

Project 351

Draft R&D Note      R&D Project 351

Environmental Assessment by External  
Developers and Organizations (Phase 2)

WRc plc

December 1995

R&D 351/8/T

WD

ENVIRONMENT AGENCY



123179

**ENVIRONMENTAL ASSESSMENT BY EXTERNAL DEVELOPERS AND  
ORGANIZATIONS (PHASE 2)**

**Recommendations**

**J Gulson**

**Research Contractor:  
WRc plc  
Henley Road  
Medmenham Marlow  
Buckinghamshire SL7 2HD**

**National Rivers Authority  
Rivers House Waterside Drive  
Aztec West, Almondsbury  
Bristol BS12 4UD**

**Draft R&D Note 351/8/T**

National Rivers Authority  
Rivers House  
Waterside Drive  
Aztec West, Almondsbury  
Bristol  
BS12 4UD

Tel: 01454 624400

Fax: 01454 624409

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Statement of Use

This report provides recommendations on environmental assessment policy and practice for the NRA. The recommendations should be implemented as appropriate by the EA Steering Group and the National Planning Liaison Group and successor bodies in the Environment Agency.

Dissemination Status

Internal: Restricted

External: Restricted

Research Contractor

This document was produced under R&D Contract 351 by:

WRc plc  
Henley Road  
Medmenham Marlow  
Buckinghamshire  
SL7 2HD

Tel: 01491 571531

Fax: 01491 579094

WRc Reference: NR 4061/3480

NRA Project Leader

The NRA's Project Leader for R&D Contract 351:

Dr Andrew Brookes, NRA Thames Region

Additional Copies

Further copies of this document may be obtained from Regional R&D Co-ordinators or the R&D Section of NRA Head Office.

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## **EXECUTIVE SUMMARY**

This report contains recommendations arising from Phase 2 of R&D Project 351 on Environmental Assessment by External Developers and Organisations. The recommendations are broadly broken down into those affecting NRA internal practices and those affecting the Authority's dealings with other bodies. Reference is made to external factors affecting the use of environmental assessment (EA) within the NRA, such as proposed EC Directives and the transfer and extension of NRA responsibilities to the Environment Agency. The recommendations have arisen from research, more fully reported elsewhere and referred to in this report. The recommendations build on those made in Phase 1, and are expected to be implemented by the EA Steering Group, National Planning Liaison Group and successor bodies within the Environment Agency.

## **KEY WORDS**

Environmental Assessment, EA, Environmental Impact Assessment, EIA, External Developers, Planning Liaison.

# 1. INTRODUCTION

Environmental Assessment (EA) or Environmental Impact Assessment (EIA) has become an increasingly important component of development control processes within the planning system with consequences for both local planning authorities (LPAs) responsible for planning controls, and regulatory bodies, such as the NRA, who may have roles both as a planning consultee and as the licensing authority for aspects of the development. The NRA has undertaken a programme of research to aid the Authority to take part in the EA process in an effective manner and to assist its EA Steering Group to develop EA policy. Phase 1 of this research programme, NRA R&D Project 351 on Environmental Assessment by External Developers and Organisations, concentrated on issues associated with formal EA, i.e. the assessment of (generally) major projects as required by statutes arising from the EC Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment. Phase 2 research extended consideration to development in a wider sense to include not only assessments of major construction projects, but also the assessment or environmental appraisal of more minor works and other "development" such as proposed abstraction or discharges, for which the NRA may be the competent licensing authority.

This report outlines recommendations arising from Phase 2 and accompanies other outputs from Phase 2, namely Gulson (1995) and Gulson and Ashby-Crane (1995). Gulson (1995), a draft manual entitled *Further Guidance on the Environmental Assessment of Projects*, contains guidance material for use by the NRA when considering the implications to the environment of development activity by external organisations and individuals. The Project Record (Gulson and Ashby-Crane 1995) reported not only on the development of this guidance, but also on a review of other guidance available and on the findings of consultations with both NRA and local authority staff involved in EA. The consultations also assisted to develop the guidance material produced in Phase 2, which incorporated and replaced that produced in Phase 1, i.e. that in R&D Note 76 (King and Wathern 1992a).

The recommendations of this report are based largely on recent developments and the findings of Phase 2 work. These progress earlier recommendations for policy, procedures and training produced in Phase 1 by King and Wathern (1992b). Although the recommendations are based on essentially NRA-focused research, they will also be of relevance (and make reference) to the Environment Agency. Also, the recommendations also include reference to other developments affecting EA, such as the ever-increasing need to demonstrate sustainability in development, as arising from the Earth Summit in Rio De Janeiro and subsequent Government publications (e.g. HM Government 1994), and related local authority (Agenda 21) initiatives. Strategic Environmental Assessment (SEA) is also an increasingly important factor affecting the framework of the EA process and will be particularly so if a proposed EC Directives on SEA comes to fruition. More immediate EC influence is expected from proposed amendments to the existing EA Directive. Such external developments may alter the framework for EA within the UK and NRA/Environment Agency and, therefore, the context of these recommendations.

