

A Procedural Manual for
Environmental Impact Assessment
on St Helena

Version 1: December 2010

Contents

Preface

1. Introduction	1
2. Purpose of EIA	2
3. Who Is Responsible	3
4. EIA - An Overview	5
5. Screening - Is an EIA Required?	7
6. Scoping - What information should the EIA cover?	11
7. Reporting the Results of the EIA	14
8. Decision Making, Follow Up and Monitoring	18

Glossary

Appendix 1 - Developments that Might Require EIA

Appendix 2 - Screening and Scoping Checklist

Preface

In accordance with Section 30(4) of the Land Planning and Development Control Ordinance, this document is published by the Land Planning and Development Control Board (LPDCB) as Guidelines on the implementation of the requirements for Environmental Impact Assessment.

1. Introduction

The publication of the Land Planning and Development Control Ordinance, 2008 means that some new developments on St Helena are now subject to **Environmental Impact Assessment (EIA)**. The Ordinance, introduces new laws that affect:

- **Developers** (the applicants) seeking development permission. The Applicant is responsible for undertaking the EIA.
- **Government officials** responsible for advising on and reviewing applications.
- **Government decision makers** responsible for the decision to grant or refuse development permission, and
- **The people of St Helena**, providing more information about the development proposals to allow them to comment on environmental issues associated with Development Applications.

This Manual has been produced to help all those with an interest in development proposals understand how the new EIA requirements work.

This document explains the following for St Helena:

- The purpose of EIA.
- Roles and responsibilities for EIA.
- An overview of how EIA fits into the planning process.
- Screening - deciding whether an EIA is required and deciding what type of EIA should be done.
- Scoping - agreeing what information should be provided.
- Reporting the results of the EIA.
- How decisions on the application are made and what happens next.

2. Purpose of EIA

A considerable amount of new development is likely to take place on St Helena in the coming years. This development is likely to include new infrastructure such as roads and new tourist facilities including hotels. All of these activities could have effects on the people of St Helena and the island's wildlife and heritage.

It is therefore important that before decisions are made to grant Development Permission, the public, government officials and decision makers are aware of and understand the environmental effects of new developments.

This is the purpose of EIA. It has been defined as a process *'to identify, predict and evaluate the environmental effects of proposed actions or projects. This process is applied to major decisions and commitments being made'*.

The main objectives of EIA are to:

- Improve the way developments are planned and designed. EIA helps identify ways in which negative effects can be prevented, reduced or offset. EIA also identifies ways of creating positive effects.
- Inform those making decisions on applications for Development Permission on the environmental effects prior to determining whether the development should proceed.
- Aid public consultation. The results of the EIA are set out in a report which forms part of the development application and is made available to the public.

What is meant by the word "Environment"?

The Land Planning and Development Control Ordinance, 2008 Schedule II Part B 3 states that an EIA will need to consider the following topics: *"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."*

The term environment therefore encompasses many things: it refers to the people of St Helena, the island's cultural heritage, its landscape and ecology, its air, water and soil and the surrounding seas.

An EIA is not just about the plants and birds and protected areas, as important as these are. An EIA is equally concerned with the effects on the people of St Helena from noise or air pollution or poor water quality. The environment includes all the places where people live and work and the many special places on St Helena that are important to local people and visitors alike. An EIA helps to safeguard these special places.

3. Who is Responsible?

The Land Planning and Development Control Ordinance establishes certain responsibilities for implementing EIA and provides opportunities for people to be informed about proposed developments and to support or object to development proposals. These roles are described below.

Key Organisations Involved in the EIA Process	Roles and/or Responsibilities
<p>Applicant: The individual or organisation responsible for submitting the Application for Development Permission. It could be a member of the public, a private business or the Government. It is important to note that the EIA procedures apply to all Applicants in the same way.</p>	<ul style="list-style-type: none"> • Preparing all material to be submitted with the Development Application. • Providing the information necessary for Screening and / or Scoping. • Preparing or commissioning the Environmental Statement (ES) or Basic Environmental Report (Basic ER). • Ensuring that development is constructed as required by the grant of Development Permission including any conditions attached and ensuring (if an EIA has been done) that all identified mitigation works are carried out. • At their discretion, seeking opinions on their proposals from the public or other interest groups.
<p>Planning Officer: A public officer appointed by the Governor and employed by the St Helena Government. The role is defined in the Land Planning and Development Control Ordinance, 2008 as the person responsible for the administration and operation of St Helena's planning system. The Planning Officer is the principal advisor to the Governor in Council and the Board on matters relating to physical planning and development of land.</p>	<ul style="list-style-type: none"> • Implementing the requirements of the Land Planning and Development Control Ordinance, 2008 • Providing developers with advice on the information that should be provided with Development Applications. • Deciding which developments require EIA (through screening), in consultation with the Environmental Co-ordinator and others. • Providing information on the scope of the EIA, taking advice from the Environmental Co-ordinator and others. • Preparing reports to the Determining Body on the suitability of the application • Informing the applicant on the decision of the Determining Body and any conditions attached to that decision. • Ensuring compliance with the conditions attached to the grant of Development Permission.

