The 2017 changes to the Town and Country Planning (Environmental Impact Assessment) Regulations prompted a review of EIA processes. Among the changes is a greater emphasis on post-decision monitoring for consented EIA projects. Competent authorities have a responsibility to define clear monitoring requirements proportionate to the nature of the project, whilst project teams are required to include, where appropriate, proposed monitoring schemes for significant residual adverse effects predicted within the ES. Given that this is widely acknowledged as weak area of EIA (IEMA, 2011), questions arise regarding how practice will evolve in light of these amendments.

The benefits derived from monitoring are well documented and detailed examination of these is beyond the scope of this article. However, it stands to reason that without some form of monitoring, the actual effects of a development can’t be explicitly known. By its very nature EIA deals with future scenarios, thus uncertainties are intrinsic to the process. Monitoring provides an opportunity to learn from practice, enhance forecasting abilities and improve project outcomes.

Research, carried out in 2018, into EIA practice observed a positive change in the uptake of monitoring when compared to previous studies conducted over the last 20 years; a trend largely driven by an increased presence of monitoring requirements within planning conditions, compliance monitoring required under environmental permitting, and the prevalence of Construction Environmental Management Plans (CEMPs) to monitor and manage potentially significant effects.

However, it was concluded that, proportionately, it remains a weak area.

EIA practitioners were interviewed to examine the reasons why the positive change had not been greater. Among the key themes were:

- Lack of legislative impetus resulting in developers choosing to avoid extra monitoring costs;
- Lack of expertise and resources within planning authorities to effectively condition and enforce monitoring proposals;
- Project financing structures resulting in funds dedicated to the pre-consent stage to achieve planning, with less budgeted for follow-up work;
- The gap between the environmental planning and environmental permitting frameworks in the UK creating a system that is not conducive to seamless follow-up work.

In addition, practice, in its current form, largely fails to capture the true value of monitoring due to poor feedback loops between stakeholders. As often happens, EIA project teams are not involved in monitoring work post-consent; activities detailed within the CEMP are undertaken by contractors and separate environmental managers oversee compliance monitoring once the project moves into the operational stages. This disconnect causes valuable information to be frozen in specific project phases hindering the ability to learn from measured outcomes.
Monitoring for monitoring’s sake is a fruitless exercise and is only of value if lessons are learnt and remedial action is implemented as a result.

The research concluded that, whilst the new regulations are a step in the right direction, current wording may not be robust enough to prompt significant change. Questions still arise over what to monitor, who should carry out this monitoring and who should bear the costs, but perhaps most importantly, what happens to monitoring data once collected. Where feedback does occur it is often unstructured, decentralised and reliant on individual initiative, giving practitioners the considerable task of keeping up with emerging information. Therefore, there is a real opportunity for organisations such as IEMA and the RTPI to facilitate the sharing of “lessons learned”; the Quality Mark series being a prime example of this.

Although many of the factors above are difficult to influence at a project level, adjusting best practice to consider monitoring requirements and promote the potential benefits to developers will help strengthen the EIA process as a whole, ensuring the iterative nature of EIA carries through to post-consent stages.

Some of the recommendations that came out of the research are detailed below:

- Address monitoring requirements more concisely within the ES to get project teams and developers talking about follow-up at an earlier stage, but also to alleviate pressure on council resources by utilising the competent experts within EIA teams.
- Create closer links between the ES and CEMP’s and EMP’s to help bridge the pre/post consent gap.
- Competent experts should be involved in the interpretation of any monitoring data to ensure appropriate action is identified (a requirement not currently specified within the Regulations).

Ultimately, additional revisions to the Regulations may be necessary, informed by practitioner experience, to fully utilise follow-up in the UK EIA jurisdiction. However, examples of good practice through monitoring are increasing, which will help guide EIA practice as it continually evolves, and knowledge is shared through platforms such as this.


References