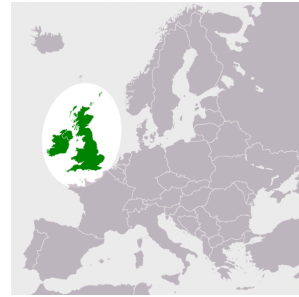


Branch of the

IAIA
International Association
for Impact Assessment



IMPACT ASSESSMENT UPDATE IRELAND-UK BRANCH OF IAIA:

**July 2010
Newsletter**

<http://www.iaia.org/affiliatesbranches/irelanduk-branch.aspx>

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- Oxford Brookes University CPD

1. INTRODUCTION

Dear Members,

Welcome to the IAIA Ireland-UK Branch Newsletter 'Impact Assessment Matters' for Summer 2010. This brings together recent news of legislation, guidance, consultations and events relating to impact assessment.

Since the December 2009 newsletter, emails have been sent to members on:

- **IAIA Geneva - Ireland & UK Branch Informal Gathering** (March 2010)
- **Call for papers for Journal of Environmental Assessment Policy and Management** (JEAPM) focusing on SEA, from Anna McLauchlan (March)
- **NICE proposes to improve public health through spatial planning**, from Martin Birley (March)
- **SEA and high level policy objectives** (1 day conference, University of Strathclyde), from Anna McLauchlan (April)
- **SEA: Implementation in Practice** (3-day training course by Collingwood Environmental Planning in association with Imperial College London School of Professional Development, June 2010), from William Sheate (May, June)
- **IAIA consultation on draft IAIA Guideline Standard for IA Professionals**, from Josh Fothergill (June 2010)
- **IAIA European Special Symposium: Climate Change and Impact Assessment: Aalborg, Denmark** (July 2010)

For the next Branch newsletter, please email any contributions to ie_uk@iaia.org, with 'IAIA Branch news' in the subject line.

You can also always circulate any more urgent items to all IAIA Branch members on the listserv by sending an email to ie_ukbranch@iaia.org.

IAIA Events:

IAIA European Special Symposium: Climate Change and Impact Assessment: Aalborg, Denmark, 25-26 October 2010

Call for presenters and delegates

- Are you a climate change, impact assessment (IA) or infrastructure professional who needs to know more about climate change adaptation or mitigation?
- Are you an environmental specialist trying to figure out how to address climate change predictions and risks in impact assessments?
- Do you need the advice and opinion of professionals who have done this?
- Can you contribute your advice and experience?

The European Special Symposium on Climate Change and Impact Assessment will deal with solutions and actions to adapt to and mitigate the impacts of climate change. It will involve important actors and stakeholders from all levels and sectors to help foster a fruitful dialogue and bridge gaps among climate change and impact assessment communities.

We invite you to join us for a two-day symposium bringing together international experts and practitioners in impact assessment and climate change. Together we will review the latest studies and work linking impact assessment and climate change. We will explore how we can advance collaborative work among experts in climate change and IA



professionals. And, we will highlight practical steps already taken and ways to move further. See: <http://www.iaia.org/iaia-climate-symposium-denmark/>

IAIA Special Symposium: Climate Change and Impact Assessment: Washington D.C., USA, 15-16 November 2010

The symposium will emphasize practical examples and guidance useful for project design and operational management of hydroelectric and other energy facilities, irrigation projects, water supply and waste water treatment projects, roads and other transport, coastal projects, tourism facilities and other infrastructure likely to be affected by changes in water availability or extreme weather events as a result of climate change. The symposium will also explore the application of strategic environmental assessment (SEA) and cumulative effects assessment (CEA).

See: <http://www.iaia.org/iaia-climate-symposium-dc/default.aspx>

IAIA Newsletters

The **January 2010** IAIA newsletter is available for members to login and download at www.iaia.org > login > Member Pages - Publications > Newsletters.

The Ireland-UK Branch of IAIA

For those based in Ireland and the UK, membership of IAIA comes with the added value of automatic membership of the **Ireland-UK Branch**. This regional Branch was created in 2005, with the aim of promoting interactions among and between professionals in the field and impact assessment researchers at leading Irish and UK universities.

The existence of the Branch provides further benefits to members, including:

- Additional networking opportunities at IAIA Branch events with reduced costs;
- Branch Newsletter with domestic impact assessment news, events listings and members' contributions;
- Opportunities to contribute to the promotion of impact assessment interests at national level;
- Branch webpage.

For more information on the Branch please see

<http://www.iaia.org/affiliatesbranches/irelanduk-branch.aspx>

An annual summary of Branch activities is also made at the meeting of Affiliates and Branches section during the IAIA annual conference, most recently at IAIA'10 in Geneva.

2. BRANCH NEWS

Geneva - how was it for you? A lighthearted report by Trevor Turpin

IAIA annual conferences – don't you just love em? I attended my first in 1987 and they don't get any easier! The programme was a minefield (and I walked into it!) concurrent sessions, thematic sessions – you don't know the difference? Well no wonder you're confused!

Geneva was delightful in the spring sunshine – although of course rather expensive. We found a good Indian restaurant and a pizza parlour where meals could be had for reasonable prices – it's a mystery to me how so many delegates can afford to attend conferences in such places! Next year the conference is in Puebla, Mexico which might be more affordable! A World Heritage City so looks good.

Say what you like, IAIA is always very friendly, although you do lose marks for not keeping up – my presentation was billed to be in 3 different rooms up to five minutes before the start, which caused some confusion – I ran around rounding up lost delegates and we managed to get a quorum in the end, although the chair dismissed such confusion as being a lack of understanding on our part (see minefield above!). I had signed up for a technical visit to a conference on the waste management plan for Geneva and a visit to a dam (I'm a sucker for dams so this was no contest!). The 'conference' was strange – we started by visiting a public recycling facility...and that was it! It was an impressive place – it was so clean that I thought it was a pilot or demonstration site but no, it was live. I really couldn't understand why we had to spend 3 hours there looking at recycling bins (alright, clean ones!) but in retrospect my recycling habits have changed by an order of magnitude since so it must've made a big impression! After lunch we had a boat trip down the Rhone to the Verbois dam and solar power plant with 6000 panels supplying electricity to 300 homes on a former brownfield site now managed for wildlife. Nice gesture but the dam provides 20% of Geneva's electricity and has been doing so for over 70 years. Say no more...

500 delegates of whom 70 were from China (there's a message there somewhere) and all giving papers or posters. It takes some organizing every year and I do wonder if sometimes so many papers are vehicles for students to present their research and maybe there should be a separate forum for such a plethora of papers – one session had 11 papers – even at the 10 minutes per paper (er, is that concurrent or thematic?) it just wasn't going to happen! Over 50 posters too and all of excellent quality (although I didn't feel that the one produced by a publicity department deserved its place!) The conference was billed as Transitioning to the Green Economy and I was amused to be given a Lego keyring to remind me to go the Climate Change conference in Aalborg. The keyring had come from China, made no doubt from recycled plastic that I saw at the recycling centre sent to China and then sent back as Lego to remind us all about climate change...doh! See you in Mexico – now how do I get there without flying?