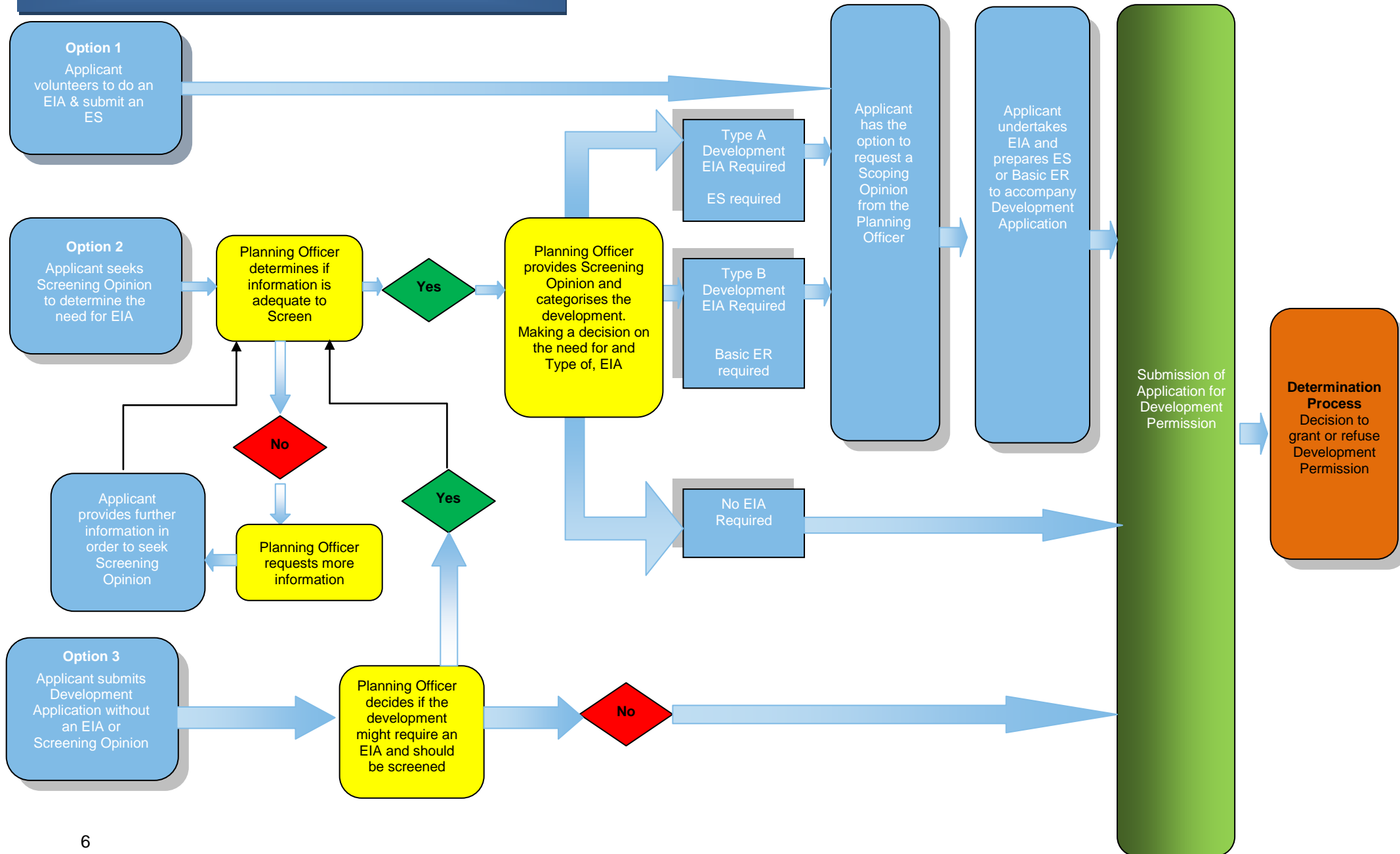
<p>Environmental Co-ordinator: A public officer appointed by the Governor and employed by the St Helena Government. The primary advisor on environmental matters relating to development.</p>	<ul style="list-style-type: none"> • Assisting developers with informal inquiries on the environmental issues associated with their proposals. • Advising the Planning Officer on Screening Opinions. • Advising the Planning Officer on Scoping Opinions. • Advising the Planning Officer and the decision makers on the quality of the Environmental Statement or Environmental Report submitted with the Development Application. This includes providing independent reviews of EIA reports. • Making recommendations on any conditions which should be attached to the grant of Development Permission. • Assisting Planning Officer with compliance monitoring (if required).
<p>Determining Body: The Determining Body determines whether an application should be approved or refused. It is either the Land Planning and Development Control Board or the Governor In Council. The Board comprises members appointed by the Governor.</p>	<ul style="list-style-type: none"> • Decisions on Development Applications are made by the Determining Body, normally the Land Planning and Development Control Board. In some circumstances as per Section 38 in the Land Planning and Development Control Ordinance, the decision to grant or refuse Development Permission must be made by the Governor in Council. In such cases the Land Planning and Development Control Board will give a recommendation. Applications which are refused may be referred to the Appeals Tribunal where the decision is contested by the Applicant.
<p>Members of the Public & Other Interest Groups or Organisations Any St Helena resident, stakeholder group or organisation.</p>	<ul style="list-style-type: none"> • A fundamental purpose of EIA is to inform the public and allow them to submit formal comments on the application prior to determination. Relevant comments from the public must be taken into consideration by the Determining Body. The public and non-governmental organisations can comment on any Development Application during the statutory consultation period (this occurs once an application has been lodged and has been advertised). During Screening and Scoping the Planning Officer and/or Environmental Co-ordinator may seek the opinions of other organisations on specific matters. The applicant can, at their discretion, consult with the public or others at any time.

4. EIA - An Overview

This section of the Guidelines provides an overview of the main stages in the EIA procedure that are required by the Land Planning and Development Control Ordinance. It provides a route map through the legal requirements for EIA. More detailed information on each individual stage is provided in subsequent sections of this document. Having defined the development for which they wish to obtain Development Permission, the Applicant has three options; as described below and illustrated on the flow chart on page 6.

Option 1	The Applicant volunteers to undertake a full EIA and submit an ES with the Application for Development Permission. This route is recommended for large complex developments which fall within the criteria for detailed EIA i.e. a Type A development. The advantage of this approach to the Applicant is that it saves the time and expense associated with seeking a Screening Opinion where the development clearly meets the requirements for EIA. Should the Applicant wish they can request a Scoping Opinion from the Planning Officer in order to clarify the content of the EIA.
Option 2	The Applicant seeks an opinion as to whether or not an EIA is necessary. This is recommended for developments where there is uncertainty over the need for EIA, the type of EIA Report required i.e. an ES or Basic ER. The advantage to the Applicant is that they get clarity on the requirements for Development Permission at the outset and avoid delays and additional costs that could occur if they followed the route of Option 3. Should the Applicant wish, they can request a Scoping Opinion from the Planning Officer in order to clarify the content of the EIA.
Option 3	The Applicant submits an application without seeking a Screening Opinion. This route is recommended for small scale developments which are very unlikely to require EIA. However, there is a risk of delays should the Planning Officer determine that the development should be screened for EIA.

An Overview of the EIA Process



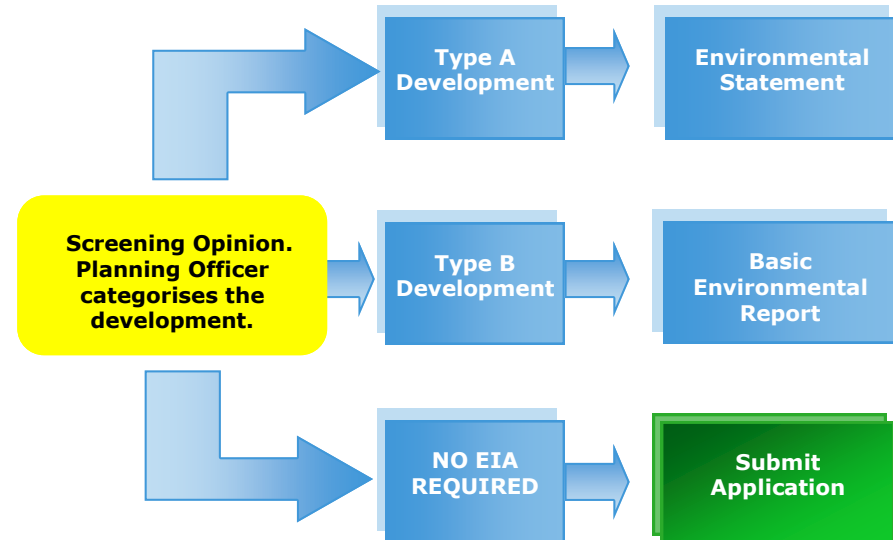
5. Screening - Is an EIA Required?

