



*Evidence Review of Scoping in
Environmental Impact Assessment*



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December 2006

EIA Centre, University of Manchester, and Land Use Consultants
Department for Communities and Local Government: London

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Executive summary

Introduction

Environmental impact assessment (EIA) has become a central component of development control in England and the Devolved Administrations, where it was introduced by regulations for different project types covering the range of environmentally significant development activities. Most EIAs are conducted for projects that require planning permission in order to proceed, and the regulations for EIA in respect of such projects fall under the Town and Country Planning EIA Regulations (SI293, 1999) in England.

An amendment to the European Commission's Environmental Impact Assessment Directive in 1997 introduced scoping as a non-mandatory step in the EIA procedure with effect from 1999. Scoping can be defined as “the process of determining the content and extent of the matters which should be covered in the environmental information to be submitted to a competent authority for projects which are subject to EIA” (European Commission, 2001).

The revised regulations in England, in force since 1999, now require that the appropriate planning authority must adopt a scoping opinion if requested to do so by a developer. If the planning authority fails to respond within five weeks, or a longer period agreed jointly with the developer, then the developer can apply to the Secretary of State for a scoping direction to be issued.

Aim of the study

The overall aim of the research study was to set out the level of current scoping activity and consider the extent to which scoping opinions contribute to and improve the effectiveness of the Environmental Impact Assessment (EIA) procedure. The study focused on scoping procedures for EIAs under the town and country planning system in England, but has also drawn on experience in Wales, Scotland, Northern Ireland and other consent systems. The research was commissioned to take stock of current scoping activity in order to inform future policy discussions.

Methodology

The research methodology included a literature review of scoping in EIA from international and UK perspectives, highlighting issues of best practice, procedures and existing practice. The research also drew on information on EIAs produced in England since 1999 from the national EIA database (PlanET), maintained by the Office of the Deputy Prime Minister. Table 1 summarises the research techniques used for the study.

Table 1: Summary of data collection methods

Research Method	Approach
Literature review	A review of mainly UK literature encompassing legislation, guidance materials, previous research and scoping practice
E-mail questionnaire	336 local planning authorities in England with at least one EIA case since 1999. The questionnaire covered 1,217 EIA cases from approx. 2,000 recorded for that period. 79 questionnaires were returned (24% response rate) providing details of 291 EIA cases (also 24%)
Telephone interviews	50 interviews were conducted with local authorities, developers, consultancies, statutory and non-statutory consultees and from the competent bodies of devolved administrations
Stakeholder seminars	55 participants attended two events, one each in London and Manchester. Drawn from a similar range of stakeholders as the telephone interviews.
Case studies	Nine illustrative case studies were used.

Key findings

PROVISION OF SCOPING OPINIONS

- Scoping opinions were requested from local planning authorities (LPAs) in half of the EIA projects examined, while both developers and local authorities were involved in less formal scoping discussions in a further 18% of projects. In 32% of projects the local authority had not been involved in scoping.

PROVISION OF SCOPING REPORTS

- The LPA e-mail questionnaire indicated that developers provided scoping reports to accompany requests to LPAs for scoping opinions in 62% of projects. Supporting information of some degree about the project and/or the local environment was supplied in all but 4% of the EIA projects. LPAs indicated that they welcomed this more detailed and structured presentation of information and found it useful in preparing their scoping opinions, despite varying views on its quality.

LPA PREPARATION OF SCOPING OPINIONS

- The preparation of scoping opinions by LPAs was undertaken in-house in the vast majority of analysed projects (94%). Consultation by LPAs was widespread, although not universal, and statutory bodies predominated in 72% of projects (note that the Regulations specify that statutory bodies be consulted in all cases). This was supplemented in 25% of these projects by wider consultation.
- Difficulties experienced by LPAs include obtaining responses from statutory consultees within the five-week timescale; and the availability of LPA resources in terms of knowledge and time.

CONTRIBUTION OF SCOPING TO THE QUALITY OF ENVIRONMENTAL STATEMENTS

- The majority of LPAs surveyed (67%) held the view that scoping yielded beneficial effects on the quality of the ES subsequently submitted. The benefits included better-focussed documents, better planned EIAs and consultation that brought a wider range of concerns to the discussions. Furthermore the improved quality of ESs arising from scoping reduced the need to request further information at subsequent stages.

TIME AND COST IMPLICATIONS OF SCOPING

- The research showed that although scoping opinions are often not issued within the five week period allowed, in terms of person days they are a relatively small drain on LPA resources per project, typically taking three days or less. If an LPA had a heavy EIA caseload the overall workload could be significant. There is evidence to suggest that time savings later in the EIA process may not be significant. A quarter of the LPA e-mail questionnaire respondents highlighted the time savings later in the EIA process as a result of scoping.

COST IMPLICATIONS OF MAKING SCOPING A MANDATORY PROCEDURE

- In general, stakeholders felt that the benefits of scoping outweighed the drawbacks and costs. However, while the study found that some support for mandatory scoping exists, this is not felt to be sufficient to recommend changes to the current arrangements on that basis.
- LPAs had some concerns about resource implications of making scoping mandatory in being able to cope with increased workloads. Other stakeholders were concerned about loss of discretion and flexibility. On the other hand an increased level of consistency that mandatory scoping might bring was seen as beneficial.

CHAPTER 1

Introduction

AIMS OF THE STUDY

1.1 The overall aim of this research study was to set out the level of current scoping activity and consider the extent to which scoping opinions contribute to and improve the effectiveness of the Environmental Impact Assessment (EIA) procedure. The study focused on scoping procedures for EIAs undertaken under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI No. 293) in England, but has also drawn on experience in Wales, Scotland, Northern Ireland and other consent systems.

1.2 The study had two overarching objectives, which were to:

- Review the evidence base through a literature review and an analysis of recent practice.
- Evaluate current scoping practice in terms of level of activity and effectiveness, and report on findings.

There were also a number of further sub-objectives, which were to:

- Establish the extent to which developers request local planning authorities (LPAs) to provide scoping opinions for EIA development, or that LPAs provide informal scoping opinions.
- Establish the extent to which developers provide LPAs with scoping reports to assist their deliberations on scoping opinions, the reasons for this, and whether these reports assist the LPA to provide better scoping opinions.
- Consider and report on how LPAs prepare scoping opinions; identify difficulties they experience and how they resolve them.
- Establish whether, and if so how, scoping opinions improve the quality of Environmental Statements or their perceived adequacy.
- Consider whether, and if so in what ways, scoping opinions impact on the time and cost involved in the decision making process for EIA applications, and if possible to quantify the costs.
- To estimate the costs likely to be involved for LPAs in making scoping a mandatory procedure.

