Environmental Impact Assessment Tool Review

Regulatory Tools

TABLES Project 2012: Mini reviews	
Guidance	*Using your experience and expertise, consider the following tasks in relation to the tool. It may not be possible to complete all tasks for each tool due to a lack of available information, the task not applying to the tool, etc.* ***Please note where this is the case by writing in the reason in the space provided****. Please use a maximum of 6 pages of A4 (excluding diagrams and appendices).* ***Your responses are required in the white spaces****.*
Task 1: Basic information	
Name of the tool	Environmental Impact Assessment
Type of tool (list all that apply)	Regulatory
Group members	1. Jonathan Baker 2. Alister Scott 3. Natural England
Please provide a brief synopsis of the tool	The Environmental Impact Assessment (EIA) is an assessment of the environmental impacts of certain types of project before they can be given 'development consent'. Its origin is Council Directive 97/11/EC, adopted by the European Council, March 1997. It was incorporated into British law through the Town and Country Planning Regulations 1999. There have been numerous amendments since then and the current version of these Regulations is The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. There are also versions of the Regulations for Infrastructure Planning (2012) and for Agriculture (2006). EIA regulations have two separate types of development. Schedule 1 projects are projects which will always have significant environmental impact and so require an EIA in every case. Examples include oil refineries, thermal power plants and waste water treatment. Schedule 2 projects are screened to see whether they are likely to have *significant* environmental impact. If they do, then an EIA is required. It is more likely that an EIA will be required if the proposed development is a 'sensitive area'. These include Sites of Special Scientific Interest (SSSIs), National Parks, Areas of Outstanding Natural Beauty (AONB), the Broads, World Heritage Sites and scheduled monuments. There is no hard and fast definition of significant. There are

	thresholds in terms of scale of development which act as guide points. It is the responsibility of the Local Planning authority to issue screening opinions on whether an EIA is required. This can be overruled by the Secretary of State. The EIAs are prepared by the developer (or by consultants on behalf of the developer). Appendix 5 of the national guidance provides a checklist of guidance for information to include. It separates information about the development of the project, the effects when it is operational and after use has ceased. It asks for basic physical information about land use change, resources consumed, and emissions, and other effects such as noise, vibration, light, heat and radiation. Its aims are: • to draw together, in a systematic way, an assessment of a project's likely significant environmental effects. • to enable environmental factors to be given due weight, along with economic or social factors, when planning applications are being considered • from the project proponent's point of view, to indicate ways in which the project can be modified to avoid possible adverse effects • for the planning authority and other public bodies with environmental responsibilities, to provides a basis for better decision making

Task 2: Use of the tool

Position / Use

Stage	Currently used	Could be used
Ideas	n/a	n/a
Survey	Y	Y
Assess	Y	Y
Policy / decision	Y	Y
Implement	Y	Y
Evaluate	N	N

Please add any further comments here:

Task 3: Existing literature about the tool

Are you aware of any KEY policy and / or academic literature evaluating your tool?

Author & Date	Title Vol pages	Web link (if available)
DCLG	Environmental Impact Assessment, a guide to procedures	http://www.communities.gov.uk/publications/planningandbuilding/environmentalimpactassessment
Friends of Earth 2005	Environmental Impact Assessment, a campaigners	http://www.foe.co.uk/resource/guides/environmental_i

