

M P A / R T P I C O N F E R E N C E 2 0 1 2
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ENVIRONMENTAL IMPACT ASSESSMENT – ARE WE GETTING IT RIGHT?

Richard Bate, *Green Balance*

It is now possible to make a career out of Environmental Impact Assessment (EIA). This possibility would have been unlikely if there were not real advantages in EIA, rather than it being treated just as a legal necessity.

After more than 25 years of its use here in the UK, there is now a wealth of good practice around, which is doing what EIA says on the tin – establishing what the effects of development would be on the environment, and doing this in a methodical, reliable and reproducible way. Getting to grips with how significant those effects are is obviously a matter of judgement, but there are widely used methods to address this. So we have moved a long way from local authorities assessing major development proposals in a haphazard manner. They benefit and developers benefit from having a system which offers a reasonably level playing field for assessing all developments.

EIA is not just about identifying the effects of a project on the environment, but designing it to minimise environmental harm, and even offer environmental improvement. Environmental Statements usually do not to my mind say enough about how the project design process with the EIA did actually avoid harm at the outset, and I think everyone would benefit if more was done to report that. EIA, properly carried out, should also stop the silo mentality to each environmental issue, with proper integration between them all.

All this is not just for some academic appeal to rigour and quality, but to help regulators come to better decisions. We should continually ask ourselves – how does this EIA improve decisions and outcomes on the ground?

There are some problems which can easily arise:

1. The most obvious point is that environmental statements which can only be carried around in a wheelbarrow are unlikely to help decisions much: if that is how big one is, then issues have been studied in too much detail, and probably too many issues have been studied. The average number of issues studied in an environmental statement is 10 – it must be doubtful that the decision on a mineral application turns on 10 issues on average.
2. Just about everyone complains that EIAs are too time consuming and costly. Indeed they do take a lot of time and money, but surely this is not, or need not be, excessive? The time and cost are very small in relation to the duration and value of the projects themselves. Many of the issues would need to be sorted out at some stage during project development anyway, so doing these up front in a formalised manner is better.
3. As a consumer of EIAs I am concerned that the scoping stage may not be properly effective. Scoping does not always hone the environmental statement to what really matters, but equally it can leave out key topics. Scoping cannot be 100% reliable, of course,

because consultees can always come up with new issues. For example, an EIA was undertaken on the expansion of Lydd airport on Romney Marsh. This properly considered noise impacts, but it failed to consider tranquillity impacts, even though all jet aircraft would arrive low over the quietest and most remote part of the Kent Downs Area of Outstanding Natural Beauty. Adverse effects on tranquillity ended up as a recommended reason for refusal. So what happens in such cases? Local planning authorities can be reluctant to ask for Supplementary Environmental Statements as this causes delay. As a result, important issues can easily end up being addressed outside the scope of the EIA as part of the planning application evaluation process. This is less satisfactory than their inclusion within the EIA.

4. One of my principal concerns is that EIAs can be poorly executed. There have been improvements over time in the standards of EIAs, but:

- they can be add-ons to fully-fledged schemes;
- they can duck difficult issues;
- they can be poorly executed; and
- they can express judgements that lack transparency.

The Institute for Environmental Management and Assessment in 2011 established an EIA Quality Mark for consultants carrying out EIA. So I hope more consultants will try to gain this standard, and that developers will insist on using such consultants. Higher standards really do offer benefits: these make EIAs easier for decision-makers to handle, reduce the need to go back to the consultants for more information, and overall save time and money.

5. I am also concerned how some local authorities evaluate EIAs. Mineral Planning Authorities tend to be the most geared up, but those authorities who deal with EIA only from time to time may fail to ensure that there are staff in place with the skills to do the job. There's a real need to get planning staff better trained at interpreting environmental statements. Authorities should not have to rely on the larger and more experienced lobby groups to do their job for them, and in any event there are far too many EIAs for that to be practicable.

6. Finally, there is the claim that EIA is a terrible business as decisions based on them are so at risk of legal challenge. Of course there is a risk, but is it really any worse than elsewhere in planning? Many of you have been to this annual event before, and the message which Richard Kimblin and other lawyers always give is very clear: do not try to cut corners, remember that the purpose of EIA is to help protect the environment, and err on the side of caution. It may be a bit more work early on, but this heads off potentially huge problems later. That must be right, but I do accept that this has knock-on effects back on the problems I have mentioned: we will have slightly longer and more costly EIAs. But it is part of the philosophy in any event that we should take a precautionary approach to protecting the environment. We should learn to live with that.

Richard Bate
Green Balance
Providence Cottage
Upper Green Road
Shipbourne
Kent TN11 9PL
Tel./fax.: 01732 811456