In addition, considerations for future research and policy development (see Chapter 5) are put forward to guide development of scoping practice in the future.

STRUCTURE OF THE REPORT

- 1.3 This report presents the findings of a research study undertaken April-September 2004, together with the methods employed and key conclusions for the development of scoping in England. The structure of the report is as follows:
- **Chapter 1** (Introduction) sets out the aims of the study and the structure of the report.
 - **Chapter 2** (Background and context of scoping in the UK) discusses the key issues and scope of the research as well as reviewing mainly UK literature encompassing legislation, guidance materials, previous research and scoping practice. **Appendix 1** reviews international literature on scoping and **Appendix 2** reviews literature on scoping practice in the European Union.
 - **Chapter 3** (Methodology) outlines the techniques used to address the objectives of the study. More detailed information is set out in Appendices 3-5.
 - **Chapter 4** presents the findings from the research.
 - **Chapter 5** draws conclusions based on the objectives of the study and puts forward considerations for future research and policy development.

CHAPTER 2

Background and context of scoping in the UK

ISSUES AND SCOPE

- 2.1 Environmental impact assessment (EIA) has become a central component of development control in England and the Devolved Administrations of the wider UK, where it was introduced by regulations for different project types covering the range of environmentally significant development activities. Most EIAs are conducted for projects that require planning permission in order to proceed, and the regulations for EIA in respect of such projects fall within town and country planning legislation. Just over three-quarters (76.8%) of all EIAs in 2002 were under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI No. 293) in England. There are other regulations for specific project types, but these do not fall within the competence of Communities and Local Government and LPAs are not the primary decision makers under them. Thus the primary focus of this research is the scoping of EIAs submitted in England to LPAs under the regulations specified above.
- 2.2 EIA introduces information on the environmental consequences of a development proposal into the process of reaching a decision on whether or not permission should be granted. In doing so it makes provision for transparency by ensuring that information is made available publicly for scrutiny and comment.
- 2.3 Although EIA has become well established as a statutory planning procedure and has gained the general acceptance of stakeholders in the process, there has been a continual process of development in both the procedural and technical aspects of EIA in order to improve its effectiveness. For instance the European Commission Environmental Impact Assessment Directive has been amended twice (in 1997 and 2003) in order to strengthen aspects of procedure and national regulations throughout the EU have been updated accordingly with effect from 1999 and currently to give effect to amending Directive 2003/35/EC.

DEFINITION AND PURPOSE OF SCOPING

- 2.4 In introducing EIA systems into legislation, the European Union – in line with many other jurisdictions, including the USA – initially omitted scoping as a specific requirement. However, successive five-year reviews of the implementation of the EIA Directive undertaken in 1992 and 1997 recommended the introduction of scoping as a means to strengthen the effectiveness of EIA. Subsequently, an amendment to the directive introduced scoping as a non-mandatory step in the EIA procedure within the EU from 1999.

2.5 The EIA process as universally recognised and practiced worldwide (Wood, 2003) contains a number of stages, with scoping an important part of the initial phases of the EIA process. The historical development of scoping as part of the EIA process as well as a review of international evidence on scoping is outlined in Appendix 1. Appendix 2 reviews scoping practice in the European Union. Scoping has been defined using many different terms, but there is general agreement on what scoping seeks to achieve. The definition adopted in recent guidance developed for the European Commission sets out the meaning of scoping in its broadest sense as follows:

“Scoping is the process of determining the content and extent of the matters which should be covered in the environmental information to be submitted to a competent authority for projects which are subject to EIA.” (European Commission, 2001)

2.6 Scoping relates to addressing the impacts and issues to be studied during the environmental assessment process and, in addition, covered within the report submitted as part of the EIA process (in the UK, the environmental statement). An environmental statement will document both the project and the environment in which it is to be located, together with descriptions and assessments of the likely consequences of development on various environmental parameters. Any necessary mitigation measures will also be included, together with certain procedural aspects such as consultation.

2.7 Scoping thus involves decisions concerning what is likely to be significant, in the context of the particular project in the proposed location(s), from a range of possible impacts and relevant alternatives that could be addressed (Wood, 2003; Weston, 2000; Glasson *et al*, 1999). There are, therefore, elements of both identification and prioritisation within scoping, and a need to engage in the debate as to how significance might be defined.

2.8 In so far as scoping involves the initial collection and analysis of information about the environment and actions that might affect it, it can be seen as a rational activity that has often in the past relied on the judgement and experience of professionals. However, it is the determination of what is likely to be ‘significant’ in environmental terms that lies at the heart of scoping, and the public and other stakeholders base this not only on evidence-based impacts, but also on the perception of impacts. It is because of the political nature of the wider process that the importance of consultation and participation in scoping is now receiving increased emphasis (Weston 2000, *ibid*).

2.9 An interesting dichotomy in scoping is the need to engage in two potentially mutually exclusive tasks. Firstly, it is necessary to explore the potential relevance of as wide a range of issues (alternatives, impacts, approaches) as possible. However, scoping also is concerned with focussing the subsequent assessment process, and therefore ‘scoping in’ significant issues and ‘scoping out’ issues unlikely to be of relevance to the decision on the project. The consequences of balancing these two aspects are that scoping establishes the scope of additional studies, assists in staffing and scheduling of study activities, and promotes the compliance with all applicable legislative requirements within an integrated study and document (Marriot, 1997). It is clear, therefore, that scoping activities will involve some form of preliminary assessment of likely impacts on the environment prior to the more detailed assessment undertaken at a later stage. Nevertheless, it should always be borne in mind that scoping takes place early in the EIA process and the scale and level of detail of assessment should be commensurate with this timeframe.

- 2.10 Scoping thus defines the proposed action, involves cooperating agencies, identifies what is and is not important, and seeks to set time limits on studies. Furthermore, scoping is used to determine staff requirements of the study team, collect background information, identify other regulatory requirements and determine the range of alternatives to be considered.
- 2.11 Scoping is not a mandatory stage of the UK EIA process. There is no requirement in the UK for the proponent to consult the LPA prior to submission of the environmental statement (ES), or to undertake any form of scoping. However, the regulations allow a developer to request a formal pre-application scoping opinion from the LPA, as provided in Directive 97/11/EC. Department of the Environment, Transport and the Regions (DETR) (1999) Circular 02/99 on EIA states that:
- 'A person who is minded to make an EIA application may ask the relevant planning authority to state in writing their opinion as to the information to be provided'* (Regulation 10(1)).
- 2.12 Where a request for a scoping opinion is made the developer must provide a location plan and a brief description of the nature and purpose of the proposal and its possible environmental effects, giving a broad indication of their likely scale. The LPA is under a statutory requirement to consult the EIA statutory consultees and to provide an opinion within five weeks, and where it fails to do so, the developer may apply to the Secretary of State for a scoping direction instead.

