

CONSULTATION

Response Document



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**Environmental Impact Assessment – Joint Technical
Consultation (planning changes to regulations on forestry,
agriculture, water resources, land drainage and marine
works)**

Defra, Welsh Government, Scottish Government, DAERA

31 January 2017

Introduction to CIEEM

The Chartered Institute of Ecology and Environmental Management (CIEEM), as the leading membership organisation supporting professional ecologists and environmental managers in the United Kingdom and Ireland, welcomes the opportunity to comment on this consultation.

CIEEM was established in 1991 and has 5,000 members drawn from local authorities, government agencies, industry, environmental consultancy, teaching/research, and voluntary environmental organisations. The Chartered Institute has led the way in defining and raising the standards of ecological and environmental management practice with regard to biodiversity protection and enhancement. It promotes knowledge sharing through events and publications, skills development through its comprehensive training and development programme and best practice through the dissemination of technical guidance for the profession and related disciplines.

CIEEM is a member of:

- All Party Parliamentary Group on Biodiversity
- Environmental Policy Forum
- Europarc Federation
- European Network of Environmental Professionals
- IUCN – The World Conservation Union
- Professional Associations Research Network
- Society for the Environment
- United Nations Decade on Biodiversity 2011-2020 Network

Comments from CIEEM

CIEEM is responding, in particular, to two areas of the consultation. CIEEM would be pleased to discuss these topic areas in further detail with Defra, the Scottish Government, the Welsh Government and DAERA.

Response to Question 2 in relation to screening requirements:

In relation to the changes to screening requirements, CIEEM would welcome the standardisation of the information to be provided by the developer, noting the specific reference to biodiversity in Annex II.A, 3b¹.

Response to Question 9 in relation to competent experts:

It is unclear from the consultation proposal what is meant by paragraph 3.69² in requiring local planning authorities to confirm the competence of environmental professionals.

Does this mean that the competent authority will have to carry out a new separate assessment of some kind to determine the competence of the environmental professional, or alternatively, does this mean that the competent authority will simply confirm that the environmental professional is a member of a relevant and defined professional body?

If the competent authority is required to carry out a new separate assessment of some kind to determine the competence of the environmental professional, this proposal will require local planning authorities to confirm the competence of environmental professionals who prepare Environmental Statements (ES) for developers, before accepting an ES submitted alongside a planning application. This approach risks increasing the workload on local authorities (which already struggle through lack of in-house expertise), creating delays and adding cost for developers, and creating a potential new legal challenge in the Environmental Impact Assessment (EIA) process.

If, alternatively, the requirement for assessing the competence of the environmental expert is for the local authority to check that the environmental expert is a member of a relevant professional body then CIEEM agrees that this is an appropriate step in the right direction. However, being a member of a professional body does not necessarily mean that the member's expertise is in EIA. It would however go a considerable way to reducing poor practice.

There is currently no relevant qualification to assess "sufficient expertise" in the EIA process, and it would be difficult for many environmental professionals to demonstrate sufficient expertise. Without an independent means of assessing "sufficient expertise" CIEEM believes that many EIAs could be opened up to challenge on this point.

CIEEM would like to offer to help develop a mechanism for assessing "sufficient expertise" within the Ecological Impact Assessment (EcIA) component of the EIA process. CIEEM believes that this could be accomplished by adding a greater level of scrutiny to our existing Competency Framework³ in this particular area, and to subsequently keep and publish a register of those who have the required competency level. CIEEM would be pleased to discuss this option further.

¹ Annex II.A of the [2014 EIA Directive amendment](#):

3. A description of any likely significant effects, to the extent of the information available on such effects, of the project on the environment resulting from:

(b) the use of natural resources, in particular soil, land, water and biodiversity.

² 3.69 The 2014 Directive has introduced a requirement that the applicant must ensure that the environmental statement is prepared by competent experts. Also, the competent authority must ensure that it has, or has access as necessary to, sufficient expertise to examine the environmental statement. Our initial view is that most decision makers either have people with sufficient expertise within their teams to examine the environmental statement, or could readily obtain access to such expertise. They will also have any comments of the statutory consultation bodies, including Natural England and the Environmental Agency to assist them.

³ http://www.cieem.net/data/files/Resource_Library/Membership/Revised_CF/Competency_Framework.xlsx