### Determining alternatives and future baselines: tales from a quarry

The EIA Regulations state that an ES should provide a description of the reasonable alternatives studied by the developer including a comparison of the environmental effects and ‘a description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without the implementation of the development as far as natural changes from the baseline can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge’.

The challenge for DHA arose in this instance with regard to a quarry site approaching the end of its operational life with active working having ceased completely in some areas of the quarry.

The quarry site itself is split into two halves. The eastern half has ceased use, with all viable mineral extracted from the quarry limits.

Planning permission for the working of the site was granted in the 1990s and included conditions for the future restoration of the quarry following cessation of active working.

Plans for the form and scope of the restoration works were subsequently approved and essentially made provision for backfilling the quarry, site contouring and providing ecological and landscape restoration.

The owner of the quarry has now taken the opportunity to seek to utilise the eastern half of the quarry to provide residential development in light of a significant deficit in housing supply within the borough in which it is located.

Consequently, DHA have been instructed to produce an ES to support a planning application for the restoration of part of the quarry and the provision of up to 400 dwellings and associated infrastructure.

The developer has taken the position that the baseline for the purposes of the EIA should constitute the quarry as restored pursuant to the details approved as part of the original planning consent i.e. backfilled and restored in accordance with the approved landscaping and ecological proposals.

There is a soundness in this approach in that the effects of the backfilling and restoration of the quarry have already been the subject of EIA pursuant to the original planning consent and because it assesses the effect on the landscaping and ecological proposals that would come forward in the absence of it.

The restoration of the quarry in as far as it would relate to the residential development would include backfilling and re-establishing site contours only.

Nonetheless this approach does not strictly accord with the definition of baseline in the EIA Regulations given that specifically refers to the ‘current state of the environment’. Further, in this instance the restoration of quarry does not fit the definition of future baseline in that it does not constitute ‘natural changes’.
In the absence of the residential development the developer is obligated to restore the quarry in a set time period in accordance with the approved restoration plans.

The advice to the client has therefore been to assess the proposed residential development to include the backfilling and contouring of the quarry using the existing baseline and to subsequently address the restoration of the quarry pursuant to the existing permission as an alternative on the basis that the ecological and landscaping parameters can be compared between the two schemes to enable a comparison of the effects in accordance with Schedule 4 part of the Regulations. Moreover, in the strictest sense the restoration of the quarry pursuant to its extant consent is an alternative to the residential development in as much as they cannot co-exist.

This has been adopted as a precautionary approach given the concerns expressed by the local planning authority as to how much weight can be placed on the certainty of the approved restoration scheme being delivered including matters of viability but also to ensure that the development as whole has been considered and assessed.

A formal Scoping Opinion from the relevant local planning authority has yet to be sought and the appetite of the client to seek one is so far reluctant which has increased the pre-cautionary nature of our advice.

*DHA Planning, April 2019.*