Trevor Turpin, Nicholas Person Associates

IEMA @ IAIA'10

Josh Fothergill, Chair of the Branch and IEMA's Environmental Assessment lead attended the IAIA'10 in Geneva. He presented on IEMA's planned EIA and Climate Change activities for 2010 (see 'Impact Assessment News' below). Two posters were also presented that presented elements of the 2008 Practitioner on Environmental Management Plans and the Institute's activities related to influencing the development of the new planning system for Nationally Significant Infrastructure Projects. You can download the posters the following links:

www.iema.net/download/tools/guides/IEMA_EMP_Poster.pdf

www.iema.net/download/tools/guides/IEMA_NSIP_Poster.pdf

Presentations from Branch event: Climate Change and Impact Assessment, 2009

The Ireland & UK Branch of the IAIA held a joint event with the Met Office on the 8th October 2009 to look at how climate change adaptation is currently considered in IA and how this could be improved in the future. All the presentations from this conference are now available to download from: <http://www.iaia.org/affiliatesbranches/irelanduk-branch.aspx>

Report of event: EIA Workshop, Bath

On 11 February 2010 a meeting of UK EIA experts was held in Bath, England, to discuss effectiveness in EIA with the outputs contributing to the IAIA's international study into effectiveness across environmental assessment processes. The Forum was the brain child of Trevor Turpin (Nicholas Pearson Associates), who is leading the EIA component of the study, and aimed to identify and discuss potential solutions to problems that exist with current EIA practice. The Forum built upon a series of 10 EIA Effectiveness workshops that IEMA organised during the summer of 2009 to contribute to the IAIA's research.

All the presentations from this conference will shortly be available to download from:

<http://www.iaia.org/affiliatesbranches/irelanduk-branch.aspx>

Call for Future Branch Events

If you have any ideas (themes, locations, speakers) for possible future Branch events, or would like to consider hosting or collaborating on an event, we would like to hear from you. Please email ie_uk@iaia.org.

Members survey update

A members survey is being finalised and will be circulated to members later in 2010, to help the Branch organising committee understand what members want from your Branch.

Recent publications

The following recent publications have been authored or led by IAIA Ireland-UK Branch members, or are otherwise likely to be of particular interest to Branch members:

- Barrow, C.J., 2010. **How is environmental conflict addressed by SIA?** *Environmental Impact Assessment Review* [Volume 30, Issue 5](#), September 2010, pages 293-301.

- Bond, A.J., A. Morrison-Saunders, 2009. **Sustainability appraisal: jack of all trades, master of none?** *Impact Assessment and Project Appraisal*, [Volume 27, Number 4](#), pages 321-329.
- Chilaka, M.A., 2010. **Vital statistics relating to the practice of Health Impact Assessment (HIA) in the United Kingdom.** *Environmental Impact Assessment Review* [Volume 30, Issue 2](#), February, pages 116-119.
- D'Auria, L., M. Cinnéide, 2009. **Integrating strategic environmental assessment into the review process of a development plan in Ireland.** *Impact Assessment and Project Appraisal*, [Volume 27, Number 4](#), pages 309-319.
- Fischer, T.B., Matuzzi, M. and J. Nowacki, 2010. **The consideration of health in Strategic Environmental Assessment.** [Volume 30, Issue 3](#), April 2010, pages 200-210.
- Glasson, J., G. Wood, 2009. **Urban regeneration and impact assessment for social sustainability.** *Impact Assessment and Project Appraisal*, [Volume 27, Number 4](#), December 2009, pages 283-290.
- Mindell J., Biddulph, J., Taylor, L., Lock, K., Boaz, A., Joffe, M., and S. Curtis, 2010. **Development of a Guide to reviewing published evidence for use in Health Impact Assessment.** *Bull World Health Org.* 2010; 88:543-50.
- Mindell, J., Bowen, C., Herriott, N., Findlay, G., and S. Atkinson, 2010. **Institutionalising Health Impact Assessment in London as a public health tool for increasing synergy between policies in other areas.** *Public Health.* 2010; 124:107-14.
- Morrison-Saunders, A. and B. Sadler, 2010. **The art and science of impact assessment: results of a survey of IAIA members.** *Impact Assessment and Project Appraisal*, [Volume 28, Number 1](#), March 2010, pages 77-82.
- Phillips, C., McCarthy, C., and R Barrowcliffe, 2010. **Methods for quantitative health impact assessment of an airport and waste incinerator: two case studies.** *Impact Assessment and Project Appraisal*, [Volume 28, Number 1](#), March 2010, pages 69-75.
- Pinho, P., McCallum, S. and S.S. Cruz, 2010. **A critical appraisal of EIA screening practice in EU Member States.** *Impact Assessment and Project Appraisal*, [Volume 28 Number 2](#), June 2010, pages 91-107.
- Sheate, W.R. and M. R. Partidário, 2010. **Strategic approaches and assessment techniques—Potential for knowledge brokerage towards sustainability.** *Environmental Impact Assessment Review* [Volume 30, Issue 4](#), July 2010, pages 278-288.
- Theophilou, V., Bond, A. and M. Cashmore, 2010. **Application of the SEA Directive to EU structural funds: Perspectives on effectiveness.** *Environmental Impact Assessment Review* [Volume 30, Issue 2](#), February, pages 136-144.
- Walker, G., 2010. **Environmental justice, impact assessment and the politics of knowledge: The implications of assessing the social distribution of environmental outcomes.** *Environmental Impact Assessment Review* [Volume 30, Issue 5](#), September 2010, pages 312-318.

3. IMPACT ASSESSMENT NEWS

1. EU asks for views on revamping EIA

Related to other articles in this newsletter, in June 2010 the European Commission launched a wide public consultation in relation to its review of the Environmental Impact Assessment (EIA) Directive, via an online survey being conducted up to **24th September 2010**. The objective of this public consultation is to collect opinions from individuals, organisations and public authorities on:

- the overall view on the functioning and effectiveness of the EIA Directive;
- the need to amend the EIA Directive;
- the possible policy options for review;
- the areas to be improved / amended.

Adopted 25 years ago, the Commission recognises that the EIA Directive should be updated to reflect changes in EU legislation and policy and case law of the European Court of Justice. The Commission has identified several areas where further improvements are needed. The review should culminate in a new text that will also encompass new policy developments (e.g. in the sectors of climate change, energy and biodiversity) and implementation experiences. The revision will also streamline existing assessment procedures to the extent possible.

The consultation seeks views on issues, such as the screening of projects for EIA (in view of considerable differences among Member States), the quality of the EIA process (e.g. data used in the EIA, assessment of alternatives), the harmonisation of assessment requirements among Member States, transboundary difficulties when activities affect more than one Member State, the role to be played by the environmental authorities, and development of synergies with other EU environmental legislation and policies, such as climate change, resource efficiency and biodiversity, which are not sufficiently covered by the Directive in its current form.

The internet consultation will assist the European Commission in the decision-making process, together with other sources (e.g. experience of the Commission, advice of a group of national experts and findings of relevant studies to be conducted) when considering options for the review of the EIA Directive.

See: Online survey: <http://ec.europa.eu/environment/consultations/eia.htm> and Press release:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/901&format=HTML&aged=0&language=EN&guiLanguage=en>

Should you wish to assist the Branch in forming a response, please contact Josh Fothergill, Chair of the Branch, at ie_uk@iaia.org

2. Kiev SEA Protocol comes into force*¹

The UNECE SEA Protocol (the Kiev Protocol) will come into force on 11 July 2010. It requires those countries that signed the protocol, including the UK, to evaluate the environmental consequences of official plans and programmes, also requiring extensive public participation in the decision-making process.

The Protocol was ratified by four more signatory countries this spring and as a consequence it will now come into force in all signatory countries, including the UK and Ireland, on 11th July 2011. The obvious question being - *What does this mean?*

It is understood that the official view from the EU is that the SEA Directive already complies with the Kiev Protocol and as such no amendments will be required, and that this view would appear to be shared by the CLG in relation to the SEA Regulations in England. However, from reading over the Protocol there do seem to be areas where its text goes further than that of the SEA Directive. A number of these areas are highlighted below:

1. The Protocol makes reference to *Natural Sites* and *Climate* within its definition of an environment assessment, beyond the wording of Directive 2001/42/EC.
2. Screening criteria appear to provide greater definition on the phrase *sets the framework for development consent*, indicating in Annex 3 of the Protocol:
"2. *The degree to which the plan or programme sets a framework for projects and other activities, either with regard to location, nature, size and operating conditions or by allocating resources.*"
3. Public consultation requirements related to screening and scoping? The Articles related to screening and scoping indicate:
"To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned ... in the screening of plans and programmes under this article" [Screening] and "...when determining the relevant information to be included in the environmental report" [Scoping].
Additional requirements may also exist in Article 8, on public participation, where the Protocol includes the need for *timely* consultation alongside the SEA Directive's existing need for early and effective opportunities for public participation. Further, the Protocol mirrors the Aarhus Convention's requirement that public participation is undertaken *when all options are open*, another area that appears to go beyond the SEA Directive.
4. The Protocol also appears to set a clear requirement for countries to designate official consultees body / authority status to an authority with health responsibilities. In the UK this is perhaps the most eagerly awaited aspect of the Kiev Protocol and practitioners anticipated this would lead to a change in the Regulations to designate and official health consultation body alongside bodies, such as the Environment Agency, SEPA and CCW.