The recommendations build on assessments of both current and best practice (King and Wathern 1992b, Gulson and Ashby-Crane 1995). The principles of best practice for the EA of both small and large-scale projects are that the EA should:

- start early, at the conception of the project;
- involve consultation with a range of bodies (particularly the NRA) at an early stage;
- identify and focus on key issues; and
- continue through the life of the project.

The production of relevant NRA guidance notes (such as those in King and Wathern (1992a), Gulson (1995), NRA (1995) and NRA Pollution Prevention Guidelines) have enabled the NRA to communicate its concerns associated with development proposals more effectively and at an early stage, thereby facilitating more comprehensive scoping of environmental assessment studies carried out by developers or on their behalf.

## **2. RECOMMENDATIONS**

### **2.1 Interaction with external bodies**

#### **2.1.1 General**

The NRA should continue to influence the EA of proposed developments that may affect the water environment by early identification of environmental and resource constraints associated with the development.

The NRA should maintain and increase its proactive role in both the EA of individual developments and also operate at a more strategic level, e.g. with respect to regional or local development plans and to other strategic assessments, e.g. UK transport planning/policy etc.

The NRA should continue to promote its role to LPAs, developers (and their consultants) by dissemination of brochures, publications, articles etc. This should include reference to the availability of NRA guidance notes on a wide variety of development types.

The NRA should encourage pre-submission enquiries from developers and LPAs on individual planning proposals. Requesting inclusion of a question "Have you consulted the NRA?" on planning application forms may further this aim.

The NRA should seek involvement in pre-development briefs so that environmental improvements are written in at an early stage

The NRA should continue to develop and maintain a good rapport in the planning liaison process.

Model policies (as contained in documentation such as NRA (1994) and issued to LPAs) should be disseminated more widely.

#### **2.1.2 Local authorities**

The value of more consistency of approach to LPAs should be considered, with respect to Planning Liaison documents, visitor/receipt systems and frequency of meetings with LPAs.

Memoranda of agreements may be required to firm up agreed liaison arrangements, e.g. to confirm LPA intentions of secondary consultations with the NRA following initial NRA comments that recommend refusal of planning permission. This will allow both the NRA and LPAs to adopt a firm initial line in opposing a development, without the opportunity being lost for the NRA to negotiate conditions should the LPA subsequently be unable to turn a proposal down.

The NRA should continue to seek to influence structure plans.



Involvement of LPAs in the formulation and adoption of Catchment Management Plans (CMPs) should be positively encouraged to help sell NRA visions for catchments. The process may also be used to highlight sensitive or vulnerable areas to local authorities.

The NRA should set a timetable for the provision of flood survey data in order to appease LPA expectations

The need for timely responses to planning applications should be emphasised to NRA staff.

The NRA should ensure the encouragement of pre-submission enquiries (to the NRA) is supported by an efficient response. This along with the previous recommendation may have staffing implications.

The planning liaison system should be maintained and developed with single contact points and consistent multi-functional responses.

NRA staff should be prepared to receive applications by having supporting information upon which to base comments readily available. Particularly where time does not allow for site visits, the use of aerial photos of sufficient detail may be an invaluable addition to up-to-date maps. Remote sensing and Geographic Information Systems (GIS) may have important roles which should be explored.

The NRA should provide realistic, relevant comments in response to planning applications (and Environmental Statements or ESs) highlighting key points of NRA concern.

There should be a good database or cross referencing system to reduce possible anomalies between responses to pre-submission enquiries, planning applications, ESs and licence/consent applications for the same development (and also possibly for different applications for similar developers/development types). Records should be kept of comments made to developers and LPAs and by whom. Alternatively, the risk of anomalies arising could to some extent be reduced by centralising staff or responsibilities into the same department.

Published lists of planning applications and/or decision notices could be incorporated into the above database and also could be audited for degree of consultation and uptake of NRA comments.

Consistencies between Regions should be maintained, particularly with respect to responses to developers. The use of the guidance notes will help to achieve this aim. Consistency is desirable with LPAs, although in some respect this is less important as most LPAs only deal with a single Region, whereas developers may propose developments in several Regions.

There may be a need for a formal review system of responses to planning applications to assess for consistency and general quality control.

### **2.1.3 NRA and Government**

The NRA should lobby the Government to broaden the range of development types requiring statutory consultation with the NRA and continue to influence government planning policy guidance at a strategic level.

### **2.1.4 Other bodies**

Closer liaison with other bodies, e.g. English Nature on certain conservation issues, may provide a stronger case for the adoption of suggested environmental measures by LPAs and developers.

## **2.2 NRA internal procedures**

### **2.2.1 General**

Targeted levels of service should be reflected by adequate staffing levels.

The EA process within the NRA should not be too prescriptive - experienced staff may need to temper national guidance with local experience.

An advice sheet on sustainability and on the integration of Catchment Management Planning and EA within NRA should be prepared in order to provide consistent and helpful guidance for staff.

### **2.2.2 Use of guidance notes**

Wide use of the manual *Further Guidance on the Environmental Assessment of Projects* (Gulson 1995 and regular updates) should be encouraged, including thorough training.

