

EIA – Screening

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EIA Screening

- EU EIA Directive and the Requirement for Screening
- Principles of Screening – it should...
- Experience from other Member States
 - Overview
 - UK
 - Greece
 - Austria

EU EIA Directive

Legislation:

Directive 2011/92/EU of 13 December 2011, on the assessment of the effects of certain public and private projects on the environment

– AKA **The EIA Directive**

Main Article = Article 4

EU EIA Directive

Article 4

- Article 4(1). Subject to Article 2(4), projects listed in Annex I shall be made subject to an assessment in accordance with Articles 5 to 10.
- Article 4(2). Subject to Article 2(4), for projects listed in Annex II, Member States shall determine whether the project shall be made subject to an assessment in accordance with Articles 5 to 10. Member States shall make that determination through:
 - (a) a case-by-case examination;
 - or
 - (b) thresholds or criteria set by the Member State. Member States may decide to apply both procedures referred to in points (a) and (b).
- Article 4(3). When a case-by-case examination is carried out or thresholds or criteria are set for the purpose of paragraph 2, the relevant selection criteria set out in Annex III shall be taken into account.
- Article 4(4). Member States shall ensure that the determination made by the competent authorities under paragraph 2 is made available to the public.

EU EIA Directive

Annex III contains the screening criteria

- Characteristics of Projects
- Location of Projects
- Characteristics of Potential Impacts

EIA and the Screening stage

In summary:

- EIA is required **when a project is likely to have significant effects on the environment.**
- ‘EIA screening’ refers to the process of making that decision, and therefore deciding whether or not to undertake EIA.
- such a mechanism should be ‘**simple**’ and ‘**efficient**’, serving to identify those projects that can be expected to have significant impacts on the environment.

The Basic Principles

The screening process should be...

- **Fit for purpose** - the process should inform decision making by providing sufficient, reliable and usable information and result in appropriate levels of environmental protection.
- **Credible** - the process should be carried out with professionalism, rigor, fairness, objectivity, impartiality and balance, and be able to withstand independent checks and verification.
- **Systematic** - the process should be undertaken in a similar manner each time it is performed; it should result in full consideration of all relevant criteria to reach the conclusion.
- **Specific** - the process should concentrate on the relevant environmental effects and key issues of the project in question; be able to adapt to the individual issues and circumstances without compromising the integrity of the process.
- **Transparent** - the process should be clear and easily understood and it should ensure public access to information.
- **Efficient** - the process should achieve its objectives with the minimum cost burdens in terms of time and finance on all participants.

