



# **EIA and Nationally Significant Infrastructure Projects**

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# Outline



- Background
- Current CLG Consultation
- IEMA's Position Statement
- Moving Forward



# Background

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# A new consenting system for nationally significant infrastructure?

## Drivers:

- Aging infrastructure.
- Actions to tackle climate change.
- Both Eddington and Barker (2006) influenced the Planning White Paper (2007) which focussed on - **Streamlining the Consenting Process.**

# The Planning Act 2008

**NPS - National Policy Statements**

**AoS - Appraisal of Sustainability**

**IPC - Infrastructure Planning Commission**

**NSIP - Nationally Significant Infrastructure  
Projects**

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# IEMA involvement

- Responded at each stage of the Act's development:
  - Barker Review (2006)
  - Planning White Paper (2007)
  - Planning Bill (2008)
- Issued an **EIA Options Paper** to CLG in December 2008.

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# Current Consultation

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# Current CLG Consultation

- 30<sup>th</sup> March - **19<sup>th</sup> June 2009.**
- Covering:
  - Guidance on the NSIP pre-application consultation process.
  - NSIP Application Regulations and Guidance.
  - EIA Regulations
  - Regulations to comply with the Habitats Directive.
  - Guidance on ‘associated development’.

# The Infrastructure Planning (EIA) Regulations 2009

- Includes mandatory screening for non-Schedule I developments.
- IPC can refuse to accept a NSIP application if it considers further information is required.
- The examination of a NSIP application must be suspended (min. 28 days) if the IPC is of the view that further environmental information is required.



# IEMA's Position Statement

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# Position Statement

- Sets out the Institute's view on:
  - The need for EIA.
  - Focussing the assessment.
  - Confirming the EIAs findings.
  - Minimising impacts & monitoring performance.
  - EIA knowledge within the IPC.

# Determining whether NSIP require EIA

## Primary Position:

- EIA should be made a mandatory requirement for all NSIP.

## Secondary Position:

- All non-Schedule I developments undergo formal, case by case, screening opinion produced by the IPC, developed through consultation with environmental stakeholders.

# Ensuring NSIP EIAs are appropriately focussed

## **IEMA Position:**

- Each NSIP application should undergo a mandatory scoping process to formally agree the scope of its EIA.
- This process must involve a defined period of public consultation.

# Confirming EIA findings & assuring ES quality

## **IEMA Position:**

- Mandatory review of draft ES prior to submission of application to IPC.
- Review undertaken either by a division of the IPC or a body independent of the proponent.
- Review focussed on quality of the EIA process, with peer review as appropriate.

# Minimising impacts and monitoring environmental performance

## **IEMA Position:**

- All approved NSIP required to produce an EMP capturing all mitigation and enhancements in the ES.
- Approved NSIP required to demonstrate construction and operational impacts are Not Environmentally Worse Than ES residual impacts.
- NSIP proponents ensure resources available to undertake additional remedial action.

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# The IPC's EIA Knowledge Requirements

## **IEMA Position:**

- Recruitment to the IPC ensures sufficient in-house EIA expertise exists.
- All Commissioners have a good understanding of the EIA process and its outputs; supplemented by a smaller group having expertise in ensuring the quality of ES.
- IPC play a role in monitoring the overall quality of NSIP EIA to actively improve the process in future.

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# Moving Forward

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# Our Approach

- Meeting with the CLG to discuss issues raised in position Statement.
- Highlight the IPC's potential greater role in EIA to Sir Michael Pitt.
- Discussion of position with other interested parties.
- Formal consultation response by 19<sup>th</sup> June.

# Get involved

Contact me:

[J.Fothergill@iema.net](mailto:J.Fothergill@iema.net)

Look at the Position Statement more closely:

<http://www.iema.net/news?aid=18761>

Get involved in IEMA's response to this consultation:

<http://www.iema.net/forums/topic/287>

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# Summary

- Planning Act brings forward a new approach to infrastructure planning in England and Wales.
- EIA will play a crucial role in the application and examination process of NSIP.
- The current consultation fails to learn from EIA practice.
- IEMA's Position Statement presents a more efficient and effective approach to EIA of NSIP.