**PEI in national infrastructure planning**

**Jacobs’ Dan Johnston investigates what constitutes preliminary environmental information (PEI) and how it differs from an environmental statement**

The Planning Act 2008 sets out a process for obtaining development consent orders for nationally significant infrastructure projects. Consultation of the community plays a central role in the pre-application stages of this process and the applicant is required to publish a statement of how, when and where they will consult with the community.

Under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009, the statement must say whether the proposed project is subject to environmental impact assessment (EIA) and, if so, it must state how the applicant intends to publicise “preliminary environmental information” (PEI). This is the only reference to environmental information in connection with the consultation.

**The problem**

While EIA practitioners are familiar with the standard reports that occur during the EIA process, and know what is expected of them as contributors, for the PEI there is no established body of practice, no published guidance and the definition in the Regulations is open to interpretation. Practitioners can therefore find themselves struggling to understand what is required.

The definition of PEI given in the Regulations refers to part of the statutory definition of an environmental statement. However, the explanatory memorandum that accompanies the Regulations makes it clear that a PEI is not a draft environmental statement.

In these circumstances, different practitioners have taken wildly differing approaches as to what a PEI should be, in particular how detailed and how technical it should be.

A random sample of 10 PEI documents found:

- three multi-volume epics, indistinguishable from large and detailed environmental statements;
- two short text-only documents (one at five pages, the other at 22);
- four tailored documents designed for the PEI purpose (ranging between 41–230 pages of text and 8–76 figures); and
- one comprising a combination of other existing materials – the EIA scoping report, sections of a consultation leaflet and exhibition boards.

Even allowing for the diverse needs of different projects, there is clearly considerable inconsistency in practitioners’ and clients’ understanding of what is required.

**Learning from experience**

My view of what a PEI should be has developed in the course of writing one and taking it through consultation.

At the outset, my client was nervous because they were about to embark on a new statutory process and needed to commission a product for which they had no template.

Their initial, cautious reaction was to go beyond compliance and ask for a draft environmental statement to be produced, just to make sure they hadn’t undershot the target.
In the end, we produced a comprehensive document that, while following the same basic structure as an environmental statement, was smaller, less detailed and less technical (151 A3 pages, 76 Figures, four larger drawings and a non-technical statement).

During the consultation period, I attended the public exhibitions and spoke to many locals. My impressions were:

- Few people had read more than the non-technical statement and I doubt anyone had read the whole PEI.
- Many were intimidated by the scale and technicality of the document and failed to find the information most relevant to them.
- The drawings contained the most useful, and most used, information.
- People did appreciate the availability of in-depth information, because it enabled us to give clear, authoritative answers backed up by written evidence.
- Most of the questions we received were related to the project’s history and alternatives, as well as ecological, air quality, noise, visual and land-take related impacts. The only legislative issue raised was the effect on the green belt.

Who is the PEI for?

The primary purpose and audience of a PEI are very different from those of an environmental statement. A PEI is aimed explicitly at the local community during a consultation. The client may also wish to send the PEI to technical consultees, but that is not the main target audience, and decision makers never see it.

The PEI document should, therefore, be tailored to the needs and interests of the local community. That means:

- being as concise as possible while still giving enough information to be authoritative – I would recommend 10,000–50,000 words depending on the project;
- maintaining a level of detail and technicality that is appropriate to the audience and that reflects their interests – few will need information on EIA methodology or policy background, it is better to focus on environmental baseline, impacts and mitigation;
- the language used should be as clear and non-technical as possible;
- ensuring the document is well-illustrated – a PEI without figures will be harder to follow and much less useful when answering questions at an exhibition.

The final key difference between the PEI and the environmental statement is that the statement describes the scheme as it is in the application for a development consent order, where the design is essentially fixed. The PEI, however, is a consultation document and its description of the scheme must make it clear what aspects are open to change and can be influenced by the consultation.

Having said all that, there is no reason why the PEI can’t form a stepping-stone towards the environmental statement. Most of what is in the PEI should be capable of re-use in the statement, with a little updating and the addition of more detail and supporting information.

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