



Environmental Impact Assessment and Sustainability Appraisal

Submission for the proposed Planning White Paper The Royal Society for the Protection of Birds February 2007

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The Royal Society for the Protection of Birds (the RSPB) is the charity that takes action for wild birds and the environment. We are the largest wildlife conservation organisation in Europe with over one million members. We own or manage approximately 135,000 hectares of land for nature conservation on 200 reserves throughout the UK.

We believe that sustainability should be at the heart of decision-making. The RSPB's policy and advocacy work covers a wide range of issues including planning and regional policy, climate change, energy, marine issues, water, trade and agriculture. As well as commenting on national planning policy issues, the RSPB's professional conservation and planning specialists make representations on around 800 items of planning casework each year throughout the UK, including regional planning, development plans and individual planning applications and proposals. We thus have considerable planning experience.

We have particular expertise in environmental assessment. We are actively involved in the environmental impact assessment (EIA) and strategic environmental assessment (SEA) processes at all levels from the national and international debate on legislation and policy down to practical casework across the UK. In 2005, we were involved in 182 cases of projects for which an environmental impact assessment (EIA) was undertaken. We have advised Government on SEA, for example through our membership of the DTI Offshore Energy SEA and the Scottish Executive Marine Renewables SEA steering groups.

Overview of our concerns

The Barker Review was critical of EIA and sustainability appraisal (SA) processes because of their perceived costs and administrative burden. Whilst acknowledging that the review has identified some valid issues, we believe its recommendations are based on incomplete evidence and that they are inappropriate.

We live in a society where human activities are putting wildlife under greater pressure than ever before, where competition for limited resources increases every day, and where human-induced climate change poses a serious threat to the global environment and to our quality of life. Tools such as EIA and SA can help ensure that we progressively avoid and reduce adverse impacts on our environment, thereby helping to meet Government commitments on biodiversity.¹ These tools are more vital now than ever before.

Background to EIA

EIA has been an established process in the UK for over 20 years, since the introduction of the EU Directive in 1985 (Directive 85/337/EC as amended). It has been in use internationally² for nearly forty years³. Proposals for major projects that are likely to have significant environmental effects are subject to a rigorous assessment of their likely impacts before a decision is made on whether they can be consented. Public participation is an integral feature of effective EIA, enabling local people to understand what the development means for their community and to make their views known in light of the evidence. The resulting environmental statement (ES) gives decision-makers the information they need to resolve conflicting interests. EIA therefore contributes towards better and more transparent decision-making, an essential feature of a progressive democracy.

Barker review EIA comments and recommendations

We are very concerned by the tone of the report, which sees EU environmental legislation generally and EIA specifically as a burden on business (and by implication, society) without an appreciation of its value or benefits. The text suggests a lack of understanding of EIA theory and practice. In particular, the cost of “upwards of £100,000”⁴ is not representative of a typical ES. For example, the IEMA Guidelines on

¹ For example, the Gothenburg commitment to halt the loss of biodiversity by 2010, re-iterated in the EU Sustainable Development Strategy

² The International Association for Impact Assessment has members from 120 countries. 61% of its members are from outside Europe (Source: IAIA January 2007 e-news).

³ The National Environmental Protection Act requiring EIA of federal actions in the USA was passed in 1969.

⁴ Para 4.36 says “*The information submitted with a planning application should make it quite clear what the environmental impact of a proposal would be, and should not require separate environmental statements that can take a year and may cost upwards of £100,000 to complete, although they are only required for a relatively small number of overall applications (460 were required in 2005)*”

Environmental Impact Assessment⁵ quote one consultancy's estimate that 50% of all ESs produced fell within the £20,000-£35,000 price bracket. The Guidelines note that for most projects, the cost of EIA is less than 0.5% of the capital cost of the project.