There are also other differences between the text of the Protocol and the SEA Directive / Regulations. See: http://www.unece.org/env/eia/sea_protocol.htm

¹ Articles marked '*' have previously appeared in IEMA publications. A Memo of Understanding between IAIA and IEMA dated August 2009 promotes sharing of information – see December 2009's Branch news.

3. EC warns Ireland and UK on environmental justice and EIA

In March 2010, the European Commission issued final warnings to Governments of both the Republic of Ireland and the UK over the prohibitive costs of launching legal challenges to decisions affecting the environment. Several pieces of European law, including the Environmental Impact Assessment (EIA) and integrated pollution prevention and control (IPPC) Directives, aim to boost public awareness of environmental matters in Member States and ensure increased transparency. As such, citizens have a right to know about the potential impact projects may have on the environment, and a right to challenge such decisions. European law explicitly states that such challenges must not be prohibitively expensive. The Commission is concerned that in both the Republic of Ireland and United Kingdom, legal proceedings can prove too costly, and that the potential financial consequences of losing challenges is preventing NGOs and individuals from bringing cases against public bodies. The recent warning follows previous warnings in 2007.

Also, the Commission has given a final warning to the Irish Government in two EIA cases. The first concerns Ireland's failure to ensure that work on projects that might require EIA does not start before the necessary checks or studies are carried out. The second case relates to a Court ruling in November 2008 which found that the thresholds for undertaking an EIA for certain types of projects, including the restructuring of rural landholdings and water management projects for irrigation or land drainage, were too high, which allowed losses of wetlands and other habitats and loss of archaeological remains without any EIAs being required.

See: UK:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/312&format=HTML&ag ed=0&language=EN&guiLanguage=en>

Ireland:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/313&format=HTML&ag ed=0&language=EN&guiLanguage=en>

4. EC warns Ireland on WFD

In June 2010, the European Commission issued a first warning to 12 member states, including Ireland, for failing to submit their River Basin Management Plans as required under the Water Framework Directive (WFD), to the EC. However, on this occasion some comfort is derived from the fact that (unlike 9 other Member States) Ireland has prepared its 9 Plans and subjected them to SEA. See: <http://enviroireland.com/?p=209> and <http://www.irishtimes.com/newspaper/ireland/2010/0715/1224274738892.html>

John Fry, University College Dublin

5. European Court rules SEA Directive covers Nitrate Plans

In June 2010, the European Court of Justice has ruled on the application of the SEA Directive to the Nitrate Action Programmes for the reduction of nitrate pollution from agriculture, that are prepared by Member States in relation to Nitrate Vulnerable Zones designated under the EC Nitrates Directive (91/676/EEC). Farmers located within NVZs must comply with a series of measures described in the relevant Action Programmes to prevent and reduce nitrogen pollution of waters from agricultural sources.

The Court gave a preliminary ruling that Nitrate Action Programmes adopted under the Nitrates Directive constitute a 'plan' or 'programme' within the meaning of the SEA Directive, and contain measures, compliance with which is a requirement for issue of the consent that may be granted for carrying out projects that fall within the scope of the EIA Directive. Therefore the Court finds that such Action Programmes fall within the scope of the SEA Directive. The implications for domestic legislation are not yet clear but may lead to an expansion of the scope of SEA regulations. See: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62009J0105:EN:HTML>

6. EU Committee opinion on improving EIA and SEA Directives*

In April 2010, the EU's Committee of the Regions (CoR) published its Opinion on Improving the EIA and SEA Directives. CoR was established in 1994 to allow local and regional authority representation in EU policy-making, which is important as around 75 per cent of EU legislation is implemented via such authorities. CoR cannot dictate changes in legislation, but the Lisbon Treaty gave it the power to question the Commission, Parliament or Council if they fail to take on board its viewpoint. As such CoR's opinion on EIA and SEA is an indicator of potential future changes to the Directives.

CoR recommends a number of improvements to EIA, including:

- simplifying and clarifying the screening process by providing greater detail on selection criteria in Annex III, such as establishing thresholds, criteria and triggers;
- making scoping mandatory to determine the content and extent of the EIA;
- ensuring public consultation begins as early as possible, e.g. during screening or scoping;
- creating a transparent accreditation process for consultants; and
- making assessment of alternative solutions, and monitoring of significant effects and effectiveness of mitigation measures obligatory.

The opinion also calls for improved links to the Habitats Directive and Biodiversity Action Plans as well as echoing the European Commission's own findings, on the need for greater consideration of Climate Change in EIA.

CoR's document also identifies a number of recommendations for improving SEA; however, it is less clear whether this Directive will be amended as the Commission's 2009 report set out no plans for revisions at this time. CoR's recommendations for improved SEA included:

- greater definition of the application of the Directive and content of the Environmental Report;
- providing a specific definition of reasonable alternatives; and
- a call for obligatory monitoring;
- strongly encouraging enhanced capacity building in terms of the training of SEA experts and the production of additional guidance.

The CoR report can be found here; <http://ec.europa.eu/environment/eia/> under EIA or *SEA Guidance and Research*.

This follows the EU's DG Environment's 5-year reviews and reports on the application and effectiveness of the EIA and SEA Directives in 2009 (see December 2009 Branch news).

7. Scottish consultation on EIA Regulations

The Scottish Government has published its proposals for consolidating and updating Part II of the Environmental Impact Assessment (Scotland) Regulations 1999, the regulations which apply the EIA Directive to the Scottish planning system. The **closing date** for responses is **27th August 2010**.

It is 10 years since the 1999 EIA regulations came into force and they have been amended substantially, both to take account of case law, and more recently changes to the planning system itself. It is the Scottish Government's intention to consolidate the regulations to make them more accessible. In consolidating the regulations, the Scottish Government is also proposing to take the opportunity to make a limited number of additional changes to take account of the latest case law, and to generally update the regulations. Key changes proposed include:

- **Changes or extensions to existing development:** Any applicable schedule 2 threshold to apply to the development as a whole once modified, and not just to the change or extension. Plus a new requirement that all changes or extensions to schedule 1 projects, where these are not schedule 1 developments in their own right, must be screened as to the need for EIA.
- **Reasons for negative screening decisions:** new provision to clarify the requirement that, where Scottish Ministers or a planning authority issue a negative screening decision, they shall make available on request the reasons for that conclusion.
- **Multi-stage consents:** (following amendments made in 2007 to apply EIA to reserved matters applications (now applications for approval of conditions to a planning permission in principle)) to apply EIA to other types of multi-stage consents under the Town and Country Planning (Scotland) Act 1997, as amended.
- **Miscellaneous amendments:** a small number of further, miscellaneous changes, to generally update the regulations or to address issues raised previously which concern the day to day operation of the planning EIA regime. Key changes are set out in subsequent sections of this consultation paper. In consolidating the regulations we will also take the opportunity to address any minor drafting issues arising.

