A new EIA Directive 2014/52/EU will be transposed into UK legislation by May 2017. Included within the Directive will be the requirement that ‘proportionate’ and high quality EIAs are undertaken across the EU. We consider how this change may affect EIA professionals in England in the context of what is a “competent expert”.

One of the revisions set out within the Directive is for the use of ‘competent experts’ in the preparation of an EIA Report (an Environmental Statement). Determining authorities will have to ensure that they have, or have access to, sufficient expertise to examine the EIA Report. This is set out within clause 33 of the Directive:

‘Experts involved in the preparation of environmental impact assessment reports should be qualified and competent. Sufficient expertise, in the relevant field of the project concerned, is required for the purpose of its examination by the competent authorities in order to ensure that the information provided by the developer is complete and of a high level of quality.’

**The role of the EIA coordinator**

There are a wide range of responsibilities for an EIA coordinator— from leading on the stakeholder engagement and planning, as well as the technical and environmental assessment of a project, and production of the Environmental Statement (ES).

The EIA coordinators at Deloitte benefit from the required skill set of a good project manager and also work simultaneously with their professional expertise as town planners; delivering in tandem both planning and environmental advice, strategy and deliverables. Part and parcel of the coordinator role is an awareness of up to date policy knowledge, communication and most importantly, good people management and organisational skills.

Often involving several disciplines, the role of the coordinator is key in ensuring applications are submitted on time to a high standard.

The EIA coordinator is more than the sum of its parts, as by its very nature it requires a person to be able to understand, coordinate and manage the competing elements of a project and successfully combine all these elements into a cohesive and environmentally sustainable project.

As part of the Directive, EIA co-ordinators would fall within the requirement to be “competent experts”. The competency and expertise of the EIA coordinator role is one which has previously not been questioned and has instead been based on experience and methods of best practice. Our view is that given the responsibilities of an EIA co-coordinator and their approach to good practice that they would naturally fulfil this requirement. The change in May should, therefore, be business as usual.

**Technical disciplines**

The classification of ‘competent experts’ also arises when considering each of the environmental technical disciplines. Should a company as a whole be registered or will the requirement be for each individual discipline or person – how it is monitored? Is there a review process for technical consultants to maintain their ‘competence’? What is the process if the competence of a consultant or coordinator is challenged? This is definitely a greyer area.

**Defining the competent expert**

Who decides who is classified as a ‘competent expert’ is also unclear, is this the developer’s responsibility or the role for the LPA? There is also the question of who decides the credentials of the ‘competent expert’ who reviews and assesses the EIA within the Local Planning Authority. How will this be financed?
The future

It may be several years for Clause 33 of the Directive to be effectively implemented into practicing EIA and the questions raised above answered. It will also define whether, in reality, there will be any significant change in the preparation and assessment of an EIA. Many Local Authorities, such as Manchester, have a pro-growth agenda requiring high numbers of residential and office developments to come forward to meet growth trajectories. It will be interesting to see whether Clause 33 will be a hurdle to this.

The current measures through IEMA to standardise and recognise professional standards in the business through the creation of the EIA Practitioner Register and the EIA Quality Mark are welcomed. From May 2017, it may become a necessity following the transposing of the EIA Directive and for measurable standards to be implemented.

1 Whilst the UK is still governed by EU law


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