Recommendation 17⁶ is of serious concern. While we broadly agree with the principle of a risk-based and proportionate approach to information for planning applications, we disagree that the current EIA legislation and guidance is disproportionately burdensome. As the report acknowledges, EIA is needed for a very small proportion of planning applications (around 460 a year) and these tend to be for the most complex and controversial proposals. There are clearly issues with the content and level of detail of certain ESs, but our experience suggests this is primarily due to inadequate scoping processes and developers being overly concerned about the risk of litigation. These are matters more of the implementation of the system by various actors, than with the framework itself being at fault.

Most fundamentally, it is inconceivable that separate ESs could be substituted simply by "information submitted with a planning application"⁷. An ES is not simply a compendium of "information", but the output of a rigorous assessment of the potentially significant environmental impacts of a proposed project. EIA uses baseline information and surveys specific to the site and circumstances in question. Good quality EIA processes use sound science and expert judgement to predict and evaluate effects from the evidence collected. The ES then presents realistic and appropriate recommendations for the avoidance and mitigation of the impacts identified. This can help ensure that the project, if consented with incorporated mitigation measures, has the least possible adverse impact on the environment and quality of life.

In any case, the UK has committed to implementing the EIA Directive, which requires EIA for projects likely to have significant environmental effects.

The first solution proposed, to examine the potential to raise screening thresholds for EIA applications, suggests a fundamental misunderstanding of the concept of screening. A project exceeding a threshold does not automatically require EIA. The thresholds are designed to exclude certain projects (outside sensitive areas) from the screening process,

⁵ Institute of Environmental Management and Assessment (2004) Guidelines for Environmental Impact Assessment. IEMA, Lincoln.

⁶ Recommendation 17 (p112) says "*The Government should, as a matter of priority, work with local planning authorities and other bodies such as the Better Regulation Executive to reduce substantially the information requirements required to support planning applications. The principle should be to move towards a risk-based and proportionate approach to information requests. Action should include...an examination of the potential to raise the thresholds for EIA applications and limit the paperwork associated with Environmental Statements*"

⁷ Para 4.36: "*One particular issue is whether a separate, parallel environmental assessment regime is needed. The information submitted with a planning application should make it quite clear what the environmental impact of a proposal would be, and should not require separate environmental statements...*"

not simply from EIA. The UK Government has set the thresholds at levels it believes exclude only those projects likely to have minor environmental effects. Projects on sensitive sites, or exceeding the thresholds, are known as Schedule 2 projects. They are subject to a case-by-case decision by the local planning authority (LPA) on whether they are “*likely to have significant effects*” and therefore require EIA.

Raising the thresholds will reduce the number of Schedule 2 projects, as more projects will be automatically excluded from screening. Although this would reduce the screening burden (which we believe to be minimal for most LPAs), it will increase the number of projects that in reality are “*likely to have significant effects*” but which escape EIA because they are not subject to case-by-case screening. This would have potentially serious environmental consequences. It would also increase the risk of the UK being found non-compliant with the Directive.

The second solution proposed, to limit the paperwork associated with ESs, cannot be tackled by changing guidance alone. The guidance does not demand that huge ESs be produced, but that they provide “the information reasonably required to assess the effects of the project and which the developer can reasonably be required to compile” (para 81, DCLG Circular 02/99). A small minority of ESs may provide too much information because they try to cover all possible issues. Their purpose seems to be the *documentation* rather than the *communication* of the outputs of the EIA process. This makes it more difficult for stakeholders (including the decision-maker) to understand the information provided and to form a view on the project.

Many ESs do communicate the issues in an appropriate level of detail. Often the developers involved undertake scoping with the local planning authority so that the key issues for the consenting decision are identified, thereby setting the framework for a focused ES. Scoping remains a voluntary stage in the process, despite a recent study finding that a majority (67%) of LPAs thought that scoping yields beneficial effects on the quality of the ES subsequently submitted.⁸

Whilst acknowledging that ESs may sometimes include unnecessary information, we do not think the solution lies in Government prescribing the information to be included and left out of ESs. Instead, the Government should promote the benefits of an effective scoping process and consider whether there is a case for making formal scoping mandatory. Developers should also be encouraged to set up an early dialogue with key stakeholders, since consideration of potential issues at an early stage can ensure the right evidence is collected during EIA, minimizing potential delays during the application process.