What is Screening?

Simply, **Screening** is used to decide which developments require EIA. It is also used to decide what kind of EIA report is required; either an Environmental Statement (ES) for a Type A development or a Basic Environmental Report (Basic ER) for a Type B development. These decisions are dependent on the likelihood of the development to have 'significant' effects on the environment. This Section of the Manual should be read together with **Appendix 1** which provides an indicative list of developments which might require EIA and **Appendix 2** which provide a checklist which can be used to help with Screening.

Outcomes from Screening

There are three possible outcomes from a Screening Opinion as shown below:



The Planning Officer will provide a Screening Opinion which categorises the development and confirms the EIA requirements with the Applicant. The three outcomes are:

- **EIA requiring an ES.** This is required for major developments which are likely to have significant effects on the environment.
- **EIA requiring a Basic ER.** This is required for other developments which may have significant adverse effects on the environment. It will be less detailed than an ES.
- **No EIA** is required where the developments are adjudged unlikely to result in significant environmental effects.

Why Two Types of EIA?

The Land Planning and Development Control Ordinance¹ identifies two types of developments which require EIA. Two levels of assessment were created to ensure that the amount of information requested from applicants is proportional to the scale of their activities.

- **Type A Developments** are larger and more complex developments which are likely to have wide ranging significant effects by virtue of their scale, location and physical and operational characteristics. An Environmental Statement must be submitted with the application for a Type A development.
- **Type B Developments** are developments from which significant effects may result, but where the associated impacts are likely to be few and limited in severity and extent. A Basic Environmental Report must be submitted with the application for a Type B development.

¹ Land Planning and Development Control Ordinance, 2008 Part VII Development Control Division C: Developments which may require environmental impact assessment report - 30 (1) and (2).

Information Required to Screen

The following information must be provided with the request for a Screening Opinion²:

- A brief description of the nature and purpose of the development and its possible effects on the environment;
- A plan sufficient to identify the land to be developed; and
- Such other information or representations as the Applicant may wish to provide or make.

The Applicant will need to complete Form B – Application for Screening and or Scoping Opinion, available from the Planning Office. The Form should:

- Be accompanied by a location plan identifying the area of land which would be developed (site boundary).
- Provide a brief description of the development. What it is (e.g. housing, a road, a hotel or a quarry) and its scale and physical appearance (e.g. number of units, height, likely working area).
- Identify possible environmental effects. It is not necessary to carry out an assessment of environmental effects; however, what is required is a brief indication of the key environmental issues with particular reference to environmentally sensitive or important sites or areas. These may include residential areas, schools, hospitals, Wirebird habitat or designated areas (including those set out in the Land Development Control Plan or subject to other legislation on St Helena). **Appendix 2** provides a guide to the types of effects which should be considered.

² Land Planning and Development Control Ordinance, 2008 Part VII Development Control Division C: Developments which may require environmental impact assessment report - 31 (2).

Dealing with the Request for a Screening Opinion

The Planning Officer will be responsible for preparing and issuing the Screening Opinion. The decision is taken on behalf of the Land Planning and Development Control Board³. Once a Screening Opinion request has been received, the Planning Officer has **three weeks** from the date of receipt to issue the Screening Opinion. The Land Planning and Development Control Ordinance allows for extensions to the three week period provided they are agreed in writing with the Applicant⁴.

Where an EIA is required, the Planning Officer must provide a written statement giving reasons for their decision. This can be in the form of a letter.

In exceptional cases it may be that a Screening Opinion has been issued but it later becomes evident that it needs to be reviewed. This is most likely to be after a Screening Opinion has determined that an EIA is not required but new evidence comes to light which suggest significant impacts may occur. If the development proposal has changed then the Planning Officer should require that the Applicant submit another screening request with updated information. Alternatively, the Planning Officer and Applicant should agree that an EIA will be carried out and the Applicant would prepare or commission the appropriate report (either ES or Basic ER) in accordance with the Land Planning and Development Control Ordinance.

A copy of the Screening Opinion will not be advertised but it should be available for public inspection. All Screening Opinions issued

should be kept on record should any challenge be made to the process.

Development Applications with No Environmental Information

Where a Development Application is submitted without an ES or Basic ER, and a Screening Opinion has not previously been issued, the Planning Officer must determine whether the development could have a significant effect on the environment (as illustrated in the flow diagram on page 7).

Making a Decision on the Need for an EIA

The Planning Officer in consultation with the Environmental Co-ordinator will be responsible for deciding if the development should be subject to an EIA or not; and if so what type of EIA.

The key issue to consider is whether or not the development proposed by the Applicant is likely to have a significant effect on the environment. The decision is based on professional judgment and should take into account factors including the nature, scale and location of the development as well as knowledge of the local area and its environment.

To assist the Planning Officer in forming the Screening Opinion a basic decision making tool has been prepared in the form of a checklist. The checklist is provided in **Appendix 2**. The checklist is **for guidance only**. It can be adapted to different types of development.

Making a Decision on the Type of EIA Required

As noted above, The Land Planning and Development Control Ordinance identifies two types of developments which require EIA – Type A and Type B. The wording of the Ordinance allows for a considerable degree of interpretation. The key test is whether significant environmental effects are likely to result from the development. The Planning Officer will need to make a judgment on the type of development based on:

³ Land Planning and Development Control Ordinance, Part VII Development Control Division C: Developments which may require environmental impact assessment report - 31 (7).

⁴ Land Planning and Development Control Ordinance, Part VII Development Control Division C: Developments which may require environmental impact assessment report - 31 (4).

- The scale of development i.e. the amount of land required, the mass and height of structures or buildings, and the extent of the area affected beyond the site boundary.
- The location of development i.e. the value or sensitivity of the area being affected, both within the boundary of the site and the surrounding area.
- Physical and operational characteristics i.e. what the development will look like, how it will be constructed, the activities involved during its working life.

The Checklist in Appendix B can be used to help identify the likely significant effects and to assist in making a decision on whether the development requires an EIA. In reality the vast majority of developments will be small in scale and not have significant effects on the environment. Type B Developments are those where the significant effects are few and their severity and extent is limited. Type A Developments will typically be more complex developments which are likely to have wide ranging significant effects by virtue of their unusually large scale, the sensitivity of their location and their use of large quantities of local resources.

