

Success criteria and proposals for SEA and EIA

Introduction

Strategic Environmental Assessment (SEA) and Environmental Impact Assessments (EIA), under the Town and Country Planning Regulations 2017 and the Environment Assessment of Plans and Programmes Regulations 2004 respectively, are keystone processes in UK environmental regulation.

SEA is a strategic process for evaluating the environmental implications of a proposed plan or programme. EIA is an assessment of the environmental impacts of individual developments or projects. Together, SEA and EIA inform good decision-making to ensure species, habitats, landscape character and cultural heritage are taken into account. By providing the right information and evidence to decision-makers, effective SEA and EIA deliver good environmental outcomes, provide surety and confidence to planning applicants, and increase transparency and buy-in of local communities.

SEA and EIA can deliver better outcomes for nature and people by enhancing the implementation, efficiency and accessibility of these processes.

Success criteria

If implemented well, SEA and EIA are rigorous and systematic processes that inform good decision-making and ensure environmental and sustainability concerns are embedded in the planning system. They should: provide a scientifically sound basis for decision-making; reinforce the mitigation hierarchy; enhance public consultation and scrutiny; provide surety and consistency for planning applicants; and improve environmental data.

Although SEA and EIA are fit-for-purpose processes, their implementation must and can be improved in order to better realise benefits to the public and to all stakeholders in the planning process.

Comprehensive application: Well-implemented and effective SEA and EIA should be applied to all plans, projects and programmes likely to have a significant effect on the environment in order to deliver public environmental benefits and surety in the planning process.

Early, expert-led implementation: Built early into the process and led by planning authorities with sufficient capacity and expertise, SEA and EIA can help implement the mitigation hierarchy, avoiding harm to valued sites, species, landscapes and heritage assets in the first instance, and limiting adverse delays and cost for developers.

Transparency, participation and openness: SEA and EIA should be more transparent and accessible to public understanding and scrutiny. More accessible SEA and EIA and meaningful consultation with local communities is crucial to realizing the benefits to nature, planning applicants, and the public.

Improving environmental data: Environmental information and data generated by SEA and EIA should be available and usable for other purposes in accordance with the FAIR data principles,¹ for example, to help inform Local Nature Recovery Strategies and Historic Environment Records.

Proposals for improvement

The legislation and principles of SEA and EIA are sound and they are currently the best processes for gathering the right information and evidence to make well-informed decisions about planning and development. Nevertheless, improvements could be made to the way that EIA and SEA are implemented to work better for the environment, planning applicants, and local communities. In order to meet the success criteria outlined above, we suggest the following improvements to the current processes of SEA and EIA:

¹ Fair Data principles (2019) <https://www.fairdata.org.uk/principles/>

- **Ensure SEA and EIA are applied to all appropriate plans, projects and programmes** in order to deliver public environmental benefits and surety in the planning process. Of course, it would be disproportionate to apply full SEA and EIA to all plans, project and programmes, but all developments likely to have a significant effect on the environment should be covered.

We are aware that there are plans, projects and programmes that could have significant adverse effects falling through the gaps. Despite introducing potentially huge cumulative environmental impacts, the strategic planning of windfarms in the North Sea, plans for major infrastructure investment in the Oxford Cambridge Arc,² a strategic transport plan for HS2, changes to design codes, and the expansion of permitted development rights have not been subject to SEA or have not been properly assessed. SEA should be applied consistently to all strategic plans and programmes, including major infrastructure project proposals (including Nationally Significant Infrastructure Projects). The application of EIA must be improved as well: due to poor screening decisions, EIA is not applied to 99.9% of developments³ and is not applied to many individual projects that affect the environment.⁴ Developments that are not automatically covered by the thresholds for requiring an EIA can also have significant environmental impacts, including those under the thresholds of Schedule 2 of the regulations.

The Regulations setting out what plans, projects and programmes are subject to SEA and EIA should be amended to widen Schedule 1 development, and make Schedule 2 screening more rigorous. The thresholds for both Schedule 1 and Schedule 2 development need to be strengthened for the assessment of ecological impacts by expanding screening thresholds to include any development within 100 metres of a designated site or irreplaceable habitat. The Planning Policy Guidance (PPG) notes should be amended to lower the thresholds for Schedule 2 screening. Finally, the application of the Regulations must be improved by increasing the capacity and capability of local planning authorities to conduct screening for EIA.