		guide	mpact_asses1.pdf
	IEMA (2011)	The State of EIA Practice in the UK	http://www.iema.net/eiareport
	European Commission (2009)	Conclusion from Conference for the 25th anniversary of the EIA Directive: Successes – Failures – Perspectives	http://ec.europa.eu/environment/eia/conference.htm
Task 4: Your experience of working on the tool			
Have you done any research/consultancy work on this tool in terms of its development, testing and/or evaluation?			
Guidance	For Tasks 5-7, please also try to consider the **future** development and application of this tool in the TABLES project in your answers.		
Task 5: Incorporating the ecosystem approach (EA) and ecosystem services (ES)			
Using examples (from practice, research or consultancy), explain how EA and/or ES are currently incorporated in/by the tool	Examples of the application of Ecosystem Approach / Ecosystem Services in EIA are limited to date. Examples include work commissioned by the Environment Agency on the Wareham Managed Realignment[1] and Defra's ex-post study on the application of the ecosystem-based approach (EBA) in the EIA of an important infrastructure development project, the Heysham M6 link road in Lancashire, England[2]. Both these studies found that the Ecosystem Approach / Ecosystem Services had potential to improve EIA type decision making but that the context and nature of the project would determine how this was achieved.		
How <u>could</u> the ecosystem approach and/or ecosystem services be (further) incorporated within the existing tool?	Including Ecosystem Services could provide a consistent framework within which environmental impacts could be assessed. The current focus of EIA is on the physical changes and physical inputs/outputs of the development and related impacts on the environment as a group of disparate 'issues'. Taking an Ecosystem Approach / Ecosystem Services approach could allow for a more explicit consideration of the benefits that ecosystem and related services provide to a project. This flipping of the traditional logic of EIA (from the impact of a project on the environment to what the environment can offer a project) is potentially very powerful and reflects the reality that a development is often reliant on a range of ecosystem services which can be adversely affected by the nature of the development. EIA has the potential to make this relationship clear and in doing so deliver more resilient project and natural environment – this recognition is a core part of the forthcoming guidance on integrating climate change and biodiversity into EIA and SEA due to be published by the European Commission. EIA currently focuses on changes to the environment and it is important that any changes towards using the Ecosystem Approach / Ecosystem Services do not remove the importance of recognising the intrinsic value of the natural environment. EIA also includes a consideration of human health, which would be well supported by using an		

[1] Eftec (2010) *Economic Evaluation of Environmental Effects* [Online] Available from http://publications.environment-agency.gov.uk/pdf/GEHO0310BSFH-e-e.pdf

[2] DEFRA (2007a) *Case study to develop tools and methodologies to deliver an ecosystems approach – Heysham to M6 link DEFRA research project nr0110,* [Online] Available from: http://randd.defra.gov.uk/Document.aspx?Document=NR0110_7329_FRA.pdf

	Ecosystem Approach / Ecosystem Services approach. Furthermore using the Ecosystem Approach would broaden the scope of EIA to include other elements of human wellbeing and also the economic impacts of changes to ecosystem services which are very rarely considered within EIA. As a platform for decision making, EIAs have the potential to be part of an EA type community discussion, but community engagement is an identified shortcoming of current EIA practice so the potential for Ecosystem Approach / Ecosystem Services to improve this must be recognised as limited.

Task 6: Situating the tool within priority questions/criteria arising from the scoping interviews

Explain how the tool can be situated within the priority questions/criteria that arose in the scoping interviews	**Priority question/criteria**	**Does your tool address/implement this question/criteria?** *If yes, please explain how.*
	Language and communication	
	1. Contribution to aiding the development of shared vocabulary within which principles of EA and ES can be shared with multiple stakeholders across built and/or natural environment	An EIA does not currently use EA language, but there is nothing to stop the use of an Ecosystem Services framework. Doing so in different plans and scales would help comparison.
	2. Capacity of the tool to develop shared understandings of the many identities and values of places from the perspectives of multiple visitors, residents and businesses	• Almost none. Focussed on quite specific local impacts. Early consultation by businesses could help with this – but this is voluntary and not part of the tool • Using the Ecosystems Approach might help to identify those impacted increasing involvement
	3. Capacity of the tool to improve or enable engagement across different publics so avoiding the usual suspect problem	• There is potential, but both the technicality of the assessment and the cost of viewing it are a problem. If summaries were routinely displayed on websites – as for planning permission - engagement could be improved. • Government is going to ask developers to undertake prior consultation before going into planning – this could include environmental factors contributing to this aim.
	Learning from experience/pedagogy	
	4. Capacity of the tool to help reveal and value 'hidden' assets that are not recognised by communities or publics that use them	• Using the Ecosystem Services check list would make explicit what the trade-offs are – to at least the stakeholders involved. • There are overlaps between the Ecosystem Approach and EIA categories, so assets are, in part, identified as a by-product. • Public meetings tend to focus on the effects upon interested parties.
	5. Extent to which tool is building on other tools or EA/ES progress	• The guidance currently does not – but if other scales were using it, then it could helpfully connect with this.
	6. Extent to which tool is locally derived or grounded or can be	• Not locally derived - European directive. • Flexible to deal with local context.

