

IEMA

Transforming the world
to sustainability

Delivering Proportionate EIA

A Collaborative Strategy for
Enhancing UK Environmental
Impact Assessment Practice



Introduction

The UK is in the middle of a significant period of sustained investment in infrastructure, with over £500 billion worth of projects within the Infrastructure Planning Authority's pipeline. Alongside this, the UK is in the midst of a long-term housing crisis with a need to build substantially more homes over the next 10-15 years if we are to turn the situation round in a controlled manner.

The UK also has committed to the Paris Climate Agreement and is developing a long-term environmental vision that is likely to have the ambition of improving the environment as a whole, from air quality to biodiversity gains. Further still we are a country that has a tradition of evidence based, rational decision-making, at least when it comes to consenting.

However, we also live in a period of change and uncertainty, with Brexit posing both challenges and opportunities. In the immediate-term, there is a truly immense challenge for the Government to ensure they meet their promises to maintain the existing acquis of laws derived from the last 40 years of European Union membership. Alongside this, there is the uncertainty of how well, or whether, the UK will maintain its economic growth and related business and infrastructure investment through this period. Post-Brexit, the outlook is even more uncertain as it will be dependent on the exit deal struck with the EU, the basis of future trade with that market and the success we have at establishing new trade deals around the world.

What is highly likely is that the character of the UK and the majority of our legislation, regulations and consenting systems will not change immediately, and in fact will not change unless action is taken to change them. As such, while the Brexit negotiations require careful monitoring and a degree of actions from many different professions, this is also a period that provides an opportunity for the UK to look at established systems and reflect on what works and what needs to be improved. The aim should be to identify immediate, medium and longer-term positive changes we can make across the UK to best enable our transition to a successful 21st century economy, which includes embracing a low carbon and sustainable approach.

Environmental Impact Assessment (EIA) is a legislative tool that must be applied to proposed development projects that are likely to generate significant environmental effects. It has been around in the UK since the 1970s, with its legislative basis running back to 1988. Its application involves a deeper and more co-ordinated assessment and evaluation of a broader range of environmental issues than would otherwise be required when a proposed development seeks consent (e.g. planning permission, marine licence, development consent order, etc).

EIA is recognised as giving voice to the environment, and increasingly social issues, in the consenting process. However, **the drive for improved quality in EIA, combined with the UK's evidence-based and precautionary approach, has led to substantial challenges for the future of practice.** The increased complexity of multi-faceted decisions and the wider range of stakeholders who seek transparency and clear audit trails, has further compounded the problems. The combined impact of the above good intentions has often led to individual EIAs being too broadly scoped and their related Environmental Statement (ES) to be overly long and cumbersome.

The result is that an increasing number of voices now recognise that EIA's influence on both project design and consenting is being diminished, as the highly useful information gathered through the assessment is often hard to locate in a mass of data and paperwork.

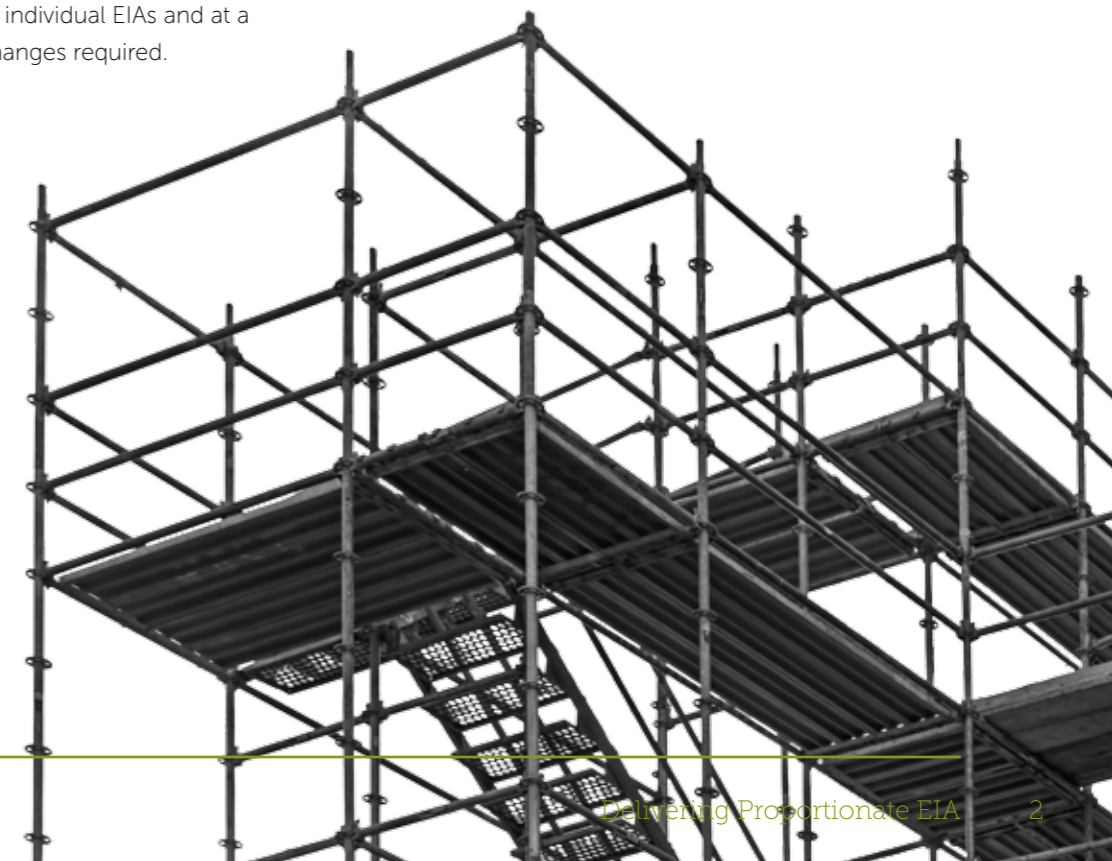
This is not a problem of the EIA tool, but rather a cumulative consequence of the way it is used and the cultural context embedded within the UK's consenting systems. IEMA has investigated the drivers of disproportionality in EIA from its origins in the middle of the last decade, where it has grown from a minor trend to perhaps the most serious challenge to the quality of practice today. A growing number of practitioners and stakeholders are questioning whether EIA can continue to deliver its intended value, if action is not taken to make the process more proportionate.

