# Greenhouse Gas Assessment in EIA: a Toothless Tiger?

The 2011 EIA Regulations make reference to the need to provide a description of the aspects of the environment likely to be affected by a development including climatic factors.

Through transposition of the 2017 EIA Regulations the reference to climate has been strengthened to include ‘climate (for example greenhouse gas emissions...)’.

Whilst carbon studies have been around substantially longer than either of the aforementioned legislation their application has been somewhat sporadic and principally restricted to major infrastructure and/or energy projects.

The specific reference to greenhouse gas emissions in the EIA regulations seeks to address this issue with the intention of embedding climate change consideration within Environmental Statements.

In response to this IEMA in collaboration with Arup have produced the ‘Environmental Impact Assessment Guide to: Assessing Greenhouse Gas Emissions and Evaluating their Significance’.

This document takes the approach that all GHG emissions are significant given all projects creates greenhouse gas emissions and the fact that climate change has the potential to lead to significant environmental effects.

There are both benefits and dis-benefits associated with this approach. The benefits are of course that climate is looked at more holistically and consistently across all EIA projects whilst the dis-benefits mean that without a statutory or universally agreed threshold the weight any such assessment has is limited and possibly undermined.

The IEMA guidelines in themselves hold no statutory weight, and they are as the title suggests guidelines. Indeed from experience many planning authorities are simply not aware of their existence.

Further, the planning process is dictated by planning policies both local and national against which a development is assessed to consider its acceptability.

To this regard national planning policy does not provide the weight to refuse a planning application on greenhouse emission grounds unless it is contrary to planning policy or there are specific policies within a local development plan (albeit development plans should be in broad accordance with national policy). Certainly from experience of a series of newly adopted development plans in the southeast in the last two years these do not provide a sufficient basis to restrict planning permissions beyond the requirements of building regulations and BREEAM.

Furthermore national planning policy on the matter is generic and subjective. Paragraph 95 of the NPPF for examples states:

To support the move to a low carbon future, local planning authorities should:

- plan for new development in locations and ways which reduce greenhouse gas emissions;
- actively support energy efficiency improvements to existing buildings; and
- when setting any local requirement for a building’s sustainability, do so in a way consistent with the Government’s zero carbon buildings policy and adopt nationally described standards.
To this regard the Code for Sustainable Homes was revoked in April 2015 as part of the Government’s Housing Standards Review. Additionally the Fixing the Foundations Document by HM Treasury, published in July 2015, confirms that the Government do not intend to proceed with the zero carbon Allowable Solutions carbon offsetting scheme, or the proposed 2016 increase in on-site energy efficiency standards, but instead will keep energy efficiency standards under review.

Many development plans subsequently therefore refer to a requirement in the order of a 10% reduction above building regulations on CO2 emissions for residential development or BREEAM (good) for non-residential schemes.

The Committee on Climate Change’s Fifth Carbon Budget talks about the need to reduce carbon levels by 80% by 2050 (of which energy and C)2 form only a part).

Indeed the most recent report by the Committee on Climate Change (CCC), states that the Government needs to reduce emissions in the crucial areas of transport and buildings, where emissions are currently rising. Furthermore whilst the UK has legal commitments to cut greenhouse gases, there is no quota or target by which local planning authorities are required to deliver.

This highlights the gap between wider Government Policy (Clean Growth Strategy 2017, Climate Change Act 2008 and Carbon Plan 2011) which provides much more ambitious targets on greenhouse reductions across all sectors than is reflected in planning policy.

There are of course benefits to including greenhouse gas assessment in EIA, even if not providing a policy basis for refusal, in that it raises its profile and highlights the performance of a development in greenhouse gas terms as part of a wider bench mark. However EIA applications make up only a very small proportion of all planning applications in the UK.

Therefore whilst there remains a lack of local authority engagement with climate change and deficient planning polices with which to secure greater greenhouse gas reductions the effectiveness of greenhouse gas assessment in EIA is likely to be limited.

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