Differences between Member States

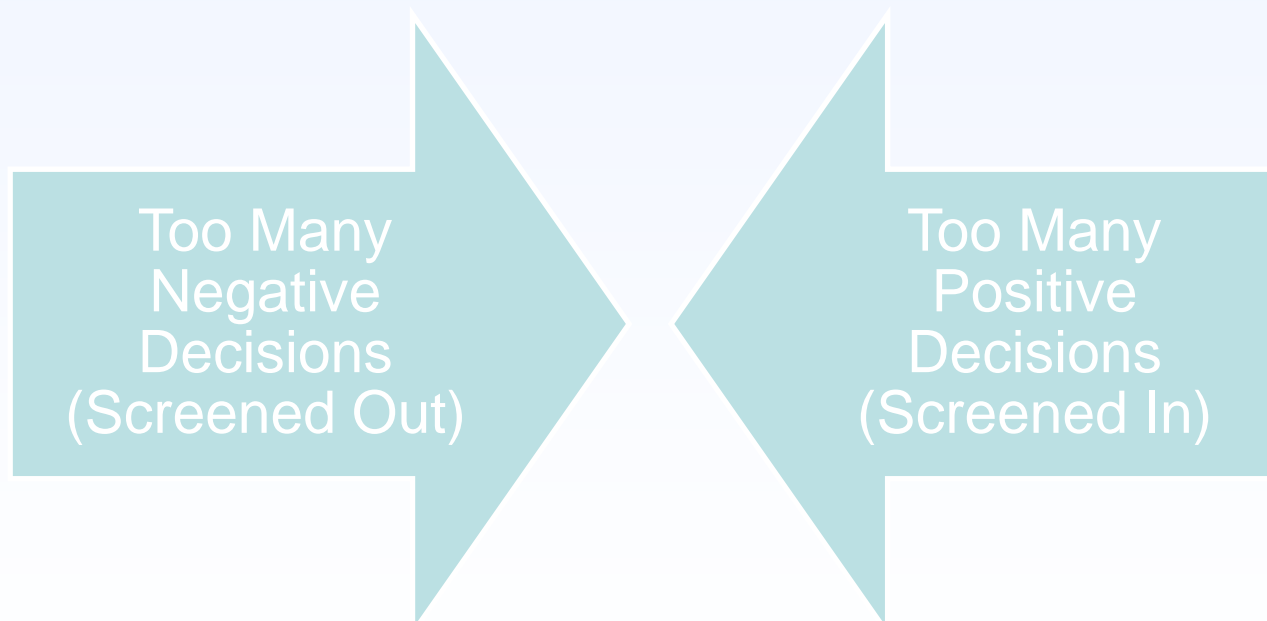
Considerable differences in the numbers of EIAs carried out in each MS (10-21,500 a year), yet in some MSs an excessive number of EIAs are carried out while in other MSs, very few small projects are screened

Member State		Average Estimated Number of Screenings per year	Average Estimated Number of EIAs per year
AT	Austria	96	23
BE	Belgium	2337	183
CY	Cyprus	58	96
CZ	Czech Republic	1610	117
DE	Germany	2200	1000
DK	Denmark	2500	125
FI	Finland	36	38
FR	France	0	3867
GR	Greece	0	21500
HU	Hungary	613	152
LV	Latvia	710	11
MT	Malta	62	10
PL	Poland	4400	4000
SK	Slovakia	476	670
UK	United Kingdom	2745*	598

Screening process failures are a significant and recurring problem (69% of infringement cases; 80% of all EU court cases)

Differences between Member States

- What is the right balance for Slovenia?



Experience from other Member States

England

- Annex I and Annex II transposed as Schedule 1 and Schedule 2 of the EIA Regulations respectively.
- Schedule 2 has lower limit thresholds or criteria for when screening is required (typically very low limits).
- Projects located in, or partly in, a sensitive area also need to be screened, even below the thresholds.
- Annex III criteria transposed precisely.
- Local Planning Authorities provide screening decision, with Statutory Consultation.

Experience from other Member States

England

- Tools available to support decision makers (plus project developers and the public)
 - Screening Checklists
 - Indicative Thresholds
 - Planning Portal website
 - Flowcharts