As the UK's professional body for EIA, IEMA has led action to address this challenge and to ensure we retain our global status as a leading nation in good practice assessment. The solution will not be simple, nor can any single body or profession achieve it. A broad coalition of stakeholders is required to deliver the array of collaborative actions within individual EIAs and at a broader scale to deliver the changes required.

IEMA recognises the need to build a broad 'coalition of the willing' and to that end, organised the UK's first Proportionate EIA Summit in April 2016, engaging 13 stakeholder groups from across the UK's EIA community. The day's high quality and inspiring discussions helped clarify the drivers of disproportionate assessment, but more importantly, a critical mass of solutions were identified with well over 100 specific actions and initiatives put forward.

This Strategy is the next step in making UK EIA more proportionate, setting out: the problem and its consequences; the increasing recognition of a need for action; establishing a clear structure for that action; championing great initiatives already underway; and closing with a call to action.

Only by acting together will we ensure EIA delivers value for developers, communities and the environment.



The Problem

In order to understand the problems facing UK EIA, it is helpful to briefly consider the development of practice since the first regulations came into force in July 1988. A review of the first 18 months of UK EIA practice¹ found that the quality and consistency was variable, with a third of Environmental Statements being fewer than 20 pages long and having been produced without input from dedicated environmental professionals. The majority of these early ES (80%) were shorter than 100 pages and it was clear they were often a bolt-on / afterthought to existing consenting processes.

In 1999, the highly respected Professor John Glasson undertook a review of the first 10 years of UK EIA practice. His findings were clear: EIA had become more integrated into the consenting process and more professionalised, although quality concerns existed in many aspects of practice. This desire to further improve the quality of assessments occurred at the same time as the UK's transposition of the 1997 amendment to the EIA Directive. The subsequent launch of the UK's 1999 EIA Regulations saw a doubling in the number of EIA's undertaken per year, each emphasising quality and desire by all parties to avoid legal challenge. The consequence was longer and more detailed assessments, which established a pattern of growth that never stopped.

In 2004, Justice Sullivan foresaw the challenge ahead and issued a timely warning to practice of the need to take a more focussed approach to EIA²

'It would be no advantage to anyone concerned... - applicants, objectors or local authorities - if ES were drafted on a purely "defensive basis" mentioning every possible scrap of information ... Such documents would be a hindrance not an aid to sound decision-making by the local planning authority, since they would obscure the principles issues with a welter of detail.'

Unfortunately, these observations of the developing trend towards ever broader assessments and longer documentation were not heeded and by 2008, the Government's Killian Pretty Review came to the following conclusions in relation to the length of ES: *'a far more proportionate approach to information requirements is needed'*.

IEMA's 2011 research report - The State of EIA Practice in the UK - was the first broad scale report to recognise that the issue of lengthy ES was in fact the symptom of a far broader and more complex set of drivers that were leading to disproportionate assessments. A key challenge was recognised as failings in scoping EIAs, leading to an ineffective process that almost always extended the breadth and depth of assessment, rather than providing the focus it is intended to provide. The report identified three inter-related issues that acted synergistically to expand, rather than focus, EIAs:

- Risk Aversion
- Poor Planning
- Commercial Reality

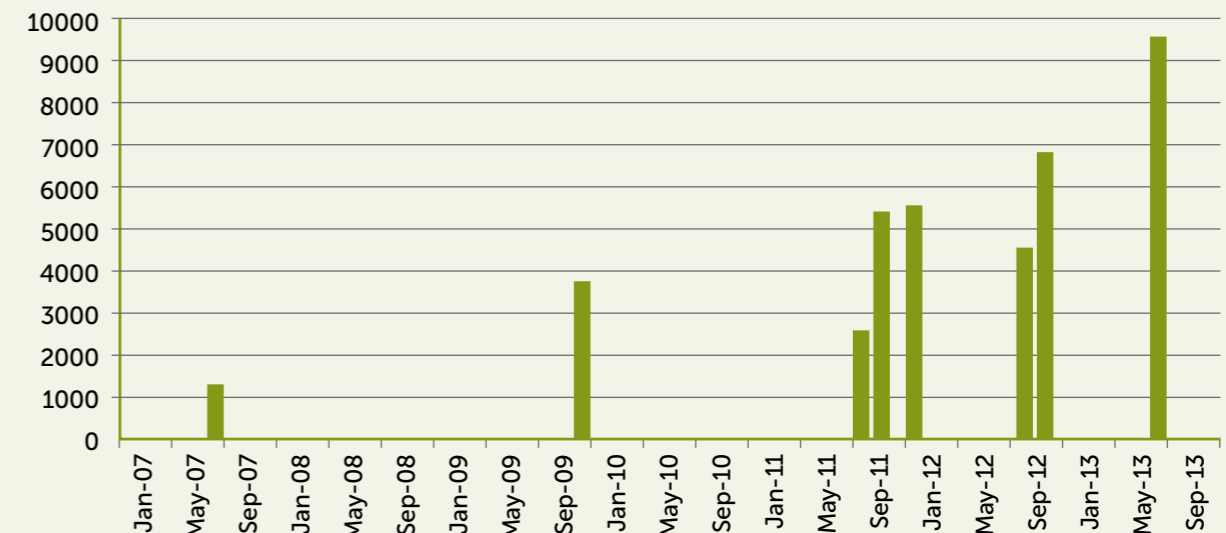
The report reviewed 100 Environmental Statements from 2010 and found that the average document included over nine specialist topic chapters. AECOM - an EIA Quality Mark registered consultancy - undertook a similar review in 2015, this time focussing on 15 of the Environmental Statements submitted alongside the initial Nationally Significant Infrastructure Project applications. The findings were strikingly similar to IEMA's 2011 research, with nine specialist topic assessments being included in the majority of EIAs (>60%). The AECOM study, however, found that the average ES now contained more than 12 specialist topic chapters.

