

Exploring the thought process used to make critical judgements in the EIA process

This explainer article focusses on the impact assessor thought process, with the aim of improving planning officer understanding of environmental effects and the significance judgements they are asked to make across a planning authorities environmental impact assessment (EIA) screening, scoping, and report examination activities.

When discussing EIA with planning authorities, focus is commonly placed on the procedures and related activities that a planning officer needs to undertake to deliver compliant and effective practice. However, the ultimate outcome of that EIA process for the planning authority is to make a reasoned conclusion on the significant effects on the environment that would result from the proposed development. The planning authorities EIA significance conclusion must then be integrated into its decision-making process that determined whether consent is granted or not. As such, there is a need for planning officers to have some understanding of the thought process used in the impact assessment process that helps build evidence that enables such significance conclusions to be made across their EIA duties.

It is useful to start by explaining four terms that are commonly used in EIA practice and therefore will be regularly presented in EIA related submissions. Understanding these terms and their relationship with one another is also essential in making reasonable judgements about whether the predicted environmental effects of a proposed development are significant or not.

The four common terms regularly used in the EIA process are:

- **Baseline:** The current state and status of the environment/specific environmental receptor and any known trends related to it
- **Impact¹:** A change that would be generated by the proposed development, which could be the result of its construction, operation, or even subsequent decommissioning
- **Effect¹:** A consequence to the baseline environment that is the result of an impact that arises from the proposed EIA development (effects can be both direct or indirect)
- **Significant Effect:** A robustly justified decision on the significance of an effect, based on an evaluation of the available evidence (e.g. baseline, impacts, and effects), that provides a key environmental conclusion in the decision-making process and consideration of mitigation.

These four terms relate to each other and build toward the significance judgements made in the EIA process, as set out in Figure 1. This relationship is not explicitly defined in the EIA Regulations²; however, it is alluded to within the content of Schedule 3 of the Regulations. Schedule 3 is required to be considered by planning officers when making a screening opinion to determine whether a proposed development will require an EIA.

¹In practice, EIA documents will use the words *impact* and *effect* interchangeably, and this is acceptable; however, the flow of evidence presented should still demonstrate the build-up of the concepts in the diagram. ²Town & Country Planning EIA (Scotland) Regulations 2017 are available here: <https://www.legislation.gov.uk/ssi/2017/102/contents>



The criteria within Schedule 3 sit under three headings, which relate to the following:

- Characteristics of development (i.e. the source of the impacts)
- The location of development (i.e. the environmental baseline and its sensitivities in the vicinity)
- The characteristics of the impact (i.e. the descriptors that help define the consequences of an environmental effect).



Figure 1: The relationship between the components within the assessment

The initial actions of the EIA consultants, who developers use to prepare their EIA report, act to identify both the impacts and baseline environment relevant to the proposed development. This is a key element of the EIA scoping process and involves developing a good understanding of all aspects of the proposed development and also of the environment and its receptors both within and around the proposed site.

After the consultants have identified the impacts and baseline, they go on to predict and describe the likely resulting effects on the environment. In some cases, EIA guidance will seek to define the way such descriptions should be made by setting out pre-determined descriptors – for example: high, medium, and low magnitude, or short, medium, and long-term timescales.

Once the environmental effects have been described the EIA consultants will evaluate each effect to produce the EIA's findings, the results of this indicating whether they are considered to be significant or not. This evaluation process draws across the evidence gathered considering details and descriptors associated with the effect (e.g. whether it is temporary or permanent) alongside the information about the nature of the environmental receptor that will receive the consequences of the effect (e.g. its sensitivity, designation status, importance).

Such thinking and judgements are not limited to the EIA consultants work for a developer. The same sequence of thinking is a core aspect of how planning officers should form their screening and scoping opinions and is critical in ultimately making the planning authorities reasoned conclusion on the significant effects of the development on the environment [under Regulation 4 (1) (d)]. However, this does not mean planning officers are expected to have an equivalent depth of knowledge or experience about environmental matters as the developer's EIA consultants as recognised within the Regulations.

Developers are required to use competent experts to prepare the EIA report (as per Regulation 5 (5) (a)), whereas a planning authority is expected to have sufficient expertise to examine the EIA report



(under Regulation 4 (7)). The legislation does not go on to further explain either of these terms. However, it is clear that having sufficient expertise to examine something does not equate to the same deep of expected knowledge or experienced as someone who would be considered to be a competent expert in a particular discipline.

The difference is perhaps more clear when considering the activities required in delivery of EIA practice. The developer's EIA consultants are expected to have the depth of knowledge and experience to be able to identify, describe and evaluate relevant effects from scratch to enable them to prepare the EIA report. Whereas a planning officer is expected to have the capability to examine the environmental information available to them and make reasonable judgements that draw from this evidence. It is important to remember, that the environmental information includes both the EIA report (plus any additional information) and also the responses and representations made by statutory consultees, the public and other interested parties. Perspective and details on environmental baseline, effects and their significance will be found within the responses provided by the statutory consultees, providing the planning officer with a useful further source of expert information to consider within the application of their professional judgement.

The thought process for a planning officer in examining the information presented in the EIA report and the other environmental information (defined in Regulation 2) is similar but there is a substantial difference in the volume of evidence available by this stage of the application process. Given the need to make timely consent decisions, planning officers might initially seek to work backwards through the process in their initial examination of the environmental information. This would involve initially looking for effects that are considered to be significant either within the EIA report or within the representations received by the planning authority. By understanding these perspectives on the proposed development's significant environmental effects and examining the evidence (effects, baseline, and impact information) that sits behind either agreement or difference in views of the applicant and representations, a planning officer can help focus their EIA examination on issues that will be key to reaching the planning authorities own reasoned significance conclusion.

Ultimately planning officers must ensure they review the evidence and apply their professional judgement in making significance judgements across the EIA process. This article has provided insight into how such a thought processes can be structured, and the different elements needed to build the evidence to make such judgements effectively.

Further information on the National Planning Hub's work on EIA can be found here: [Environmental Impact Assessment | Improvement Service](#).

