

EIA screening – four court decisions to help in understand “the project” and risks of salami-slicing.

This article builds on the concepts discussed in EIA Webinar 2 - Introduction to key EIA legal issues and within the EIA explainer article: [Legal context of Environmental Impact Assessment – a gentle introduction](#). The issues of relevance are ensuring that a planning authority screening considers the whole project and the risk of salami slicing to avoid EIA.

Screening is the process where a planning authority (/ the Scottish Ministers) determine whether EIA is required for a schedule 2 development.

The key principle for planning officers is that a development should not be considered in isolation if it is an **integral** part of a more substantial development. Determining whether the development proposal they are considering is truly a stand-alone project or integral to a wider development is a matter of judgement for planners when undertaking their EIA screening duties.

This issue will not be relevant to all such EIA screening judgements. Where it is, the court decisions have tended to expect a strong level of integral relationship rather than simply having a relevance to each other.

The court decisions help illustrate how considering the concept of **integral** works in EIA screening practice. The four decisions mentioned below have been selected as useful case studies. Each decision is linked within the case reference and readers are encouraged to read the full decision; this article only provides a short summary of the finding and case outcome:

Case 1 – A link road in Lincolnshire

[Larkfleet Ltd, R \(on the application of\) v South Kesteven District Council & Anor \[2015\] EWCA Civ 887 \(06 August 2015\)](#)

The court held that a link road was a project/ development taken by itself. Although the grant of planning permission for development of a residential site was dependent on construction of the link road, there were good grounds for granting planning permission for the link road which did not depend on the development of the residential site.

Outcome - The planning authority’s EIA screening opinion was found to be sound, and the link road’s consent upheld.



Case 2 – The (in)famous ‘bridge to nowhere’ case

[Ashchurch Rural Parish Council, R \(On the Application Of\) v Tewksbury Borough Council \[2023\] EWCA Civ 101 \(07 February 2023\)](#)

In this case the court held that a bridge served no purpose other than to unlock the sites to the east of the railway line for development. The bridge should not therefore have been assessed as a stand-alone project.

Outcome - The planning authority’s EIA screening opinion was found to be flawed, with the result being that the awarded consent was quashed. The need for EIA would need to be reconsidered (screened) considering the likelihood of significant environmental effects from both the bridge and the related development sites.

Case 3 – A different bridge development this time in Oxford

[Woodin & Ors, R \(on the application of\) v Oxford City Council \[2025\] EWHC 489 \(Admin\) \(10 March 2025\)](#)

A bridge was also involved in this case. The court held that the use of terms such as “integral”, “key”, “unlocking” in various documents did not mean that the wider development was contingent on the bridge. There is a difference between support for a project to serve wider purposes and the concept that the project is so closely connected with that wider development that it must be treated as a single project.

The bridge was part of a wider strategy for improving connectivity in the existing situation, as well as supporting envisaged redevelopment. The court held that it was not irrational for the planning authority to have decided not to treat the bridge as a single project with other development.

Outcome - The planning authority’s EIA screening opinion was found to be sound and the bridge and wider connectivity project’s consent was upheld.

Case 4 – A sewage pumping station

[The Llandaff North Residents' Association, R \(On the Application Of\) v Cardiff Council \[2023\] EWHC 1731 \(Admin\) \(10 July 2023\)](#)

The issue in this case was whether the sewage scheme and a 6,000 house development were stand-alone projects. The planning statement for the pumping station stated that the need for the pumping station derived from the planning permission for the housing development. The Council concluded there was a functional relationship but not functional interdependence; an objector disagreed. The court upheld the Council’s approach, on the grounds that the fact that the pumping station was needed for the residential development did not mean that it would not also serve other existing and potential developments in the area.



Outcome – The planning authority’s EIA screening opinion was upheld, and the challenge to the pumping station planning permission failed.

It is important to understand and apply the broad principles. Inevitably a bridge or other infrastructure asset is linked to other developments, but that does not mean the wider development is contingent on that infrastructure. Perhaps inevitably, in a subsequent case, an objector challenged the treatment of a different bridge as a standalone development, but on that occasion details in relation to the role and function of the bridge meant that the court rejected the challenge.

Summary

The issue of salami-slicing will remain one of the complexities of EIA practice and must therefore be front of mind when planning officers are making a screening opinion. However, the rulings above highlight that the courts have tended to set a relatively ‘high bar’ for the concept of one development being integral to another for EIA screening purposes. While all cases have their own details and thus cannot provide a definitive answer, the four cases above all involved a functional relationship between the development screened for EIA and the wider related development, only in the ‘bridge to nowhere’ (Case 2) did the courts find a strong enough integral relationship to overturn the planning authority’s decision.

In applying their own judgement, a planning officer should ensure they consider whether the development as described by the developer is the whole development for the purposes of their EIA screening duties. The rulings, however, indicate that a mere functional relationship is not enough.

