New developments for industrial processes covered by the Industrial Emissions Directive will usually require an Environmental Impact Assessment (EIA) as part of the planning process and an environmental permit application in order to obtain a permit to operate. Planning and environmental permitting are different statutory processes, each requiring an application under the relevant regulations, however where both require environmental assessment there are opportunities for information sharing. Sharing of information and delineation of the information to be provided to support planning and permitting can be critical to effective engagement with key stakeholders, in particular those statutory bodies with a role to play in both the planning and permitting processes.

The diagram below illustrates how the EIA forms a key interface between the planning and permitting processes.

From project inception both applications should be considered together, this allows for early engagement with the planning authority and the permitting authority (generally the Scottish Environment Protection Agency (SEPA) or the Environment Agency (EA)). Early engagement allows timely agreement on the details of the application that will be put in front of SEPA or the EA as a consultee in the planning process, which is required by the EIA regulations to be sufficient to allow the identification of any significant effects on the environment, and detailing the further, more comprehensive information that will be required as part of the permit application. This clear understanding of what information is required for the purposes of planning and permitting is essential to support the consultees in fulfilling their statutory duties under the planning and permitting regulations. There is often an element of expectation management required, particularly where full details of the plan and equipment to be installed are not known at the point of submission of a planning application but appropriate parameters for operations at the site can be established to allow assessment of impacts and identification of potential for significant effects.

A further test which the permitting authority is required to consider in their role as a statutory consultee in the EIA process is the potential ‘permitability’ of the proposals. This aspect of the permitting authority’s consideration in the planning process can be difficult, but it must always be noted that the grant of planning permission does not confirm that a permit will be granted, rather that there are no obvious reasons, based on the information provided as appropriate to support the planning application, why a permit could not be granted.
A logical approach to consenting strategy is to have one project manager who is the main client and stakeholder contact and will oversee all environmental elements of the project to avoid repeated work and ensure consistency of environmental information across the planning and permitting.

Through the design interface both processes will come together, and technical specialists will be involved from an early stage with both applications. At the planning stage the EIA can regularly be based on a worst case scenario envelope rather than detailed design as final design details may not be decided at the time of planning submission. This can form a useful basis for the environmental permit application also e.g. if emissions to air can be demonstrated to be below thresholds on a worst case basis then they will remain below thresholds at the detailed design stage. In this example, models produced initially for the EIA can be updated and provided to decision makers within the permit application and any subsequent variations that may be requested to that permit. This will ensure no conflicts arise in information provided to the planning authority and to the consultees (particularly those who are also a permitting authority), therefore it should reduce the instances in which additional environmental information has to be submitted to support either the planning or permitting application.

It is becoming increasingly common for clients to seek both planning consent and their environmental permit prior to projects being given approval from investors to ensure project viability and safety. The above approach reduces risk to the client and their investors as it reduces the instances in which additional information is required for either application, therefore projects are able to be delivered to tighter timescales and smaller budgets.

The approach to shared environmental information for planning can be easily replicated by considering the following points:

- Consenting strategy is key;
- Early engagement with the planning and permitting authorities;
- Clearly defined project team;
- inputs from technical specialists to EIA and permit applications in parallel; and
- Overall project management to manage the interface between the EIA and permitting processes to ensure consistency and appropriate levels of information for each application process with no duplication of effort.

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