



Environmental Impact Assessment- A Local Authority Perspective

Andrew Taylor, Project Officer (Ecologist)

Why is EIA needed?



Carolyn Cole, Los Angeles Times

“U.S. exempted BP's Gulf of Mexico drilling from environmental impact study” - Washington Post - 05 May 2010

How to carry out an EIA.

1. Involve Humber INCA.



2. Involve the Planning Authority (Council), Natural England, archaeologists etc. in discussions well before making an application.



How to carry out an EIA.

3. Ask for a screening opinion - is an EIA required?

- The most relevant types of development are listed in the EIA Regs, BUT:

- EIA Directive has "wide scope and broad purpose" - ECJ

- May be required for outline and full applications and reserved matters.

- R v Rochdale MBC ex parte Tew

- R v Rochdale MBC ex parte Milne



How to carry out an EIA.

4. Ask for a scoping opinion:

- Ecology.
- Heritage- archaeology, listed buildings, historic landscape.
- Geology, soils, ground conditions, contaminated land.
- Landscape and Visual Impacts.
- Hydrology, drainage, flood risk.
- Transport and access.
- Noise, air quality and light.
- Social and economic impacts.



How to carry out an EIA.

5. Do a good desktop data search- SMR, record centres, wildlife recorders etc.
6. Allow plenty of time for a full season of ecological surveys, ground investigations, archaeology, before finalising the design.



How to carry out an EIA.

7. Ensure that the EIA is used to improve the development and feed into the design process, not just an attempt to justify an existing scheme.



Before



After

How to carry out an EIA.

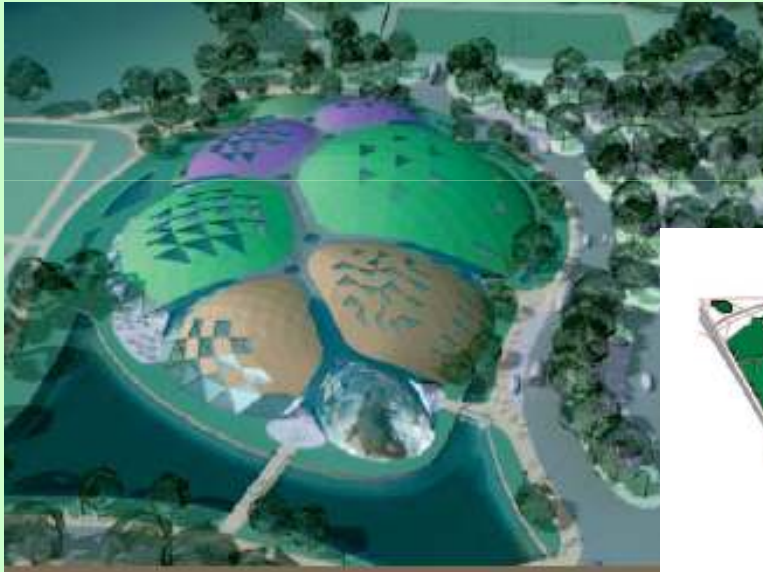
8. Assessment of alternatives is good practice:

- alternative sites
- alternative site layouts
- alternative processes
- alternative phasing of construction

“..the reasons for choosing the proposed development, taking account of the environmental effects, should be justified.”- RTPI 2001.

How to carry out an EIA.

9. Opportunity to **enhance** landscape, biodiversity etc, not just mitigate effects.



Building design

Site design



How to carry out an EIA.

10. Environmental Statement (ES) should be a "single and accessible compilation" not a "paper chase"

- Lord Hoffman 2000



How to carry out an EIA.

11. ES should contain enough environmental info to allow the planners to cover all material considerations prior to determination. Do not expect survey work or information-gathering to be part of a planning condition.

- R v Cornwall County Council ex parte Jill Hardy (“The Cornwall Case”)
- Regina oao Lebus v South Cambridgeshire DC
- Gillespie v First Secretary of State and Bellway Urban Renewal

14. Biodiversity and Geological Conservation

To assist in answering the following questions refer to the guidance notes for further information on when there is a reasonable likelihood that any important biodiversity or geological conservation features may be present or nearby and whether they are likely to be affected by your proposals.

Having referred to the guidance notes, is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site?

a) Protected and priority species:

- Yes, on the development site
- Yes, on land adjacent to or near the proposed development
- No

b) Designated sites, important habitats or other biodiversity features:

- Yes, on the development site
- Yes, on land adjacent to or near the proposed development
- No

c) Features of geological conservation importance:

- Yes, on the development site
- Yes, on land adjacent to or near the proposed development
- No

Planning Application Form

- It creates a better impression if these questions are answered truthfully!
- Protected species are bats, great crested newts, water voles, badgers, reptiles etc.
- Priority species and habitats are listed in the UKBAP.
- Designated sites = SSSI, SPA, SAC, Ramsar etc.
- Note- within site, adjacent or near.
- Note-affected or enhanced.

Conclusions

- Failure to comply with the EIA Regs can be a “show stopper”.
- Permissions can be delayed by a year or more if the right survey data are not submitted with the application.
- Applications can be refused/permissions quashed if:
 - Correct EIA procedures are not followed.
 - Environmental impacts are not identified and fully mitigated.
 - The chosen alternative is not a good environmental option.

Conclusions

BUT a good EIA process can have the following benefits:

- All environmental impacts are identified and avoided or mitigated.
- The best environmental alternative is chosen.
- Opportunities are taken to improve the design and enhance the environment.
- Planning delays are minimised.
- There is better communication between applicants, planners and consultees.
- There are fewer unexpected objections and refusals.