Figure 1 sets out research by EIA Quality Mark registrant - Royal HaskoningDHV³ - related to ES produced alongside offshore windfarm applications, clearly demonstrates how, if unchecked, the current approach to UK EIA drives ever broader and longer assessments:

The rising challenge of disproportionate EIA was therefore recognised nearly 15 years ago and multiple initiatives have been launched since then to address specific issues. These efforts have had little cumulative impact on making UK EIA more proportionate.

In the last 18 months the UK has seen a handful of ES produced that have significantly exceeded 30,000 pages in length. The gargantuan size of these documents, and the related scale of the assessments that generated them, appears to have been a watershed moment for the UK EIA community. There is now a broad consensus that driving more proportionate EIA is the number one priority for improving practice. It is clear that if UK EIA is to continue to provide a valuable input to the consenting of major projects then a more systemic approach to addressing the challenge of proportionate EIA is required.

Figure 1: Growth in the length of UK Offshore Windfarm ES 2007 - 2013



1. UK Environmental Statements 1988-1990: An Analysis. (EIA Centre, University of Manchester, 1991)
 2. Derbyshire Waste Ltd vs Blewett and SoS for Environment [2004] EWCA Civ 1508 at para 42 per Sullivan J

3. Reproduced from Rufus Howard's (Royal HaskoningDHV) paper: The Bullet Proof Consent Application, presented at the Renewables 2013 in Glasgow

Recognising the Need for Systemic Collaborative Action

All parties involved need to ensure that the approach to environmental assessment is proportionate and focussed on significant effects of the specific project.

NIPA, June 2017

Responsive Action (2009–2015) Treating the symptoms of disproportionate EIA

The European Commission's (EC) 2009 review of the EIA Directive identified the need to both enhance quality and consistency across member states; however, it also recognised the need for action to streamline an increasingly complex array of environmental assessments set out in European law. As such, it was no surprise when the 2014 amendments to the Directive included actions to make EIA more efficient, especially where they act in combination with the Habitats and Birds Directives.

This legislative desire to streamline EIA has also been reflected in the UK system. In March 2014, the Department for Communities and Local Government (DCLG) amended its planning policy guidance to emphasise that local planning authorities should take a proportionate approach to scoping. In particular, indicating that EIAs should focus on a proposed development's likely significant environmental effects, rather than any potential impacts.

The Scottish Government has taken a more interventionist approach and has organised an annual forum to help ensure its planning authorities have sufficient competence to deliver more efficient and effective EIA. Since 2016, the Welsh Government has begun a similar initiative by providing outreach and training support to local planning authorities, in particular in relation to delivering proportionate scoping opinions – see case study on page 12.

Direct action has not been limited to Government action, however, with professional body guidance and practitioner advice often taking a lead in placing an increased emphasis on delivering a proportionate assessment. IEMA's 2011 State of EIA Practice in the UK identified the key role the EIA co-ordinator can play in generating a more proportionate assessment.

This has been regularly emphasised in subsequent guidance, along with wider emphasis on the need for a proportionate approach to assessment, examples including:

- **Guidelines for Landscape and Visual Impact Assessment – Third Edition (IEMA and Landscape Institute, 2013)**
- **Guidelines for environmental noise impact assessment (IEMA, 2014);**
- **Guidelines for Ecological Impact Assessment – UK and Ireland: Terrestrial, Freshwater and Coastal – Second Edition (CIEEM, 2015)**
- **Environmental Impact Assessment Guide to Delivering Quality Development (IEMA, 2016)**
- **Environmental Impact Assessment Guide to Assessing Greenhouse Gas Emissions and Evaluating their Significance (IEMA, 2017)**

Alongside this, there has been an increasing number of one-off events, articles, case studies and webinars exploring the challenges, drivers and proposed solutions to disproportionate EIA. However, these responsive actions have struggled to reach the whole EIA community, often engaging very limited numbers beyond the core professional EIA co-ordinators and topic specialists and those developers that frequently undertake EIA development.

It has become clear that a responsive approach to tackling disproportionate assessment symptoms will not be sufficient to influence the UK's EIA system in a manner that generates the improvements needed to ensure it remains a valuable tool in the development consent process.

