I had planned to write an article on ‘proportionate EIA’ then realised that it had already been comprehensively covered, so thought I’d be a bit more specific and focus on a particular section of the Environmental Statement (ES)… the description of effects prior to mitigation.

We were recently tasked by a client to review their planning consultant’s EIA briefing note and subsequently worked with them reviewing the various ES Chapters. This particular consultancy was not a registrant of the IEMA EIA Quality Mark.

During the review I noticed some differences between their methodology and the approach we take at White Peak Planning.

We always aim to keep our ES Chapters concise and set the team a target of a maximum of 20 pages for their chapters. Obviously, there are instances where chapters need to be longer than this, but the idea is to make the chapters accessible to the reader with all the technical or supporting detail included as appendices. This was highlighted by IEMA as a positive aspect of our ESs when we became registrants of the EIA Quality Mark.

One way we keep the chapters concise is by setting out all of the proposed mitigation measures in advance of the ‘impact assessment’ section. We then firstly describe the effects with ‘designed in’ and ‘standard’ mitigation measures implemented and secondly with ‘actionable’ mitigation also implemented, e.g. financial contributions to off-site measures delivered by a third party. This approach was developed in liaison with IEMA and was confirmed by IEMA to be acceptable.

In contrast, the methodology within the ES that I was reviewing included the more traditional approach of assessing the significance of effects prior to the implementation of mitigation (including ‘designed in’ mitigation). It then described all of the proposed mitigation, followed by the likely residual effects with mitigation implemented.

I have several issues with this approach, namely:

- It creates uncertainty over whether, or to what extent, ‘designed in’ mitigation should be taken into account in the initial assessment;
- It involves the assessment of effects prior to mitigation that would almost certainly not occur;
- It groups all ‘types’ of mitigation together under a single assessment; and
- It means that ALL of the effects need to be assessed again with mitigation, resulting in duplication and a lengthy ES Chapter.

From reviewing the technical ES Chapters, it was clear that the consultants were uncertain as to whether, or to what extent, they should include ‘designed in’ mitigation in their initial assessment. Some took this mitigation into account, whilst others adopted a theoretical approach assuming that no mitigation had been considered.

This approach also did not take into account ‘standard’ mitigation measures, such as those during construction that would be set out in a Construction Environmental Management Plan (CEMP).
This resulted in lengthy impact assessment sections that set out theoretical ‘worst case’ effects that in all likelihood would not actually occur. ‘Designed in’ and ‘standard’ mitigation measures have a very high certainty of delivery and therefore, an initial assessment taking these measures into account would still be robust.

Grouping all of the mitigation measures into a single assessment does not distinguish between those with a high degree of certainty over implementation and those which rely on a mechanism for delivery, such as planning obligations set out in a S106 Agreement. Under this approach it is not possible to identify what the effects of the proposed development would be if mitigation to be delivered by third parties was not implemented.

The assessment of residual effects then needed to revisit all of the previously predicted effects again, but with mitigation measures implemented. As the proposed mitigation measures generally either removed the effect or reduced it to an acceptable level, it begs the question as to whether there is the need for the reader to know exactly what the significance of these effects would be prior to mitigation.

I personally don’t think there is a need to describe the potential effects prior to mitigation and that it leads to an unrealistic ‘worst case’ scenario, as well as overly lengthy ES Chapters due to the duplication of effort.

There should be an acceptance that EIA is an iterative process that has resulted in a particular situation in terms of scheme design and a proposed set of measures to mitigate potentially significant environmental effects.

I appreciate that this approach might limit the extent to which EIA can be seen to have influenced a proposed development, but is this EIA nicety more important than providing a clear and concise ES to inform the decision maker?

Chris Garratt, Associate Director, White Peak Planning, April 2019.