The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the ‘EIA Regulations’) refer to the assessment of potentially significant effects of ‘the proposed development’ on the environment.

In most cases, the ‘proposed development’ is the subject of a single planning application to the local planning authority. However, it is possible for an EIA to cover more than one planning application where the two EIA developments being applied for are linked in some way, e.g. being located on adjacent sites and being brought forward within similar timescales.

This approach would result in a single Environmental Statement (ES) being prepared by a team of technical consultants, which can then be submitted with each planning application.

**Advantages of this approach**

This approach has both financial and technical advantages.

The financial advantage of this approach is that it avoids the need for each applicant to instruct the same scope of technical work by different consultants. Baseline surveys for both sites can generally be carried out at the same time, with an agreed split of costs between the parties.

The technical advantage is that a consistent approach is used in the assessment of both of the proposed developments.

This removes the potential for inconsistencies between the two ESs in terms of methodology or assessment findings, which could be criticised during the determination period by the local authority. This could lead to delay if further work is requested.

There is also the potential for mitigation and enhancement to be considered holistically using a consistent approach rather than each site being treated in isolation. If possible, on-site mitigation could be shared, or an approach to off-site mitigation agreed between the parties. It is important however, that one site does not become reliant on the other.

**When can this approach be used?**

A combined EIA and ES will not be possible in many cases, particularly where relationships between applicants are not constructive, or where sites are potentially competing against each other resulting in a conflict of interest.

It may also be the case that landowners/developers have been promoting their site for many years and have a trusted team of consultants that they want to prepare their ES. If neither side is willing to use the other’s technical team then it would not be possible to undertake a single EIA.

The approach of a single EIA and ES is best-suited to two adjacent sites that are either both allocated for development, or form part of a larger allocated site.
We have experience of undertaking an EIA for a proposed residential development and adjacent museum and also an EIA for two residential sites that form the majority of a larger strategic allocation.

**What would the EIA methodology need to cover?**

As the proposed developments are being applied for separately, there is likely to be a reason why they are not part of a single application. It is important to know this early in the process so that you are aware of it when preparing the ES and understand what each applicant is trying to achieve.

Similarly, it is important that the two applications can be determined separately by the local authority and are not reliant on each other. Therefore, it is important that the EIA assesses the impacts of each proposed development separately and that these are documented in the ES to identify what mitigation measures are required. This is vital when it comes to drafting planning conditions and obligations to ensure that one site is not unnecessarily mitigating the effects of the other and vice versa.

Once the separate effects of each site are known, the cumulative effects of both sites together can be assessed and set out in the ES. If both sites are part of a larger strategic allocation, an Illustrative Masterplan for the allocation should be prepared. This should also include remaining areas outside of the application sites and an assessment of the effects of the allocation (based on the Illustrative Masterplan) should be included in the cumulative assessment.

The cumulative effects with other nearby schemes (ideally agreed with the local authority during scoping) should then also be assessed.

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**Summary**

Where two planning applications for adjacent sites are deemed to constitute EIA development, there are financial and technical advantages to undertaking a single EIA for both sites, using the same consultant team. This will avoid inconsistencies and should save time and money. However, it is important that each proposed development is assessed independently as well as cumulatively to ensure that each application can be determined separately.

*Chris Garratt, Associate Director, White Peak Planning, April 2018.*