Proactive Action (2016 onwards) Addressing the causes of disproportionate EIA

Since 2010, IEMA has been developing the tools to take a systemic approach to managing quality in UK EIA practice. The initial phase involved developing and launching the EIA Quality Mark scheme – a voluntary code of practice for organisations that co-ordinate UK EIAs. The number of registered organisations has grown every year since launch, with over 55 organisations currently registered, responsible for co-ordinating more than half of the UK EIAs each year.

The second phase began in 2015, with the formation of a volunteer led Impact Assessment (IA) Network, which brings together passionate individual EIA experts from developers, consultancies, statutory consultees, academia and others. The IA Network's steering group has placed an emphasis on addressing the challenge of delivering more proportionate EIA and immediately identified that significant progress would only be achievable with

The Summit identified well over 100 ideas for action to improve EIA, and related activities, in order to generate progress towards proportionate assessment and reporting. The most striking outcome was that not only would action be required from all members of the UK's EIA community, but also in many cases actions would need to be far more co-ordinated in order to maximise their potential. The cumulative outcome of co-ordinating these changes will deliver a far greater influence in driving a more proportionate approach to UK EIA, than would be achieved by continuing the previous *responsive approach* of a core group of EIA professionals.

co-ordinated collaborative action across the EIA community. In response, IEMA organised the UK's first **Proportionate EIA Summit**. The Summit, held on 28 April 2016, was specifically designed to bring representatives from the breadth of stakeholders within the UK's EIA community. They included representatives from:

- **Central Government and Devolved Administrations**
- **EIA Co-ordinators**
- **Topic Specialists**
- **Developers (Private and Public sector)**
- **Planning Authorities**
- **Wider Consenting Authorities (e.g. PINs, MMO)**
- **Lawyers**
- **Consultation Bodies**
- **Academia**
- **NGOs**
- **Contractors**
- **Professional Bodies**
- **Sector Trade Bodies**

This approach, known as the aggregation of marginal gains, has demonstrated great results in other sectors, most notably as adopted by British Cycling to enhancing the team's performance over the past three Olympics. Closer to home, the concept of aggregation of marginal gains has been championed by a recent National Infrastructure Planning Association Insights Report⁴, which explores how to improve the UK's Nationally Significant Infrastructure Planning process. In fact, the NIPA report identifies proportionate EIA as one of four key recommended areas for focussing on delivering improvement through aggregation of marginal gains during the NSIP pre-application process.

4. Effective National Infrastructure: Balancing detail and flexibility – through planning to delivery. NIPA Insights Report, June 2017.



A Collaborative Strategy for Enhancing UK EIA Practice

IEMA's long-term commitment to delivering proportionate EIA in the UK



2011

IEMA's review of issues and trends in UK EIA Practice found growing challenges due to ineffective scoping. It identified that a third of practitioners felt ES length frequently reduced the value of the EIA process to the consenting authority.



2015

Checklist for a proportionate Environmental Statement using the narrative-led approach, covering both the overall approach to the document and the design and delivery of an appropriate number of focussed chapters.



2017

Regulatory changes clarifying human health impacts are within the scope of EIA. IEMA collaborates with Ben Cave Associates and Faculty of Public Health to produce early advice to ensure health is assessed in a proportionate manner.

THE BENEFITS OF DELIVERING PROPORTIONATE EIA ACROSS THE UK

- Drives collaborative action and understanding across the EIA Community
- Focusses assessments so their findings are accessible to all stakeholders
- Reduces uncertainty and risk within project consenting
- Saves time and costs for developers, consenting authorities and consultees
- Allows more time to be spent exploring the delivery of environmental improvements

A clear vision of success:

EIA is widely recognised as delivering valuable and accessible information that positively influences development design and consenting to the benefit of developers, communities and the environment.

There is no agreed definition of 'proportionate EIA'. If its goal is viewed as a desire to reduce the number and length of EIAs, then the benefits will be missed. This vision is about adding value to the consenting process by making the process and outputs more efficient and effective. In the future, 'proportionate EIA' should become synonymous with good practice. Inevitably, some EIAs will need to be lengthy, but every element within that deliverable should earn its place.

Four Strategic Themes for Action

The four themes below encompass the multitude of actions that were identified during the UK's Proportionate EIA Summit. Co-ordinated action across and within these themes will help ensure EIA really delivers for projects, the environment and our communities. Efforts need to move beyond just addressing length or reducing bulk, to ensure that the process and reporting stages are efficient, effective and add value to the consenting process, its stakeholders and the environment.

Enhancing People

So that those involved in EIA have the skills, knowledge and confidence to avoid an overly precautionary approach.

Sharing Responsibility

Recognising that disproportionate EIA is driven by many factors and that enabling proportionate assessment will require collaborative actions that work towards a shared goal.

Improving Scoping

To generate a more consistently focussed approach to this critical activity throughout the EIA process.

Embracing Innovation & Digital

Modernising EIA to deliver effective and efficient assessment and reporting that adds value to projects and their interaction with the environment.



ENHANCING PEOPLE

So that those involved in EIA have the skills, knowledge and confidence to avoid an overly precautionary approach.

The Challenge: Disproportionate assessment is an unintended consequence of the UK's prevalent approach to EIA and the precautionary systems set up to avoid the risk of missing key issues.