APPROACHES TO SCOPING

- 2.13 It is important that the scoping process is well planned and managed, with a structured and carefully planned approach involving provision of information (Jones, 1999). Failing to manage the process could lead to tensions between different stakeholders' priorities at this early stage of the EIA process.
- 2.14 Glasson *et al.* (1999) highlighted the key element of approaches to scoping as discussions between all relevant stakeholders, including the public. The identification of individuals and groups likely to be affected by a project is the starting point for scoping, with good practice involving working groups and/or meetings. Impact identification techniques were indicated as useful to structure discussions and raise issues. Various methods are available to aid impact identification, including checklists, matrices, networks, overlay mapping and various consultation techniques, particularly expert advice (Selman, 1992), together with comparative and analogous studies and projects (RTPI, 2001). The context of the proposed development also needs consideration through examination of relevant plans, policies and guidelines.
- 2.15 Whilst the achievement of a more consistent and structured approach to impact identification through use of such methods is to be welcomed, past experience indicates that the development of formal methods does not always result in their widespread usage (Jones, 1999; Impacts Assessment Unit (IAU), 2003).

- 2.16 Consultation is an essential part of scoping and its importance in augmenting the identification of impacts through formal methods should not be underestimated. It is also apparent that scoping as practiced seems to be an open process (involving a range of participating stakeholders) and the methods used tend to be specific to the individual project (Jones, 1999).
- 2.17 The use of documentation prepared as an outcome of scoping, for example a scoping report, is not widespread, and even where such documents are prepared, they are not often used as guidelines for the subsequent assessment process (Jones, 1999).

GUIDANCE ON SCOPING IN THE UK

- 2.18 The UK guidance on *Preparation of Environmental Statements for Planning Projects that require Environmental Assessment* (DoE, 1995) contains a section on scoping. This guidance makes reference to the checklist now contained in procedural guidance on EIA (DETR, 2000), which sets out the issues to be considered in the scope of an environmental statement. This procedural guidance also states that developers and LPAs should discuss the scope of an environmental statement before its preparation commences. Communities and Local Government will be publishing new good practice guidance in 2006 which will cover scoping.
- 2.19 In the UK, the Royal Town Planning Institute (RTPI) (2001) guidance encourages scoping by planners acting for both developers and LPAs and provides suggestions on the conduct of scoping. The use of a systematic method is suggested to ensure all impacts are identified (for example, checklist, matrix or flow diagram). A project specific approach is favoured involving thorough consideration of likely impacts (whether in offering informal advice or a formal scoping opinion), followed by an indication of the relative importance of each issue, rather than simply repeating impact listings from a general checklist.
- 2.20 Other organisations in the UK have also prepared guidance on scoping (e.g. Environment Agency, 2002; Essex Planning Officers Association, 2002; Scottish Natural Heritage, 2002; Institute for Environmental Management and Assessment, 2004). Common elements include discussion of statutory provisions and references to official government guidance. Each then stresses aspects of relevance to their particular context. The Environment Agency (2002) advocates the production of a 'Scoping Report' in order to focus on feasible alternatives, key impacts, and gaps in information and mitigation measures. Scottish Natural Heritage (2002) guidance also discusses outcomes of scoping; three principal products being a list of activities which may cause environmental effects along with their potential magnitude; a list of environmental receptors likely to be affected (possibly in the form of a scoping matrix), and a scoping report. The document includes a list of potential impacts that may be considered when drawing up scoping matrices. Other aspects covered include guidance on scoping for outline planning applications (where LPAs need to be satisfied that they have sufficient information on likely environmental effects to determine the application) and a discussion of the relevance of natural heritage designations to EIA scoping.
- 2.21 The *Essex Guide to EIA*, produced by the Essex Planning Officers' Association (2002) advocates the use of public participation, and other consultation techniques to identify potential conflicts, focus on key issues, and highlight existing knowledge and information. Specific scoping procedures are included together with various consultation techniques to

involve the general public and other interested parties. An outline is provided of what the prospective applicant should send to the LPA, together with information on what the planning officers should take into account when undertaking scoping stage, with suggested time scales. Again, the preparation of a scoping report is advocated, including a discussion of how alternatives will be dealt with. Finally, a stage-by-stage scoping methodology is discussed.

- 2.22 The *Guidelines for Environmental Impact Assessment* produced by the Institute for Environmental Management and Assessment (IEMA) (2004) have a specific section on scoping, describing the process, the legal context and approaches for LPAs and the Secretary of State. Various methods of scoping are outlined and consultation techniques discussed. The outputs from scoping are discussed, with the importance of scoping reports stressed including a suggested contents list.
- 2.23 However, the existence of guidance does not necessarily mean it is utilised. For example, Weston (2000) found that only 27% of UK consultancies surveyed used any form of published guidance. More experienced consultancies will often utilise prior experience and use of expert judgement. The study found that LPA staff focussed on consultation and the consideration of the nature of the receiving environment, as well as the wider context of the project when undertaking scoping.

SCOPING IN PRACTICE

- 2.24 The procedural simplicity of the regulations on scoping (see paragraph 1.14) masks a degree of potential complexity and variation in how scoping is actually practised. For instance, scoping may still be practised to a high level of quality for projects where a formal scoping opinion is not requested. Further, there is the potential for an informal exchange of views on scoping between developer and authority that precludes the need for a formal request to be made.
- 2.25 There can also be variations in the level of information provided by the developer to support the authority in adopting their scoping opinion, even where developers provide a formal scoping report for this purpose. There may also be differences in the way that the authority approaches the adoption of a scoping opinion. Some authorities may handle the process 'in-house', others may engage consultants to undertake the task on their behalf, while it is also possible that authorities rely mainly upon the views of consultees.
- 2.26 Another layer of complexity is the potential linkage of scoping to screening, which may be most fully developed in projects where the screening status of a project is uncertain and the criteria given in Schedule 3 of the regulations are being used. These criteria are very demanding, and it can be argued that in producing an assessment of sufficient quality to meet them, it would inevitably be necessary to ask and answer those questions that are also central to a scoping exercise. It is also clear, therefore, that a certain degree of analysis concerning likely 'significant' issues will be inevitable at these early stages in the EIA process, prior to the main assessment effort.

