The Planning Act 2008 (as amended) (the PA2008), and related secondary legislation, establishes the legislative requirements in relation to applications and proposed applications for orders granting development consent for Nationally Significant Infrastructure Projects (NSIPs).

The Planning Inspectorate carries out certain functions related to national infrastructure planning on behalf of the Secretary of State.

Experience to date has shown that Applicants and others welcome detailed advice on a number of aspects of the PA2008 system. Advice Note 8 includes an overview of the PA2008 system and is particularly helpful in this regard. This Advice Note forms part of a suite of such advice provided by the Planning Inspectorate available on our website. It has no statutory status. It will be kept under review and updated when necessary.

This Advice Note explains the Environmental Impact Assessment (EIA) process set out in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). In particular the note addresses the procedures for EIA screening and scoping; notification and consultation; matters relating to the production of Preliminary Environmental Information (PEI) and the preparation of Environmental Statements (ES).

Whilst this Advice Note is aimed primarily at Applicants, it should also be helpful for other persons involved in the PA2008 system.

The EIA Regulations include transitional provisions for certain Proposed Developments. Where the transitional provisions are met the Infrastructure Planning 2009 Environmental Impact Assessment (EIA) Regulations (as amended) continue to apply (see ‘Transitional Provisions’ below).

This Advice Note makes reference to other Advice Notes which can be found at: http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/
1. **Environmental Impact Assessment (EIA) - The Process**

1.1 The EIA Regulations determine that EIA development means a development which is either:

- Schedule 1 development; or
- Schedule 2 development, likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

1.2 Regulation 5 of the EIA Regulations explains that EIA is a process consisting of:

- the preparation of an ES or updated ES, as appropriate, by the Applicant;
- the carrying out of any consultation, publication and notification required under the Regulations or, as necessary, any other enactment in respect of EIA development; and
- the steps that are required to be undertaken by the Secretary of State under Regulation 21 or by the relevant authority under Regulation 25, as appropriate.

1.3 Regulation 6 of the EIA Regulations explains that a development is ‘EIA development’ if:

- a person notifies the Secretary of State in writing under regulation 8(1)(b) that they propose to provide an ES in respect of the Proposed Development;
- the Secretary of State or an Examining Authority adopts a screening opinion to the effect that the development is EIA development; or
- the Secretary of State directs an accepted application to be EIA development.

1.4 Regulation 8(1) of the EIA Regulations requires a person who proposes to make an application for an order granting development consent to carry out the EIA screening process described below before carrying out statutory consultation under s42 of the PA2008.

1.5 Regulation 11 sets out the procedure to facilitate preparation of ESs, in particular the duties of the Secretary of State with regard to consultation.

1.6 Regulation 14 establishes the information which an ES accompanying an application for an order granting development consent must include.

1.7 This Advice Note explains the role that the Planning Inspectorate has in administering the EIA process on behalf of the Secretary of State. The Advice Note also provides advice to Applicants to support them with the successful completion of the process applicable to NSIPs.

**Transitional Provisions**

1.8 Regulation 37 of the EIA Regulations sets out the circumstances where the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the 2009 EIA Regulations) continue to apply. These circumstances are when, before the commencement of the 2017 Regulations, one of the following has taken place:

- the Applicant has submitted an ES or updated ES;
- the Applicant has requested the Secretary of State or relevant authority to adopt a scoping opinion;
- the Applicant has made a request for a screening opinion or subsequent screening opinion; or
- the Secretary of State has initiated the screening direction.

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1. A screening direction by the Secretary of State made in accordance with Regulation 7 of the EIA Regulations
1.9 Applicants should refer to the previous version (Version 5) of this Advice Note for developments where the 2009 EIA Regulations continue to apply.

2. EIA Screening

Establishing whether EIA is required

2.1 Regulation 8(1) of the EIA Regulations requires the Applicant to do one of the following before carrying out statutory consultation under s42 of the PA2008:

- ask the Secretary of State to adopt a screening opinion in respect of the development to which the application relates (Regulation 8(1)(a)); or
- notify the Secretary of State in writing that they propose to provide an ES in respect of that development (Regulation 8(1)(b)).

