South London Energy Recovery Facility ES - A complex future baseline

In July 2012 Terence O’Rourke Ltd (TOR), on behalf of Viridor, submitted a detailed planning application, including a comprehensive environmental impact assessment (EIA) for the South London Energy Recovery Facility (ERF) at Beddington Farmlands Landfill Site in the London Borough of Sutton (LBS). Under the then current landfill consent, the whole site was subject to restoration proposals which would have resulted in habitat creation, management of the site for nature conservation, and a degree of public access, subject to operational considerations regarding the after care of the landfill.

A scoping exercise was undertaken for the EIA in December 2010. LBS provided a detailed scoping opinion in February 2011, which included a requirement that the landscape and visual assessment and natural heritage assessment within the environmental statement (ES) “...must compare the predicted impacts of the proposed ERF against the future baseline post 2023 (i.e. post restoration), not against current conditions...”.

As recognised by EIA professionals, there are considerable difficulties in making meaningful predictions about what the baseline conditions at a future point will be. For example, which ecological species will be present on the site and in what numbers, how many local residents will be using the site, and how the restored site will actually look from the surrounding area. Given that the future baseline cannot be accurately measured, any assessment includes a significant degree of speculation and professional judgement. As such, the standard approach is for an ES to include consideration of the implications of the proposals on a detailed, measurable and current baseline. The future baseline is then usually considered in very general descriptive terms, except for topics that can quantifiably be more accurately predicted or factored up (e.g. background air quality or traffic flow) where a more detailed analysis is possible.

With regard to the council’s scoping opinion, it was felt that an assessment of potential impacts purely against a future baseline (that could not be measured) as opposed to a detailed assessment against a measurable baseline, was not a robust approach.

In March 2012 TOR wrote to LBS regarding the consideration of the ‘future baseline’ as set out in the scoping opinion. This correspondence highlighted the difficulties in assessing future baselines beyond a basic descriptive consideration, and proposed that the ES would assess against current conditions as required by the EIA regulations. It also proposed to undertake a more detailed assessment of the future baseline as required in the EIA scoping opinion, but in a separate document to the ES. Professional experience and best practice suggest that conclusions in an ES need to be factual and quantifiable in order to be considered robust in the context of determining the planning application. Whilst it was accepted than an element of impact assessment is based on professional judgement, it was considered that the likely highly subjective nature of detailed future baseline work could provide a weakness or point of challenge to the EIA. By keeping the future baseline work separate from the formal EIA, it was considered that a robust ES, which met the requirements of the 2011 EIA Regulations, would be submitted and the requirement of LBS to see an assessment purely against the future baseline to assist in determining the planning application would also be met.

The ES submitted in July 2012 therefore included an assessment of the potential impacts of the proposals against a robust 2012 baseline and a basic assessment of the future baseline (i.e. the application site restored in line with the restoration plan agreed under the then current landfill consent), together with a separate document entitled ‘Assessment of ERF development proposals against 2023 restored baseline’, which was based purely on professional projections of what the future restored site was likely to be.
LBS nevertheless subsequently issued a Regulation 22 request for the transfer of the text and figures from the separate future baseline document, to a dedicated chapter within the ES. A new chapter was therefore prepared and submitted in February 2013 as an addendum to the July 2012 ES. The findings and conclusions of this chapter were exactly as reported in the original separate document and did not alter the conclusions of the original ES.

In the author’s view, it is likely that consideration of the acceptability of the proposal, which received permission in May 2013, was best gleaned from the findings of the original main ES which looked at the impact of the proposed development on a detailed, measurable and robust existing baseline, rather than the future baseline, which, whilst constructed as accurately as possible in the circumstances, was inevitably more speculative and imprecise.

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