SCOPING PRACTICE IN THE UK

- 2.27 The following section is informed by a literature review undertaken as part of this study. A review of international literature is included in Appendices 1 and 2.
- 2.28 In the past there have been limited efforts to investigate the practice of scoping in the UK. Much understanding has been derived from anecdotal evidence or individual case studies (e.g. McNab, 1997), but there have been a few empirical studies. Jones *et al* (1998) looked at scoping as part of a wider study of 40 EIA projects and found that some form of consultative scoping took place in 90% of projects and that it was generally considered by planning officers to improve the EIA process. Weston (*ibid*) surveyed developers and consultants and found a broadly similar picture. However, these studies were conducted before the 1999 change in procedures. Only an unpublished study by the Impacts Assessment Unit (IAU) (2003) addresses more recent practice in England and Wales.
- 2.29 Writers on EIA have consistently regarded scoping as an important stage in the EIA process (e.g. Glasson *et al*, 1999; Bond and Stewart, 2002) and have promoted its potential benefits in improving the effectiveness of the EIA process. These benefits are often reported as an improved focus to the environmental statement, enhanced co-ordination of stakeholders and improved project planning, while its usefulness in identifying cumulative impacts has also been noted (Cooper and Sheate, 2002). Thus, scoping is concerned with much more than the acquisition of information and simple indication of issues to be covered in the subsequent EIA. On this basis, Wood (2003) regarded scoping as a successful innovation in the EIA process, while Weston (2000) argued that it could be viewed as the most important step in an EIA.
- 2.30 The IAU study found that informal scoping arrangements between the developer/consultant and the LPA and, to a lesser extent, with consultees were working reasonably well and that the 1999 Regulations should codify existing practice (Wood 2003). However, public involvement in scoping in the UK seems to be less satisfactory (McNab, 1997).
- 2.31 An early study in the UK (Jones *et al*, 1998) examined a sample of 40 projects and found that about two-thirds of developers or their consultants undertook early voluntary consultations with the LPA, and another 25% discussed scoping prior to submission of the ES. LPAs were generally able to influence the scope of the ES during these discussions, nearly three-quarters of them suggesting topics for inclusion. Discussions with the statutory consultees, prior to submission of the ES, took place in about 60% of projects (Jones *et al*, 1998). Various consultees influenced the scope of the ES by adding important topics to the developer's initial list in about one-third of projects. This data set indicates an improvement since an early study found that suggestions by voluntary groups to either the LPA or the developer/consultant had very little influence on the scope of the ES (DoE, 1991).
- 2.32 A study of LPAs by Weston (2000) supported these findings. Two-thirds of the LPAs sampled (200 LPAs were contacted with a response rate of 41%) reported that developers consulted them in all the EIA projects they dealt with, with a further quarter of LPAs reporting contact in 75% of EIA projects. The scoping methods used by a sample of 33 consultancies centred on consultation with the LPA and other consultees, on previous experience and on professional judgement. Twenty-five per cent used published guidance

and only 12% used matrices, computer models and other methodologies to identify likely significant impacts. The LPAs sampled felt that the Regulations (SI 293, 1999) would have little effect on current practice although about 20% believed there would be an increase in the number of topics considered, with 10% indicating a reduction (Weston, 2000).

- 2.33 More recently, a e-mail questionnaire of 408 LPAs, 171 statutory consultees¹ and 510 environmental consultancies (IAU, 2003) provided information on scoping practice in England and Wales (total of 298 responses received, and 27% response rate.) Approximately 70% of LPAs and statutory consultees who responded indicated they had been involved in preparing a scoping opinion; while just over 60% of consultants had been involved with the production of a scoping report. The study also indicated that almost 70% of LPAs prepared scoping opinions in 10 hours or less, i.e. approximately 1-2 days.
- 2.34 Statutory consultees appeared to have the greatest influence over LPA scoping opinions, although they were not always consulted by LPAs – the Environment Agency was not consulted in 8% of projects, and other statutory consultees in 10% of projects (IAU, 2003). However, local community consultation did not appear to lead to significant changes to the scoping opinion. Statutory consultees spent a similar order of time contributing to scoping opinions as LPAs, with 65% spending 10 hours or less. Consultants reported considerably more time spent on preparing scoping reports with 80% allocating 1-2 weeks on this task. LPAs, consultants and statutory consultees stated that the significance of different impacts changed as a result of consultation in 15-20% of projects.
- 2.35 The main constraint reported by LPAs (73%) when preparing scoping opinions was a lack of resources; statutory consultees expressed a similar concern (IAU, 2003, *ibid*). The time frame for scoping is seen as an issue by all three groups (47% of LPAs, 49% of consultancies and 46% of statutory consultees), together with uncertainty and lack of clarity over aspects of scoping (i.e. the EIA process itself, government guidelines, baseline data) (IAU, 2003 *ibid*).
- 2.36 The IAU (2003, *ibid*) study concluded that the role of alternatives in the formulation of scoping opinions by LPAs was under-emphasised. The increased use of checklists in scoping was advocated, with the potential for a small team of LPA officers to assist in scoping. The use of professional judgement was widespread. In addition, the study found that involvement of the public in scoping was limited.
- 2.37 A study of landfill projects (Phylip-Jones, 2002) assessed the extent of utilisation of the provision to seek a ‘scoping opinion’ in England. The results indicated that 30% of 10 developers interviewed almost always sought a ‘scoping opinion’ from the LPA, with 30% developers having sought scoping opinions in approximately half of all projects, and 20% in approximately three quarters of all projects. Of the 10 LPAs interviewed, 40% were requested to prepare ‘scoping opinions’ in approximately half of all projects dealt with.

¹ In England, the Environment Agency, English Nature and Countryside Agency

CHAPTER SUMMARY

- 2.38 The literature makes clear that scoping practice is developing in the UK, with growing experience in the preparation of scoping opinions involving LPAs and statutory consultees, although more rarely involving the public. The submission of scoping reports by developers/consultancies to aid LPAs in the preparation of scoping opinions has received no coverage in research into practice. The use of experience and professional judgement by LPAs and consultancies appear to play a strong role in scoping. In general, consultancies were reported as not using guidance to assist in scoping, and more formal methods of impact identification were used relatively rarely. The influence of scoping on ES quality in the UK has received little attention so far, mainly because the scoping provisions of Directive 97/11/EC were implemented relatively recently. The majority view was that scoping would have little effect on current practice in identifying impacts, although some mixed views were apparent on whether more or less topics would be addressed. Finally, LPAs and statutory consultees were reported as finding resources a constraining factor when preparing scoping opinions and can struggle to comply with the five-week deadline, particularly where several different sources of input are involved.
- 2.39 As it is now five years since the strengthening of provisions for scoping in the EIA regulations, this research study provides a timely opportunity to capture and evaluate developments in EIA practice in relation to scoping, and to draw from them appropriate lessons for its future development. In recognising the underlying complexity of scoping, this study addresses the question of how prevalent and effective the various approaches to scoping actually are, in addition to investigating the main research objectives concerning the extent of scoping activity as provided for within the regulations.