2.2 The screening process is undertaken by the Planning Inspectorate on behalf of the Secretary of State. Applicants should note that their formal statutory consultation under s42 of the PA2008 cannot start until one of the above actions has happened. Therefore, Applicants will need to consider carefully the timing involved as it has the potential to affect the delivery programme of the Proposed Development.

EIA screening opinion (Regulation 8(1)(a))

2.3 An Applicant making a request for a screening opinion under Regulation 8(1)(a) must provide a sufficient level of information in accordance with the EIA Regulations (see INSERT 1). The Planning Inspectorate must take into account the information provided by Applicants, the results of any relevant EU environmental assessment reasonably available, and relevant criteria in Schedule 3 to the EIA Regulations. The screening opinion must include written reasons for the Planning Inspectorate’s decision on whether or not the Proposed Development is EIA development. The Planning Inspectorate must adopt a screening opinion within 21 days of receiving a screening request.

2.4 Applicants should be aware that a screening opinion from the Planning Inspectorate confirming that a Proposed Development is not an EIA development (a negative opinion) does not negate the need for the submission of environmental information stipulated in other legislation, including for example a flood risk assessment and information on the historic environment which is required in all cases. Applicants should also note that the PA2008 draws no correlation between the EIA screening process and the criteria for determining if a Proposed Development is an NSIP. It is for the Applicant to satisfy themselves if a Proposed Development constitutes an NSIP in accordance with the PA2008.

2.5 An EIA screening opinion adopted during the pre-application process will necessarily be based on currently available information provided by the Applicant. It is possible that during the course of the pre-application process new information becomes available that may affect that decision. Where this occurs Applicants should consider submitting a new screening request to the Planning Inspectorate.

2.6 When an application is received that is not accompanied by an ES, the Planning Inspectorate will again consider the extent to which the Proposed Development is/is not EIA development. The reconsideration at acceptance will need to take into account any new information that is material to the screening decision. The Planning Inspectorate will treat the submitted Development Consent Order (DCO) application as a screening request and will re-screen the Proposed Development at the same time as undertaking the decision as to whether or not to accept the application.

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2. Applicants should notify under this regulation if the development is Schedule 1 or, if Schedule 2, they decide to undertake an EIA of their own volition.
3. Regulation 9 and Schedule 3 of the EIA Regulations. Schedule 3 is only relevant to Schedule 2 projects.
4. Regulation 8(8) of the EIA Regulations.
5. Regulation 10 of the EIA Regulations.
6. Regulation 15 of the EIA Regulations.
2.7 Applicants should be aware that if the Planning Inspectorate screens or re-screens the Proposed Development during acceptance and determines that it is EIA development, Applicants will be required to provide an ES and consideration of the DCO application will be suspended until an ES is provided by the Applicant.

**INSERT 1 - Information to be provided with a screening request**

The minimum information that Applicants must provide with a screening request is set out in the EIA Regulations in Regulation 8(3). This includes:

- a plan sufficient to identify the land;
- a description of the physical characteristics of the whole Proposed Development;
- a description of the location and any sensitive areas likely to be affected;
- a description of the aspects of the environment likely to be significantly affected;
- information on the likely significant effects resulting from residues and emissions and the use of natural resources; and
- details of any features of the Proposed Development and any measures envisaged to avoid or prevent what might otherwise have been a significant adverse effect on the environment.

**EIA notification (Regulation 8(1)(b))**

2.8 The Planning Inspectorate requests that notifications made in accordance with Regulation 8(1)(b) are accompanied by information sufficient to facilitate Regulation 11. Therefore, Applicants that provide notification under Regulation 8(1)(b) should include the information specified in Regulation 8(3), detailed above in INSERT 1. The notification will not be considered valid unless this information is provided.

2.9 The Planning Inspectorate also requests that whatever the route followed by the Applicant (request or notification) a GIS shapefile be prepared and submitted in accordance with the information contained at the subheading below ‘Advance notice and GIS shapefile’.