The consultation paper can be viewed online on the Scottish Government's website: <http://scotland.gov.uk/Publications/2010/05/20153045/0>

8. EIA case law: Courts find limits to scope of the EIA Directive

Two recent EIA court cases have found that there are limits to the scope of projects that should be subject to the requirements of the Environmental Impact Assessment (EIA) Directive. The first case (*R on the application of Condrion v Merthyr Tydfil County Borough Council and others* (Court of Appeal (Civil Division) [2010] EWCA Civ 534, 20 May 2010) concerned four planning permissions for the development, refurbishment and continued use of facilities for receiving, processing and exporting coal at Cwmbargoed Disposal Point, near Merthyr Tydfil, South Wales, adjacent to the largest opencast coal site in the UK, Ffos y Fran. The Court of Appeal found that the process to be carried out, (the washing and preparation of coal for distribution), should not be considered to be either an 'extractive industry' project or 'urban development' project, and that the descriptions of projects listed in Annex 2 to the EIA Directive should not be extended in meaning to cover it.

A second case, *R on the application of Save Britain's Heritage, Secretary of State for Communities and Local Government and Lancaster City Council* (Administrative Court,

High Court [2010] EWHC 979, 14 May 2010) concerned the proposed demolition of an empty and redundant building that was formerly used as a brewery, where objectors argued the demolition was a 'project' within the meaning of the EIA Directive and should be subject to EIA. The Court found however that the proposed demolition could not be treated as falling within any of the classes of project specified in the annexes to the EIA Directive.

However, the issue of whether the EIA Directive is capable of applying to demolition works was noted as likely to be resolved in a case being brought by the European Commission against Ireland where the commission argues that the directive applies to demolition works, subject to certain conditions (C-50/09). The case was heard in June 2010, but the judgment is still awaited at the time of writing.

The full texts of both judgments can be found at: <http://www.bailii.org/>
Richard Macrory's legal commentary for the ENDS Report can be found at:
<http://www.endsreport.com/23894/richard-macrorys-legal-commentary-putting-the-brakes-on-environmental-impact-assessment>

9. EIA case law: Court quashes airport plans due to ineffective EIA*

In May 2010, in the case of *R v Carlisle City Council & Stobart Air Ltd.*, the granting of planning permission for a freight distribution centre at Carlisle airport was found to be unlawful because there was a failure to comply with the Town & Country Planning (EIA) (England and Wales) Regulations 1999 (as amended). The case found that the Environmental Statement (ES) accompanying the planning application did not address the impact of other proposed works at the airport.

The applicant had originally submitted an application and accompanying ES related to a number of developments at the airport, including: a freight distribution centre, runway improvements and construction of a new passenger terminal. When this original application was called in by the Secretary of State the applicant withdrew it and split the project into the freight distribution centre, which required planning permission, and the airside works, which could be undertaken as permitted development. The ES submitted alongside this second application only considered the impacts related to the freight distribution centre. The court found that the freight distribution centre was linked to the other planned development at the airport and as such the ES was considered to be inadequate as it had failed to assess the cumulative impacts to the environment of all components of the development.

See <http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWCA/Civ/2010/523.html&query=Stobart&method=boolean>

10. EIA case law: Court finds polytunnels are subject to EIA Directive

A campaign group has won a High Court challenge against planning permission for up to 54 hectares of polytunnels in the Wye Valley Area of Outstanding Natural Beauty, after the court found that the local planning authority had failed to consider whether the project would have significant effects on the environment and, therefore, whether or not it required EIA. In *R on the application of Wye Valley Action Group v Hereford Council and EC Drummond & Son* (Administrative Court, High Court 18 December 2009 [2009] EWHC 3428), the Administrative Court held that polytunnels used for agricultural purposes may be subject to EIA, and quashed the permission.

The Council granted planning permission for the polytunnels in 2009, and had decided that the project did not fall under schedule 2 of the EIA regulations. The relevant category of projects in schedule 2 was 'projects for the use or uncultivated land or semi-natural areas for intensive agricultural purposes'. The Council considered the land in question was already under cultivation and therefore could not be defined as a semi-natural area. The court disagreed and found that the definition of semi-natural areas should include areas where there is some cultivation but where the natural qualities are still evident in the environmental capital of the area.

See: <http://www.bailii.org/ew/cases/EWHC/Admin/2009/3428.html>

Herefordshire Council has recently announced that it will defend its decision to give the project planning permission, in the Court of Appeal in November, and the National Farmers Union has also announced it will be supporting the Council in the appeal – see <http://www.planningresource.co.uk/bulletins/Development-Control-Bulletin/News/1014639/Wye-consent-challenge-set/?DCMP=EMC-DevelopmentControlBulletin>

11. EIA case law: sufficient information required for Screening

In March 2010, the Administrative Court in Manchester quashed a planning permission for the Duke of Northumberland's plans to redevelop Prudhoe town centre. The court found that the applicant's letter requesting the screening opinion failed to describe the possible environmental effects, and amounted to no more than an assertion that in the applicants opinion EIA was not warranted, coupled with a series of promises of further work to be done in the future. The local planning authority did not request further information to inform their screening opinion. As a result, the authority did not have sufficient information about the project to be able to make an informed judgment about whether it is likely to have a significant effect on the environment to give a screening opinion under the EIA regulations. The planning permission was quashed. This case highlights the need for all EIA screening decisions to be based on sufficient information in order to be legally robust.

See: <http://www.bailii.org/ew/cases/EWHC/Admin/2010/373.html> and <http://prudhoe.journallive.co.uk/2010/03/prudhoe-town-centre-plans-dera.html>

12. EIA Screening: Considering forthcoming developments*

In March 2010 proposals for an eco-holiday park received an objection from the developer of a proposed wind farm. The objector indicated that they believed the eco-holiday park should have undergone EIA, including an assessment of its impact on the proposed 36MW wind farm, currently awaiting a Government decision on its consent. Initially the local authority indicated that the wind farm developers request for an EIA was "*unreasonable*" as the wind farm had not yet received planning permission. However, when the Planning Committee next met, the eco-holiday park had been pulled from the agenda and it now appears that an EIA will be required. This apparent reversal of opinion may have been influenced by the Prudhoe ruling above.

See: <http://www.journallive.co.uk/north-east-news/todays-news/2010/03/13/eco-friendly-holiday-park-decision-delayed-61634-26022828/>

13. Habitats Directive case law: disturbance to protected species

In *R on the application of Morge v Hampshire County Council* (Court of Appeal (Civil Division) [2010] EWCA Civ 608 10 June 2010), the UK's Court of Appeal has given an important judgment on key provisions of the Habitats Directive in relation to the disturbance of European protected species by a development. The court judgment can be found at: <http://www.bailii.org/ew/cases/EWCA/Civ/2010/608.html>

14. Consolidated Habitats Regulations for Britain

New regulations have been issued which consolidate and replace all existing Conservation (Habitats &c.) Regulations (which implement the Habitats Directive) and their amendments, in England, Wales and partly in Scotland:

- The Conservation of Habitats and Species Regulations 2010 (SI 2010 No. 490): <http://www.opsi.gov.uk/si/si201004>

Revisions have also been made to UK habitats regulations for offshore developments:

- Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010: <http://www.opsi.gov.uk/si/si201015>
- The Offshore Marine Conservation (Natural Habitats, &c.) (Amendment) Regulations 2010: <http://www.opsi.gov.uk/si/si201004>

15. Towards more effective use of SEA and Sustainability Appraisal

In March 2010, the UK's Department for Communities, Local Government and the Regions (CLG) published an independent research report 'Towards a more efficient and effective use of SEA and Sustainability Appraisal', in England, by consultants Scott Wilson. CLG have also published a response to the report's recommendations.

