

## Design Note

Project            Wethersfield Airfield  
Subject            Comments on EIA Screening Direction (24.03.2023)  
Project no        056628  
Date                12 April 2023

Revision	Description	Issued by	Date	Approved (signature)
0	For information	M Crowther	12.04.2023	S H Mallett

## Comment

This Note has been prepared at the request of WASC to provide information and comment on the EIA Screening Direction with respect to the proposed development at MPDGA Wethersfield dated 24/03/2023.

The EIA Screening Direction, adopted by the Secretary of State, establishes that the proposals constitute a project, to be considered under the remit of The Town and Country Planning (EIA) Regulations (2017) (as amended). Specifically, the EIA Screening Direction states that *"The proposed development falls within Schedule 2:10 (b) of the 2017 Regulations (urban development projects). It exceeds the thresholds set out column 2 of Schedule 2 (i) of the 2017 Regulations (more than 1ha of urban development that is not dwellinghouse development) and of (iii) (overall area exceeds 5 ha).*

The EIA Regulations (2017) define EIA development as follows: *"EIA development" means development which is either— (a) Schedule 1 development; or (b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location;"*

Given that the project constitutes Schedule 2 development, under the EIA Regulations (2017), the next relevant question is whether the project is likely to have significant environmental effects

The EIA Regulations (2017) require that the following steps be considered as part of the process:

*(4) Where a relevant planning authority or the Secretary of State has to decide under these Regulations whether Schedule 2 development is EIA development, the relevant planning authority or Secretary of State must take into account in making that decision—*

- (a) any information provided by the applicant;*
- (b) the results of any relevant EU environmental assessment which are reasonably available to the relevant planning authority or the Secretary of State; and*
- (c) such of the selection criteria set out in Schedule 3 as are relevant to the development.*

*(5) Where a relevant planning authority adopts a screening opinion under regulation 6(6), or the Secretary of State makes a screening direction under regulation 7(5), the authority or the Secretary of State, as the case may be, must—*

- (a) state the main reasons for their conclusion with reference to the relevant criteria listed in Schedule 3;*
- (b) if it is determined that proposed development is not EIA development, state any features of the proposed development and measures envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment; and*
- (c) send a copy of the opinion or direction to the person who proposes to carry out, or who has carried out, the development in question.*

The above review covers the process. The final question of whether potentially significant effects are likely, thereby triggering the need for an EIA, is a technical one. This includes a review of the project against the selection criteria included in Schedule 3 of the EIA Regulations (2017).

The following technical aspects are likely to be relevant, when concluding whether significant effects are likely to occur:

- Traffic and transportation
- Noise
- Air quality
- Water resources and flood risk
- Ecology and biodiversity
- Ground conditions inc. contamination
- Human health and socio-economics

Regarding technical competence in adopting the EIA Screening Direction, the EIA Regulations (2017) state that: *“(5) The relevant planning authority or the Secretary of State must ensure that they have, or have access as necessary to, sufficient expertise to examine the environmental statement”.*

Whilst the step of EIA Screening is earlier than the preparation of an ES (i.e., it determines whether one is required), and in theory sits outside of the above statement, it would be helpful to understand whether the decision has been made with input from appropriately qualified personnel. The reason this is asked is due to a lack of evidence provided in the EIA Screening Direction of the information reviewed when making this decision. For example, there is no reference to a technical submission submitted to the Secretary of State on behalf of the applicant – which, whilst not essential, routinely occurs in the UK. Whilst not necessarily required, the absence of a technical review by an appropriately qualified technical team on the likelihood of significant environmental effects, submitted to the Secretary of State, does mean that it would be prudent to ensure that the Secretary of State has gained adequate technical input into the process / can adequately defend the technical conclusions made.

The EIA Screening Direction effectively concludes that significant effects are not likely, regardless of whether any further measures are put in place, through the following conclusion:

*“No mitigations proposed by the applicant have been relied upon in reaching a decision about whether the Project, for a temporary period of 12 months, constitutes EIA Development  
For the reasons set out above, after carefully assessing all the information before him, and having had due regard to the impact on persons with protected characteristics under the Equality Act 2010, the Secretary of State has concluded that there are unlikely to be significant effects arising from the proposed development. Accordingly, the Project, is not considered to be EIA Development for the purposes of regulation 5(3) of the EIA Regulations.”*

One technical example is that as a minimum an appropriate ground desk study, and if required ground investigation and remediation / mitigation strategy should be progressed, to ensure that no significant effects occur regarding contamination and human health, for the occupants of the project. The EIA Screening Direction currently makes no reference or commitment to anything further being required, to ensure that such significant effects do not occur. Potentially significant effects could occur without these appropriate checks, ordinarily delivered through the planning process (and committed to, in ensuring no significant effects occur), regarding contamination and human health. Furthermore, there is no mention of other studies or surveys being progressed, including for ecology – despite the construction planned across the site. Given that the EIA Screening Direction currently makes no commitment to such further measures being implemented, the conclusion regarding no significant environmental effects occurring is questionable.

## Queries

Has a technical submission, by an appropriately qualified consultant team (covering expertise on traffic and transportation, noise, air quality, water resources and flood risk, ecology and biodiversity, ground conditions inc. contamination, Human health and socio-economics), been submitted to the Secretary of State for consideration ahead of the EIA Screening Direction being adopted?

If no technical submission has been received, can the Secretary of State please confirm and demonstrate that the conclusions reached have been informed by input from sufficiently qualified individuals covering expertise on traffic and transportation, noise, air quality, water resources and flood risk, ecology and biodiversity, ground conditions inc. contamination, human health and socio-economics?

Are further environmental studies, outside of any EIA process, being undertaken?