CHAPTER 3

Methodology

3.1 Table 1 below sets out the research methodology for the study.

Table 1: Summary of data collection methods	
Research Method	Approach
Literature review	A review of mainly UK literature encompassing legislation, guidance materials, previous research and scoping practice was conducted
E-mail questionnaire	All 336 local planning authorities in England with at least one EIA case since 1999. The questionnaire covered 1,217 EIA cases from approx. 2,000 recorded for that period ² . 79 questionnaires were returned (24% response rate) providing details of 291 EIA cases (also 24%)
Telephone interviews	50 telephone interviews were conducted with local authorities, developers, consultancies, statutory and non-statutory consultees and from the competent bodies of devolved administrations
Stakeholder seminars	55 participants at two events, one each in London and Manchester. Drawn from a similar range of stakeholders as the telephone interviews.
Case studies	Nine illustrative case studies were used.

REVIEW OF PUBLISHED LITERATURE

3.2 The literature review drew on a range of material relating to scoping in EIA. Academic publications provided insights into the development of thinking about the role of scoping and its benefits to the EIA process, while guidance documents illustrated the practical implementation of scoping procedures in particular contexts. Particular attention was paid to publications that illustrated aspects of practice and which highlighted successful and unsuccessful approaches.

3.3 Although the project was restricted in coverage to the practice of scoping in England, attention was paid to relevant literature from the rest of the UK, the European Union where the same Directive applies, and to material of relevance from the wider world. Consideration of scoping in other countries, particularly those where EIA has a longer history with more experience of practice, can provide lessons in developing approaches and practice to achieve the aspirations of scoping. Contact was made with a range of

² The Department for Communities and Local Government (DCLG) maintains a national EIA database (PlanET), which provides a record of EIAs produced under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI No. 293). The database collates summary information about planning applications that are subject to the requirements of the EIA Directive, details of which are submitted to appropriate Government Offices for the Regions. The database includes information on: project type, geographical location, planning authority location, details of the developer, description of the development and its status under the regulations, ES submission date, and whether or not it was the subject of a scoping direction. The database does not record whether a scoping opinion was issued by the LPA. A version of this database was provided to the project team.

institutions asking for information on legislation, guidance and, more importantly, how scoping is working in practice, and how attitudes and approaches to scoping might have developed over time. Evidence from the review of UK literature is outlined in Chapter 1 and international evidence is reviewed in Appendices 1 and 2.

E-MAIL QUESTIONNAIRE OF LOCAL PLANNING AUTHORITIES

- 3.4 A questionnaire was e-mailed to all LPAs listed in the Communities and Local Government database as having dealt with an EIA project since 1999. The purpose of the questionnaire was to establish the scoping status of all the EIA projects in England that have been brought forward since the amended EIA regulations came into force in 1999, and to seek more general feedback from planners on issues related to scoping. The e-mail questionnaire focused on whether scoping opinions were requested and the methods used to supply them. The details of the approach adopted, the LPAs that provided a response and the questionnaire are included in Appendix 3 to this report.
- 3.5 Communities and Local Government records indicated that a total of 336 LPAs had handled one or more EIA cases since 1999. These LPAs were contacted using the e-mail questionnaire and 79 responses were received, yielding a response rate of 24%. The questionnaires requested information on the EIA projects relevant to each individual LPA, amounting to 1,217 in total (the total recorded being 2,019 since 1999). Where a LPA had received more than 10 EIA projects since 1999, the authority was contacted only about the five most recent, and any Schedule 1, projects³. Information was provided by the 79 LPAs who responded to the e-mail questionnaire on 291 of these EIAs, a response rate of 24%. Of these, 39 were Schedule 1 projects, 234 fell under Schedule 2 and 18 were not classified. Whilst these response rates might be regarded as low, they accord well with target response rates reported in statistical and research texts of around 30%. In addition, the findings from the e-mail questionnaire are supported by those from other research techniques employed.

STAKEHOLDER TELEPHONE INTERVIEWS

- 3.6 A total of 47 organisations were selected for more detailed study by telephone and interviews were undertaken with 50 personnel involved in the scoping process during August and September 2004. The sample included a variety of organisations in England, including LPAs, developers, statutory and non-statutory consultees, consultancies and other stakeholders. In addition, a small number of telephone interviews were conducted with appropriate Government and statutory bodies in Scotland, Wales and Northern Ireland, to gain an indication of opinion and practice in those jurisdictions in relation to that in England. Appendix 4 contains further details of the methodology employed, the individuals/organisations interviewed and the questions.
- 3.7 These telephone interviews built on the data collected from the e-mail questionnaire and covered attitudes to scoping, views on costs and benefits, the impacts of scoping on ES quality and on decision-making. In particular, specific information was gathered on preferred scoping methods, the relationship of scoping to screening and the difficulties encountered in undertaking scoping and how they have been overcome.

³ 49 LPAs were recorded as dealing with more than 10 EIA projects since 1999, while 102 LPAs were recorded as having dealt with Schedule 1 projects.

- 3.8 In addition to the responses from LPAs and other stakeholders in England, selected telephone interviews were undertaken with the Forestry Commission, and Department of the Environment Northern Ireland, Scottish Executive, and Welsh Assembly to gain views on scoping practice and issues in a wider context. Analysis of the responses indicates that the experience in England is paralleled in the forestry sector and in the rest of the UK.

STAKEHOLDER SEMINARS

- 3.9 Two seminars were arranged on 12 and 16 July 2004 (in Manchester and London respectively) to which stakeholders were invited to discussions facilitated by members of the project team. At these sessions the implications of making scoping a mandatory element of EIA procedure was a key point of discussion, together with issues relating to drivers for undertaking scoping, techniques used and the implications of scoping. Appendix 5 contains a list of the 55 participants attending both seminars and the questions used to guide the discussion.

CASE STUDIES

- 3.10 In order to gain further information about existing practice, case studies were selected. The selection criteria included:

- a mix of project types including Schedule 1 and Schedule 2 projects,
- scoping directions, scoping opinions and less formal approaches,
- different outcomes arising from scoping, both effective and less successful,
- different techniques used by stakeholders.

Appendix 6 provides further details on case study selection criteria, a list of case studies selected, and an example of a case study pro-forma.

- 3.11 The case studies provided an opportunity to examine a range of approaches to scoping in different contexts in more detail. They were particularly useful from the perspective of stakeholder interaction and attitudes to the process, as well as providing practical examples of the use of various approaches to scoping, and illustrating the advantages and disadvantages of each.