6. Scoping - What information should the EIA cover?

What is Scoping?

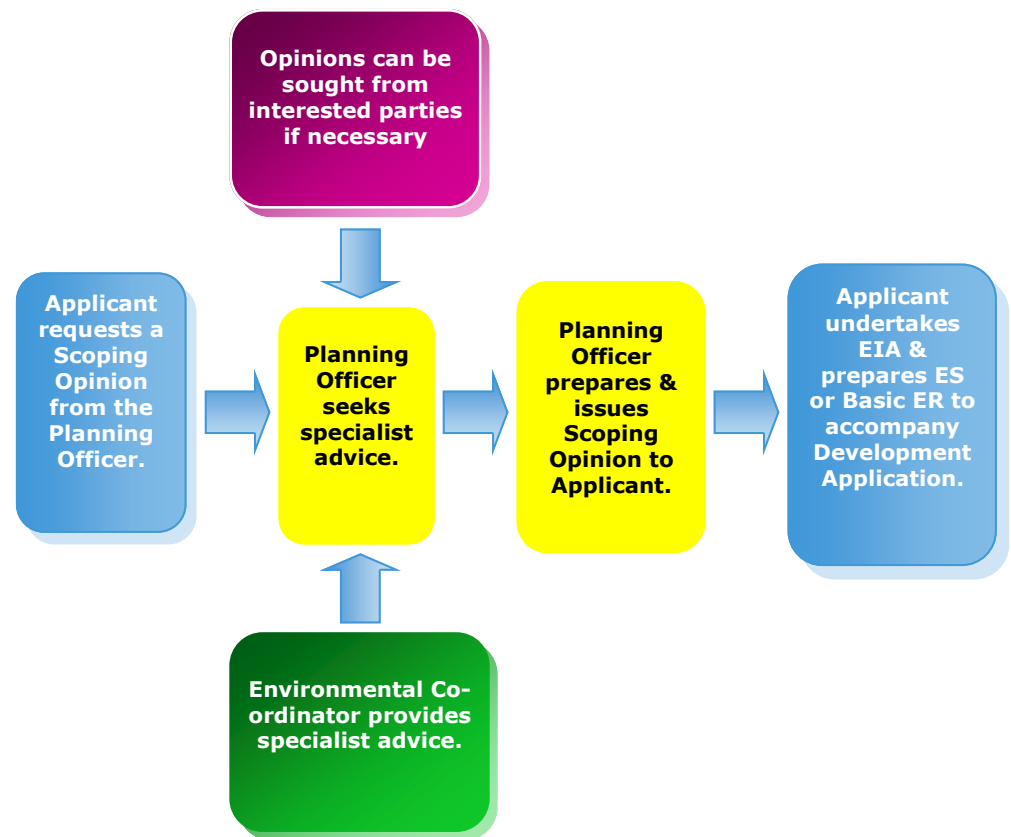
Scoping can be used by the Applicant to seek the opinion of the Planning Officer on the content of, and approach to (assessment methods), of the EIA e.g. the 'scope'. In summary the aims of Scoping are to:

- Identify the important environmental issues that need to be considered in the EIA.
- Provide an opportunity for early consultation with the Planning Officer.
- Agree the approach with the Planning Officer so that the Applicant can proceed with greater confidence that the ES or ER they are producing will be to the correct standard.

Scoping is not a mandatory requirement but it is recommended. It is helpful to both the Planning Officer and the Applicant as it provides an early opportunity for discussion about the development proposals and helps to integrate EIA in the development design process. Early agreement will save time and money, reduce the risk of objections to the development proposal (on environmental grounds) and ensure that sufficient information is provided to the Planning Officer to inform the planning decision.

Outcomes from Scoping

The Scoping process is illustrated below. It formally documents the views of the Planning Officer in the Scoping Opinion. The Scoping Opinion sets out the environmental issues that are to be considered in the EIA focusing on those impacts that are likely to be significant.



Information Required to Determine the Scope of an EIA

In order to obtain a Scoping Opinion the Applicant must provide the Planning Officer with a certain level of information⁵. This is very similar to the information required to Screen a proposal i.e.

- A brief description of the nature and purpose of the development and its possible effects on the environment;
- A plan sufficient to identify the land to be developed; and
- Such other information or representations as the Applicant may wish to provide or make.

The applicant will need to complete Form B - Application for Screening and/ or Scoping Opinion available from the Planning Office. The checklist in Appendix 2 can be used to assist the Applicant in identifying possible effects on the environment.

Dealing with the Request for a Scoping Opinion

Once the Applicant has provided the necessary information, the Planning Officer (in consultation with the Environmental Co-ordinator and others)⁶ will produce the Scoping Opinion. The Planning Officer can also seek advice from other interested parties such as other Government Departments, non-governmental organisations or others who may have useful information e.g. knowledge of local environmental conditions, or knowledge on the particular characteristics of the development under consideration.

⁵ Land Planning and Development Control Ordinance, Part VII Development Control Division C: Developments which may require environmental impact assessment report - 32 (2).

⁶ Land Planning and Development Control Ordinance, Part VII Development Control Division C: Developments which may require environmental impact assessment report - 32 (4) and (5).

In forming the Scoping Opinion the Planning Officer must consider the following⁷:

- The characteristics of the proposed development;
- The environmental features likely to be affected by the development;
- The opinion of the Environmental Co-ordinator; and
- The opinion of any other person who appears to him to be likely to provide information relevant to the Scoping Opinion.

The Land Planning and Development Control Ordinance requires that the Planning Officer respond within five weeks of the request or such longer period as may be agreed⁸. The Scoping Opinion can take the form of a letter. As a minimum, the Scoping Opinion should:

- Explain what environmental issues are scoped in (and need to be included in the EIA) or scoped out (and do not need to be considered). This should identify which of the issues are considered to be of particular concern or importance to the decision making process.
- Give guidance on any environmental surveys which should be conducted as part of the EIA.

In preparing the Scoping Opinion the Planning Officer shall consult with the Environmental Co-ordinator in order to seek detailed advice

⁷ Land Planning and Development Control Ordinance, Part VII Development Control Division C: Developments which may require environmental impact assessment report - 32 (7).

⁸ Land Planning and Development Control Ordinance, Part VII Development Control Division C: Developments which may require environmental impact assessment report - 32 (6).

on specific environmental issues. The Scoping Opinion should be held on record should it be required at a later date when reviewing Basic ERs or ESs accompanying Development Applications.

Stakeholder Consultation

Consultation is not a mandatory requirement at the Scoping stage of the EIA process; however, it is considered good practice. Consultation can be used to gather views of other groups on development proposals, the scope of the EIA and to gather relevant baseline information to use in the EIA.

