Considering Alternatives: How far should we go?

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<th>Considering the alternatives to a scheme is fast becoming a central part of the planning process, as well as the EIA process. The usual starting point for a planner is that each application should be considered on its own merits. Whilst there are notable exceptions, other possible sites do not often figure in planning decisions, although this trend has been changing over the last few years. This site level focus is compounded by a tendency to narrowly interpret the requirements of the Regulations. They require that we outline the main alternatives that have been studied and give environmental reasons for their rejection or selection. But, if the applicant didn’t actually study any alternatives, then surely they don’t have to report them at all? This approach works against the spirit of the Directive and the Regulations, and best practice pushes us in the opposite direction. So how far should we go?</th>
<th>This judgement is clear, but it does have a tendency to pull us back from a more in depth assessment, which increasingly seems to be an important part of the planning process. In an age of planning reform and dated land allocations, many Councils are running out of land identified for development. In areas where there is a demonstrable need for more development, but no land identified, we are increasingly undertaking our own site selection exercises to demonstrate why the application site is the best option available to meet that need. In these circumstances, undertaking a more detailed consideration of alternatives not only bolsters the effectiveness of the EIA process, but also the wider planning case. In this situation, an in-depth alternatives assessment has commercial value. In these situations, being too narrow with our interpretation of the Regulations is unhelpful, not only to the EIA process but also to the likely outcome of any planning application. Alternatives can be a central planning question, as well as an EIA point. However, with more up to date site allocations documents beginning to emerge, and since the introduction of the LDF soundness test of needing to adopt the “most appropriate strategy when considered against the reasonable alternatives”, the need for a high level consideration of alternative sites must start to reduce.</th>
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<td>The best known judgement on alternatives is the “Challenger” case from 2001. The alternatives report was criticised for being “perfunctory and out of date” and the claimant argued that “it must contain sufficient information to enable a properly balanced decision to be made”. This approach was rejected, as the legal requirement does not actually go that far.</td>
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On newly allocated sites, the main alternatives issues are likely to be confined to the site itself and, particularly, the design choices made allied to the potential for statutory or local objection.

Some areas of some sites may be more sensitive and providing “less desirable” elements of a proposal closer to residential properties may be both more sensitive and provoke more objection. Again, looking at alternatives can result in a more successful outcome, not just for the EIA process, but also for wider reasons.

“On site” alternatives also bring the potential for in built mitigation. Scheme evolution is associated with both EIA and Urban Design processes, where both adopt an iterative approach. This may complicate the overall design process, and delay our much desired “scheme fix”. As changes are being made for the sometimes separate objectives of reducing environmental effects and achieving high quality design, undertaking these processes together allows the scheme to evolve according to the findings of a range of contextual and analytical work. The results are likely to be more robust.

Reporting every twist and turn of this process does not really add anything for the decision maker, so in these situations, the “legal minimum” of reporting an outline of the main choices made, with the reasons, becomes more helpful and constructive.

In my experience, the consideration of alternatives always raises the question of how far we need to go.

From a planning perspective, I would urge EIA practitioners to make sure that the approach adopted reflects the weight likely to be attached to the alternatives assessment; to integrate this process with what the rest of the design team are doing; to ensure that all of the factors potentially material to the decision maker are explained, and; above all, to use our judgement and be proportionate. After all, the “legal minimum” is set to allow us flexibility to bend in either direction.

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