How can we improve the assessment of cumulative effects?

Nothing causes a greater groan amongst technical consultants than the need to consider cumulative effects and it’s true the process is often fraught with arduous data collection and complication.

The requirement for the need to consider cumulative effects in EIA is not a recent stipulation and has existed in its current form of understanding since at least the 1990s; it was included specifically within European Directive 97/11/EC and was mentioned in previous versions as far back as Directive 85/337/EEC.

The question is, has anything really changed in EIA practice? Certainly, from the experience of DHA in undertaking reviews of third-party Environmental Statements (ESs) practice varies dramatically both in scope and quality and perhaps it is therefore worth reminding ourselves as to the intended purpose of cumulative effects assessment.

There still appears to be no definitive definition of what cumulative effects in EIA is and should cover. The 2017 Regulations offer no further steer except to state that an ES must provide a description of the likely significant effects of a development resulting from:

‘the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources’.

If anything, the definition in the Regulations adds further ambiguity to the methodology that should be applied in cumulative effects assessment. What does it mean by cumulation of effects with existing development? Typically, existing development comprises the baseline scenario.

When therefore should a development be considered on a cumulative basis? Should development that is already approved form part of the future baseline or should it be considered cumulatively? Should developments that are not ‘approved’ but reasonably foreseeable still be included on a cumulative basis?

For example, in cumulative effects assessment for traffic and transport, developments that have planning consent or are under construction should be considered to be committed as they have already been through the planning process and have identified any highway or transport improvements that may or may not be necessary to mitigate their impact (and can therefore legitimately form part of the future baseline). There is no further opportunity for these developments to provide additional highway or transport mitigation and so these developments and their highway and transport schemes can be treated as committed within any future year scenarios.

In doing that, the impact of development proposals that follow consented developments can be determined in the knowledge of what has already been consented in transport and highways terms along with the need for any additional highway and transport improvements that may be necessary.
Other proposed developments that have not yet been through the planning process should be assessed cumulatively against the baseline scenario to determine their cumulative impact and their cumulative highway and transport mitigation requirements (if required).

Conversely however, for and landscape and visual impact assessment such an approach may not be appropriate. By including approved development as part of the future baseline and not including it in the cumulative effect assessment is this presenting a) an overly favorable assessment or b) preventing the local authority from understanding the true cumulative additional effect from each subsequent development?

There are further challenges in defining which sites should be considered on a cumulative basis both in terms of proximity and scale. The Wealden Judgement for example sets a highly sensitive threshold for cumulative effects on the ‘principal of death by thousand cuts.’ How do we balance our role in protecting the environment by mitigating truly significant cumulative effects and wanting to do the best for our clients and remain commercially savvy?

Where do we go as EIA practitioners? Do we widen our scope for cumulative effects to tens of other developments and in doing so are we over burdening our clients and applicants when many cumulative assessments go no further than the site next door?

Perhaps a solution is to remind ourselves what the purpose of cumulative effects assessment is; to understand how development if and when permitted in combination with other development will affect the environment and its carrying capacity.

In doing so we need to accept that cumulative effects assessment is always going to be an imperfect science, but that a degree of rigor and methodology must be applied.

The best available guidance in that regard exists as PINS Advice Note 17 on Cumulative Effects Assessment. Whilst this guidance is issued in respect of Nationally Significant Infrastructure Projects it sets out therein a methodology for determining the zone of influence for each environmental topic that is applicable to all EIA projects. This presents a repeatable and demonstrably systematic methodology to cumulative effects assessments and engages the input of each respective technical author contributing to the ES.

Improving cumulative effect practice will not only act to safeguard the environment but also offer greater opportunity for the development of holistic mitigation strategies for the cumulative effects of development.

Further, the sooner we all start adopting an agreed methodology for assessment which becomes standard practice the less likely we are to be seen as overburdening a client. Similarly, questioning our commercial savviness and our facilitating role in delivering development for clients will be reduced if practice starts operating on a level playing field.