The Response: There is a need to generate significant momentum behind progressing a culture of proportionate EIA across UK practice, one that educates and encourages individuals involved in the process to have more confidence, to avoid broad assessments dominated by an aversion to risk.

Related Initiatives:

- Action is needed to unify and maintain a broad alliance of stakeholders behind the need to deliver more proportionate EIA.
- There is a need to generate clarity and consistency in stakeholder understanding of what is meant by proportionate EIA: it is a focus on better EIA, not less EIA; it applies across the assessment process, not just when writing the ES; it is about challenging the established culture of bigger is better that has dominated UK EIA practice since 1999.
- Initiatives are needed to deliver enhanced training provision across EIA, both formal and informal. This need is particularly acute in relation to planning authorities, where in most cases it is not viable to retain sufficient EIA expertise in-house due to the infrequency with which many local authorities receive EIA applications.

IMPROVING SCOPING

To generate a more consistently focussed approach to this critical activity throughout the EIA process.

The Challenge: Delivering proportionate assessment cannot be achieved without significant improvements to the way scoping operates in UK EIA practice.

The Response: The understanding of scoping must evolve from a stage in the assessment to a core process running throughout an EIA, which presents ongoing opportunities to define and redefine what information is of value and how it to make it accessible to different stakeholders.

Related Initiatives:

- Action is needed to enhance confidence amongst key stakeholders involved in scoping, from training and capacity building amongst individuals, to building the collective agreement to avoid unnecessary scope creep as the EIA process progresses.
- There is a need to place far more focus on justifying decisions related to scoping, with consultees and consenting authorities providing better explanation of their reasoning to scope issues in, and an equal need for developers and consultants to clearly justify why topics have been scoped out or scoped down.
- Initiatives are needed to ensure the significant environmental effects findings identified in the near 15,000 EIAs completed in the UK over the past three decades are used to provide evidence that informs future scoping practice. An innovative project to develop an industry evidence plan for the offshore windfarm sector (see page 16) is developing a potential mechanism for generating such learning through collaborative research.

SHARING RESPONSIBILITY

Recognising that disproportionate EIA is driven by many factors and that the enabling proportionate assessment will require collaborative actions that work towards a shared goal.

The Challenge: Disproportionate assessment is a long-term systemic problem, which cannot be resolved by the actions of any individual stakeholder group within the UK's EIA community.

The Response: Broad engagement across the EIA community is needed to bring stakeholders together to define both the individual and collaborative actions necessary to create a co-ordinated action plan for proportionate assessment.

Related Initiatives:

- Action is needed across the UK's professional bodies to discuss the role both existing and future EIA related guidance plays in enabling efficient and effective assessment, in particular there is a need to discuss the varied approaches used to evaluate significance between the environmental topics regularly considered.
- There is a need for greater consistency between the approach to EIA, its scope and the boundaries of different consenting authorities and statutory consultation bodies (e.g. where a development proposal triggers EIA requirements across more than one consenting regime).
- Initiatives are needed that act to create a culture of shared responsibility for delivering a proportionate EIA, between developers, their consultants, legal advisers, planning authorities and statutory consultees. The potential of launching a Proportionate EIA Charter, which organisations in the UK's EIA community could sign-up to and act within will be explored.

EMBRACING INNOVATION & DIGITAL

Modernising EIA to deliver effective and efficient assessment and reporting that adds value to projects and their interaction with the environment.

The Challenge: UK EIA is a mature process sat within a series of well-established consenting regimes that emphasise robust evidence based decision-making, a consequence of which is a general inertia towards novel and new approaches.

The Response: The EIA community needs to undertake a rapid review of its established practices and traditions with a focus on identifying areas that could be significantly improved through the adoption of innovations in related fields and the greater use of digital platforms and technology.

Related Initiatives:

- Action is needed to forge greater links between academia and practice, with future research generating outcomes that deliver practical value to delivering more proportionate EIA.
- There is a need for an *EIA Digital Strategy* that looks across UK practice to identify the opportunities to deploy advances in technology, software, and make better use of increased broadband capacity and use of social media. Examples are already emerging that are exploring how to make more effective use of the web to improve the accessibility and interaction stakeholders can have with EIA related information.
- Initiatives are also needed to catalyse innovation in traditional areas of EIA practice, e.g. the approach to structuring Environmental Statements. Pre-defined ES templates must evolve if they are to deliver a more accessible narrative approach to information provision, and readers may find more clarity if chapters focussed on receptors, rather than a topics.

Inspiring Examples of Progressive Action

Lightening the Load: Proportionate EIA for Crossrail 2

Nick Giesler (Transport for London (TfL))

Transport for London (TfL) sought a proportionate approach to EIA within their original consultants' brief, and since the appointment of MTEW⁵ in January 2015, this ambition has been embodied within a clear philosophy and set of working practices.

ESTABLISH THE MANTRA: Embedding a proportionate approach to EIA and securing consistent thinking on this amongst an EIA team of 100+ requires an explicit and lucid ethic and philosophy. This is calling us to challenge the working practice of players in an industry where big EIA has become the norm, while also building on the skills and achievements of that industry over recent years.

PLAN LONG TERM: Taking an early position on proportionate EIA is providing a good lead-in time for getting stakeholders and the project team to buy into it. It is also helping shape a robust approach to short and medium term work (like surveys and scoping) that will secure longer term efficiencies. An ES structure drafted at an early stage is helping develop the EIA team's appreciation of how we need them to deliver.

