



Environmental assessment: Proposition for a single robust and efficient framework

Introduction

The Government has indicated its intention to review and reform 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. The current processes are, in our view, fit-for-purpose processes. Implemented well, these processes provide the right information and evidence to decision-makers in order to deliver good environmental outcomes, provide surety and confidence to planning applicants, and increase transparency and buy-in from local communities.

A previous Wildlife and Countryside Link briefing¹ sets out what good SEA and EIA looks like, or alongside success criteria, which include comprehensive application, early and expert-led implementation, transparency, participation and openness, and adequate and FAIR environmental data.² The briefing also suggests proposals to improve the implementation of SEA and EIA to work better for the environment, planning applicants and local communities.

In light of the Government's review of SEA and EIA, with consideration being given to merging the two processes, we have considered a set of processes that would achieve the success criteria we set out earlier, while being faster for developers to navigate.

An integrated and iterative approach to SEA and EIA must retain the strategic oversight of SEA and the granularity and site-specific assessment of EIA. These processes must be supported by appropriate environmental data and other effective environmental regulations and protections.

A single framework for environmental assessment

A well-designed and robust single framework for environmental assessment that integrates SEA and EIA can be a fit-for-purpose process to inform good environmental and land use planning decisions. Setting site- or project-based environmental assessment within a wider process of strategic assessment will filter out the need for unnecessary EIAs by steering development away from the wrong locations at the outset, reducing the extent to which EIA might otherwise be required. Adding decision-making strength to SEA to prevent planning applications from coming forward in areas inappropriate for development will provide increased certainty for developers and lower costs for government, LPAs and eNGOs.

While there are advantages to combining these processes, the fundamental elements of the two processes must be preserved. The current level of focus on the environment, including both natural and historic, should be retained. As well, the environmental regulations and protections that support these processes, including the Habitats Regulations, must be effective. Given the wholesale and uncertain nature of the current planning reforms, we are concerned at the risk of undermining the coherence and comprehensiveness of environmental regulations and protections in the planning system.

A single framework for environmental assessment would look like the following:

1. SEA should be conducted for all Local Plans and strategic plans to evaluate the suitability of different locations for development.

¹ <https://www.wcl.org.uk/docs/Link%20SEA%20and%20EIA%20briefing%20FINAL.pdf>

² Fair Data principles (2019) <https://www.fairdata.org.uk/principles/>. FAIR data is findable, accessible, interoperable and reusable.

- SEA should be applied to all appropriate plans and programmes. We are aware there are plans and programmes that could have significant adverse effects that are falling through the gaps. Despite introducing potentially huge cumulative environment impacts, plans for major infrastructure investment in the Oxford Cambridge Arc, 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. Furthermore, while offshore wind farms are subject to SEA, they are not currently strategically planned so there is no spatial element within the SEA.
- SEA should be informed on land by relevant policies and plans, including National Planning Policy Framework, National Position Statement and Local Plans. SEA should support the aims of the Environment Bill and the 25 Year Environment Plan and should take full account of the Local Nature Recovery Strategy (LNRS) as a plan. The SEA should be underpinned by appropriate environmental data, including the evidence base from the LNRS. In the coastal and marine environments, SEA should be informed by the Marine Policy Statement, Marine Plans, MPA network and the pursuit of Good Environmental Status (GES). Where there is not appropriate environmental data to adequately assess the suitability of a location for development, SEA should drive the collection and analysis of environmental data.
- SEA should be conducted and implemented by responsible authorities with adequate resources and expertise.
- SEA should identify areas that are individually and/or cumulatively inappropriate for development and identify and assess alternative sites. In order to steer planning applications and projects away from these areas identified through an SEA as inappropriate for development, towards locations identified as potentially suitable for development, SEA must have weight in the planning system. In order to genuinely inform Local Plans and strategic plans, the responsible authority should act in accordance with an SEA. No planning application or permitted development should come forth or be approved in areas which an SEA has identified as unsuitable for development. In a zonal planning system, SEA should inform the allocation of zones. In the marine environment, SEA should consider the cumulative impact of offshore wind development along with wider sea space interests on marine wildlife to identify which areas of the seabed are potentially appropriate for development.

2. Within those areas where SEA has ruled as potentially appropriate for development, EIA should then be triggered for projects.