**Practical advice for screening requests**

2.10 Applicants should be aware that the purpose of the information in INSERT 1, above, is to ensure that there is a properly informed screening opinion. It is important that the information is compiled in a way that is conducive to this intent. Applicants should consider carefully the timing of the screening request (including the process described below in ‘Advance notice and GIS shapefile’) alongside the preparation of the DCO application. Consideration should be given towards the level of certainty and confidence attached to the information in order to aid the Planning Inspectorate’s decision.

**Details relating to the information to be provided with a screening request**

2.11 The Planning Inspectorate requests that the following information is shown on the plan sufficient to identify the land:

- the proposed draft DCO site boundary (identified by a red line) including any associated development;

7. Regulation 5(2)(a) of the APFP Regulations
8. Regulation 15(4) of the EIA Regulations
● any permanent land take required for the Proposed Development;
● any temporary land take required for construction, including construction compounds;
● any existing infrastructure which would be retained or upgraded for use as part of the Proposed Development and any existing infrastructure which would be removed; and
● relevant features including environmental and planning constraints (eg designated areas on and around the site, such as national parks or historic landscapes).

2.12 Where practical, the information should be included on a single plan. If more than one plan is required, the plans should be at the same scale with an overview plan provided (as appropriate).

2.13 In dealing with the description of the development and its possible effects on the environment, Applicants should ensure the information is set out with reference to the criteria in Schedule 3 to the EIA Regulations, these being:

● characteristics of the development;
● location of the development; and
● types and characteristics of the potential impacts.

2.14 Applicants should also ensure that all aspects of the environment likely to be significantly affected by the development are addressed. The Planning Inspectorate refers to ‘aspects’ as meaning the relevant descriptions of the environment identified in accordance with the EIA Regulations.

2.15 If Applicants are relying on measures envisaged to avoid or prevent significant adverse effects on the environment they should explain these in detail including how such measures will be delivered and secured.

2.16 Applicants are advised to consider the following questions in respect of their Proposed Development before making a screening request:

1. Is there sufficient detail and certainty regarding the location and characteristics of the Proposed Development?
2. Is there reasonable confidence that there will not be substantial changes to the information above which may affect any outcome in consideration of likely significant effects?
3. Is the absence of likely significant adverse effects dependent upon proposed measures envisaged to avoid or prevent such effects?
4. Are these measures capable of being appropriately defined in order to demonstrate their efficacy?
5. Is there a clear route to deliver the measures referred to above on which reliance is being placed e.g. planning requirement or other legally binding method?

2.17 If the answer to any of questions 1-5 above is ‘no’ or ‘don’t know’ then Applicants should consider carefully whether the timing of the screening request is appropriate. In any event, Applicants should contact the relevant Infrastructure Planning Lead at the Planning Inspectorate who will arrange an inception meeting in advance of any request to discuss details of the Proposed Development. It is strongly advised that contact is made and this discussion is had before a screening opinion is requested.

3. Notification of the EIA consultation bodies

Regulation 11 Notification and the Regulation 11 List

3.1 Following the Applicant’s notification to the Planning Inspectorate in writing that they propose to provide an ES, or after a screening opinion has been adopted to the effect that the Proposed Development is EIA development, the
Planning Inspectorate will notify the consultation bodies that the Applicant intends to provide an ES for the Proposed Development. The Planning Inspectorate is also required to notify the consultation bodies of the duty imposed on them under Regulation 11(3) of the EIA Regulations, that if requested by the Applicant, they must enter into consultation with that person to determine whether they possess any information which is considered relevant to the preparation of the ES or the updated ES; and, if that is the case, they must make that information available to the Applicant. Regulation 11(3) does not apply to Regulation 11(1)(c) persons or non-prescribed consultees.

3.2 In accordance with Regulation 11(1)(b) of the EIA Regulations, the Planning Inspectorate will provide the Applicant with a list of the notified consultation bodies and any Regulation 11(1)(c) persons. Details of any non-prescribed consultees (see below) will also be provided, if appropriate.

Regulation 11(1)(c) bodies

3.3 These bodies are those the Planning Inspectorate considers (i) to be, or to be likely to be affected, by or to have an interest in the Proposed Development; and (ii) to be unlikely to become aware of the Proposed Development by means of the measures taken in compliance with Part 5 of the PA2008 (pre-application consultation). Regulation 11(1)(c) requires the Planning Inspectorate to notify the Applicant of any such bodies, and it is the duty of the Applicant to include them in their consultation. Applicants should be aware of the requirements, in certain circumstances to notify Regulation 11(1)(c) bodies. This requirement is reflected in the DCO Application Form under Section 14(c) where the Applicant is asked to identify whether notification has been given to these bodies.