SCOPE BOLDLY: We are scoping our assessment so that we do only as much as we need to identify the likely significant environmental effects of the project. Bold scoping, supported by robust pre-assessment work is helping us achieve this by showing how we need to vary the detail and coverage of the EIA, focusing time and resource where significant effects are likely, and forgoing or scaling back assessment where they are not. The proposed scope of the EIA is being presented online rather than as a published report, with feedback from statutory consultees elicited through the website.

REALISE SYNERGIES: The environmental effects reported in the ES will largely reflect the findings of the EIA. But they will also include information from social, economic and transport studies that support other elements of the submission, such as the transport assessment, economic case and strategic case. It makes sense for the ES to draw directly from these other studies rather than to replicate them or their findings within parallel EIA reports.

INNOVATE IN REPORTING: We are focused on communicating effectively through the ES. This means developing products that are well written, succinct, intuitive and abundantly illustrated. We are also seeking to make effective use of technology, including online reporting, building on our experience of this for the EIA scoping. This means innovative user interfaces for maps, animations and other graphical material, as well as use of video. We have appointed an ES production team with requisite skills in developing these ES products, rather than relying directly on the disparate inputs of the EIA team.

Enhancing People Investing In Key EIA Stakeholders

Investing in Planners and Statutory Consultees

Owen Struthers (Welsh Government)

Welsh Government supports proportionality in the Environmental Impact Assessment (EIA) process as, if done correctly, it can lead to effective engagement, better decision-making, and higher-quality development.

The Welsh Government recognises that all those involved in the process have a role to play. Importantly, the Local Planning Authority (LPA), as Competent Authority, has the opportunity to deliver proportionate EIA through effective management of the process. To help them fulfil this role, Welsh Government has provided training and undertaken outreach work on scoping and the new EIA Regulations.

Quality scoping of a project should lead to focused Environmental Statements (ES) which reduces the burden for all parties involved in EIA. However, lack of confidence in applying the legislation, understanding roles, and the scoping techniques available can lead to inconsistency in practice and result in disproportionate scoping opinions. To address this, the Welsh Government commissioned Arcadis to provide hands on training to all LPAs in Wales, helping deliver proportionate scoping opinions and subsequently proportionate ESs.

New regulations have the potential to distract LPAs from the need to ensure EIA remains proportionate to the significant effects of the development. Following transposition of Directive 2014/52, the Welsh Government included relevant updates within its regular series of workshops with LPAs to ensure they were aware of the new Regulations, how the changes effect the EIA process, and help identify how the opportunities for proportionality presented by the changes can be taken forward.

5. MTEW is a consortium of Mott, Temple Group, ERM and WSP.

Improving Scoping Through Core Standards

Highways England Embeds Proportionate EIA in DMRB Review

Tom Clancy (Highways England)

Highways England supports the concept of proportionate EIA for motorway and trunk road projects through Volume 11 of 'Design Manual for Roads and Bridges' (DMRB) and more recently Interim Advice Note 125/15 'Environmental Assessment Update'. The concept recognises the original intention and principles set out in the EIA Directive, and specifically seeks to focus assessments on considering the information required to support a reasoned conclusion on the likely significant effects of the development on the environment.

Ongoing work on re-drafting the Design Manual for Roads and Bridges Volume 11 Sections 1 and 2, will clarify the organisation's assessment requirements. This provides an opportunity to build on and embed the principles of proportionate assessment throughout all stages of assessment, with a particular focus on scoping. The advice is intended to support project teams in moving away from precautionary scoping where all environmental subjects are included in assessments, towards a situation where assessments are proportionate and supported by evidence. This will require better use of scoping to justify those topics considered for further assessment, as well as evidence for any topics scoped out.

Sharing Responsibility To Drive Collaborative Progress

Scottish Consultation Bodies - a Collaborative and Proportionate Approach

Fiona Rice (Scottish Natural Heritage), Jim Mackay (Scottish Environmental Protection Agency), and Adele Shaw (Historic Environment Scotland)

Three statutory consultation bodies, HES, SEPA and SNH work collaboratively to produce and deliver a 2 day EIA Training Workshop to their own staff and those of the other Key Agencies in Scotland. The course is run up to twice a year depending on demand with 20 – 25 participants.

The course and associated workbook focus on the key elements of the EIA process to help ensure a consistent and proportionate approach to engagement with EIA development. The course is as interactive as possible and uses recent case studies for workshop material.

A key component of the training is the focus on proportionality and in particular the benefits of good scoping to help the EIA process concentrate on key issues. This helps ensure that the statutory consultees are focussing on what significant impacts might realistically arise and how they could be mitigated. It highlights the need for survey requirements and assessment methodologies to be fit for purpose and not excessive. This in turn gives clearer direction to developers and helps them to avoid excessive detail or the omission of important issues which can be costly further down the assessment process, and ensure that the information contained in EIA Reports is right first time. Links to other assessment processes, such as the Habitats Regulations Appraisal, is also explored with a view to a more proportionate approach to, for example, baseline data gathering.

The training also identifies the differences with the other EIA regimes such as those relating to forestry, Electricity Act renewables projects and agriculture

Embracing Innovation

Industry Evidence Programme for Proportionate Impact Assessment

Rufus Howard (Royal HaskoningDHV)

The Industry Evidence Programme (IEP) is a sector-based review of impact assessment using documentary evidence (i.e. Environmental Statements and monitoring reports etc.) and multi-stakeholder engagement to develop shared knowledge resources to drive proportionate impact assessment through evidence based practice.