The Applicant may wish to contact all or some of the organisations listed below to seek relevant information regarding the site and surrounds and provide the consultees with the opportunity to comment on the proposed development and approach to the EIA at an early stage. Face to face meetings may be necessary with some organisations. For large developments public exhibitions and/or meetings should be considered.

- Agriculture and Natural Resources Department (ANRD)
- Development and Economic Planning Department (DEPD)
- Legal, Lands and Planning Department (LLPD)
- Public Health and Social Services Department (PHSSD)
- Public Works and Services Department (PWSD)
- GIS Office
- Saint Helena Government Archives
- Environmental Co-ordinator (ECO)
- Land Planning and Development Control Board (LPDCB)
- St Helena National Trust (SHNT)
- Department for International Development (DFID)
- Environment, Climate and Natural Resources Adviser Overseas Territories Department, DFID
- Royal Society for the Protection of Birds (RSPB)

Screening and Scoping Simultaneously

An Applicant may wish to seek a Screening and Scoping Opinion at the same time. This approach is advantageous as it saves the Applicant time and reduces the workload for the Planning Officer. Where Screening and Scoping Opinions are requested at the same time the Planning Officer should respond within five weeks or a longer period as agreed with the Applicant⁹.

⁹ Land Planning and Development Control Ordinance, Part VII Development Control Division C: Developments which may require environmental impact assessment report - 32 (6).

7. Reporting the Results of the EIA

Reporting Requirements

The Land Planning and Development Control Ordinance does not prescribe a standard structure or contents list for EIA reports. The Applicant can devise their own structure for their report. However, the Ordinance does set out what *information* should be included within an Environmental Statement or Basic Environmental Report¹⁰.

Requirements for a Type B Development - Basic Environmental Report

1. A description of the development comprising information on the site, design and size of the development.
2. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.
3. The data required to identify and assess the main effects which the development is likely to have on the environment, including where relevant any cumulative effects.
4. An outline of the main alternatives 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 under paragraphs 1 to 4 of this Part.

Requirements for a Type A Development include all the information for a Type B Development as shown above¹¹ plus the relevant information listed in the box opposite as is reasonably required to

assess the environmental effects of the development, and which the Applicant can reasonably be expected to compile¹².

Requirements for a Type A Development – Environmental Statement:

1. Description of the development, including in particular—
 - (a) a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;
 - (b) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;
 - (c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, etc.) resulting from the operation of the proposed development.
2. An outline of the main alternatives studied by the applicant and an indication of the main reasons for his choice, taking into account the environmental effects.
3. A description of the aspects of the environment likely to be significantly affected by the development, 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.
4. A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from—
 - (a) the existence of the development;
 - (b) the use of natural resources;
 - (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.
5. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
6. A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.
7. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

¹⁰ Land Planning and Development Control Ordinance, 2008 Schedule II Part A

¹¹ Land Planning and Development Control Ordinance, 2008 Part VII
Development Control Division C: Developments which may require
environmental impact assessment report - 30 (2).

Explanation of Terms used in the Ordinance

The Ordinance uses a number of terms which require further explanation in order for those preparing and reviewing EIA reports to be able to better understand the appropriate level of information to be included.

Alternatives

For both a Basic Environmental Report and an Environmental Statement the Applicant should outline the main alternatives to the development that the Applicant has considered. Alternatives will vary according to the type of development but can include different site layouts, scheme designs or alternate routes, locations or activities. Consideration of alternatives is helpful as it can demonstrate that the Applicant has sought to avoid or reduce negative environmental effects or maximise beneficial environmental effects (see also Mitigation Measures). It is recognised that for some developments there may be limited opportunities for alternatives.

Description of the Environment (Baseline Information)

Baseline information forms the basis of EIA and is used to describe the existing conditions of aspects of the environment that may be impacted upon by a proposed development e.g. water resources, biodiversity or cultural heritage.

Both ESs and Basic ERs require a description of the baseline conditions. Generally this will be a written description with sufficient detail to appropriately describe the existing environmental resources and conditions. Maps and photographs are helpful in supplementing a written description of baseline information. These assist in displaying and interpreting baseline information and making it more accessible to a range of readers.

In collating baseline data it is important to ensure that information is relevant to the proposed development and the potential area or environmental resources that may be affected. Scoping, as

described earlier, can assist in ensuring that the collection of baseline data can be focused.

It is the responsibility of the Applicant to collect baseline data, however, they may seek assistance from the Environmental Coordinator and other organisations who may hold relevant data such as the National Trust or the GIS Office. Baseline information may include the locations of protected or sensitive sites or species, neighbouring land uses and properties that may be affected or sites of heritage interest.

A combination of desk studies and site surveys may be required, particularly where more detail is required to establish the baseline conditions.

Assessment of Environmental Effects

Impact assessment involves predicting and evaluating the likely effects on the environment as a result of the proposed development. The assessment should consider how the development may change the environment during its lifetime including construction, when it is in use and, in some circumstances, when it is being decommissioned.

The aim of the assessment is to identify the likely **significant effects**. It is this judgement that is crucial to informing the decision-making process. Impacts can be both positive or negative, dependant on whether they enhance or damage the environment. The following criteria can be used, where appropriate, to inform the assessment of the significance of an impact:

- Type of impact (adverse/beneficial);
- Extent and magnitude of impact;
- Duration of impact (short term/long term);
- Reversibility of impact;
- Sensitivity of receptor;
- Comparison with legal requirements, policies and standards;
- Comparison with applicable environmental thresholds; and
- Effectiveness of mitigation.

It is common practice (but not mandatory) to categorise significance on a scale e.g. major, moderate, minor, negligible. Generally, significant residual effects are those assessed as having a major or moderate adverse impact after mitigation measures. Impacts assessed as minor or negligible are not considered to be significant. In deciding whether an effect is significant (and the degree of significance) it is necessary to take into account the measures which will be put in place to avoid, reduce or remedy effects (also called mitigation measures). The assessment of positive effects should also be encouraged in order to ensure that the maximum benefits of a scheme are realised.

Cumulative Effects

There are a number of definitions of the term 'cumulative effect'. Most often it refers to the effects that can occur when several developments combine to affect a particular receptor e.g. several developments all having an impact on Wirebird habitat.

Mitigation Measures

Where negative effects are predicted it is necessary to identify measures to mitigate these effects as much as possible in order to reduce their significance. Mitigation should be designed into development proposals at the earliest possible stage. A hierarchical approach is taken to mitigation as shown in the box opposite:

Approach to Mitigation

Avoid:

In the first instance, mitigation should seek to avoid the adverse effect at source for example, by locating the scheme away from a sensitive receptor.

Reduce:

If the effect is unavoidable, mitigation should seek to reduce the significance of the impact e.g. reducing noise through the use of acoustic barriers.