The research established that planning authorities and appraisal experts find SA/SEA useful in identifying and mitigating potential problems and improving the sustainability of plans, but it could be more efficient. The report includes 13 recommendations for improvements. The main themes are: better integration between plan-making and SA/SEA, including evidence collection and monitoring; a more practical focus on the particular circumstances of each plan, options and the existing baseline; and improved public and stakeholder engagement. CLG accepts the recommendations, subject to reservations on two points. See following link for the report and CLG response:

<http://www.communities.gov.uk/publications/planningandbuilding/towardsmoreefficient>

16. Ireland to amend planning laws, close EIA loopholes

The Irish Minister of the Environment, Heritage and Local Government John Gormley has initiated a planning review linked to the new *Planning and Development (Amendment) Bill* which is currently before the Houses of the Oireachtas (Irish parliament); see: <http://www.environ.ie/en/DevelopmentandHousing/PlanningDevelopment/Planning/New/s/MainBody,23229,en.htm>.

The Planning Bill is comprehensive and includes provisions to deal with quarries, Appropriate Assessment and the introduction of substitute consent procedures arising from the European Union Court of Justice ruling relating to retention permission; see: <http://www.irishplanninginstitute.ie/ipi/news-article/planning-bill-amendments-a-missed-opportunity-say-planners/>

The Act's provisions regarding quarries are to close loopholes in relation to an earlier requirement for retrospective EIA for projects that were historically exempt from planning control due to having predated the 1963 Planning Act.

John Fry, University College Dublin

17. An increased role for IA in development of UK Government policy*

The UK's Department for Business, Innovation and Skills (BIS) indicated that Impact Assessments (IA), undertaken when amending existing or bringing in new regulation, will play a more significant role in the future. Commenting on the "Assessing the Impact of Proposed New Policies" report from the National Audit Office (NAO), published in July 2010, Business minister Mark Prisk said: *"The findings of this report highlight the pressing need for a change of mindset in Government when it comes to regulation and this is something we're determined to achieve. The new Reducing Regulation Committee will expect to see all other policy options considered before more red tape is introduced. From now on regulation must be the last resort. Impact assessments will now play a greater role in the policy making process, and will be required to provide robust and convincing evidence that any new laws and regulations being proposed are beneficial to the country, helping to promote growth and enterprise."*

The NAO's report stated 'Impact Assessments, used to assess the need for and the likely impact of proposed government policy interventions, do not yet consistently provide a sound basis for assessing the merits of different policy proposals. Further improvement in the quality and use of Impact Assessments is needed to achieve value for money.'

See: http://www.nao.org.uk/publications/1011/impact_assessments.aspx and <http://www.guardianpublic.co.uk/nao-impact-assessments-prisk>

18. Costs and benefits of EIA*

The UK's CLG are undertaking research into the cost and benefits of EIA in the UK planning system. The findings from the study will feed the European Commission (EC) research exploring different ways of updating the EIA Directive. On the 24th February 2010 the CLG's consultants (Addison Associates and Arup) held a workshop to gather views from EIA practitioners, planners, developers and statutory consultees. As part of the study a number of EIA case studies will be examined in detail to understand the costs and benefits generated during pre-application, application and post-consent.

19. SEA for English and Welsh marine energy

In March 2010, the UK's Department of Energy and Climate Change (DECC) released a Scoping Report for the Strategic Environmental Assessment (SEA) of future leasing and licensing of wave and tidal energy projects off English and Welsh shores, as part of the UK Offshore Energy SEA (OESEA) programme.

Previously as part of this programme, an Environmental Report was issued in January 2009 which considered the environmental implications of a draft plan/programme to enable further seaward rounds of oil and gas licensing, including gas storage in UK waters; and further rounds of offshore wind farm leasing in the UK Renewable Energy Zone and the territorial waters of England and Wales to a depth of 60m. A Post Consultation Report was issued in June 2009, followed by UK Government decisions on the offshore wind element in the form of the policy document, "A Prevailing Wind:

Advancing UK Offshore Wind Deployment”; and on the hydrocarbon licensing with the announcement a 26th Seaward Round.

During 2010, DECC proposed to update and extend the scope of the Environmental Report and issue it for consultation to enable further licensing/leasing for offshore energy (oil and gas, gas storage including carbon capture and storage (CCS) and marine renewables). To distinguish it from the 2009 Environmental Report, the updated and extended ER will be referred to as OESEA2.

The OESEA2 Scoping Report and 2009 reports are found here: <http://www.offshore-sea.org.uk/site/index.php>

20. New SEA guidance in Scotland*

In March 2010 the Scottish Government launched two new pieces of SEA guidance, the first on Climate Change and the second setting out advice on SEA within their strategic and local development plan system. Alongside this it was announced that the SEA database, which allows access to every SEA report completed in Scotland, is back up and running after a short period where it was taken offline due to technical reasons.

The guidance document: **Consideration of Climatic Factors within Strategic Environmental Assessment** can be downloaded from:

<http://www.scotland.gov.uk/Publications/2010/03/18102927/0>

Advice to those undertaking SEA of strategic and local development plans is now available in Planning Advice Note (PAN) 1/20: **Strategic Environmental Assessment of Development Plans**:

<http://www.scotland.gov.uk/Publications/2010/03/18102824/0>

Finally if you want to access screening, scoping or environmental reports from Scotland visit the SEA database at:

<http://www.scotland.gov.uk/Topics/Environment/SustainableDevelopment/14587/Datab ase>

21. Scotland’s National SEA Forum*

In autumn 2009 the Scottish Government held a workshop to discuss the creation of an SEA Forum in Scotland (see December 2009 Branch news). The initial meeting of the National SEA Forum was at Victoria Quay on the 3rd November with workshops discussing the format and function of the Forum and the activities it plans to undertake. On the day the Scottish Government confirmed their plans to commence reviewing the Scottish SEA Toolkit during 2010.

The National SEA Forum met again in May 2010, with presentations and discussions on SEA effectiveness, SEA and climate change and adaptation with an introduction to Scotland’s SEA and climate change guidance (see below). The next meeting will be on **3rd November 2010** and will focus on SEA and public consultation. See National SEA Forum webpage:

<http://www.scotland.gov.uk/Topics/Environment/SustainableDevelopment/14587/Forum>

22. English Heritage launches SEA Guidance*

In March 2010, English Heritage has launched its guidance on considering the historic environment in SEA and SA, for development plan documents and other relevant plans. The guidance states that the overall aim of the SEA and SA process is to provide a high level of protection for the historic environment, to avoid or minimise any adverse effects, to maximise potential benefits and to ensure that appropriate mitigation, enhancement and monitoring is identified for delivery at the implementation stage. EH advises that local authority conservation and archaeological staff be involved in such appraisals as they are best placed to provide information and advice.

See: <http://www.helm.org.uk/> and
<http://www.helm.org.uk/upload/pdf/Strat-env-ass.pdf?1269834925>

23. Planning guidance on conservation of the historic environment

In March 2010, the previous UK Government issued Planning Policy Statement 5: Planning for the Historic Environment (PPS5) which set out the Government's planning policies on the conservation of the historic environment. This replaced Planning Policy Guidance 15: Planning and the Historic Environment (PPG15) and PPG16: Archaeology and Planning. PPS5 is also supported by a Practice Guide. The PPS includes policies that relate to the evidence base and approach to assessing the impact of development on the historic environment and opportunities for conservation and enhancement in plan making and decision making on projects. The new guidance emphasises the need to fully assess and understand the significance of any heritage assets and their setting and the impacts of development, including by undertaking desk-based research and where necessary, evaluative field work, prior to submitting proposals for development.

See: <http://www.communities.gov.uk/publications/planningandbuilding/pps5>

It should be noted that the new UK coalition Government is due to publish consolidated new planning guidance at national level in the form of a National Planning Framework, which will result in the existing PPSs and PPGs being withdrawn.

24. Economic baseline information for Sustainability Appraisal*

Sustainability Appraisal (SA) is a key form of environmental assessment in England and Wales, with economics being a central theme within SA. Practitioners often struggle to find relevant economic and social baseline information. The UK's CLG has gone some way to meet this need in the newly published Planning Policy Statement 4 – *Planning for Sustainable Economic Growth*. Annex C of this PPS is entitled *Compiling the Evidence Base* and will certainly be useful for those undertaking SA of Integrated Regional Strategies and DPDs.