A Strategic and Collaborative Partnership:

The concept of the IEP was first presented at IEMA's EIA & ESIA Master Class Conference held in November 2015. This was followed by a dedicated break out session at the IEMA Proportionate Assessment Summit held in April 2016. Offshore wind farm EIA was suggested for the pilot both as a useful exercise to assist the sector, but also as a demonstration of the concept of an IEP, which is applicable to many sectors. It was also a reflection of feeling that EIA for offshore wind was growing increasingly disproportionate. Following a series of private presentations to key stakeholders, such as Natural England and the Marine Management Organisation to get in-principle buy-in, The Crown Estate agreed to provide initial funding to help take the concept to a pilot project phase to be developed by Royal HaskoningDHV.

To guide the process, a steering group was assembled consisting of representatives from; The Crown Estate, Joint Nature Conservation Committee, Scottish Natural Heritage, Natural Resource Wales, Natural England, Marine Management Organisation, Marine Scotland, Planning Inspectorate, RSPB, The Wildlife Trusts, University of Liverpool, University of East Anglia, Oxford Brookes University, University of Strathclyde, RES, DONG, Scottish Power Renewables and Statoil.

Objectives and Outcomes:

By June 2017, the project has gathered data on 50 offshore wind farms, consisting of 19 terabytes of data in the form of over 3000 documents. A data review has been undertaken taking a topic by topic approach to look for trends in EIA and, where possible, see how the assessment has been carried forward into management action. The data review has been supplemented by expert knowledge through questionnaires with participatory workshops scheduled for September 2017. The project is ongoing but has set itself the following three overarching objectives:

1. **Focus EIA on the significant environmental topics;**
2. **Provide a central hub for evidence, good practice and guidance; and**
3. **Provide evidence to support decisions that lead to a proportionate impact assessment.**

What lies ahead:

The final deliverable for the project will be an industry evidence report on offshore wind which will set out; the methodology of the process, the source of the evidence collected, key trends identified, data gaps, and recommendations for practice and further research. The document will also contain information on the lessons learned from the IEP approach and recommend improvements and potential successor projects in other sectors.

Embracing Digital EIA

Royal HaskoningDHV Pioneers a New Digital Era for EIA Reporting

Paul Eijssen (Royal HaskoningDHV)

The Environmental Impact Statement (EIS) has traditionally been seen by many as an obligation rather than a useful tool for decision-making. It has a poor image in some areas, mainly as the assessment reports are often text-heavy and technical, and are rarely read by the parties that need to be informed.

Seeing the potential for improvement, Royal HaskoningDHV decided to take on the challenge and pioneered a new digital EIS platform that marked the start of a journey to optimise the use of technology to empower stakeholders and accelerate decision-making across the industry.

Benefits and innovations of the digital EIS:

The digital EIS offers a totally new experience for clients and stakeholders. This is not a PDF version or a digital version of the previous hard copy, this is a completely new interactive digital platform. All the information included in the new digital EIS is the same, and as trustworthy, as previous EIS in the traditional PDF format.

The design has at its core the realisation that it has to cope with the increasing demand for digitisation and transparency. Therefore it provides information using videos, photos, maps, tables, infographics and even audio. Connectivity is a huge advantage of the digital EIS, for example linking in with baseline data to have the latest information to help accelerate decision-making and heighten stakeholder engagement.

Collaborative partnership:

Royal HaskoningDHV developed the digital EIS in collaboration with the Dutch Ministry of Infrastructure & Environment. In addition, the digital EIS has also received positive advice from the Netherlands Commission for Environmental Assessment, attesting to the major step this presents in making impact statements more accessible.

What lies ahead:

In the first phase of this project, certain choices were made in terms of how the digital platform should look, how technical issues are handled, and how it is published. There are many other visualisations and formats possible, and each of these has to be assessed to determine what works best, how we address security concerns and how the review process is completed, for example.

In addition we also need qualified people - from ICT experts to creative designers, GIS experts to EIA experts, to be able to work together and adapt to new technology.

We are in the pioneering phases of this application of technology. We know the digital EIS works and has tremendous potential benefit and we want to put out a call to arms for colleagues and authorities in other countries to collaborate with us to shape the future of the new EIS.

For more information visit

www.royalhaskoningdhv.com/theneweis

A Holistic Approach

National Grid Seeks to Incentivise Proportionate Practice

Richard Gwilliam & Timothy Bull (National Grid)

Promoting major infrastructure projects is an expensive business and the cost of EIA is not an insignificant contribution to the final bill. But when faced with the challenge of writing an extra report for an annex to an ES or repeating a survey just in case, caution often wins the day. After all, the risk of failure to get consent for a project all too often outweighs the cost of that additional report or survey, even when the need for it is likely to be marginal.

Regardless, National Grid remains a firm advocate of promoting proportionate practice in EIA and actively encourages its supply chain to adopt and promote proportionate principles in their assessments. As well as providing high level advice to its supply chain on proportionate EIA, the business is now trailing alternative contracting strategies to incentivise proportionate behaviour.

Over recent years some encouraging practice has emerged: suppliers are beginning to proactively challenge scoping opinions from statutory bodies and are actively promoting the consideration of proportionality in their assessments. National Grid has also begun to work collaboratively with suppliers to look at how ESs can be restructured to make them more accessible and better use digital information including the use of navigable GIS systems to support applications for development consent.