Offset:

If the effect can neither be avoided nor reduced, mitigation should seek to offset the impact e.g. through compensation. Lost habitat could be replaced by the creation of an equal or greater amount of habitat of equal quality.

Where positive effects could be enhanced measures to do so should be incorporated in the design.

Reporting the Results of the Assessment

The Ordinance allows for two types of EIA report, an Environmental Statement or a Basic Environmental Report. The Ordinance does not prescribe a standard structure for a report and leaves it to the discretion of the Applicant. Example structures are provided below.

Example Contents List for an *Environmental Statement* (e.g. a large new resort)

Non-Technical Summary

1. Introduction
2. Scheme Description & Alternatives Considered
3. Approach to the EIA and its Scope
4. Policy Context
5. Land Use, Access & Recreation
6. Landscape & Visual Amenities
7. Ecology (biodiversity)
8. Heritage
9. Noise
10. Air Quality and Climate
11. Water Quality and Drainage
12. Geology and Soil
13. Waste Management
14. Community Effects (social and economic)
15. Cumulative Effects

Appendices with further information

A Basic Environmental Report may follow a similar structure but is likely to cover fewer topics and in less detail.

Example Contents List for a *Basic Environmental Report* (e.g. a small scale overhead transmission line)

Non-Technical Summary

1. Introduction
2. Scheme Description & Alternatives Considered
3. Approach to the EIA and its Scope
4. Policy Context
5. Land Use
6. Landscape & Visual Amenities
7. Biodiversity

Appendices with further information

As a guide, the structure for both types of EIA report should:

- Include a Non-technical Summary - this is mandatory for all EIA reports.
- Include Chapters 1 to 3 as shown in the examples. These are required for both types of EIA report.
- Include a Policy Context chapter. This can be used to summarise the policies in the Land Development Control Plan that are relevant to the development.
- Devote a chapter to each topic where significant effects are likely to occur e.g. air, noise, ecology etc

If a lot of information has been collected it may be useful to put this in Appendices.

8. Decision Making, Follow-up and Monitoring

An outline of the decision making procedure is illustrated on page 20. Key aspects of the process are summarised below.

Submitting the Development Application

It is the responsibility of the Applicant to submit the Development Application and ensure that if required, it is accompanied by an ES or Basic ER.

Upon receipt of the Development Application the Planning Officer assumes responsibility for reviewing the Application and advising on the proposal. The Applicant must be informed of the planning decision within 60 days of submitting their Development Application.

Consultation

Consultation on Development Applications is important as it allows members of the public to comment on proposed new developments. Rules describing the process for consultation on Development Applications are set out in the Land Planning and Development Control Ordinance. Where an application is accompanied by an ES or Basic ER the Planning Officer must:

- Publish details of the Development Application; and
- Allow for at least 28 days for public comment.¹³

Where members of the public wish to comment on an application they must submit comments to the Planning Officer in writing within the specified consultation period.

¹³ Land Planning and Development Control Ordinance, 2008 Part VII Development Control Division D: Consideration of application for development permission - 37 (1).

Evaluating the Environmental Statement or Report

On receipt of a Development Application the ES or Basic ER which accompanies it must be reviewed. The review will be undertaken by the Planning Officer with assistance from the Environmental Co-ordinator.

The Planning Officer shall also take into account valid comments received from the public or other bodies during the Development Application's public consultation.

The purpose of the review is to ensure that the results of the EIA are accurately and adequately reported. It should consider a number of issues including:

- The characteristics of the proposed development as well as the alternatives considered by the Applicant;
- The reporting of the potential impacts arising from the proposal, in particular the significance of impacts;
- The adequacy of the mitigation measures proposed.

The checklist provided in Appendix 2 can be used to assist the Planning Officer in reviewing the ES or Basic ER to ensure all potential impacts arising from the proposal are considered.

Where the Planning Officer or Environmental Coordinator considers that the EIA report is in any way deficient or that insufficient information has been provided they will inform the Applicant in writing of the points which require additional information.¹⁴

Once sufficient information has been provided and the review completed the Planning Officer must prepare a statement on the Development Application.¹⁵ This will take into account the evaluation of the ES or Basic ER. The Planning Officer must

¹⁴ Land Planning and Development Control Ordinance, 2008 Part VII Development Control Division C: Developments which may require environmental impact assessment report - 33 (2).

¹⁵ Land Planning and Development Control Ordinance, 2008 Part VII Development Control Division C: Developments which may require environmental impact assessment report - 34.

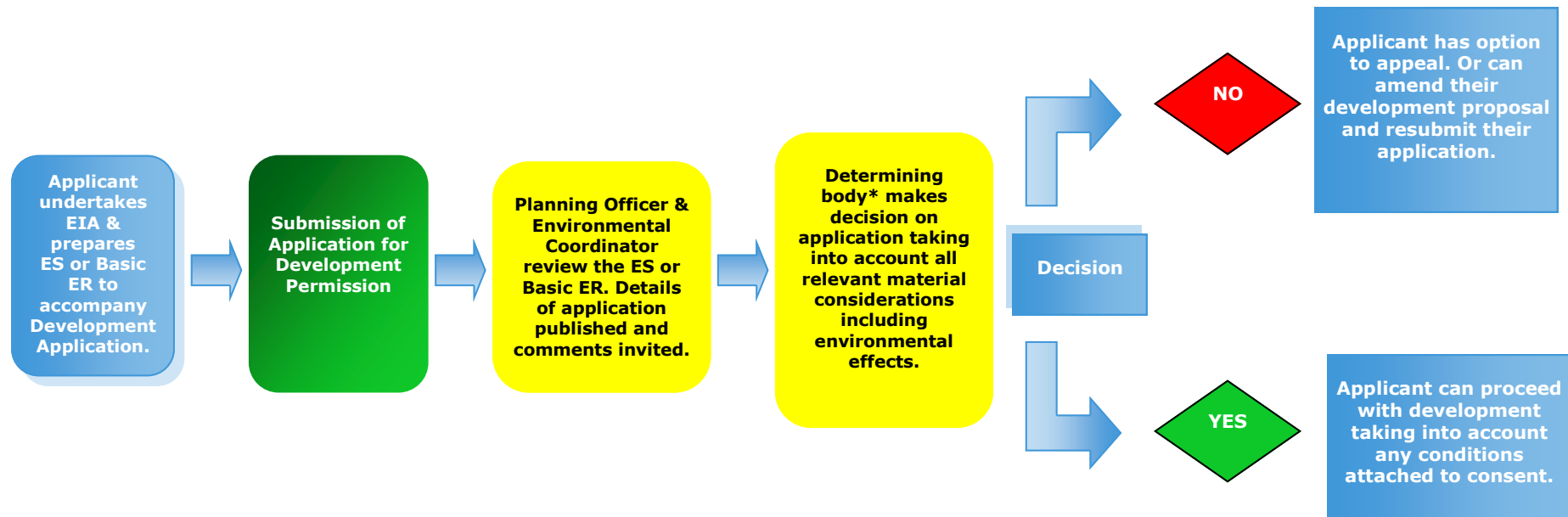
provide the Determining Body with the completed statement advising them of his recommendations.