3.4 More detailed information on EIA notification and consultation is set out in the Planning Inspectorate's Advice Note 3.

4. EIA Scoping

About the scoping process

4.1 Regulation 10(1) allows a person who proposes to make an application for an order granting development consent to ask the Secretary of State to state in writing its opinion as to the scope and level of detail of the information to be provided in the ES.

4.2 The request made under Regulation 10(1) must include:

- a plan sufficient to identify the land;
- a description of the Proposed Development, including its location and technical capacity;
- an explanation of the likely significant effects of the development on the environment; and
- such other information or representations as the person making the request may wish to provide or make.

4.3 More detailed information regarding the information to be included in the scoping request is set out at INSERT 2.

4.4 The scoping process is undertaken by the Planning Inspectorate on behalf of the Secretary of State.

4.5 The Planning Inspectorate must adopt a scoping opinion within 42 days of receiving a scoping request (paper and electronic copies). Before adopting a scoping opinion the Planning Inspectorate must consult the consultation bodies, who have 28 days to respond. The Planning Inspectorate may also consult the relevant non-prescribed consultation bodies (to be identified in accordance with Advice Note 3), who would also be given 28 days to respond. Responses received after the 28 day deadline will not be considered within the scoping opinion, but will be forwarded to the Applicant for their consideration and published on the National Infrastructure planning website.

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10. Regulation 10(6) of the EIA Regulations. If screening and scoping requests are submitted simultaneously for the same project, the 42 day period starts from the date that the Secretary of State adopts a positive screening opinion (Regulation 10(7)).

11. Regulation 10(11) of the EIA Regulations
4.6 When a scoping opinion is requested and Regulation 8(1) has not yet been completed, the Planning Inspectorate will request the Applicant to provide notification in accordance with Regulation 8(1)(b) that they propose to provide an ES in respect of that development. The Planning Inspectorate requires Applicants to provide a GIS shapefile and requests notice of intended scoping requests (see below ‘Advance notice and GIS shapefile’).

Practical advice for scoping requests

4.7 An effective scoping process should enable the refinement of the assessment and ultimately the information required to form the ES. If done well, it allows for an early identification of the likely significant effects applicable to the EIA Regulations (in particular Schedule 4) and also provides opportunity to agree where aspects and matters can be scoped out from further assessment. The Planning Inspectorate uses the term ‘matters’ referring to those parts that are a subdivision of the aspect, for example an assessment of a particular species is a ‘matter’ to the aspect of biodiversity. Although requesting a scoping opinion of the Secretary of State is not a statutory requirement, the scoping opinion is an important document and the EIA Regulations require the ES to be based on the most recent one adopted.

4.8 Prior to submitting a scoping request, Applicants may choose to undertake their own non-statutory consultation with the consultation bodies, or others. This might allow for refinement of options prior to making a formal request. For example, Applicants may choose to consult on preferred sites or solutions. The Planning Inspectorate recommends that any non-statutory consultation is undertaken in advance of the formal process to avoid any overlap with the Planning Inspectorate’s statutory scoping consultation process. Applicants should therefore consider carefully the timing and nature of any non-statutory consultation exercise to ensure that there is no confusion with the statutory scoping consultation process that the Planning Inspectorate initiates as soon as it receives a scoping request.

4.9 Applicants should consider carefully the best time to request a scoping opinion. In order to gain the most benefit, Applicants should consider requesting the opinion once there is sufficient certainty about the design of the Proposed Development and the main design elements likely to have a significant environmental effect. Applicants should avoid submitting requests with multiple and varied design and layout options. However, if this cannot be avoided and options remain under consideration (for example a number of route corridors associated with a proposed linear development), Applicants should be aware that this may affect the ability of the Planning Inspectorate and consultation bodies to provide detailed comments. In addition, should a high level of uncertainty remain around key design elements of the Proposed Development this is likely to limit the Planning Inspectorate’s ability to agree to scope out aspects/matters to enable the refinement of the ES.