The annex may also prove useful for anyone undertaking an SEA, SA or Appraisal of Sustainability (AoS). Those undertaking SEA are likely to find the guidance helpful in relation to effects on *Population*; however practitioners must always consider the relevance of the baseline information they are directed to by such guidance. PPS 4 can be downloaded from:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement4.pdf>

25. Infrastructure Planning Commission news, appoints Branch members as Commissioners

In March 2010 the UK's Infrastructure Planning Commission (IPC) came into full operation and could start to accept applications for Nationally Significant Infrastructure Projects that fall within the IPC's current remit (largely in England) as defined under the Planning Act 2008.

The IPC's project tracker provides a useful insight into the applications they expect to receive, the programme for acceptance and examination, and includes EIA screening and scoping reports and opinions for each project, where available. At the time of writing the IPC are engaged with 43 projects.

See: http://infrastructure.independent.gov.uk/?page_id=202

In April 2010, the IPC published advice notes concerning the IPC's role in **Consultation during the Scoping process for EIA** for nationally significant infrastructure projects (NSIPs) (under the Infrastructure Planning (EIA) Regulations), and on the preparation of Local Impact Reports by local authorities.

See: http://infrastructure.independent.gov.uk/?page_id=2150.

Three Ireland-UK IAIA Branch members have recently been appointed as Commissioners to the IPC: Martin Broderick (Branch committee member), Professor John Glasson, and Riki Therivel! Commissioners will have a key role in considering proposals for nationally significant infrastructure projects in England and Wales.



Martin



Riki



John

See: http://infrastructure.independent.gov.uk/?page_id=2002 and http://infrastructure.independent.gov.uk/?page_id=337

In June 2010, the UK's Coalition Government confirmed it is abolishing the IPC, but bringing its functions under the Planning Inspectorate in a 'major infrastructure planning unit', in order to retain the process for NSIPs, through new legislation to be introduced. The IPC and unit that replaces it will not determine applications for development consent order, but instead will make recommendations to the Secretary of State. Until its abolition, the IPC would continue to accept applications and could decide applications if there is a relevant National Policy Statement (NPS) in place. NPSs will also now need to be approved by Parliament. Draft NPSs for Energy and Ports were subject to consultation in 2009 (see Dec'09 Branch news). The draft NPSs for energy will be subject to a re-consultation in autumn 2010 due to changes made to the Appraisal of Sustainability for the Overarching Energy NPS. The energy NPSs are due to be presented to Parliament for ratification in spring 2011. See

http://www.decc.gov.uk/en/content/cms/news/pn10_083/pn10_083.aspx

26. Abolition of regional planning for England

On 6 July 2010, the Secretary of State for Communities announced the revocation of the Regional Spatial Strategies (RSS) for England with immediate effect. This removes the strategic tier of the 'development plan' between national (Planning Policy Statements and Guidance (PPSs, PPGs)) and local level (Local Development Frameworks (LDFs) and saved or extant Local Plan policies). The new coalition Government has made it clear that they view regional planning as unnecessary. Local planning authorities are urged to 'continue to develop LDF core strategies and other development plan documents (DPDs) to reflect local people's aspirations and decisions on important issues such as climate change, housing and economic development' and to undertake reviews of any changes required to their local plans (as a result of the revocation of RSS) as soon as possible. See <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1631904.pdf>

RSS have previously been subject to much work on both Strategic Environmental Assessment (SEA) and Habitats Regulations/Directive Assessment (HRA) and as a result RSS contain policies of relevance to impact assessments for local planning and projects. Previously, the adopted RSS for the East of England had been successfully challenged and quashed in court due to its failure to comply with the SEA Directive in relation to alternatives, and other RSS were subsequently delayed as a result (see July 2009 Branch news).

27. IEMA launch Climate Change Mitigation & EIA Principles*

The IEMA have launched its Principles on Climate Change Mitigation & EIA, and a new webpage dedicated to information relevant to climate change and EIA.

<http://www.iema.net/eia-cc>

The webpage includes not only the Institute's over-arching Principles on Climate Change Mitigation & EIA, but also information about:

- How you can get involved – by producing case studies or helping to develop advice notes
- Other guidance relevant to aspects of climate change assessment in EIA
- Forthcoming events relevant to climate change and EIA, and
- Links to wider information on the consideration of climate change from SEA through to an operational EMS.

IEMA is also currently developing draft *Principles on Climate Change Adaptation & EIA*, which will be consulted upon over the summer. The *Principles* will help direct those working in EIA, but the Institute will go beyond this providing practitioners with examples and focussed guidance notes on specific issues related to mitigation and adaptation in EIA. IEMA is therefore seeking case studies of the practical consideration of either climate change mitigation or adaptation within EIA. We will gather examples of particular aspects of EIA practice, such as carbon calculators as well how EIA can link with other assessment related to climate change, such as BREEAM or Flood Risk Assessments. **If you are interested submitting a case study contact:** j.fothergill@iema.net

Josh Fothergill, Senior Environmental Advisor, IEMA (Chair of Branch)

28. EIA Scoping Guidance for Tower Hamlets

As heralded at the EIA Workshop in Bath in February (see above), the London Borough of Tower Hamlets have published EIA Scoping Guidance, for applications for planning permission that require EIA. The Scoping process should enable the applicant to determine and agree the topics and level of detail to be covered within the Environmental Statement (ES) and to highlight the main concerns of the Council and other stakeholders at an early stage in the process.

The EIA Planning Officer at Tower Hamlets, Peter Cole, said "Tower Hamlets Borough is unique in the UK in terms of the sheer number and proximity of major project proposals that are received from applicants each year. In 2008/9 the Council received over 20 EIA applications, with a similar amount expected over 2009/10, and therefore is well placed to realise the benefits of this revised approach and best-practice guidance, in terms of time and staff resource savings during the determination process."

The EIA Scoping Guidance document can be found at:

http://www.towerhamlets.gov.uk/lgsi/601-650/608_development_control/pre-application_advice/eia_scoping_guidance.aspx

29. Competency framework for Health Impact Assessment

On January 19, 2010, several UK IAIA members met with representatives from the Department of Health for England, Scotland, Ireland and Wales and with other individuals involved with HIA to discuss the need for a Competency Framework. We agreed that the competencies required for HIA could map onto those already established for public health professionals. We identified four main lines of future work. These included identifying the skills, knowledge and behaviours that define the competencies, mapping the skills, and identifying a suitable accreditation/ certification/ skills register mechanism. The full report will be posted on the HIA Gateway: http://www.apho.org.uk/default.aspx?QN=P_HIA

Martin Birley, BirleyHIA, <http://www.BirleyHIA.co.uk/>

30. Review of Health Impact Assessment in Ireland

In December 2009, the Institute of Public Health in Ireland (IPH) published a review of HIA work to detail progress and achievements of HIA from 2001. This included an assessment of current levels of HIA awareness and activity and suggestions for the direction of future work.

See: <http://www.publichealth.ie/publications/reviewofhealthimpactassessment>

31. HIA Position Paper from the UKPHA

In February 2010, the UK Public Health Association published a position paper on Health Impact Assessment (HIA). This recommends the routine use of HIA at a strategic level and at an operational level, calls for stronger guidance and leadership at national and local levels and the integration of HIA into others forms of impact assessment. See:

http://apho.org.uk/default.aspx?QN=P_HIA

32. WHO Health and SEA report

The application of impact assessment is increasingly important for development of sustainable projects and policies. Substantial progress has been made on how to meaningfully include health in strategic environmental assessment (SEA) and other forms of impact assessment. However, in the light of the evolving policy context in Europe further promotion of the consideration of health effects and support with all sectors of civil society, including the health sector is required. In line with this, the Budapest Declaration on Environment and Health, 2004, calls for taking "significant health effects into account in the assessment of strategic proposals". Hence the World Health Organisation (WHO) is working to assist its Member States with their respective ministries of health to engage into the SEA process.

