Effective scoping as a means to deliver proportionate EIA
Reflections on the IEMA Quality Mark Forum 2013 and the Scottish Government EIA Forum 2013

Proportionality in EIA was an overarching theme of both the IEMA Quality Mark Forum 2013 and the Scottish Governments EIA forum, which reflected the strong emphasis on proportionality and efficiency in the recently published Planning Advice Note 1/2013 on EIA. Both forums included representation from statutory stakeholders (i.e. competent authorities and statutory bodies) and EIA practitioners, with the Scottish Government forum being more focused on statutory stakeholders with some guest representation from EIA practitioners and developers. The discussion at both events provided some interesting insight into the themes emerging amongst both practitioners and statutory stakeholders when challenged to consider how to deliver proportionate EIA.

Delivering proportionate EIA can be considered to have two main aspects:

- the drive to avoid an unnecessarily onerous EIA process, focusing baseline data collection and technical assessment on the issues genuinely likely to cause significant effects; and
- to avoid excessively long, repetitive and poorly coordinated Environmental Statements (ESs).

At both forums, a trend was identified, acknowledged amongst both practitioners and statutory stakeholders, that over time ESs keep getting longer, especially for larger nationally significant infrastructure projects, with the documents often criticised by both statutory stakeholders and members of the public for being difficult to engage with and not entirely focussed on likely significant effects. This is widely considered to be a key issue in ensuring effective and proportionate EIA is conducted.

While effective scoping is widely recognised as a key factor in achieving both aspects of proportionate EIA; a key theme emerging from both the IEMA and Scottish Government events was that practitioners in UK still have some way to go towards achieving both the goal of effective scoping and the ultimate goal of more proportionate EIA. A view widely expressed was that while the trend for increasingly voluminous ESs may be in part due the complexity and scale of some of the developments, the trend more likely points to a failure to effectively scope EIAs and/or a failure to properly focus ES reporting in response to the scoping process.

Criticism is often levelled by practitioners at some statutory stakeholders for failing to properly engage with the scoping process, resulting in generic responses, requests for information on issues which are clearly not likely to be significant, or responses from one stakeholder which conflict with another. While this criticism may be valid to some extent, the strong and consistent message from both events from the statutory stakeholder organisations represented was that they recognise the importance and value of effective scoping and the need for proportionate EIA and they are ready to engage.

Therefore driving forward an effective scoping process should remain a key focus for practitioners, recognising that the guidance in the form of the Planning Advice Note 1/2013 in Scotland and National Planning Practice Guidance in England provide a strong basis for practitioners to push back on unreasonable and unnecessary scoping requests and demand better engagement from some statutory stakeholders with the goal of proportionate EIA in mind.

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1 The Scottish Government, Planning Advice Note 1/2013: Environmental Impact Assessment, August 2013, URL: http://www.scotland.gov.uk/Publications/2013/08/6471/01

A key theme emerging from the two events was that while an early scoping engagement with statutory stakeholders was certainly important to agree the likely key issues and methodologies at strategic level, there is a need to see more continuous dialogue throughout the EIA process in order to scope out (or scope in) further issues and refine the scope of individual assessments as more baseline information is collected and available to justify such decisions.

Viewing scoping as a milestone is problematic and can conflict with the goal of achieving a leaner ES, when issues are included only to satisfy a scoping opinion. A more collaborative approach using ongoing dialogue would potentially lead to leaner and more focussed ESs. That said, statutory stakeholders were clear that the onus remains firmly on the developer/practitioner to provide sufficient justification when seeking to scope issues out of the EIA process. In taking this approach, there needs to be some recognition from the practitioner that it may not always result in doing less work; but could provide a significant improvement in making the final ES document more focused on the likely significant effects and easier to engage with for the full range of public and statutory stakeholders.

With this in mind, the emerging changes proposed to the EIA directive, which include potential mandatory scoping together with screening, will be followed with interest, in the hope that the changes do not lead to unnecessary (and unhelpful) restrictions in the timing of scoping and in the potential opportunity for ongoing scoping engagement throughout the EIA process.

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