4.10 Ensuring that ESs are appropriately focussed on aspects and matters where a likely significant effect may occur is essential. The Planning Inspectorate is keen to ensure that the scoping process is used effectively, ensuring that the EIA process is proportionate. The Planning Inspectorate will agree to ‘scope out’, from the need for further assessment, aspects and matters where it is appropriate to do so. In order to support the Planning Inspectorate with this aim, Applicants should ensure that their requests include sufficient justification for scoping aspects/matters out. The justification should be evidence based and have reference to the assessment process.

4.11 The Planning Inspectorate considers that suitable justification to support the scoping out of aspects and matters should include information to address the following questions:

1. Is there an impact pathway from the Proposed Development to the aspect/matter?
2. Is the aspect/matter sensitive to the impact concerned?
3. Is the impact likely to be on a scale that may result in significant effects to the aspect/matter?

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12 Regulation 14(3) of the EIA Regulations. The Regulation specifies ‘As far as the proposed development remains materially the same as the proposed development which was subject to that opinion’
4. Could the impact contribute cumulatively with other impacts to result in significant effects to the aspect/matter?
5. Is there a method of avoidance or mitigation that would reduce the impact on the aspect/matter to a level where significant effects would not occur?
6. Is there sufficient confidence in the avoidance or mitigation method in terms of deliverability and efficacy to support the request?
7. Is there empirical evidence available to support the request?
8. Do relevant statutory consultees agree with the request?
9. Have you had regard to (a) relevant National Policy Statement(s) (NPS) and specifically any requirement stated in the NPS(s) in respect of the assessment of this aspect/matter?

4.12 Inclusion of information responding to the points above will increase the likelihood of the Planning Inspectorate being able to agree to any ‘scoping out requests’.

4.13 Applicants should note that aspects/matters are not scoped out unless specifically confirmed as being scoped out by the scoping opinion.

INSERT 2 - Information to be provided with a scoping request

Although it is not a statutory requirement, the Planning Inspectorate suggests that Applicants provide their scoping request information in the form of a scoping report including simple paragraph numbering to aid referencing. The Planning Inspectorate recommends that the scoping report should include the following information:

The Proposed Development
- an explanation of the approach to addressing uncertainty where it remains in relation to elements of the Proposed Development eg design parameters;
- referenced plans presented at an appropriate scale to convey clearly the information and all known features associated with the Proposed Development;

EIA Approach and Topic Areas
- an outline of the reasonable alternatives considered and the reasons for selecting the preferred option;
- a summary table depicting each of the aspects and matters that are requested to be scoped out allowing for quick identification of issues;
- a detailed description of the aspects and matters proposed to be scoped out of further assessment with justification provided;
- results of desktop and baseline studies where available and where relevant to the decision to scope in or out aspects or matters;
- aspects and matters to be scoped in, the report should include details of the methods to be used to assess impacts and to determine significance of effect eg criteria for determining sensitivity and magnitude;
- any avoidance or mitigation measures proposed, how they may be secured and the anticipated residual effects;

Information Sources
- references to any guidance and best practice to be relied upon;
- evidence of agreements reached with consultation bodies (for example the statutory nature conservation bodies or local authorities); and
- an outline of the structure of the proposed ES.
Transboundary effects

4.14 At the same time as making a scoping request, the Applicant may also wish to provide a completed transboundary screening matrix dealing with the potential effects of the Proposed Development on other European Economic Area (EEA) States. This would facilitate the Secretary of State's consideration under Regulation 32 of the EIA Regulations. Under that provision, the Secretary of State must notify and exchange information with other EEA states if it is of the view that the proposed development is likely to have significant effects on the environment in these states.

5. Paper and electronic copies of screening/scoping requests

5.1 Applicants are required to provide two paper copies and an electronic copy (provided on a CD or other portable electronic storage device) of the screening/scoping request documents.

5.2 The electronic copy should be a single file including all appendices and figures. Where the request document contains high resolution plans/figures, the Planning Inspectorate asks that a low resolution electronic copy is also provided to enable easier downloads for those viewing the document via the National Infrastructure Planning website. An electronic copy of the request document will be uploaded to the National Infrastructure Planning website and should therefore be optimised for web viewing and should not exceed 50MB per document.