Experience from other Member States

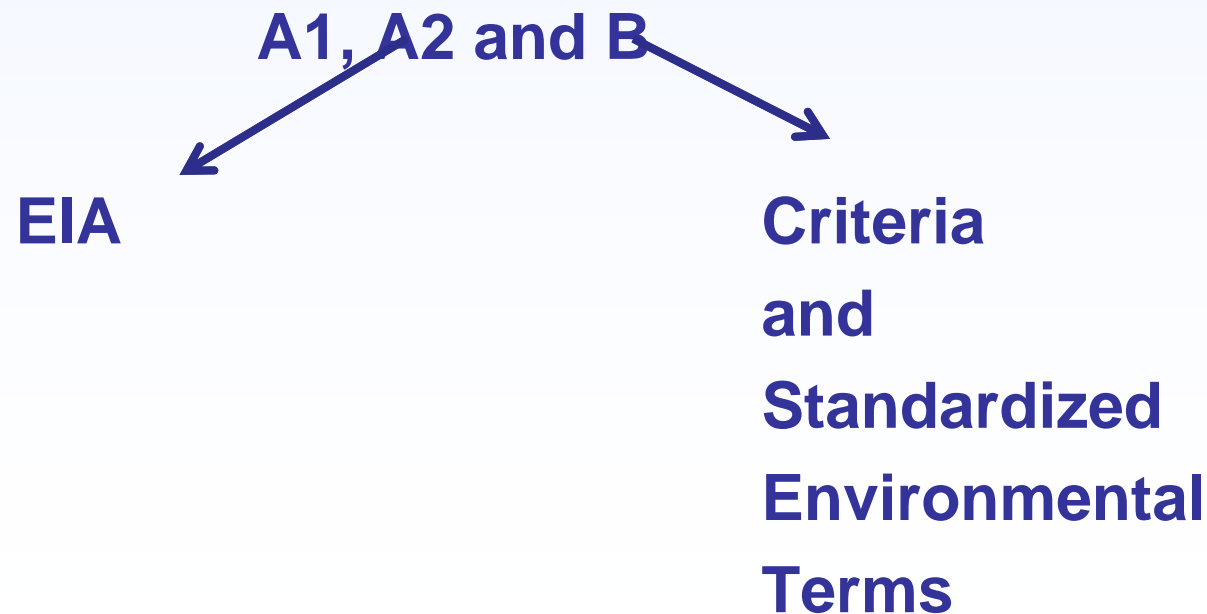
England

- The ineffective application of EIA screening requirements is the most common area of legal challenge in UK EIA practice.
- Recent IEMA review of the Legislation and Practices identified many areas for improvement:
 - Lack of knowledge of the real number of screenings undertaken per year
 - Inconsistency in approach between Planning Authorities
 - Planning Authorities don't always have EIA experts in-house
 - Fewer EIA's undertaken than other comparable countries (too few?)
 - Problems with changes and extensions to projects
 - Problems of missing screenings can lead to development consents overturned and / or impacts on the environment.
 - Lack of justification for not undertaking EIA

Experience from other Member States

GREECE

The projects are split into 12 groups and the projects within the group are further divided (through thresholds) into 3 categories:



Experience from other Member States

Example of the used thresholds in Group 1:

	A1	A2	B	Comments
Motorways	X			Included associated infrastructure
Expressways	X			
Roads that connect prefectures with at least 4 lanes	X			
Roads < 4lanes that connect prefectures	more than 500 m (or equal)	less than 500 m		
.....				
Secondary roads		in Natura 2000	Outside Natura 2000	

Experience from other Member States

Example of methodology for some of the Group 9 projects:

A2 : 100t/day

>50t/day and collect 90 points

le 50t/day and collect 150 points

Breweries can be:

B if they do not belong to any of the above cases

Experience from other Member States

The “point system” considers
(to the size and nature of the project):

- The existing land use (8 subcriteria)
- The sensitivity and the carrying capacity of the environment (8 subcriteria)
- The extent of the expected impacts (7 subcriteria)

The maximum points a project can collect are 250 and
the minimum 30 points

Experience from other Member States

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Πίνακας 4: Μοριοδότηση βάσει λοιπών κριτηρίων πλην μεγέθους και είδους δραστηριότητας