⁸ Communities and Local Government 2006 Evidence review of scoping in environmental impact assessment. EIA Centre, University of Manchester, and Land Use Consultants. DCLG, London.

Background to SEA / SA

The EU SEA Directive (2001/42/EC) requires an assessment of the environmental impacts of certain plans and programmes that lead to major projects. SA is an extension of SEA, which addresses economic and social issues in addition to environmental impacts. It is a UK Government initiative for English spatial plans introduced in 2004, rather than an EU requirement. If carried out effectively, SA can ensure that plans deliver development which is economically, socially and environmentally sustainable. It involves an iterative process of assessing plan proposals and reasonable alternatives against key sustainability criteria for that locality.

Barker Review SEA / SA comments and recommendations

SA is also criticised by the Barker review and a number of recommendations are made for streamlining the requirements. Again, it appears that the purpose and process of SA are misunderstood. The process provides the opportunity to gather the evidence needed for a sound plan since it should start early, at the same time as plan preparation starts. This means planners should not have to “create additional options to consult on” nor should it be a “tick box exercise”⁹ since the SA process is carried out alongside plan-making, not once the plan has been drafted. The LPAs making these complaints are failing to use SA properly, perhaps because they approached the task reluctantly or started too late.

We are concerned about the proposal to streamline SA requirements given that the current system has been operating just two years. It is far too early to judge its effectiveness since “teething problems” are inevitable when a new system is introduced. Planning authorities need time to build up capacity and understand how the system works in practice. Many studies have shown that the quality of ESs has improved greatly over time,¹⁰ and it is likely that the quality of SA will improve more rapidly still given that many people had previous experience of environmental assessment tools. After a reasonable period of operation (4-5 years), the SA system should be examined through an evidence-based review to ensure it is effective in helping plans to deliver sustainable development.

⁹ Para 4.20 of the Barker Review says “Moreover, experience with the new system to date has questioned the added value. Some local planning authorities have said that they have to create additional options to consult on, all of which require a Sustainability Appraisal... Currently, SAs are needed for all Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs)....It has been suggested that these often add no value or are merely a ‘tick box’ exercise.”

¹⁰ See for example DOE 1996 *Changes in the quality of environmental impact statements* (HMSO, London) which compared pre-1991 and post-1991 ESs. Also, Scottish Executive Social Research 2006 *The Use of Environmental Impact Assessment in the Planning System and Electricity Act Applications*.

Identifying and sharing good practice is essential to drive up the quality of SA. The forthcoming RSPB publication “Strategic environmental assessment – learning from practice” features authorities that are substantially improving the environmental sustainability of their plans by approaching SA with innovation and enthusiasm.¹¹ Our case study of the Sherford New Community Area Action Plan demonstrates that a range of innovative SEA / SA recommendations were adopted in the plan; for example quantitative targets for energy conservation in buildings, requirements for water conservation and waste recycling; and a commitment to 50% of energy needs being met by on-site renewables. The publication, which will be widely disseminated, will help to raise awareness of SA techniques and inspire practitioners to be innovative in their approach.

Conclusion

The Barker Review has identified some concerns about the current system of EIA and SEA / SA, but not appropriate solutions. In addition, whilst the system is not perfect, the Barker Review has failed to recognise the considerable benefits of using these tools in spatial planning. We recommend that the forthcoming Planning White Paper endorse the value of these tools. Rather than pursuing the recommendations in the Barker Review, we ask that the Government considers our proposals for improving EIA / SA instead: promoting early stakeholder dialogue and formal scoping in EIA; considering making scoping mandatory; reviewing the effectiveness of SA at a later date using evidence from practice; and more pro-active sharing of best practice by all the parties involved.

¹¹ RSPB 2007 “Strategic environmental assessment – learning from practice”. Available on the RSPB website from late February 2007 at www.rspb.org.uk/policy/planning