it is required to satisfy itself that environmental issues have been appropriately addressed within applications before deciding whether to grant consent. Because these amendment regulations are effectively enabling the applicant to avoid certain actions where it doesn't think them necessary, the regulations also therefore impose no additional burden on any other parties.

Likewise, the clarification of what information should be submitted within a subsequent approval application does not impose costs to any person.

<u>Amending with respect to the Baker case</u>

Benefits:

Explicitly setting out in the regulations that other persons can ask the Secretary of State to make a screening direction thereby provides greater clarity and transparency on what rights are already afforded to persons under the EIA Directive. This benefit cannot be monetised.

Costs:

As the right already exists for other persons to make such a request to the Secretary of State, this clarification does not, in itself, impose any new costs on any person. We have no evidence that suggests explicitly clarifying this issue is likely to result in an increase in the frequency of requests. The major infrastructure planning system is still in its infancy with only a few applications having been submitted. Nevertheless, an analysis of the applications that have been submitted suggests that only a small percentage of major infrastructure proposals are ever likely to be screened by the Infrastructure Planning Commission as not being EIA development, and therefore might potentially become the subject of a screening direction request by another person. Of the eleven applications that have been submitted to date, only one of these was previously screened as not needing to go through the EIA process. However, it is too early to

predict whether this sort of frequency will end up being indicative for the major infrastructure planning system.

One In One Out

The preferred option will mean the amendment of Regulations that have transposed a European Union Directive. It is effectively in scope of the One In One Out process and as an 'Out' (zero net cost), on the basis that an amendment is removing a small element of gold-plating that relates to screening requests for subsequent approval applications. However, it has not been possible to monetise this and the other benefits. .

New Burdens Assessment

The amendments to the Regulations will not create new burdens. They do not add additional procedures, or make any existing procedures more costly.

Consultation

No consultation has been undertaken on the proposals for amending the major infrastructure planning Regulations. This is because these proposals are just the equivalent of the changes that have been made to the TCPA EIA Regulations and which were the subject of a consultation in 2010. The amendments bring the respective Regulations into compliance with the EIA Directive.

Specific impacts

The specific impact tests have yielded the following:

Statutory equality duties

We do not anticipate the policy having any adverse impacts upon statutory equality duties.

Economic impacts

Competition – We do not anticipate the policy having any adverse impacts upon competition.

Small firms – It is highly unlikely that small firms will come forward with proposals to develop major infrastructure of the nature that is the subject of these Regulations.

Environmental impacts

Greenhouse gas assessment - We do not anticipate the policy having any adverse impacts upon greenhouse gas issues.

Wider environmental issues - We anticipate the policy having positive impacts upon wider environmental issues. This is because the purpose of the Environmental Impact Assessment procedure is to identify and mitigate against any adverse impacts, by ensuring they are appropriately addressed within applications for the development consent.

Social impacts

Health and well-being - We do not anticipate the policy having any adverse impacts upon health and well-being issues.

Human rights - We do not anticipate the policy having any adverse impacts upon human rights issues.

Justice system - We do not anticipate the policy having any adverse impacts upon justice system issues.

Rural proofing - We do not anticipate the policy having any adverse impacts upon rural issues.

Sustainable development

We do not anticipate the policy having any adverse impacts upon sustainable development issues.