α/α	Κριτήρια	α/α	Υποκριτήρια	Μόρια
α	β	γ	δ	ε
1	Χρήσεις γης	1.1	Επιχειρηματικά Πάρκα και Οργανωμένοι Υποδοχείς Μεταπονητικών και Επιχειρηματικών Δραστηριοτήτων σύμφωνα με τις διατάξεις του Ν.3982/2011 (ΦΕΚ Α'143)	10
		1.2	Συσώρευση με άλλα έργα ή δραστηριότητες (περιοχές άτυπης επαγγελματικής συγκέντρωσης) σύμφωνα με τις διατάξεις του Ν.3982/2011 (ΦΕΚ Α'143)	30
		1.3	Γεωργική γη υψηλής παραγωγικότητας	70
		1.4	Γεωργική γη που δεν έχει χαρακτηριστεί ως υψηλής παραγωγικότητας	40
		1.5	Εκτός σχεδίου πόλης ή οικισμού και εκτός ΓΠΣ	40
		1.6	Εντός εγκεκριμένου Ρυθμιστικού, ΓΠΣ, ΖΟΕ, ΣΧΟΑΠ ή λοιπών σχεδίων καθορισμού χρήσεων γης κ.λπ. όπου προβλέπεται η χρήση	20
		1.7	Όπου από το χωροταξικό ή πολεοδομικό σχεδιασμό (εγκεκριμένα Ρυθμιστικά, ΓΠΣ, ΖΟΕ, ΣΧΟΑΠ ή λοιπά σχέδια καθορισμού χρήσεων γης) προβλέπονται μεταβατικές ή άλλες διατάξεις για τη διατήρηση υφιστάμενων μονάδων	50
		1.8	Καμία από τις παραπάνω περιπτώσεις	10
2	Ευαισθησία και αφομοιωτική ικανότητα φυσικού περιβάλλοντος	2.1	Περιοχές του Ν. 3937/11 για τις οποίες οι χρήσεις γης ρυθμίζονται με ειδική ΚΥΑ ή ΠΔ (κατ'εξουσιοδότηση του Ν.3937/11 ή το Ν.1650/86) και όπου προβλέπεται η χρήση	60
		2.2	Περιοχές του Ν. 3937/11 για τις οποίες δεν έχει εκδοθεί ειδική ΚΥΑ ή ΠΔ προστασίας	100
		2.3	Θεσμοθετημένοι υγρότοποι	80
		2.4	Παράκτια ζώνη 350 μέτρων εκτός σχεδίου πόλης και εκτός ειδικών ευμενέστερων ρυθμίσεων π.χ. ΖΟΕ, ΓΠΣ, ΣΧΟΑΠ κ.λπ.	60
		2.5	Δάση και δασικές περιοχές σύμφωνα με τη δασική νομοθεσία	80
		2.6	Θεσμοθετημένες περιοχές ιστορικής, πολιτιστικής ή αρχαιολογικής σημασίας.	80
		2.7	Διάθεση αποβλήτων σε ευαίσθητους αποδέκτες ή αποδέκτες όπου ήδη καταστρατηγούνται τα περιβαλλοντικά πρότυπα της κοινοτικής ή εθνικής νομοθεσίας	80
		2.8	Καμία από τις πιο πάνω περιπτώσεις	10
3	Έκταση περιβαλλοντικών επιπτώσεων	3.1	Πιθανότητα διασυννοριακών επιπτώσεων	80
		3.2	Εντός σχεδίου πόλης ή ορίων οικισμού με συντελεστή δόμησης $\geq 0,8$	60
		3.3	Εντός σχεδίου πόλης ή ορίων οικισμού με συντελεστή δόμησης $< 0,8$	50
		3.4	Σε απόσταση ≤ 100 m από το εγκεκριμένο σχέδιο πόλης ή από οικισμό προ του '23	40
		3.5	Σε απόσταση > 100 m και ≤ 500 m από το εγκεκριμένο σχέδιο πόλης ή από οικισμό προ του '23	30
		3.6	Σε απόσταση > 500 m από το εγκεκριμένο σχέδιο πόλης ή από οικισμό προ του '23	10
		3.7	Καμία από τις πιο πάνω περιπτώσεις	10
Σύνολο μοριοδότησης				
Μέγιστη δυνατή μοριοδότηση βάσει κριτηρίων 1, 2 και 3				250
Ελάχιστη δυνατή μοριοδότηση βάσει κριτηρίων 1, 2 και 3				30

Experience from other Member States

- No Member State is perfect
- Learning by doing
- Constantly evolving and improving
- Find what fits for Slovenia