



30 January 2017

RTPI response to Environmental Impact Assessment – Joint Technical Consultation (planning changes to regulations on forestry, agriculture, water)

This consultation was run by the Department for Environment, Food and Rural Affairs, the Welsh Government, the Scottish Government and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.

The RTPI responses below should be read in conjunction with full consultation document, which can be [downloaded here](#).

Co-ordinated and joint procedures

The RTPI is in broad agreement with these proposals, and welcome efforts to reduce duplication in what can be a very time-intensive process. Planning professionals have the skills to coordinate responses and assessments, although it should be noted that many Local Planning Authorities (LPAs) in England have experienced deep cuts over the past few years. Proper resourcing is essential for LPAs to play their part in coordinated procedures and joint assessments.

In their response to the Scottish government's consultation on transposition of Environmental Impact Assessment Directive EU2014/52, RTPI Scotland noted that there is a fundamental distinction between how the EIA and Habitats Regulations Appraisal (HRA) procedures in Scotland, namely that developers are responsible for undertaking EIAs whilst a designated competent authority, which will not be a planning authority, is responsible for undertaking an Appropriate Assessment of a development proposal as part of the HRA process. It is not clear how a planning authority or the Scottish Ministers will in practical terms be expected to ensure co-ordination between these different assessments and parties. Conversely it is also difficult to see from the draft regulations how a planning authority or the Scottish Ministers could fail to adequately discharge their co-ordination duty.

RTPI Scotland suggest that in order to maximise clarity and the benefits which could be derived from use of the co-ordinated procedure, one option could be to amend the draft regulations regarding EIA scoping in order to:

- require EIA Scoping Opinions to state, based on available information, whether multiple assessments and the co-ordinated procedure are likely to be required,

and;

- if so, specify how the planning authority or the Scottish Ministers intend to ensure co-ordination between the assessments.



In addition, there would be a need for Scottish Government guidance to set out in practical terms how planning authorities and the Scottish Ministers should ensure co-ordination between EIA and HRA.

Screening

The raising of the screening threshold from 0.5 to 5 hectares outside of designated areas (regulations on which came into force in 2015) raised some concerns over the cumulative impact on the environment when set against the benefits of reduced administrative costs. The RTPI therefore welcomes requirements for authorities to publish their screening decisions and explain the reasons for why an EIA is needed or not. Making these transparent and publically recorded should help to avoid time consuming and complicated judicial reviews. Close monitoring of screening will be needed to see whether any important environmental impacts are being overlooked, along with robust monitoring of mitigation measures and regularly updated Environmental Statements.

Simple, clear and concise guidance will be needed on these new requirements, defined on a national basis and with good practice examples. It is also important to give clear emphasis in any guidance to the specific information that developers need to provide at screening, including the impacts of proposals on waste and natural resources, climate change, cultural heritage and landscape, and risks for major accidents and disasters.

There is also remains a concern that the definition of “the area of the works” and “area of the development” in EIA regulations is unclear, and that a standardised view should be adopted. Consideration should be given to the fact that some ancillary activities which fall within the “area of the works” definition may not themselves constitute development, such that they could not be controlled through any planning permission or other consent granted.

Thresholds for afforestation projects in England

Preferred option for increasing afforestation thresholds in England.

- Retain the current thresholds in non-sensitive areas (5 hectares) but, in the low risk areas, increase the threshold from 5 to 100 hectares.

Comment: There has long been an aspiration to create more woodland cover in England, but the proposed increase from 10% to 12% by 2060 is very low. There may be benefits to increasing the threshold in non-sensitive areas of England, particularly in urban forest areas within the urban fringe. However, this is a sensitive issue that and changes must not compromise wider environmental protection and the need for afforestation projects to support biodiversity gains.

Proposals for ensuring environmental protection if the threshold in England is increased

Preferred option for ensuring environmental protection if the threshold in England is increased:

- Notify Forestry Commission England of the proposal and provide information that confirms it complies with the UK Forestry Standard – demonstrating how woodland design will mitigate any adverse environmental impact - and allow 42 working days



for Forestry Commission England to review this, including placing on a public register for local stakeholders to comment before starting work. The RTPI favours this option as it allows additional time for review.

Thresholds for afforestation projects in Wales

Preferred option for increasing afforestation thresholds in Wales.

- Increase the afforestation threshold for non-sensitive areas from 5 hectares to 20 hectares

Comment: The woodland map of Wales seems to identify the most suitable areas for woodland creation as those within the South Wales Valleys and east Wales in general. Although these may not be the most environmentally sensitive areas, their relatively higher population levels may mean that planting in these locations would have significant impact on amenity. A lower threshold may therefore be more suitable.

Time period for making screening decisions

The RTPI agrees with the proposed changes to Land Drainage Regulations and Water Resources Regulations, but disagrees with the lack of statutory timetables for the other Regulations listed. Phrases such as 'as soon as possible' allows for a range of instances which can extend timescales and which create periods of prolonged uncertainty for projects. Statutory timetables can always be extended if both parties agree, as is the case under normal EIA procedures.

Consulting others in the EIA process

The RTPI agrees with the proposal to continue to use non-electronic methods for notices for alerting the public to consultation. There is a risk of unintended consequences if relying solely on electronic methods, including for people and/or areas without access to high-speed internet.

Competent experts

The RTPI supports the proposal for competent experts to demonstrate their competence through professional membership of an appropriate body or organisation.

It is also important to note that Local Planning Authorities (LPAs) have seen continued cuts over recent years. Analysis from RTPI North West identified significant reductions in local planning authority budgets and staffing since 2010, including a decrease of 37% in planning policy staff and 27% in development management staff. Analysis from RTPI Scotland found a 20% reduction in planning department staff over the same time period. In cases where an LPAs have lost experienced in-house expertise, they will need sufficient resourcing to access to appropriately qualified advice in order to make sound decisions.