Despite some good practice however, ESs still routinely go beyond the core purpose of reporting the likely significant effects of development. To more effectively embed this en vogue approach to EIA, broad industry consensus as to what constitutes proportionate EIA is needed so that project promoters and practitioners can uphold more proportionate practice with confidence.

A Specific Approach

Landscape Institute Push for Proportionate Visualisations

A personal perspective on proportionate assessment by Mary Fisher (LDA Design)

As a former process improvement consultant, I have always had an interest in efficiency and have been working to reduce our LVIA chapter lengths and number of drawings, so I was pleased to be invited to join the team to develop the Landscape Institute Technical Note 02/17 which provides guidance on the proportional use of visualisations.

This is not an easy task as there are a wide range of techniques and technologies and there is not a one-size-fits-all answer. The guidance had to strike a balance between providing sufficient direction and being too restrictive, between the desire of decision-makers and the public to be adequately and accurately informed, and the aim of developers and professionals to provide cost-effective assessment.

Proportionate EIA needs chapter authors, consultees and decision-makers to all play their part with confidence to agree what makes an adequate assessment for a given project and I believe that this guidance is an important contribution to that goal.



Further Opportunities for Positive Action

There is huge value in open stakeholder workshops focussed on solutions-oriented discussions. As an example, the one-day Proportionate EIA Summit identified well over 100 different ideas to help to make EIA more effective and efficient. What is clear is that enabling more of these types of events and following up to support the development of the ideas generated at them into real world initiatives is an area that must be encouraged further in future

A series of quotes from recent IEMA workshops and discussion sessions are set out below to inspire future action and discussions on progressing the delivery of proportionate EIA in the UK:

“Proportionate EIA is not just about big ideas, progress will also be made by many small positive actions by hundreds of practitioners combining to have a positive cumulative effect.”

“Everyone needs to reflect on how they conduct their role in the assessment and remind ourselves of core EIA principles that we often know, but may not always apply in practice.”

“Delivering proportionate EIA will take time, requiring momentum and support to drive progress; ongoing engagement and buy-in across the EIA community is key to success.”

“Discussions with key EIA stakeholders have a big influence on the breadth of the assessment and length of the Environmental Statement – so start conversations early and maintain contact, don’t assume”

“Consider each case on its own merit - Use the expertise and judgement of your team and stakeholders to determine what you can justify scoping out of the assessment process to achieve a proportionate EIA”

Call to Action

There are a great deal of ideas waiting to be developed amongst the EIA community and a significant depth of enthusiasm for progress on proportionate EIA. The four themes of this strategy provide a framework upon which action and initiatives can be built across different stakeholders within the EIA Community.

The next step is for leaders in the EIA community to step up and organise. Their actions should facilitate a suite of activity that converts the clear enthusiasm for proportionate EIA into positive and co-ordinated initiatives to:

- **Promote the vision for the UK’s proportionate EIA future**
- **Engage key stakeholders and representative bodies in implementing the strategy**
- **Catalyse actions and initiatives around the four key themes of people, scoping, collaboration and innovation & digital**
- **Develop a proportionate EIA Charter, creating a positive and visible campaign around which a coalition of the willing can rally**

A Role for Everyone - Engage with IEMA on Proportionate EIA

Actions to deliver proportionate UK EIA is not limited to leaders in the EIA profession; everyone can help take positive action to enhance the future of UK EIA. IEMA’s member-led Impact Assessment Network will be acting as the engine to drive the collaborative transformational change needed to make this Strategy a reality.

FOR IEMA MEMBERS:

A great start is to join the Impact Assessment Network and offer your support to aiding the thematic areas and task-finish groups that will develop in response to this Strategy.

FOR OTHERS IN THE EIA COMMUNITY:

Proportionate assessment and reporting will only be achieved through the active engagement of stakeholders from across practice, so we’d love to hear your ideas, share your enthusiasm and link up with your initiatives, so please do get in touch!

Action starts with an email to IA@iema.net and we will follow-up with you!

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IEMA wishes to thank all Summit participants, in particular the speakers and scribes:

SPEAKERS: Steph McGibbon (Arup), Rufus Howard (Royal Haskoning DHV), Jo Murphy (Environment Agency), Richard Gwilliam (National Grid), Dan Johnson and Shirley Henderson (Jacobs), Tom Simpson (Department for Communities and Local Government) and Peter Nesbit (Eversheds).

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Delivering Proportionate EIA A Collaborative Strategy for Enhancing UK Practice

Over time, Environmental Impact Assessment (EIA) practice has become more complex as practitioners and stakeholders have improved their knowledge and professionalised their activities. While this has significantly improved the quality of EIA practices across the world, the outcome is not universally positive.

An increasing number of countries are now beginning to see examples of disproportionate EIA, in terms of their length, scope and treatment of risk, which can make understanding the key environmental impacts of a proposed development difficult. This can also make the findings inaccessible to decision-makers and the public, and add undue burdens for developers.

IEMA is leading collaborative actions to improve this situation and deliver more proportionate, and therefore more valuable, EIA.

On 28 April 2016, IEMA brought 13 stakeholder groups from across the UK's consenting and assessment community together to take part in the UK's first Proportionate EIA Summit. Leading UK EIA experts reviewed and discussed the findings. The outcome is a world first – a national strategy designed to enable a co-ordinated and collaborative response across the UK's EIA community to deliver more proportionate EIA.

This strategy, and the inspiring examples of initiatives to deliver more proportionate assessment, is both a call to arms to all those who value UK EIA and an invitation to join IEMA in modernising this key sustainable development tool.



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