

Environmental Outcome Reports

Environmental Assessment its not
rocket science

What is EOR?

- Its in the LURB – very high level powers to write regulations and guidance
- It will replace EIA, SA and the SEA part of Habitat Regulations
- It covers lots of non-planning regulations and consenting regimes

Title	Department
The Environmental Assessment of Plans and Programmes 2004	DLUHC
The Town and Country Planning (TCPA) (Environmental Impact Assessment) Regulations 2017	DLUHC
The Infrastructure Planning (NSIP) (Environmental Impact Assessment) Regulations 2017	DLUHC
The Environmental Impact Assessment (Agriculture) (England) (No. 2) Regulations 2006 (and as amended, 2017)	Defra
The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999	Defra
The Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999	Defra
The Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003	Defra
Harbours Act 1964, Schedule 3 (I)	DFT
The Marine Works (Environmental Impact Assessment) Regulations 2007/1518	Defra
Highways Act 1980, Part VA	DFT
The Transport and Works Act 1992, sections 13A, 13B, 13C and 13D	DFT
The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006	DFT
The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017	BEIS
The Public Gas Transporter Pipe-Lines Works (Environmental Impact Assessment) Regulations 1999	BEIS
The Pipe-line Works (Environmental Impact Assessment) Regulations 2000	BEIS
The Offshore Petroleum Production and Pipelines (Assessment of Environmental Effects) Regulations 1999	BEIS
The Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020	BEIS
The Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999/	BEIS

What do we think it could look like?

- **Outcomes based**
 - Build on the provisions in the Environment Act 2021 and Environmental Improvement Plan
 - (the 25 Year Environment Plan) when setting the outcomes
 - Outcomes will be set in secondary legislation with a supporting suite of indicators set out in guidance. There will be a number of indicators for each outcome.
- **Approach to assessment in line with mitigation hierarchy**

What do we think it could look like?

- National datasets on
 - Biodiversity
 - Air Quality
 - Landscape and Seascape
 - Geodiversity, Soil and Sediment
 - Noise and Vibration
 - Water
 - Waste
 - Cultural heritage and Archaeology
- Long term Monitoring = making sure the outcomes are achieved

What do we think it could look like?

- Separated out from Sustainability Appraisals



What have we done this year?

- We held a workshop series of five events.
 - Overview and 4 deep dives
 - Over 80 LPAs joined in
- We set up an officer network
- Transition is coming!
 - Environmental Assessment bridge to EOR
- We made a report (its coming soon)

10 Key Challenges identified

There is an acknowledged **lack of in-house technical expertise on environmental assessment.**

The current policy regime generates **significant amounts of paperwork and documentation**

Inconsistency of approach in environmental assessment (both EIA assessment and SA/SEA) is a significant barrier in the current environmental assessment regime.

The scope of environmental assessment has become too broad and **there is a need to refocus on the implications of the land use.**

The current environmental assessment regime contains an **inherent element of uncertainty**, and this **sits at odds with other elements of the planning system.**

Subjectivity clouds the overall ethos of what environmental assessment is trying to achieve.

There is a significant **lack of access to robust and consistent data**

There is a **fundamental knowledge gap** between what environmental assessment does and is and what policy is and does.

There is a **lack of monitoring of the forecast impacts or mitigation**

Councils **aren't ready for digital assessments**

The workshops series identified the biggest barrier in the current system of environmental assessment is an acknowledged **lack of in-house technical expertise** in councils and that all parties involved struggle with capacity, skills and competence. The lack of environmental assessment expertise within the public sector is creating a more widespread problem - a lack of confidence for planners to have autonomy on decision making. **Planners feel unable to challenge assessments**, expert opinions, statutory consultee responses or stakeholder views due to a lack of expertise and experience in this field and so become **overly cautious in decision making**.

What do you think is the driver behind this lack of confidence and planners lacking autonomy or ownership over making decisions?

Is it

- fear of legal challenge
- lack of understanding or experience?
- lack of confidence in challenging experts (both developers and statutory consultees)?
- lack of confidence due to not having in-house expert support?

Some Questions



Environmental assessment has an inherent bias depending on who has produced the EIA and ES, and this was confirmed by participants as their lived experience, but can we say this about planners more generally?



Is subjectivity and bias recognised by 'Joe Bloggs Planner' who is reluctant, or lack confidences, to engage on EIA?



Is there recognition that these are inherently biased as they are there to facilitate a particular purpose?

Some Questions

The workshop series highlighted opposing views on the effectiveness of environmental assessment. Most participants in the workshops expressed the view that **environmental assessment as an integral part of the plan making process**. A smaller proportion of participants expressed the view that environmental assessment (SA/SEA/EIA/ES) is a **tick-box exercise** that doesn't form a part of place or plan making. It is worth acknowledging that many of those views were in relation to EIA Screening and Scoping as a tick-box exercise. These opposing views and the fact that more people said they saw the benefit of environmental assessment in plan and place making sits at odds with other stakeholder engagement undertaken by DLUHC and others

What's your view, is environmental assessment an integral part in plan and place making or a tick box exercise? Or does it depend on the environmental assessment e.g., SA or EIA?

Some Questions

We heard that SA needs to be integrated into the plan process to properly inform judgements. One LPA has had useful sessions with elected members when the SA was used to judge the pros and cons of different sites. This was at an early stage in the plan process. How do audit trail decisions on the strategy and why the plan is the way it is.

What are your views on SA/SEA being seen by some as a distinct process rather than part of evolution of plan making?

Some Questions

Unsurprisingly resources and capacity were reoccurring themes across the workshop series and the lack of expertise and in-house skills in councils was highlighted.

We heard that the primary barrier to monitoring was a lack of resources, officer time and expertise. Participants expressed the understanding that there needs to be checks and balances in the system; however proper monitoring requires significant LPA involvement, but this desperately needs a cost recovery mechanism. Cost recovery has potential to provide resources for planning authorities to carry out monitoring but there is a lack of understanding about how this might work in practice.

Do you
support this
view?

How could
this work in
practice?

What should we feedback to DLUHC

- Consultation very soon

PAS

The latest from PAS

Local Plan Gateway Review

Local Planning Authorities (LPAs) are required to have an up to date local plan in place by the end of 2023 or face government sanction/intervention. The planning system is in the middle of substantial change and PAS has created a "Gateway Review" - to help LPAs weigh up the best options for getting their local plan 'to the line'.

Infrastructure Funding Statements - A step-by-step guide and sample template

In December 2020 councils have to report for the first time on Section 106 contributions, and for those that charge the Community Infrastructure Levy the reporting requirements have changed slightly too. We have put together a guide and even a video to help you understand what you must report and what you should report.

Upcoming Events

Find out about our new series of events that are focussed on developing the skills you need to be a better planner or councillor involved in planning.

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