DATA ANALYSIS

- 3.12 The findings from the research presented in this report provide a good indication of scoping activity and the views of various stakeholders in England, with some supporting contributions from the rest of the UK. The relatively low response to the LPA e-mail questionnaire means that the results cannot be regarded as strictly statistically representative of practice, and care should be taken when generalising the results, particularly those from the LPA e-mail questionnaire. However, the use of a wide range of approaches to the research and the resulting broad cross-section of information and views from stakeholders (including the views obtained through telephone interviews and seminars of some LPAs that did not respond to the e-mail questionnaire) adds weight and confidence to the findings and conclusions.

CHAPTER 4

Research findings: Scoping practice in England

4.1 This section draws together the findings from the LPA e-mail questionnaire, stakeholder telephone interviews and stakeholder seminars around four key themes identified during the research study. This chapter consists of the following sections:

- Scoping activity: provides a primarily quantitative analysis of scoping activity in England based on the LPA e-mail questionnaire.
- Drivers of scoping: discusses drivers for undertaking scoping by stakeholders.
- Scoping techniques: examines the techniques and methods typically utilised.
- Implications of scoping: considers the implications of scoping for LPAs in particular, but also for other stakeholders.

These sub-sections draw on all the sources, and the findings presented are those that are clear messages from either a single source or confirmed by several sources. Boxed case studies are used to illustrate particular elements of practice arising from the research. Responses from the different research techniques are amalgamated to provide an overall view of responses and opinions.

SCOPING ACTIVITY

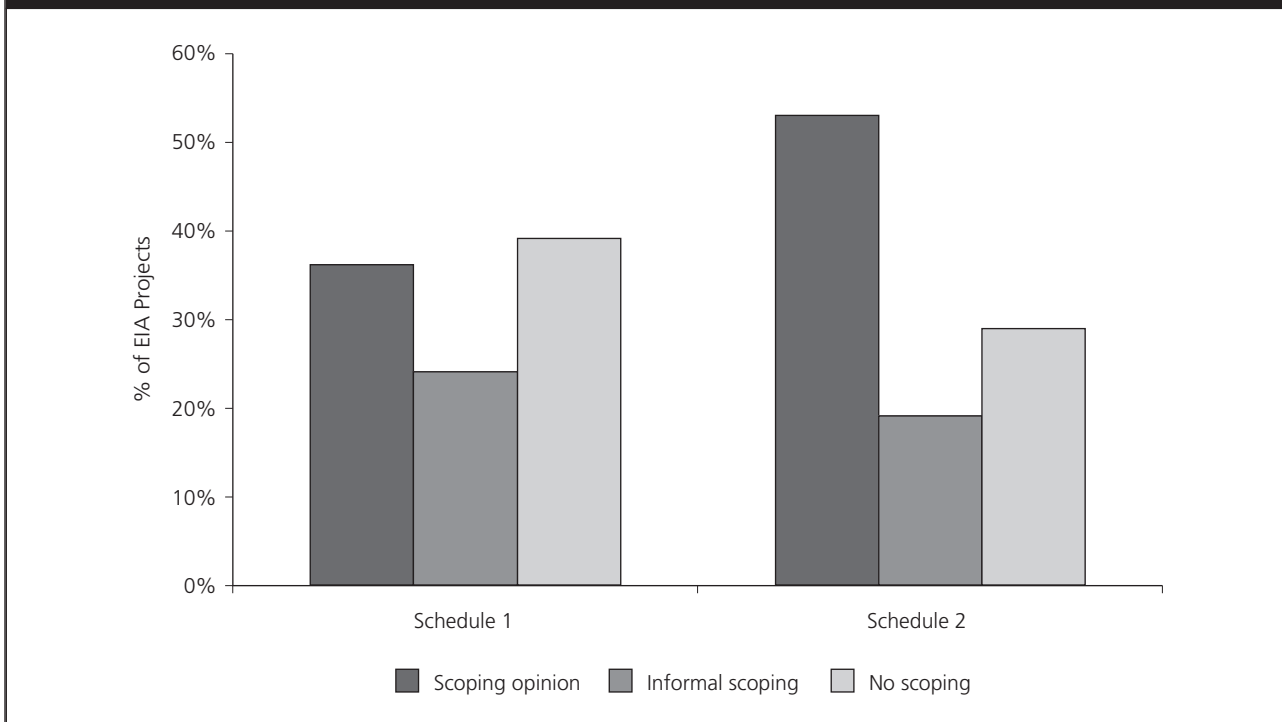
4.2 The data presented in this sub-section are predominantly drawn from the local authority e-mail questionnaire returns.

Formal and informal scoping

4.3 Of the sample of projects from the e-mail questionnaire, scoping opinions had been requested in 50% of projects and 18% of projects involved scoping conducted through informal discussions that did not result in the adoption of a scoping opinion. However, in 32% of projects the local authority had not been involved in scoping. This level of involvement of LPAs in scoping appears to be broadly comparable with that found by IAU (2003). There was some variation in the pattern of activity between projects in Schedule 1 and 2 of the regulations, and this is shown in Figure 1. Scoping opinions were requested more frequently for projects falling within Schedule 2 (53%) of the regulations than for those covered by Schedule 1 (36%). Data collected from other research tasks suggest reasons for this (see paragraph 4.21 for details).