- By first steering development away from the wrong locations, robust and well-applied SEA will reduce the extent to which EIA should be necessary.
- Within areas identified by an SEA as potentially appropriate for development, EIA should be applied to all projects that are likely to have significant environmental impacts in line with specified criteria, guidelines and thresholds. Currently EIA is not applied to 99.9% of developments³ and is not applied to many individual projects that do affect the environment.⁴ The thresholds for the application of EIA should be lowered: the regulations setting out what projects are subject to EIA should be amended to widen Schedule 1

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

development, including expanding screening thresholds to include any development within 100 metres of a designated/protected site of international, national or local importance or irreplaceable habitat, and make Schedule 2 screening more rigorous, including amending Planning Policy Guidance (PPG) notes to lower the thresholds for Schedule 2 screening. The application of the regulations must be improved by increasing the capacity and capability of local planning authorities to conduct screening for EIA.

- Early and expert-led project design will allow time to identify stakeholders, existing ecological information, and review local plans and strategies, including the Local Nature Recovery Strategy (LNRS) and associated mapping and offshore, the Marine Policy Statement. It also provides an early opportunity to liaise with other EIA disciplines. EIA should be conducted by those with the skills and expertise to screen developments, process and scrutinise EIAs. In-house ecological expertise in local planning authorities is crucial to ensure robust, consistent information and advice.
- These sites indicated by SEA as potentially appropriate for development should have a baseline of environmental data, but screening and scoping should be carried out in order to understand the quality and timeliness of data and identify what else should be included in the EIA, highlighting any evidence gaps that should be filled in with site-based surveys in order to inform assessment. A good scoping report saves time down the line. Scoping ensures that the developer is aware of the matters to be considered and the likely costs and timeframes associated with the EIA, including identifying and providing justification for any additional surveys that may span several years.
- EIA should consider ecological features and connectivity, as addressed within the area's LNRS onshore and the UK's national Marine Protected Area (MPA) network offshore, to ensure bigger, better and more joined-up nature on land and at sea. The impact assessment should consider direct, indirect and cumulative impacts, with the provision of appropriate guidance and support in identifying and assessing indirect impacts, which partners would be happy to work with Government on.
- EIA should support SEA by first steering projects away from unsuitable locations for development (avoidance).

3. Where sites are identified as potentially suitable for development through this single framework of strategic then site-based environmental assessment, EIA should inform the detailed design to further reduce harm to important habitats, mitigation measures and, as a last resort, compensation measures for environmental impacts.

- Measures should consider direct, indirect and cumulative impacts on habitats and species, with appropriate guidance and support, which partners would be happy to work with Government on.
- Mitigation and compensation should be done onshore in line with the objectives of the LNRS for the area. Developers should consider delivering more than the mandatory 10% gain in biodiversity. BNG on land should be informed by the area's LNRS. In the marine environment, any approach to BNG should be developed with regards to the UK's national MPA network and the achievement of Good Environmental Status.
- These mitigation and compensation measures should be conditioned through the planning application so that these measures must be incorporated in the design of the project or in the planning conditions before permission is granted.
- Mitigation, compensation and BNG measures should be regularly monitored and enforced to ensure it is being implemented and delivered effectively. This will also identify the need

for remedial measures if mitigation and compensation is not meeting consented objectives. Regardless of evidence used as part of the SEA process, where there is significant harm to biodiversity uncovered through an EIA, planning permission should be refused.

4. Data collected through SEA and EIA evidence-gathering and monitoring should be shared and made available and usable for other purposes in accordance with the FAIR data principles⁵ to improve the existing environmental evidence base, which can then be mobilised for future environment assessments and inform best practice.

Summary

Through a single streamlined framework of environmental assessment that retains the strategic oversight of SEA and the site and project-specific scrutiny of EIA, environmental assessment can continue to collect robust evidence to inform decision-making. Fit-for-purpose environmental assessment regulations that are well-implemented can deliver good environmental outcomes to support nature's recovery and climate mitigation, provide surety and confidence to planning applicants, and increase transparency and buy-in from local communities.

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This response is supported by the following Link members:

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ALERC

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CIEEM

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Open Spaces Society

RSPB

The Wildlife Trusts

Wildfowl and Wetlands Trust

Woodland Trust

⁵ Fair Data principles (2019) <https://www.fairdata.org.uk/principles/>. FAIR data is findable, accessible, interoperable and reusable.