**EIA Quality Mark Article**

**Major Accidents and Disasters: Proportionate Assessment for Highway Schemes**

**Introduction**
Directive 2014/52/EU (EIA Directive) requires the likely significant environmental effects resulting from the vulnerability of a project to major accidents and disasters (MAD) to be considered in Environmental Impact Assessment (EIA).

With no formal guidance yet published to assist EIA practitioners in interpreting this requirement, this paper summarises recent scoping activity on nationally significant infrastructure projects to identify current practice and the direction that the Planning Inspectorate is driving these assessments on highway schemes, following transposition of the EIA Directive into UK law in 2017.

**Background to MAD and current practice**
The inclusion of MAD in the EIA Directive may stem from research undertaken in 1998, when the overlap between various EC Directives was discussed and a proposal made that Environmental Statements provided a ‘one stop shop’ opportunity for environmental information required under the EIA, Seveso and IPPC Directives. Although the EIA Directive references the Euratom and Seveso III Directives when referring to MADs, another driver is likely to have been the 2011 Fukushima Daiichi nuclear disaster.

This background points to nuclear and hazardous industries as being development likely to require detailed assessment of MAD, but would detailed assessments be appropriate for highway schemes?

It seems unlikely that highway schemes would have a high vulnerability to MAD, particularly given their consideration during the design-development process. It is also unlikely that new or improved roads would be any more vulnerable to MAD than the UK’s existing network of roads.

This raises questions on defining a proportionate scope for MAD assessments, and if indeed they can be scoped out entirely on such schemes.

An analysis of published scoping reports and opinions for the following road projects was undertaken to review emerging practice.

1: A30 Chiverton to Carland Cross (August 2017)
The consultants took the approach to scope MAD out on the basis that: the EIA Regulations are implicitly aimed towards hazardous industries; many issues are already legislated for; and the remaining issues fall within the scope of other assessment chapters.

Whilst satisfied with the approach, the scoping opinion requested a table be included within the Environmental Statement to demonstrate where MAD had been considered within the assessment chapters.

2: M25 J28 Improvements (November 2017)
The consultants proposed considering vulnerability to MAD within each assessment chapter, with each topic scoping relevant events in or out.

The scoping report did not propose to assess the potential for the scheme to lead to, or exacerbate, any potential MAD e.g. nearby gas pipelines or railways.

Subsequently, the scoping opinion requested inclusion of this information in the Environmental Statement.

3: A47 Blofield to North Burlingham (February 2018)
Similar to Project 1, the consultant’s approach was to scope all potential MAD out but proposed to include a table in the Environmental Statement demonstrating where MAD had been considered in the assessment chapters. This approach was assisted by the fact that the scheme would not deviate significantly from the existing road, and therefore there would be no increase in risk.
The scoping opinion indicated acceptance of this approach.

4: A38 Derby Junctions (March 2018)
Similar to Project 2, the approach proposed to address MAD within the assessment chapters by applying a three-stage process. This involved the collation of a long-list of possible events compiled from the National Risk Register of Civil Emergencies, followed by screening to identify relevant MAD, and those screened in to be assessed within the relevant assessment chapter(s).

The scoping opinion indicated acceptance of this approach.

Conclusion
Whilst some common ground exists in relation to the application of professional judgement, the description of significance and the description of mitigation measures to manage MAD on highway schemes, the sample identified that the approaches fall into two broad categories:

- those that require individual chapters to separately consider relevant MAD; and
- those that have sought to scope out MAD altogether.

Although consultants are clearly evolving their approach to MAD on highway schemes, current practice points to a general acceptance by the Planning Inspectorate of scoping out MAD with the inclusion of a table indicating where these have been considered within the individual assessments.

Whilst seemingly appropriate from a proportionality perspective, it is unclear whether the approaches to MAD being applied on highway schemes are what were envisaged by the legislators. Notwithstanding this, there remains a need for formal guidance on the assessment of MAD to ensure: the requirements of the EIA Directive are met; the risk of legal challenge on the adequacy of assessment is minimised; and that assessments remain consistent and proportionate going forwards by focusing on the realistic sensitivities and vulnerabilities.

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References