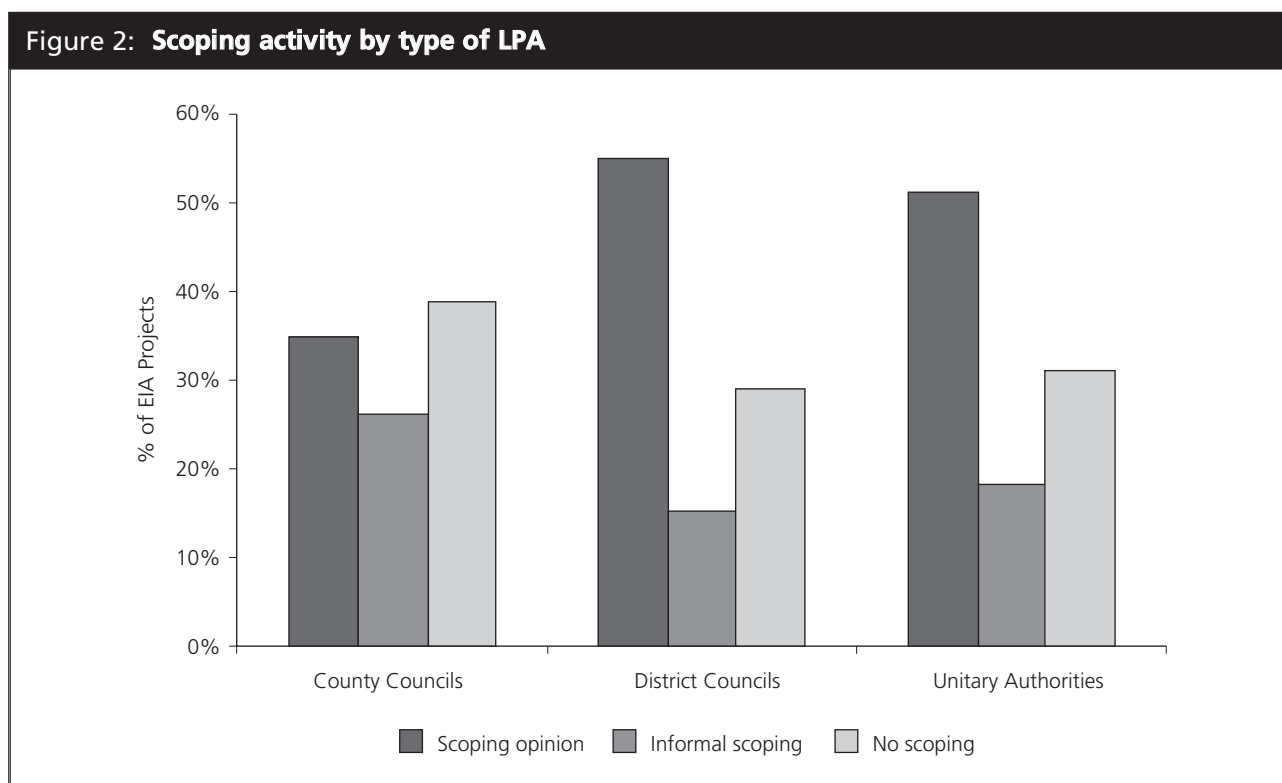
4.4 Overall, the use of scoping opinions predominates in LPA practice and experience, with 14 of 21 LPAs interviewed providing scoping opinions or a mixture of informal approaches and scoping opinions, with the emphasis on the latter. Only one LPA expressed a preference for informal approaches, six of 21 LPAs mentioned the relative preferences of types of developers, with larger developers tending to adopt the informal route and smaller developers opting for scoping opinions. This difference is likely to be due to developers with little prior involvement with the EIA process experiencing greater uncertainty and requiring the support and implied certainty of the more formal scoping opinion. Two of 21 LPAs pointed out that, to their knowledge, no scoping at all had occurred for many projects, while a further two also pointed out that their actual response is the same regardless of the approach adopted by the developer.

Figure 1: LPA involvement in scoping for projects in Schedules 1 and 2



Source: E-mail questionnaire of 79 Local Planning Authorities (sample size: 236 projects)

4.5 However, there are some interesting variations. When scoping practice was analysed by type of local authority, it became apparent that the profile for county councils differs to that for district and unitary authorities, which are broadly similar to each other. Figure 2 details this, showing that requests for scoping opinions to county authorities are rather less common.



Source: E-mail questionnaire of 79 Local Planning Authorities (sample size: 238 projects)

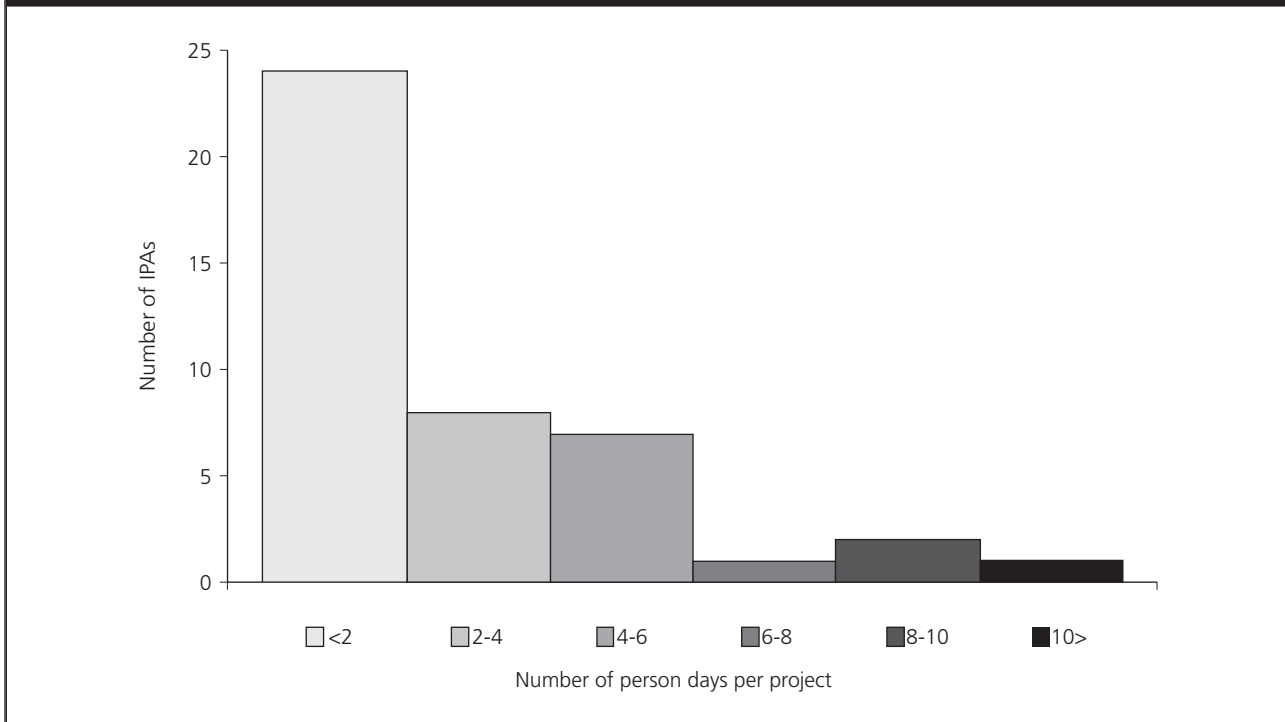
4.6 This difference may be attributable to the particular profile of the type of planning cases that are dealt with at county level, particularly road, mineral and waste projects. These tend to be larger developments and it may be that developers in these cases are generally more familiar with the requirements of EIA and therefore are less likely to need the support of a scoping opinion provided by the local authority.

Time and cost implications of scoping

4.7 Requests for scoping opinions were handled overwhelmingly (94%) in-house by local authorities. Only 48% of scoping opinions were reported to have been issued within the five-week period allowed by the regulations, the average time taken to issue a scoping opinion being almost seven weeks (34 working days). However, consultants do recognise the resource pressures on LPAs and the difficulties they face in responding on time. One of the seminar groups made the point that the person-time required for scoping is relatively short but, given the need for extensive consultation, the process itself may span several weeks.