- **Build SEA and EIA earlier in the planning process to inform the evolution of proposals of plans, projects and programmes**, rather than being applied to the final outcome, in order to ensure the right development is in the right place. SEA and EIA should reinforce the mitigation hierarchy and prioritize avoiding environmental harm. The SEA should inform the development of a local plan, in particular the allocation of sites for development to ensure that cumulative impacts are fully taken into account. It could be a tool to evaluate compliance with the Local Nature Recovery Strategy (LNRS) and as central evidence in determining if the government's proposed sustainable development test for local plans can be adopted. Local planning authorities must have adequate resources and expertise to conduct and implement SEAs, which the government could ensure through a public funding commitment following from its proposed Skills and Resources Strategy.
- **Improve the consistency and quality of SEA and EIA by ensuring that planning authorities have sufficient resources and expertise.** Local planning authorities need access to the right people with the right skills to conduct SEAs, screen all Schedule 2 developments, and process and scrutinize EIAs. However, planning authorities currently lack sufficient expertise to conduct this process properly, with 65% having no in-house ecological expertise,⁵ leading to poor quality and inconsistent

² A Spatial Framework is to be developed but it is crucial this framework is subject to rigorous environmental assessment.

³ IEMA Report on EIA (2016)

EN020016-000986-BFC_Vol_09.18.16_Special Report -The State of Environmental Impact Assessment Practice in the UK - IEMA (2011).pdf (planninginspectorate.gov.uk)

⁴ Friends of the Earth EIA Briefing (2020)

https://cdn.friendsoftheearth.uk/sites/default/files/downloads/September_2020_Environmental_Impact_Assessment.pdf

⁵ ALGE Report on Impact of Spending Cuts (2011)

<https://www.alge.org.uk/publications-and-reports/>

decisions.^{6,7} In some cases, consultant ecologists have been found to provide inconsistent advice.⁸ Planning authorities should also have the expertise to consider indirect impacts upon species and habitats, e.g. air quality, and to undertake and assess Landscape and Visual Impact Assessments. Improving the resources and expertise of Local Planning Authorities will facilitate high quality, efficient, and consistent decision-making, delivering better environmental outcomes, surety and consistency for planning applicants, and confidence to local communities.

- **Create a centralized national or regional “Environment Assessment Hub” with resources and expertise to complement more resources and expertise at the local level.** Local authorities can draw on this central hub to improve their implementation of SEA and EIA, as well as of Biodiversity Net Gain and Local Nature Recovery Strategies (LNRSs). By providing guidance on best practice and a broad range of specific expertise to support several Local Planning Authorities (LPAs), this hub will increase the efficiency and quality of planning and environmental decision-making. It should be staffed by suitable professionals with earned recognition in their expertise.
- **Strengthen the legal duty for the planning system to deliver sustainable development.** One of the goals of planning is to achieve sustainable development, as stated in the National Planning Policy Framework (NPPF).⁹ However, the existing legal duty to contribute to ‘sustainable development’ in Section 39 of the Planning & Compulsory Purchase Act 2004¹⁰ is unsubstantial and the commentary on sustainable in the NPPF is also weak. Sustainable development must be clearly defined based on the UN definition, including contributing to nature’s recovery, and a requirement to deliver against this definition must be enshrined in law.¹¹
- **Improve the availability and facilitate the mobilisation of environmental information and data** generated by SEA and EIA for other purposes. Data sharing could be made mandatory or its requirements strengthened through legislation or conditions on planning permissions to improve baseline environmental data and create a level playing field for developers. The Government’s proposals to emphasize data-informed planning are welcome, but there must be investments to improve national and local environmental, ecological, landscape character and heritage data sets and infrastructure. Environmental information collected for projects undergoing SEA and EIA should add to the data bank by being subject to this data sharing requirement, including those that do not receive planning consent. Local Environmental Record Centres (LERCs) and Historic Environment Records (HERs) should play a role in supporting this sharing of data. Data must be consistently updated and must be sufficient to assess the full consideration of impacts at the time of appraisal. Access to and management of these datasets need to be improved within local authorities by ensuring there are the resources and staff necessary to maintain them.

⁶ IEMA Report on EIA (2016)

EN020016-000986-BFC_Vol_09.18.16_Special Report -The State of Environmental Impact Assessment Practice in the UK - IEMA (2011).pdf (planninginspectorate.gov.uk)

⁷ Defra Report of the Habitats and Wild Birds Directives Implementation Review (2012)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69513/pb13724-habitats-review-report.pdf

⁸ Defra Report of the Habitats and Wild Birds Directives Implementation Review (2012)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69513/pb13724-habitats-review-report.pdf

⁹ National Planning Policy Framework (2019)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

¹⁰ <https://www.legislation.gov.uk/ukpga/2004/5/section/39>

¹¹ Planning 2020 – Raynsford Review of Planning in England (2018)

<https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=30864427-d8dc-4b0b-88ed-c6e0f08c0edd>

Conclusion

SEA and EIA are fit-for-purpose processes that underpin good land use planning decision-making and ensure species, habitats, landscape character and cultural heritage are properly taken into account. SEA and EIA could be better implemented to enhance their outcomes for the environment, planning applicants, and local communities. Our proposals provide concrete actions to improve SEA and EIA by ensuring their comprehensive application, early, expert-led implementation, transparency, participation and openness, and improvement of environmental data. By enhancing the implementation of these processes, SEA and EIA can deliver better outcomes for nature and people.

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