Inherent in the EIA process are limitations for which assumptions have to be made. As a result of this, there will always be some degree of uncertainty as to the exact nature and magnitude of environmental impacts and resulting effects. These uncertainties could arise from a number of issues such as baseline data collection, the level of information on the proposed development available at the time of the environmental assessment and limitations of the environmental assessment prediction process. These could also be brought on by tight development programmes which do not allow for adequate baseline establishment and assessment. It is the responsibility of the Environmental Coordinator to ensure clients understand the risks of such limitations and the options to manage such risks, in view of its potential impacts. Fundamentally any risk management strategy would seek to mitigate or control the risk; it cannot dispense of the risk.

Some limitations of the EIA process cannot be avoided and the clients need to be kept adequately aware of these limitations and consequent risks. For example, limitations such as ecological surveys being snapshots of the baseline environment therefore only giving a good indication of the baseline environment. The dynamic nature of the environment means the baseline environment will change, possibly before construction commences. Clients need to be prepared for this, as what may not have been an issue during the assessment process may become an issue during construction with cost and programme implications.

Limitations of the environmental assessment prediction process may be more difficult to explain.

For example, following development consent, progression to the detailed design stage sometimes means that the development that is eventually constructed may differ slightly from the development assessed in the Environmental Statement (ES). Deviation from standard elements of an approved design could result in the invalidation of development consents. It is the collective responsibility of the Environmental Coordinator, the clients and design team to ensure that the coverage of the ES does not become an unreasonable limitation on the development that is granted consent. This can be done by ensuring that the right amount of design information is available for the environmental assessment. This needs to satisfy the consenting authority that the potentially significant environmental effects of the proposed development have been suitably assessed and where possible mitigated, whilst allowing enough flexibility to meet future design change requirements. A distinction between the development information that should be made available at the EIA stage and that which can be left to a detailed design stage needs to be made from the outset.

In making the case for sustainable development, it is also important to make certain that the clients understand that the level of mitigation committed to in an ES is essentially the minimum standard which should be achieved by the final development. Clients should be made aware of the long term commitments of delivering effective mitigation. Should they be informed of the cost implications of ensuring committed mitigation is effective using a worst case scenario? Would presenting a worst case financial forecast (including maintenance and monitoring costs) serve to help less knowledgeable clients understand that they are signing up to ensure that mitigation is effective, not just a one off action?
The importance of outlining the limitations of an EIA cannot be stressed enough. Its importance is recognised in Annex IV of the EIA Directive which requires "an indication of any difficulties (technical deficiencies or lack of know-how) encountered by the developer in compiling the required information". Limitations during the EIA therefore need to be explicitly discussed within the ES.

The impending change to the EIA Directive is aimed at improving the quality of the EIA process. A proposal on amendments to the EIA Directive was put forward for consultation in October 2012. It included proposals for mandatory scoping which detail the level of information to be included in Environmental Reports and this could address programme constraints on baseline data collection. It also included a broader scope on implementation of mitigation and additional requirements for post monitoring within EIA and this could help ensure mitigation is effective. Negotiations have since taken place on the final wording of the EIA Directive, and the new EIA Directive is eagerly awaited.

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