

Company Directive

STANDARD TECHNIQUE : EW1AB/1

Relating to the Requirement for Environmental Impact Assessments

Author: Phil West / C Hjelm

Implementation Date: November 2011

Approved by



Consents & Wayleaves Manager

Date:

18/11/11.

All references to Western Power Distribution or WPD must be read as National Grid Electricity Distribution or NGED

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IMPLEMENTATION PLAN

Introduction

This document describes the Process for determining if required and applying for Environmental Impact Assessments for overhead lines as part of the planning process.

Main Changes

Minor text changes to reflect creation of Natural Resources Wales (merging Forestry Commission Wales, Environment Agency (Wales) and Countryside Council for Wales)

Text updated to reflect change of name of Infrastructure Planning Commission to Major Infrastructure Planning Unit (MIPU) at the Planning Inspectorate.

Impact of Changes

None

Implementation Actions

Team Managers to inform Wayleave and Estate Specialists and other relevant staff.

Implementation Timetable

This Standard Technique shall be implemented with immediate effect.

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Document Revision & Review Table		
Date	Comments	Author
9/11/2014	<ul style="list-style-type: none"> Minor text changes to reflect creation of Natural Resources Wales (merging Forestry Commission Wales, Environment Agency (Wales) and Countryside Council for Wales) Text updated to reflect change of name of Infrastructure Planning Commission to Major Infrastructure Planning Unit (MIPU) at the Planning Inspectorate. Section 4.0 updated to reflect above change 	Christian Hjelm

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1.0 BACKGROUND

- 1.1 This policy sets out the procedure for applying for consent for overhead lines that are affected by The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000 and as amended by the Electricity Works (Environmental Impact Assessment) (Eng & Wales) (Amendment) Regs 2007.
- 1.2 The Regulations require an Environmental Impact Assessment (EIA) for any development of a power station or overhead line that is likely to have a significant effect on the environment.

2.0 THE REGULATIONS

- 2.1 The regulations define those developments where an EIA is mandatory and those developments where the need for an EIA is judged on a case-by-case basis.
- 2.2 An EIA is mandatory, as defined in Schedule 1 of the Act, for development of:
- A thermal power station of 300MWth or more
 - Any nuclear power station
 - An overhead line of 220kV or more and more than 15km in length
- 2.3 The need for an EIA will be judged on a case-by-case basis, as defined in Schedule 2 of the Act, for development of:
- Power stations (not nuclear) of less than 300MWth
 - Extensions to power stations
 - Construction of an overhead line with a voltage of 132kV or more
 - Overhead lines in “sensitive areas”

The regulations define a “sensitive area” as any of the following:

Areas of special scientific interest

Special area of Conservation

Land under nature conservation orders

An area to which paragraph (u)(ii) in the table in article 10 of the Town and County Planning (General Development Procedure) Order 1995(b) applies

A National Park

The Broads

A property on the World Heritage List

A scheduled monument

An area of outstanding natural beauty

A European site within the meaning of regulation 10 of the Conservation (Natural Habitats, etc.) Regulations 1994(b) (as amended by the Conservation of Habitats & Species Regulations 2010)

2.4 For a small number of developments that fall outside the above categories the need for an EIA may have to be determined because of specific, local conditions such as:

- Overhead lines in densely populated areas
- An area of land that already has a number of developments or overhead lines affecting it
- An area sufficiently close to a sensitive area to have an effect on it
- Areas protected by Bio-diversity Action Plans

2.5 If an EIA is required, the application for consent must be made with an Environmental Statement describing the results of the EIA.

3.0 EFFECT ON WPD

3.1 No developments undertaken by WPD will be subject to a compulsory Environmental Impact Assessment, since they will not fall within the criteria in 2.2.

3.2 132kV overhead lines and other lines in sensitive areas will be judged on a case-by-case basis to decide the need to provide an EIA.

3.3 It is the Department of Energy and Climate Change view that lines are more likely to require an EIA if they are of 132kV or higher and have a length of more than two kilometres. In the past 85% of such lines have needed an EIA.

3.4 New installations of wooden poles (below 132kV) will not usually require an EIA (unless it has a major impact in a sensitive area) whereas developments of steel towers are more likely to because of their visual impact.

3.5 An overhead line is also more likely to be subject to an EIA if it represents a part of a wider scheme, for example, an overhead line that is part of a scheme for a power station that is itself subject to an EIA.

4.0 WPD PROCEDURE

- 4.1 It is possible to request an opinion from the Secretary of State or the Major Infrastructure Planning Unit (MIPU) at the Planning Inspectorate as to whether an EIA will be required for a particular development. This is a “screening opinion”.

The screening process introduces a considerable time delay (up to 9 weeks while the Local Planning Authority is consulted by the Secretary of State) so should be avoided if possible. The screening process is however mandatory for overhead lines at 132kV and above where MIPU has jurisdiction.

- 4.2 For Schedule 2 overhead line developments over 1km that are either

- a) in sensitive areas, or
- b) covered by one of the other criteria in 2.4

The Local Planning Authority shall be contacted directly for their screening opinion instead of the Secretary of State

- 4.3 The Local Planning Authority’s opinion shall be requested using the format of the letter in Appendix A. The request shall include the following basic information on the development:

- A plan to identify the site
- A brief description of the nature and purpose of the proposed development and its likely effect on the environment

- 4.4 If it is the Local Planning Authority’s opinion that an EIA is not required the formal application shall be made to the Secretary of State including the response from the Local Planning Authority and any other supporting environmental information.