Guidance notes for a broader range of development types should continue to be introduced as identified by the EA Steering Group.

Guidance notes should be in a format such that they may be issued as presentable standalone documents (e.g. with corporate logo etc.).

Guidance notes should be adequately cross referenced and also refer to other relevant key documents (e.g. NRA Pollution Prevention Guidance).

Guidance notes should be updated regularly to include recent developments in legislation and to reflect institutional changes. The legislative framework is subject to changes driven from both a European level, such as an expected revision to the Directive on EA and from a national level, e.g. revisions to Town and Country Planning Regulations. With respect to institutional changes, the Environment Agency will have wider responsibilities compared to the NRA, including controlling air pollution and contaminated land. Guidance notes issued by the Agency will need to reflect these responsibilities.

The manual containing guidance notes should be widely disseminated and well publicised internally.

Feedback on the use of the manual should be encouraged.

The links and consistency between standard comments and guidance notes should be examined.

More detailed guidance notes should be produced by expert groups on specific key development types (e.g. barrages), identifying recommended monitoring techniques and highlighting and detailing key impacts.

### **2.2.3 Use of review criteria**

The EA review criteria developed in this research and reported in Gulson (1995) and Gulson and Ashby-Crane (1995) should be utilised (along with guidance notes and other scoping material) to review assessments carried out in connection with projects of greater anticipated environmental significance. Their prescriptive use may not be welcomed by all staff.

Review criteria could be further developed (e.g. to include sustainability and Environmental Agency issues).

Ticklists for each development type could be developed but scoping guidance (e.g. NRA (1995) and Gulson (1995)) should adequately serve this purpose.

## **2.3 Training**

The current programme of training on EA within the NRA should be maintained to ensure a consistent baseline of knowledge and approach to EA, including the use of the manual.

There is a need for more specific training of planning staff with respect to environmental issues, and training of environmental staff with respect to planning. Training should also address the legal basis for NRA demands in responses to planning applications.

There may be a need for training on the integration of Catchment Management Planning with EA within the NRA.

Training on the NRA's interpretation of sustainability may be required.

Planning Liaison and other staff in regular contact with local authorities should be considered for training in negotiating/business relations skills.

Further training and updates should be implemented as appropriate, e.g. to brief Agency staff on the wider scope of environmental concerns to be taken into account.

## **2.4 Towards the Environment Agency**

The framework for EA within the Environment Agency should continue to be developed through discussions between representatives from constituent bodies (NRA, HMIP and waste regulation authorities). Best practice within the Environment Agency should be agreed at an early stage and be communicated effectively through adequate training and guidance.

## **2.5 Further research**

### **Further guidance notes**

Further guidance notes could be produced on relevant topics as they arise.

### **Monitoring/auditing of impacts**

Auditing of the environmental impacts of developments to assess whether predicted impacts actually occur should be carried out. Ideally, studies would be funded by the developers and agreed at the planning stage. Co-funding by the NRA could be considered for cases with wider implications, i.e. those with impacts that are likely to be similar in other unrelated developments.

A review of existing monitoring studies could be combined with a programme of targeted post-project monitoring studies for a number of schemes to assess the accuracy of impact predictions. Attempts could be made to identify, where possible, the sources of failure of impact predictions with a view to avoiding such failure in the future.

Impact studies could be examined to identify successful monitoring protocols and the need for method development where existing environmental monitoring techniques are inadequate for impact assessment.

The study could incorporate assessments of impacts **not** predicted at all in the environmental assessment process, where baseline information is available. Reasons for such effects being overlooked would be examined.

### **Efficacy of mitigation measures**

Not unrelated to the above, a programme of review/monitoring could be undertaken to examine the success of mitigation measures. As such, methods of best practice can be maintained.

### **Development of methods**

There may be scope for method development where existing environmental monitoring techniques are inadequate for impact assessment. The need for such methods may be identified in studies above (see Monitoring/auditing of impacts).

### **Risk Assessment**

Risk assessment may not be considered adequately in EA. That is, are there enough "what if" scenarios, with consideration of resultant water quality impacts. The combined risks would also need to be assessed. It may also be of value for the combined "pollution risk" associated with a catchment to be part of a Catchment Management Plan.

Methods of risk assessment with respect to pollution events could be developed for use in Environmental Appraisal and the techniques could be extended for use in Catchment Management Planning.

#### **Economic Appraisal**

The arguments put forward by the NRA about proposed developments usually relate to the quality of the environment. Techniques have recently been developed on the economic value of changes to water quality. Such methods could be developed to add an economic element to such responses, including a valuation of the existing situation and the economic loss of uses precluded by a development.

#### **Catchment Planning and EA**

The close integration of CMP and EA within NRA should be explored.

#### **Sustainability**

The NRA should define sustainability in the context of its responsibilities and particularly with respect to planning issues.

Practicable options to apply sustainability in EA should be explored.

#### **Strategic Environmental Assessment**

Research should be commissioned to explore how best the NRA and/or Environment Agency should respond to developments in Strategic Environmental Assessment (SEA), such as the introduction of an EC Directive on SEA.

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