This report summarizes the general discussion and conclusions of an international consultation meeting on "Health and SEA". The overall aim of the consultation meeting was to seek further advice from SEA and health experts and discuss challenges and opportunities for the further involvement of the health sector in SEA and strategic planning processes.

The report can be accessed at: <http://www.euro.who.int/en/what-we-do/health-topics/environmental-health/health-impact-assessment/publications/2010/health-and-strategic-environmental-assessment>

Debra Fox, Dept of Civic Design, University of Liverpool

33. Climate change and health seminar

The Institute of Public Health in Ireland hosted a seminar in February 2010 entitled 'Climate Change: whose health will be affected?' to highlight the impact of climate change on health, and the health benefits of tackling climate change for the population as a whole but especially for vulnerable groups within the population. The aim was to create awareness and debate around how action to tackle climate change is linked with action to reduce inequalities in health.

The conference was opened by the Minister for the Environment, Heritage and Local Government, John Gormley TD. Co-Chair of the UK Climate and Health Council, Professor Mike Gill said that debate on climate change has been mainly in environmental or economic terms, and yet all the damages and disruptions caused by climate change have health effects. "Just as public health professionals should have been more alert earlier to the obesity epidemic, now we should be collaborating with colleagues in other disciplines and sectors to plan for and respond to the health dimensions of climate change."

Addressing how climate change may impact on health in Ireland, NUI Maynooth lecturer, John Sweeney indicated that "perhaps the greatest threat will come as a result of increased winter rainfall to public water supplies which will have crucial public health dimensions." Head of the Sustainable Development Commission in Northern Ireland, Jim Kitchen cited clear co-beneficial links between climate change and health. "Using cleaner energy can help in reducing respiratory disease, encouraging people to use public transport, cycling and walking can help reduce cardiovascular diseases and promoting sustainable diets will help in tackling obesity and diabetes."

Further information on the seminar is available at: <http://www.publichealth.ie/news/iphseminarclimatechangewhosehealthwillbeaffectedpresentationsavailable>

34. Health 'Equity' Impact Assessment – The Marmot Review

In November 2008, Professor Sir Michael Marmot was asked by the UK's Secretary of State for Health to chair an independent review to propose the most effective evidence-based strategies for reducing health inequalities in England from 2010. Published in February 2010 as 'Fair Society, Health Lives', the Marmot Review makes recommendations for policies and interventions that address the social determinants of health inequalities.

Of interest to HIA practitioners in particular and other IA colleagues generally, the review promotes HIA as 'health equity impact assessment'.

The key references in the document are:

- 'National and regional leadership should promote awareness of the underlying social causes of health inequalities and build understanding across the NHS, local government, third sector and private sector services of the need to scale up interventions and sustain intensity using mainstream funding.
- Interventions should have an evidenced-based evaluation framework and a health equity impact assessment (p34).
- Research on health interventions should include health equity impact assessments (p146).
- There should also be an explicit requirement that all government policies and strategies be subject to a health equity impact assessment (p152).
- All national and local policies and strategies should be routinely scrutinised through a health equity impact assessment (p152).
- The policy emphasis should address how mainstream spending can best be utilised to reduce health inequalities, rather than relying on new project funding. Interventions should be implemented with an evidence-based evaluation framework, incorporating a health impact assessment. Such action would inform public debate on the effectiveness of policies and disinvestment and investment for future delivery (p153).

Whilst to be welcomed, the change in terminology produces another level of confusion at a time when HIA is becoming more widely used. Equity is an integral component of HIA methodology and always has been. It is how this is put into practice that makes the difference between a good quality HIA and a less good one.

See: <http://www.marmotreview.org/>

Debra Fox, Dept of Civic Design, University of Liverpool

35. NICE spatial planning and health expert group

The NICE spatial planning and health expert group is reviewing the effectiveness of health appraisal processes including HIA and health within EIA. The process is due to complete in 2011.

See: <http://guidance.nice.org.uk/PHG/Wave20/55>

Martin Birley, BirleyHIA

36. Recommended lists of good practice SEA/SA and HRA reports

In early 2010, Levett-Therivel sustainability consultants have again compiled updated lists of recommended SEA/SA/environmental reports and appropriate assessment/Habitats Regulations Assessment reports that respondents considered good in various ways. See: <http://www.levett-therivel.co.uk/>

37. EU advice on EIA and restoring landfill sites*

DG Environment at the EC has published advice on the application of EIA to the rehabilitation of landfill sites, indicating that landfill rehabilitation could require EIA in its own right. Such issues would usually be covered within the original Environmental Statement submitted with the landfill application; however, if EIA was not applied at that time the rehabilitation works will require further screening before work begins. For further details see:

<http://ec.europa.eu/environment/eia/eia-support.htm>

38. Application of GIS as a Support Tool in SEA of Irish Land Use Plans

In 2009, Ireland's Environmental Protection Agency (EPA) launched a draft GISEA Manual on the application of Geographic Information Systems (GIS) as an assessment and support tool in Strategic Environmental Assessment (SEA) processes (see July 2009 Branch news).

The draft GISEA Manual has been updated in January 2010. Consultation feedback has now been incorporated where relevant. A feedback questionnaire is also available to download – see <http://www.epa.ie/downloads/consultation/name,25835,en.html>

Ainhua Gonzalez, Girobi Environmental Services/ Trinity College Dublin

39. Health in SEA training materials*

A free online Health in SEA training resource pack, funded by the UK's Department of Health and led by the West Midlands Public Health Observatory, is now available on the HIA Gateway: http://www.apho.org.uk/default.aspx?QN=P_HIA

40. Guidance on HIA for minerals and mining

In February 2010, the International Council on Mining and Metals published its Good Practice Guidance on Health Impact Assessment (HIA). The guidance presents an overview of how mining and metals operations can affect the health and wellbeing of local communities, describes typical health impact assessment processes and outlines a methodology for undertaking a rapid assessment so that in-house practitioners are involved from the start. See: <http://www.icmm.com/page/35525/new-guidance-on-health-impact-assessment-released>

41. Evidence guide for HIA in resource development projects

A tool and guide for assessing the health impacts of resource development projects e.g. oil, gas, mining, has been commissioned by the HIA Gateway in January 2010. 'Health Effects Assessment Tool (HEAT): An Innovative Guide for HIA in Resource Development Projects' aims to provide a framework for HIA practitioners to systematically address the potential health impacts arising from resource development projects, and is available at: <http://www.apho.org.uk/resource/item.aspx?RID=83805>

42. Fast food takeaway near school rejected on health impacts

In June 2010, planning permission for a fast food takeaway near a school with a healthy eating policy was quashed by the UK's High Court. In a landmark ruling a judge declared that the London Borough of Tower Hamlets "acted unlawfully" when it gave the go-ahead for "Fried & Fabulous" to open for business in Shadwell, close to Bishop Challoner Catholic Collegiate School. When the application for a hot-food takeaway was granted by the council's development committee in April 2010, an officer's report specifically advised council members that the proximity of the proposed fast-food outlet to the school could not be a 'material planning consideration'. The judge said councillors had voted in favour of permission after being wrongly directed.

Councillor Peter Golds said later: "This is a very important High Court decision. It clarifies the law and sets a benchmark that will enable local authorities everywhere to take account of health and well-being - particularly of schoolchildren - as factors in determining planning applications." The council will now have to reconsider any further planning application for a takeaway at the site.

