Reducing the scope by increasing it

The issue of unnecessarily long, detailed and complicated Environmental Statements (ESs) is not new, and was highlighted by the recent comments made by Lord Smith in a report produced by the Shale Gas Task Force, concluding that “full Environmental Impact Assessments are not readily accessible nor easily understood”.

This problem looks set to increase with the forthcoming implementation of the amended EIA Directive (2014/52/EU), which seeks to afford a greater degree of protection to the environment. Changes pertinent to EIA reporting include:

- A broader scope of environmental issues will need to be reported on if considered to be significant (including climate change, biodiversity, human health, vulnerability to accidents and disasters and resource use);
- An assessment (rather than an outline) of alternatives if they have been considered; and
- Definition of monitoring arrangements.

Once transposed into UK law (required by mid-2017), the above measures could result in longer, more complex and onerous ‘EIA reports’ if they are not effectively scoped. This could have financial implications for applicants and further stretch the resources of competent authorities.

So how can we ensure that EIA reporting is proportional to the development and that resourcing of involved parties is not placed under undue strain? The answer lies in a more effective use of the scoping process, building on the enhanced screening process.

The extant EIA regulations require requests for screening opinions to include “a brief description” of the development and its possible effects on the environment. The amended EIA directive requires a more detailed description, as set out in Annex IIA.

The developer may also include the results of assessments carried out to satisfy other EU legislation (e.g. the Habitats Directive).

This requirement for additional information earlier in the EIA process would allow a more comprehensive scoping report to be written. Currently scoping reports are often submitted early in the EIA process and can lack the detail required to rule out the potential for significant effects, leaving the competent authority with little choice but to require detailed assessments on a variety of environmental issues.

The work undertaken upfront to inform the screening and scoping exercise would not be wasted, as it is often required to satisfy planning submission requirements. It is key to understand that the scope of environmental assessment/appraisal can be broader than the scope of an ES/EIA Report.

Whilst not mandatory, a comprehensive scoping exercise could be the key to the proportionality of future ES/EIA reports, supported by other proportionate planning documents as appropriate.

At Nicholas Pearson Associates, we have already seen the benefits of such an approach.

Case Study 1

A Local Planning Authority (LPA) determined that the re-development of a former brownfield site to residential use required an EIA. This was owing to its location within a Sensitive Area (World Heritage Site), adjacent to other sensitive receptors (Area of Outstanding Natural Beauty and Conservation Area) and prominent location in relation to visual receptors and heritage assets.

A Scoping Report was submitted to define the content of the ES, which was informed by baseline survey and preliminary assessment work, including ecology surveys and appraisal, a Flood Risk Assessment (FRA) and a Transport Assessment and Travel Plan.
The results provided certainty in relation to the potential significance of adverse effects, and allowed the LPA to scope these issues out. Separate reports on these matters were submitted in support of the planning application. The resulting ES was focussed on landscape, visual and heritage impacts.

**Case Study 2**

An LPA determined that a residential development required an EIA as it had likely significant effects on the environment by virtue of its size, character and location within a Sensitive Area.

The Scoping Report outlined specific environmental impacts which were unlikely to be classed as significant and therefore did not require consideration within the ES. The Report, however, acknowledged that evidence would be required to satisfy other planning requirements which would be submitted as part of the wider application (e.g. FRA).

This approach provided the LPA with the confidence to scope out a number of issues from the ES. The wider planning application provided comprehensive evidence on a number of environmental disciplines which satisfied planning requirements, while the ES focussed on potentially significant impacts on the environment.

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This article was written as a contribution to the EIA Quality Mark’s commitment to improving EIA practice. Jonny Murphy is a Professional Environmental Planner at Nicholas Pearson Associates, and an Associate Member of IEMA. Alison Carroll is an Associate Environmental Planner at Nicholas Pearson Associates, a Full Member of IEMA, Chartered Environmentalist and Registered EIA Practitioner, April 2015.

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