Decision Making

The Determining Body will be responsible for approving or refusing Development Applications. In accordance with the Land Planning and Development Control Ordinance in coming to their decision they must consider the results of any ES or Basic ER as well as the advice of the Planning Officer. There are two possible outcomes:

- Grant Development Permission. The Applicant can proceed with the development proposal (assuming it's not an outline application). Conditions are normally attached to the grant of permission.
- Refuse Development Permission. The Applicant can appeal this decision.

Decision Making



* Decisions on Development Applications are made by the Determining Body which may be either the Land Planning and Development Control Board, or the Governor in Council.

The Applicant will be notified of the Determining Body's decision in writing. As appropriate, the notice must include details of conditions attached to the grant of Development Permission or reasons for the refusal of Development Permission.

Conditions are an important means of incorporating mitigation measures into the grant of permission and ensuring that they are enforced.

Appealing Against Refusal

Should Development Permission be refused by the Determining Body, the Applicant can appeal against the decision. The Applicant must submit their Notice of Appeal to the Appeals Tribunal in writing within 14 days of receiving notification of the refusal.¹⁶ The Notice of Appeal must set out the Applicant's details and the grounds on which the decision is being appealed.

Where the appeal is on the grounds of EIA the Planning Officer must provide the Appeals Tribunal with copies of Screening or Scoping Opinions issued as well as the ES or Basic ER and a copy of the review of adequacy of the ES or Basic ER.

Public Inquiry

The Appeals Tribunal may, in its discretion, decide that an appeal shall be dealt with by public inquiry and shall make an order accordingly.

Follow Up and Monitoring

The Planning Officer with the assistance of the Environmental Co-ordinator will be responsible for ensuring that development proceeds as per the Applicant's proposal and also that any conditions imposed as part of the grant of permission are adhered to. Responsibility for the enforcement of conditions lies with the Planning Officer. However, the Environmental Co-ordinator will provide advice on the effectiveness of conditions imposed in order to mitigate environmental impacts.

In some cases, a condition may be imposed requiring that the Applicant monitors the environmental effects of their development. The Environmental Co-ordinator should advise on the need for, and approach to, monitoring. Monitoring will focus on the environmental issues of greatest concern including those where mitigation measures are required to reduce or compensate for adverse environmental effects.

¹⁶ Land Planning and Development Control Ordinance, Part XIV Appeal Provisions – 73 (1).

Glossary

Acoustic	Sound, the sense of hearing, or the perception of sound.
Adverse negative	Having a negative/harmful effect on something.
Archaeology	The scientific study of historic or prehistoric peoples and their cultures by analysis of their artefacts, inscriptions, monuments, and other such remains, esp. Those that have been excavated.
Baseline	The conditions against which potential effects arising from the Scheme are identified and evaluated.
Beneficial positive	Conferring benefit; advantageous; helpful.
Biodiversity	Genetically determined variability amongst living organisms, including the variability within species, between species, and of ecosystems.
Conservation area	Area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.
Consultation	The act of consulting (To take into account; consider, seek advice or information, to have regard for (a person's interest, convenience, etc.) in making plans).
Cultural heritage	The legacy of physical artefacts and intangible attributes to a society or group.
Cumulative Impacts/Effects	The total impacts on a receptor when impacts from all sources are considered.
Ecology	The study of the relationships between living organisms and between organisms and their environment.
Emissions	The act or an instance of emitting
Environmental Impact Assessment (EIA)	A systematic means of assessing a development's likely significant environmental impacts and effects.
Environmental Impact/ Effect	A change in the existing environment caused directly or indirectly by the scheme or development.
Environmental Statement/ Environmental Report	Document that reports the findings of an Environmental Impact Assessment
Fauna	The animals of a specified area.

Flora	The plants of a specified area.
Groundwater	Water beneath the earth's surface, often between saturated soil and rock, that supplies wells and springs.
Habitat	The environment in which a species lives at any stage of its life cycle.
Landscape	Those physical components, which together form the appearance of land, including its shapes, colours and textures. Landscape also reflects the way in which these various components combine to create distinctive landscape characters that are particular to localities.
Magnitude	Greatness of size or amount.
Material assets	Refers to physical structures and resources. Examples of material assets include: existing houses, buildings, utilities e.g. a new road may result in the demolition of an existing house.
Mitigation	Measures taken to avoid, reduce or offset environmental impacts. Mitigation can also enhance the beneficial effects.
Negligible	So small, trifling, or unimportant that it may safely be neglected or disregarded.
Operational	Functioning or in use.
Permanent	Long-lasting (e.g. something which lasts for more than 25 years could be considered to be permanent).
Population:	This is a general term to refer to effects on the people of St Helena with respect to social well being. Issues which might be covered include: amenity, loss of public open space or facilities; public access; traffic.
Protected Areas	Area of land or sea especially dedicated to the protection and maintenance of biological diversity and of natural and associated cultural resources and managed through legal or other effective means.
Receptor	Receptors comprise anything that may be affected by an environmental impact, be this human beings, socio-economic activity,

	habitats, species, controlled waters, landscape or cultural heritage.
Residual Impacts	Environmental Impacts remaining after mitigation measures have been implemented.
Reversible	Capable of re-establishing the original condition after a change by the reverse of the change.
Sensitivity	The capacity of an organ or organism to respond to stimulation.
Scoping	The process used to decide the scope and level of detail of an EIA, including the environmental effects and alternatives which need to be considered, the assessment methods to be used, and the structure and contents of the Environmental Statement or Basic Environmental Report.
Screening	The process of determining whether an EIA is required and if so whether the development is a Type A or B.
Short –term	concerned only with the near future.
Significant	Important; of consequence.
Species	A group of closely-related organisms sharing constant differences from allied groups.
Temporary	Lasting existing, serving, or effective for a time only; not permanent:
Type A Development	Being larger and more complex developments which are likely to have wide ranging significant effects by virtue of their scale, location and physical and operational characteristics.
Type B Development	Being developments from which significant effects may result, but where the associated impacts are likely to be few and limited in severity and extent.

Appendix 1 - Developments which Might Require EIA

The Table below provides an indicative list of the types of development that *may* need an EIA. It is stressed that the list is a guideline only. Projects that do not require development permission will not require an EIA.