5.3 Detailed information on the submission of application documents, including the ES, is provided in Advice Note 6.

6. Advance notice and GIS shapefile

6.1 The Planning Inspectorate requests that advance notice is given prior to making any screening/scoping request. The Planning Inspectorate prefers an early indication of the intent to submit a notification/request preferably several months in advance of the actual request being made. This will enable the Planning Inspectorate to ensure that there is sufficient resource available to meet the required demand.

6.2 In addition the Planning Inspectorate requests that an advance notification from Applicants of an impending screening and/or scoping request is made and recommends that a minimum notice of ten working days is given.

6.3 At the same time as advance notice is given, a GIS shapefile should be provided to the Planning Inspectorate to identify the land for which the screening and/or scoping request is made. This will enable the Planning Inspectorate to allocate resources to deal with the request and enable the Planning Inspectorate to identify the consultation bodies in advance of receiving the request thus ensuring a timely start.

6.4 The technical specifications for the shapefile are:

- it should be a polygon geometry type and consist of one or more polygon features representing the proposed DCO site boundary (including any temporary, permanent and associated development);
- it should be a single, valid, ESRI Shapefile for the proposed DCO site boundary, provided as a *.zip file using the default WinZip settings (ie no encryption, normal compression etc.);
  - the *.zip file must contain one of each of the following files: *.prj, *.dbf, *.shp, *.shx; and
  - there must not be any other files within the *.zip file;
- it should be in the British National Grid (OSGB1936) format;
- multiple *.zip files or multiple .shp files within a single zip file are not compatible with the Planning Inspectorate's GIS

13. Further details of the suggested format for the transboundary screening matrix is provided in the Planning Inspectorate's advice note 12 'Transboundary Impact Consultation'
In accordance with section 47 of the PA2008 Regulation 12 of the EIA Regulations Regulation 12(2)(b) of the EIA Regulations

If the proposed DCO site boundary comprises a number of separate discrete polygons, these should all be included within the single shape file contained in the *.zip file.

6.5 The shapefile must match exactly the red line that will be presented within the scoping request.

7. The role of Preliminary Environmental Information (PEI)

7.1 As part of their pre-application consultation duties, Applicants are required to prepare a Statement of Community Consultation (SoCC). This sets out how the local community will be consulted about the Proposed Development (see also relevant sections of Advice Note 8) The SoCC must state whether the Proposed Development is EIA development and, if it is, how the Applicant intends to publicise and consult on PEI.

7.2 PEI is defined in the EIA Regulations as:

7.3 ‘information referred to in regulation 14(2) which -

(a) has been compiled by the applicant; and

(b) is reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development (and of any associated development)’.

7.4 There is no prescribed format as to what PEI should comprise and it is not expected to replicate or be a draft of the ES. However, if the Applicant considers this to be appropriate (and more cost-effective) it can be presented in this way. A good PEI document is one that enables consultees (both specialist and non-specialist) to understand the likely environmental effects of the Proposed Development and helps to inform their consultation responses on the Proposed Development during the pre-application stage.

7.5 Therefore, the level of detail and type of PEI may vary depending on:

- at what stage in the design process the consultation is carried out;
- the target audience; and
- the complexity of the Proposed Development and the receiving environment.

7.6 Applicants should respond to these points and consider the most appropriate form in which to present the PEI. Applicants should be aware that the level of detail provided in the PEI may influence the content of consultees’ responses. For example, consultees may look for more or less technical information depending upon their interests. The information provided in the PEI should be accessible yet meet consultees’ different needs. Applicants may find it useful to provide more than one version of PEI depending upon whom they are consulting.

7.7 Applicants should consider carefully whether publication of the PEI at a more advanced stage in the design process of the NSIP, where more detailed information is known about the Proposed Development and its environmental effects, would generate more detailed responses and so better inform the design of the Proposed Development and their EIA. This may provide a more effective consultation exercise.