adjusted to closely reflect 'local' context. Is the tool suitable for an open source approach?	• An EIA is scoped by negotiation with the LPA who should emphasise the local context • In its current guise an EIA is open source, but restrained within the Regulations and Scoping.
7. Extent to which the tool is open to interpretation and application in a variety of forms (that reflect 'cultural' differences)	• It is negatively open to interpretation in that important things may be missed in a selective thematic approach. • It is unclear how cultural differences are relevant. • Mitigation proposals can be written in ways to accommodate flexibility
Developing and selecting tools	
8. Is the tool dependent on a specific funding source? How onerous is the application procedure? What are the chances of success?	• Funding is from businesses undertaking the development – therefore cost to the economy as a whole • A full EIA is onerous and expensive – but in the context of the project is small funding. It is the risk of not being able to proceed that worries business • It is unlikely that the statutory element will be changed, but there is no reason these requirements could not be met through an Ecosystem Services assessment.
9. Does skills development (essential or optional?) and support exist for the tool or is there a body to ensure the optimal and correct use of it?	• The Institute of Environmental Management and Assessment have a Quality Mark for EIA which is well recognised and used widely. • Skills development would be essential • The target would be the consultants who deliver these for large businesses/ and the businesses themselves • Local Planning Authorities finally sign these things off after approval from their consultees, so they are the ultimate arbiters. However, this does not guarantee optimal or correct use. • The Project proponent's team need to develop the skills to put across the EIA in a way that the community can understand • Natural England has a duty to oversee and administer the EIA (Agriculture) Regulations. Other EIA Regulations purely overseen by Dept for Communities and Local Government
10. Extent to which current statutory hooks can be exploited by the tool or will benefit the quality or application of the tool (e.g. NNPF's duty to cooperate, SUDS, ecol. networks)	• The terms allows us to use the Ecosystem Approach • Again there are overlaps between the Ecosystem Approach and EIA categories but these could be emphasised in Guidance which would yield benefits in quality
Informing resultant policies effectively	
11. Extent to which the tool informs or improves policies/decisions. What does the tool cover? (full range of positive and negative	• The tool is focussed on environmental impacts and human health – social and economic are to be dealt with elsewhere. • It is only likely to lead to a planned project not going ahead and/or improved mitigation – cannot

economic, social and environment impacts / tradeoffs?)	help strategically. • If done well, it makes the environmental loss (trade-off) explicit where it might otherwise have been implicit. • EIS is focussed on mitigation, not environmental gain. • Pointer to the cost of mitigation and therefore economic viability of scheme – may flush out issues not previously considered. • Might find cheaper solutions to problems potentially.
12. How does the tool link into the planning system (applications and processes). At what cost / extra burden?	Directly; a core part of the system on qualifying projects.
Delivering management objectives	
13. Suitability or capacity of the tool to assist with managing visitor needs and pressures within protected areas / the considered area? How?	N/A – unless it is a scheme directly related to tourism and designated areas.
Local ownership/new governance	
14. To what extent can the tool assist in developing statutory plans (local and management plans) and improve ownership and use by publics?	Not really – development specific tool • LPAs use SEA to feed into local plans and, in turn, experience with EIAs informs SEA • Maintaining/enhancing green areas in developments can result in improved use by the public if part of an open space strategy.
15. To what extent does/could the tool contribute to a new form of community governance in management of the environment?	• Only if it was made easier to access by communities – greater consultation. Even then the effect would be marginal apart from big or complex projects. • Prior consultation process includes environment here
Improved tools: understanding flows, interconnections and spatial issues	
16. Capacity to improve spatial understandings of the flows and interactions of various ecosystem services between sectors and at different scales	• Some – will often be limited to specific local area but can have wider implications • Broader implications at wider scales are not well understood • EA approach would help here
17. Capacity of the tool to reconcile assessments of options and benefits across different scales (and sectors)	• EIA does not reconcile across scales – that is more appropriate for an SEA - therefore a danger that this is not identified • Primary purpose of an EIA is to allow development to proceed, but benefits occur incidentally
18. Extent to which the tools is capable or can be manipulated to work across sectoral and administrative boundaries	• It does so, and national boundaries too, for large significant projects.
19. Extent to which the tool can handle data shortages and gaps (or is effectiveness considerably	• Quality of information will be important. • Not just data shortages and gaps but issue about handling of uncertainty – there is nothing in the