Development category	Possible Development Activities
Housing	Housing developments would range in size and may include: <ul style="list-style-type: none"> • Larger scale housing developments.
Recreational Facilities	Recreational facilities would comprise a mix of development which could vary in size including: <ul style="list-style-type: none"> • Facilities such as golf courses, tennis courts, playing fields or swimming pools. • Facilities such as those needed for off-roading (4x4/motorbikes) recreation.
Tourist Facilities	Tourist facilities would include proposals for tourist accommodation and improvements to tourist attractions: <ul style="list-style-type: none"> • Hotels, holiday homes or villas. • Large hotel complexes comprising ancillary facilities such as swimming pools, golf courses etc.
Commercial / Industrial	Projects could include: <ul style="list-style-type: none"> • Large warehouses. • Plants or factories. • Offices
Transport	Transport developments will vary in size and could include: <ul style="list-style-type: none"> • Large extensions to roads. • New roads opening up development opportunities on the island. • An airport
Wharfage & Cargo Harbour	<ul style="list-style-type: none"> • Improvements to the wharf including construction of an extension. • Construction of a new harbour.

Development category	Possible Development Activities
Water & Waste Water	<p>New developments for water and waste water could be proposed as well as upgrades to existing facilities:</p> <ul style="list-style-type: none"> • Reservoir upgrades. • Pipelines. • New waste water treatment facilities. • New water treatment facilities. • Water storage and distribution infrastructure. • New ground water extraction facilities.
Electricity Production, Alternative Fuels & Renewable Energy	<p>A range of electricity production and delivery infrastructure could be constructed including:</p> <ul style="list-style-type: none"> • Renewable energy schemes such as wind, hydro and solar power. • Extension to the existing power stations. • Development of a new power station. • Construction of waste to energy facilities. • Overhead or underground electricity transmission lines and substations.
Solid Waste Management	<p>Solid waste management proposal could include:</p> <ul style="list-style-type: none"> • New landfill sites. • Extension or modifications to existing landfills. • New incinerators. • Development of new waste and / or recycling facilities.
Agriculture	<p>Agricultural development could include:</p> <ul style="list-style-type: none"> • New buildings or storage facilities. • Greenhouses. • Polytunnels
Minerals Extraction	<p>Proposals for mineral extraction could include:</p> <ul style="list-style-type: none"> • New quarries which vary in size and methods of winning material. • Sand extraction off the coast. • Inland sand extraction.
Telecommunications	<ul style="list-style-type: none"> • Telcom cables. • Telecommunications masts.

Appendix 2 - Screening and Scoping Checklist

The following checklist can be used to assist with both the Screening and the Scoping Processes. It is not a mandatory requirement, it is simply a tool to aid decision making.

It should be noted that this Checklist is not definitive and can be added to or further refined with use.

Firstly the checklist should be completed to identify which environmental issues are of potential concern and which are not. This is simply to say: yes, no or uncertain. As it aims to cover a wide range of development types many of the questions will not be applicable to the development under consideration and can therefore be ignored. Once the issues of potential concern are identified a judgment can then be made on whether the effects are likely to be significantly adverse. This information will help answer two questions:

- For Screening - is an EIA required?
- For Scoping - what issues must be covered in the EIA?

It should be noted that the construction, operation and, where relevant the decommissioning, phases should be considered when using this checklist.

Topic Area	Yes	No	Uncertain	Effect Likely to be Significant or Not Significant?
General				
Is the proposed development site within or close to a 'sensitive area' (i.e. Conservation Area, Greenheartland, Coastal Zone, designated or proposed National Protected Area (NPA))				
Will the proposed development Intensify existing uses?				
Is the proposed development large scale?				
Biodiversity				
Would it affect the wirebird or its habitat?				
Would it affect endemic and native flora and fauna?				
Would it interfere with other wildlife conservation objectives?				
Landscape and Visual Amenity				
Will the development be visually prominent for example would the development sit on the skyline?				

Topic Area	Yes	No	Uncertain	Effect Likely to be Significant or Not Significant?
Would it affect a landscape of high quality?				
Would it affect the views on, to, or the visual amenity of a landscape nearby, particularly a Conservation Area, NPA, and /or Greenheartland or Coastal Zone?				
Would it create or cause scaring or erosion of hillsides?				
Cultural Heritage and Archaeology				
Would it cause loss, disturbance to or damage to archaeology or heritage features?				
Would it affect the setting of a feature of heritage importance?				
Would any demolition of features, structures, buildings or remains be required?				
Water Environment				
Could it result in flooding or affect drainage?				
Would it lead to a significant increase in demand for water resources either temporarily during construction or permanently during operation/occupation?				
Could it lead to a deterioration in surface water flows, or groundwater availability, or quality of water?				
Would there be any direct or indirect discharges to watercourses or groundwater either temporarily during construction or permanently during operation/occupation?				
Air quality and Green House Gas Emissions				
Would it result in emissions that would affect local air quality?				
Would it generate greenhouse gas emissions?				
Would it generate dust?				
Would it create odour?				
Noise & Vibration				

Topic Area	Yes	No	Uncertain	Effect Likely to be Significant or Not Significant?
Would it affect nearby residents or other sensitive receptors including schools, hospital, known wildlife sites such as Wirebird habitat etc?				
Would the development make use of potentially noisy activities during construction?				
Would the development lead to potentially noisy activities during operation/occupation including any equipment or plant which might be installed?				
Would operating/opening hours be outside normal working hours?				
Would the development increase traffic significantly?				
Traffic & Access				
Would the development lead to an increase in vehicle numbers, vehicle speeds or types of vehicles (e.g. heavier delivery vehicles) visiting the area during construction or operation/occupation?				
Would it obstruct or divert footpaths temporarily or permanently?				
Would the development require a new access? If so include the details of the route?				
Land use & other Assets				
Would it result in the loss of agricultural land or interfere with agricultural practices e.g. require temporary or permanent interruption of access to land?				
Would it result in erosion?				
Would it displace residents?				
Would it lead to a permanent or temporary increase in population e.g. during construction?				
Would it displace or interfere with local businesses?				
Would the development interfere with recreational or tourism uses—land-based and marine based activities?				
Would the development generate waste?				
Would the development generate special wastes?				

Topic Area	Yes	No	Uncertain	Effect Likely to be Significant or Not Significant?
Would the development disturb potentially contaminated land?				
Could the development exacerbate rockfall potential or undermine rock stability?				
Marine & Coastal Environment				
Would the development affect the marine environment?				
Would the development be visible from the coastal waters?				
Would the development interfere with navigation?				
Would the development indirectly or directly interfere with marine wildlife?				
Would the development lead to a change in coastal processes e.g. tidal flows, sediment movements and/or wave patterns?				
Would the development affect marine archaeology or geology e.g. the sites of wrecks or other underwater features?				