- 4.5 If it is the Local Planning Authority’s view that a full EIA should be carried out it is likely that the Secretary of State will agree. In this situation there are two options:

- a) Make the application including a full EIA
- b) Request a screening opinion from the Secretary of State by including the response from the Local Planning Authority but also with an environmental statement to support the application

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Relevant consultative bodies that may help in the preparation of a supporting statement are:

- Wildlife Trusts
- English Heritage / CADW (Wales)
- Natural England / NRW (Wales)
- Forestry Commission (now part of NRW in Wales)_
- Environment Agency (now part of NRW in Wales)
- National Trust

4.6 It is worth spending a considerable amount of time preparing any supporting environmental information because a poor supporting statement may lead to an unnecessary Environmental Impact Assessment being requested which is costly both in time and money.

4.7 If the decision of the Secretary of State is that the development is an EIA development then WPD must reply within three weeks to indicate the intention to abide by the decision and submit an Environmental Statement. If a reply is not received within three weeks, the application will be deemed to have been refused - there is no appeal against this.

5.0 APPLICATIONS NOT REQUIRING AN EIA

5.1 If a development does not require an EIA the application should be submitted on Form B as normal (see ST EW1A). Question 3 on Form B should be used to provide environmental information to support the application. It is worth spending a considerable amount of time preparing any supporting environmental information to avoid an unnecessary Environmental Impact Assessment being requested. This information should consist of discussion of the following considerations:

- Visual impact
- Construction time scale
- Choice of route and alternatives
- Type of land
- Wildlife
- A brief summary of any archaeological and environmental surveys that have or will be carried out prior to construction

5.2 Considerable input from the Estates, Wayleaves or Consents & Wayleaves Specialist and Planner will be required to produce a statement for question 3.

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6.0 APPLICATIONS REQUIRING AN EIA

- 6.1 If it is decided that the development is an EIA development then WPD will have to provide an Environmental Statement. Please contact the Consents & Wayleaves team or the Policy Environment Team for a current list of Environmental Consultants that can be used to carry out an Environmental Impact Assessment and produce an Environmental Statement.
- 6.2 There will be a considerable cost incurred if an EIA is required. WPD is required to provide the customer with the least-cost solution so in the case of small schemes the cost of an EIA may make an overhead line a more expensive option. In circumstances where the cost of an EIA would have to be met by the Customer, they shall be consulted on whether they wish to take this risk.

7.0 THE ENVIRONMENTAL STATEMENT

- 7.1 The results of an EIA will be described in an Environmental Statement. A description of what should be included in an environmental statement is in Appendix C.
- 7.2 Whilst the environmental statement shall provide a full factual description of the development the emphasis shall be on **significant environmental effects**.

APPENDIX A

Letter to Request a Screening Opinion from the Local Planning Authority

Local Planning Authority
County Council
County

Dear Sir / Madam

Re: Screening Opinion - Development Name and Location

Western Power Distribution intends to erect an overhead line indicated on the enclosed plan in *area/location*. This proposed line falls within Schedule 2 of the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000 (as amended) because it is within a sensitive area [or *enter details...*].

In our opinion the proposed development does not require a formal Environmental Impact Assessment but if you consider it appropriate we will submit a supporting environmental statement.

Before applying for planning consent using Form B we would welcome your opinion.

Yours faithfully

Contents of an Environmental Statement

The Environmental Statement must include the following:

1. A description of the project comprising information on the site, design and size of the proposed works.
2. A description of the measures proposed to be taken in order to avoid, reduce and if possible, remedy any significant adverse effects on the environment of the proposed works.
3. The data required to identify and assess the main effects which the proposed works are likely to have on the environment.
4. An outline of the main alternatives to the proposed works studied by the applicant and an indication of the main reasons for his choice, taking into account the environmental effects.
5. A non-technical summary of the information provided.

The Environmental Statement must also include so much of the following information that is relevant to the proposed works:

1. A description of the project, including in particular:
 - a. a description of the physical characteristics of all of the works covered by the application and the land-use requirements during construction and operational phases;
 - b. a description of the main characteristics of the production processes, for instance, the nature and quantity of the materials used;
 - c. an estimate, by type and quality, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation and any others) resulting from the operation of the project.
2. A description of the aspects of the environment likely to be significantly affected by the project, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets (including the architectural and archaeological heritage), landscape and the inter-relationship between the above factors.
3. A description of the likely significant effects of the project on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the project, resulting from:
 - a. the existence of the project,

- b. the use of natural resources, and
 - c. the emission of pollutants, the creation of nuisances and the elimination of waste, and the description by the applicant of the forecasting methods used to assess the effects on the environment.
4. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
 5. A non-technical summary of the above information.
 6. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the developer in compiling the required information.

APPENDIX C

SUPERSEDED DOCUMENTATION

This document supersedes ST:EW1AB dated November 2000 which should now be withdrawn.

APPENDIX D

ASSOCIATED DOCUMENTATION

ST: EW1A - Obtaining the Consent of the Secretary of State for Energy & Climate Change for the Erection of Overhead Lines

APPENDIX E

IMPACT ON COMPANY POLICY

There is no significant impact. Updated to reflect recent new legislation and tie in with associated WPD policy documents.

APPENDIX F

IMPLEMENTATION OF POLICY

Immediate

APPENDIX G

KEY WORDS

Environmental Impact Assessment, Overhead Lines, Section 37 Consent.