7.8 In order to clarify the role of PEI to consultees, the Planning Inspectorate recommends that Applicants clearly explain that the information is ‘preliminary’, that the Applicant is actively seeking consultees’ comments and that there will be the opportunity for both the design of the Proposed Development and the EIA to take into consideration any comments received through this consultation.

14. In accordance with section 47 of the PA2008
15. Regulation 12 of the EIA Regulations
16. Regulation 12(2)(b) of the EIA Regulations
7.9 Applicants are not required to provide PEI when undertaking their formal consultation (although if they do so they must set out how it will be publicised and consulted on as part of this process). However, Applicants are encouraged to provide PEI to enable the statutory consultees to understand the environmental effects of the development and to inform the consultation. Provision of PEI may assist in the identification of potential issues, enabling these to be addressed at an earlier stage in the pre-application consultation process.

7.10 It will be for Applicants to decide at what stage in the pre-application process they wish to commence statutory pre-application consultation, and to decide whether they wish to provide PEI and if so at what point this will be most effective. Advice Note 11 has advice on working with public bodies in the pre-application stage which may assist with these decisions.

8. **Environmental Statements**

8.1 Regulation 14 of the EIA Regulations sets out the information which an ES accompanying a DCO application must include. Amongst the requirements is a reference to the inclusion of additional information specified in Schedule 4 where relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected.17

8.2 The requirements of Schedule 4 of the EIA Regulations will be considered carefully by the Planning Inspectorate at the point of a DCO application to ensure that any accompanying ES is adequate and complies with the EIA Regulations. As noted above, the EIA Regulations explain that the ES should be based on the most recently adopted scoping opinion (where the project remains materially the same) and this emphasises the care and regard that should be given to the scoping process to ensure that aspects/matters included in the Regulations and particularly Schedule 4 (where relevant) are appropriately addressed.

8.3 The Planning Inspectorate considers that a good ES is one that:

- provides a clear description of the Proposed Development through all phases of the development consistent with the DCO ie in terms of construction, operation and decommissioning phases;
- clearly explains the processes followed to develop the ES including the established scope for the assessment;
- explains the reasonable alternatives considered and the reasons for the chosen option taking into account the effects of the Proposed Development on the environment;
- details the forecasting methods for the assessment and the limitations (as relevant);
- assesses in an open and robust way the assessment of likely significant effects explaining where results are uncertain;
- provides sufficient details of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects, the likely efficacy of such measures and how they are secured;
- details the need for any ongoing monitoring or remediation; and
- demonstrates that the information is sufficient to enable a reasoned conclusion to be reached.

8.4 Practical advice regarding ES production including presentation techniques is provided at Annex 1 and should be considered alongside this Advice Note.

8.5 The Planning Inspectorate acknowledges that the EIA process is iterative and includes public participation as an essential component. Applicants are strongly encouraged to invest time and effort in both statutory and non-statutory EIA consultation exercises. This should include allowing time to consider and address comments from consultees including, if necessary, undertaking additional surveys and analysis.

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17. Regulation 14(2)(f) of the EIA Regulations
8.6 Specific aspects and matters identified in the EIA Regulations and particularly Schedule 4 should be considered in relation to each Proposed Development (as relevant). More detailed advice in respect of these points is provided in Annex 1. In addition, Regulation 14 of the EIA Regulations also identifies that the ES must include the information reasonably required for reaching a reasoned conclusion on the significant environmental effects. The reasoned conclusion should take into account current knowledge and methods of assessment. The Planning Inspectorate is keen to emphasise this requirement since it relates clearly to the obligation placed on the decision maker (Secretary of State) under Regulation 21(b) of the EIA Regulations.

9. Information published on the National Infrastructure Planning website

9.1 The following pre-application documents will be made available on the relevant project page of the National Infrastructure Planning website:

- Applicants’ screening and scoping requests made to the Planning Inspectorate;
- any additional screening and scoping information requested by the Planning Inspectorate and submitted by the Applicant;
- the Planning Inspectorate’s screening opinion(s);
- the Planning Inspectorate’s scoping opinion(s) including all consultation responses received within the statutory deadline; and
- late scoping consultation responses received after the statutory deadline.

9.2 Information relating to third parties will be handled in accordance with the Data Protection Act 1998.