	compromised?)	guidance about this • Written by well qualified consultants and lack of data is rarely the greatest concern • The process allows LPA and its consultees to identify gaps
	20. To what extent has/could the tool put landscape/nature conservation and designated species/sites on the radar (positively or resulting in resentment?)	• It is already very strongly built in – due to increased assessment 'sensitive areas' • Although the above applies, the motive of the project proponent is to keep landscape to the minimum which will gain approval for the sake of financial viability
	Please add any further comments here:	

Task 7: A SWOT analysis of the tool

Referring back to the relevant policy and academic literature (listed in Task 3), plus your own expertise (listed in Task 4) and the way in which the tool is situated within the priority questions/criteria (listed in Task 6), please complete a summary SWOT analysis ensuring that each point is well justified	**Strengths** *(of the tool in delivering intended outcomes)* • Legal requirement that EIA gets done for all projects that are identified as having potentially significant environment effects. • EIA is spatially and materially explicit and deals with avoiding, reducing, mitigating and compensating impacts on the environment via the use of various evidence sources. • EIAs are required to produce a public statement of the proposed environmental impacts of a development and to allow for community and stakeholder consultation.
	Weaknesses *(factors that detract from the tool's ability to deliver intended outcomes)* • EIA is at the end of a chain of decision making meaning that there is limited scope for genuine changes to projects. • EIA is often perceived as a block/barrier rather than as a helpful process. • EIA is done by project proponents who have limited options if the EIA finds that significant environmental impacts will occur. • The burden of proof is often on the side of project proponents and the precautionary principle (which is included in the preamble to the Directive) is rarely applied as intended. • Consultation is often poorly executed and done too late to really inform the project design. • EIAs are not able to consider the cumulative effects or numerous projects. Each project is likely be making a marginal change hence not significant in themselves - but lots of projects could lead to significant impact which are not picked up in individual EIAs. • No monitoring is required as part of EIA.
	Opportunities *(consider opportunities for application of the ecosystem approach and services)* • A consistent EA framework would allow for a more integrated consideration of the environment. • EA / ES EIA would recognise that a project is reliant on a range of ecosystem services and that their effective consideration can increase the resilience of a project and the natural environment. This could reaffirm the mitigation hierarchy and reduce negative environmental impacts. • An EA could be a more effective framework for stakeholder and community consultation. • A relationship with Strategic Environmental Assessment and Local Plans which was also framed with EA would add traction to effective consideration of environmental limits and thresholds within ES.

Threats *(factors which negatively affect the tool and its outcomes)*

Threat	Seriousness (high, medium, low)	Probability of occurrence (high, medium, low)
Ecosystem Approach / Ecosystem Services language may add to existing concerns about the difficulty that communities have with understanding and engaging with EIAs via Environmental Statements	High	Very high –almost certain
That the current concern about intrinsic value in the EIA may be lost	High	Medium
The potentially higher resource costs of EA / ES in EIA may limit its application.		
The newness and complexity of EA / ES in EIA may limit its application.		