See: <http://www.planningresource.co.uk/bulletins/Planning-Resource-Daily-Bulletin/News/1009673/Judge-makes-landmark-fast-food-ruling/?DCMP=EMC-DailyBulletin>

43. Lincolnshire wind farm rejected on health impacts to twin brothers

In April 2010, the Planning Inspectorate rejected an appeal for a proposed wind farm development at Flixborough Grange in North Lincolnshire due to the potential health impacts to two local children with autism. The inspector stated that the long-term environmental and economic benefits of the renewable energy scheme outweighed the impacts on landscape character, views and residential amenity, but did not outweigh the 'very serious adverse effect of the proposed wind farm on the health and wellbeing of the Glathorne family'. A report dismissing the appeal detailed evidence from a clinical psychologist who said the boys had a "fixation with spinning objects", adding that the "time they spend engaged in spinning and observing objects has to be limited in order to allow them to engage in other more meaningful activities".

From an EIA perspective the findings highlight the need to give effective consideration to health, to recognise genuine community concerns and ensure these are factored into the assessment.

See: <http://news.bbc.co.uk/1/hi/england/humber/8646326.stm>
<http://www.thisisscunthorpe.co.uk/news/Delight-Grange-Wind-Farm-appeal-thrown/article-2038215-detail/article.html>

44. Rapid Review of health impacts of wind energy

A rapid review of health impacts of wind energy has been published in December 2009. This is not a systematic review with specified inclusion/exclusion criteria but provides a review of both published and grey literature on offshore and onshore wind energy impacts on health.

See: <http://www.apho.org.uk/resource/item.aspx?RID=83200>

45. Assessing the effects of onshore wind farms on birds

In January 2010, Natural England issued guidance to identify when and where detailed assessment of potential impacts on birds resulting from wind farm developments are likely to be required. The guidance describes the data requirements and survey methodologies needed for such assessments, and explores particular issues such as the utility and limitations of remote technologies and collision risk models. See:

<http://naturalengland.etraderstores.com/NaturalEnglandShop/product.aspx?ProductID=da94a44a-3f96-4f53-b6c4-d9235b9b31a2>

46. Investigating the impacts of windfarm development on peatlands

In January 2010, Natural England published research which aims to:

- Understand and collate evidence of the impact of wind farm developments on Blanket Peatland in England bogs.
- Develop a set of assessment criteria against which a development can be tested to determine the scale of impact and enable an appropriate response to the EIA.

<http://naturalengland.etraderstores.com/NaturalEnglandShop/product.aspx?ProductID=ece224ac-6e31-435a-a367-4a752c638c05>

47. Highways Agency DMRB Volume 11 (EIA) catch up*

During the end of 2009 and into 2010 the Highways Agency produced a number of supplements and updates related to the Design Manual for Roads and Bridges (DMRB), for England. These additions follow the substantial amendments to the front end (Sections 1 and 2) of the DMRB, which took effect in August 2008. The Highways Agency planned to continue its update programme for topic specific guidance (Section 3 of Volume 11 of the DMRB) during 2010.

In October 2009 the Highways Agency launched two Interim Advice Notes (IANs) - IAN 125/09 and IAN 126/09. The first provides supplementary guidance for users of DMRB Volume 11 'Environmental Assessment'. This note is designed to provide advice on how to progress an EIA where the topic specific guidance in Section 3 of Volume 11 is not yet fully aligned to the 2008 updates to Sections 1 and 2. The second note reports determination and publication of notices for EIAs undertaken for the Highways Agency. These IANs can be downloaded from

<http://www.standardsforhighways.co.uk/ians/index.htm>

During November 2009 Volume 11's topic specific guidance on Road Drainage and the Water Environment was officially launched. This document is known as HD 45/09 and now forms Part 10 of Section 3 of Volume 11 of the DMRB. The document runs to 129 pages, providing worked examples in Annex II and providing initial advice on assessing road schemes against the Water Framework Directive. This new part of the DMRB can be found at <http://www.standardsforhighways.co.uk/dmr/vol11/section3.htm>

January should have seen the launch of an additional IAN on Nature Conservation in EIA. IEMA and IEEM have provided the Highways Agency with comments on this note and also into their work to develop a replacement to the DMRB's current Ecology and Nature Conservation Guidance (Section 3, Part 4). An update is expected to be available later in 2010.

4. OTHER EVENTS

IAIA Symposia: see [section 1](#) above

- European Special Symposium: Climate Change and Impact Assessment: Aalborg, Denmark, **25-26 October 2010**
- IAIA Special Symposium: Climate Change and Impact Assessment: Washington D.C., USA, **15-16 November 2010**

Free EIA workshops as IEMA celebrates 25 years of the EIA Directive

IEMA are providing a series of free half-day workshops, celebrating the 25th anniversary of the adoption of the EIA Directive. Workshops will continue to take place during July and August. For more information and to book visit: www.iema.net/events:

- Newcastle - 21 July (afternoon)
- Leeds - 22 July (afternoon)
- Cardiff - 27 July (afternoon)
- Exeter - 28 July (morning)
- Reading - 29 July (afternoon)
- Cambridge - 30 July (morning)
- Manchester - 4 August (afternoon)
- Birmingham - 5 August (afternoon)
- London - 6 August (morning)

IEMA Environmental Assessment CPD Training:

- An Introduction to EIA and SEA – 27 July & 24 November 2010
- SEA for Practitioners – October
- Environmental law and legislation – November
- Adapting to Climate Change – 8 September

For further information see http://www.iema.net/cpd/cpd_courses to book please contact: training@iema.net

HIA courses

See http://www.apho.org.uk/default.aspx?QN=P_HIA

Health in SEA courses

See: http://www.apho.org.uk/default.aspx?QN=P_HIA

Wind farms and the historic environment

6 September 2010, Newcastle University

This one-day conference is organised by Northumberland County Council and will explore the extent to which the objectives of renewable energy policy and the sensitivity of the historic environment can be accommodated within the planning process. Key topics include assessment, avoidance and mitigation of impacts to the historic environment; landscape assessment and capacity studies; EIA and inquiry evidence. See:

http://www.landscapeinstitute.org/news/index.php/events/page/#evt_501

RTPI Masterclasses:

- **Strategic Environmental Assessment and Sustainability Appraisal: 13 October 2010, London:** This one-day masterclass aims to explain how to fulfil the legal requirements, and how to use the process to help improve plans.
- **Environmental Impact Assessment: 9 December 2010, London:** This workshop will assist with contributing to, reviewing and submitting a successful EIA.

See: <http://www.rtpiconferences.co.uk/rtpi/category.php?category=149&type=public>

IEMA Annual Conference: Environment and Business, The Challenge and the Opportunity

1-2 November 2010, London

<http://www.iema.net/conferences/iemaconference/2010>

IEEM Autumn Conference: Biodiversity Beyond 2010

2-4 November 2010, Dun Laoghaire, Dublin, Ireland

See: <http://www.ieem.net/conferences.asp>

Oxford Brookes University CPD

- **Strategic Environmental Assessment and Sustainability Appraisal: 25-26 November 2010:** A linked two-day course designed for all those involved in SEA/SAs.
- **Screening, Scoping and ES Review under the 1999 EIA Regulations: 14 December 2010:** While providing an overview of the Regulations as a whole, the course will concentrate on key aspects of the EIA process and procedures.

See: www.brookes.ac.uk/schools/be/development/calendar.html

Have You Been Forwarded this newsletter? Why Not Join the IAIA

The IAIA exists to improve and better inform the decision-making of today that has environmental consequences for tomorrow. The IAIA is the leading global networking organisation on impact assessment for sustainable decision-making, providing an international forum for communicating best practice and innovation. It is a multi-disciplinary organisation and has 1500 members in more than 120 countries, including private and public sector planners and managers, consultants and policy analysts, university and college lecturers, researchers and students, and community bases.

See www.iaia.org for full details of membership services and benefits.

This newsletter is for members of the IAIA within the Ireland & United Kingdom 'region', who automatically become members of the Ireland-UK Branch on joining.

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