4.8 75% of the 43 local authority e-mail questionnaire respondents estimated that scoping took three person-days or less. (Figure 3). This is broadly similar to the findings of a recent study by the Impacts Assessment Unit (2003). One non-statutory consultee reported that responding to consultation took a similar time. The seminar groups also reported that the preparation of a scoping report might take approximately 15 working days in real time, though the number of person-days of labour involved could vary. Experience of scoping within local authorities was limited almost completely to projects under the town and country planning EIA regulations, whereas other stakeholders had a slightly wider experience in other sectors, such as energy and transport. At first glance this seems to suggest that the scoping workload is not particularly onerous. However, where an authority is dealing with multiple projects things may not be so straightforward.

Figure 3: Time spent on scoping by LPAs



Source: E-mail questionnaire of 79 Local Planning Authorities

- 4.9 Local authorities reported that requests for scoping opinions were accompanied by scoping reports prepared by developers in 62% of projects. Indeed, some form of supporting information about the project and/or the local environment was supplied in all but 4% of projects. This indicates that scoping reports appear to have become more significant in the scoping process (see Jones 1999). In the remaining projects the provision of information describing the development was much more common than the submission of relevant environmental data.
- 4.10 Scoping opinions were issued by letter in 83% of projects. Consultee responses were passed on directly to applicants in 12% of projects, often as an addendum to the scoping opinion letter. Otherwise the tendency was for the consultation responses to be incorporated in summarised form within the scoping opinion. Conflict between comments from different consultees can occur, but is fairly unusual. In 5 projects (4%) the scoping opinion was supported by copying the regulatory provisions for the benefit of the applicant. Consultants, through telephone interviews, expressed some concerns about the variation in quality of LPA outputs in scoping opinions and the rather minimalist approach adopted.
- 4.11 Despite the finding that scoping opinions are produced within the statutory 5-week period in only around half of all projects, very few scoping directions have been issued by the Secretary of State. Only 13 cases have been identified between 1999 and 2004. Scoping direction casework is handled by the regional government offices on the Secretary of State's behalf, and the process involved is very similar to that undertaken by LPAs in developing a scoping opinion, particularly in terms of the consultation that is carried out.

- 4.12 It was not possible to obtain data from LPAs on the financial costs of scoping, as systems to identify and record these separately do not seem to exist. Costs to consultancies (as indicated by the telephone interviews and from one of the seminar groups) were reported to be predominantly in the range of £2,000-10,000, although in rare cases this was as high as £20,000.
- 4.13 In practice, it seems that developers and consultants see little advantage in triggering the scoping direction process. Local authorities reported that applicants, while eager to receive their scoping opinions as quickly as possible, generally accepted some delay and were willing to agree extensions to the five week period. The view of the EIA consultants was that requesting a scoping direction would be unlikely to resolve the issue any more quickly (indeed it might actually extend the delay) and risked damaging important relationships with the LPA planners that would remain with overall responsibility for handling any planning application that might follow. While the existence of the scoping direction procedure perhaps provides an important safety valve for the process, the small numbers involved may be one indicator of the general success of existing scoping arrangements.

DRIVERS FOR SCOPING

- 4.14 This sub-section is based on the range of sources interrogated, and particularly the seminar groups and the stakeholder telephone interviews.
- 4.15 Importantly, although scoping was originally introduced as a mechanism for focussing on potentially 'significant' environmental effects, with the objective of reducing the number of impacts that are addressed in an EIA, there is little evidence that this is one of the main 'drivers' for undertaking a scoping exercise. More commonly, scoping is seen as a process for establishing the 'terms of reference' for an EIA with scoping opinions particularly seen as a means of 'formalising' the process and providing some level of insurance in the event of legal challenge (although it is important to recognise that a scoping 'opinion' does not bind a competent authority or prevent it from subsequently asking for further information). It can provide a clear reference point for all involved in the EIA process for a particular scheme. However, a fear of legal challenge on the part of developers seems to drive the use of this approach, rather than a desire to engage in focussing on key issues associated with a scheme. Two seminar groups re-enforced this point and felt that perhaps developers lack a proper understanding of the role of scoping and what it seeks to achieve.
- 4.16 Paradoxically, the increased emphasis on consultation at the scoping stage inevitably results in an increase in the range of issues recommended for assessment. Whilst the efforts invested in early consultation are widely supported, this is an important point to note given ongoing concerns about the length of submitted ESs and supporting documentation.
- 4.17 There was little evidence of differing treatment of Schedule 1 and Schedule 2 schemes. The focus on relevant key issues in the context of the particular scheme was generally felt to be more important. However, two of the nine seminar groups indicated that Schedule 1 schemes should involve a more detailed and robust approach, perhaps involving a wider range of consultees and surveys. The screening process for Schedule 2 schemes has the potential to yield data that may assist any subsequent scoping.

- 4.18 The benefits of scoping within EIA are widely recognised by the majority of stakeholders involved in the research, and the process appears to be entered into very readily. Those frequently quoted in literature and guidance - time and resources savings, ensuring key impacts are covered, and involving other relevant stakeholders - were all cited as reasons to undertake scoping. Avoiding any subsequent surprises is seen as a strong incentive to scope, and mentioned by participants in three of the total of nine seminar groups. Box 1 highlights a case where scoping allowed anticipation of some important issues that resulted in the re-design of the project. Interviews with consultants and developers indicated that scoping does not result in the identification of 'showstoppers', as this tends to occur prior to the scoping stage (i.e. constraints review stage).
- 4.19 The decision to initiate scoping is usually taken by developers with advice from consultants. Of the 21 LPA officers interviewed, seven indicated that once project screening has been undertaken, scoping is often the logical successor, drawing on the information collected. Even where EIA is not required, some form of consideration of issues may be undertaken, re-enforcing the generally recognised value of the process. Developers usually involve consultants as early as possible to progress consultations, and a pre-scoping feasibility study is often undertaken.
- 4.20 However, time constraints set by developers and a lack of understanding of scoping and its benefits can compromise the rigour of the approach. Telephone interviews with consultants emphasised the importance of developers understanding the concept of scoping and embracing it. It appears that, at present, developers do not recognise the full beneficial consequences of scoping in terms of focussing resources and gaining the confidence of stakeholders.

Box 1. Identification of key issues through scoping

The original proposal was for the residential development of a brownfield site in Dorset by Primetower Properties. Formal scoping was undertaken in 2000 and in addition to the statutory consultees (e.g. English Nature) the Dorset Wildlife Trust and the Herpetological Conservation Trust were also consulted. A number of key issues were raised, including nature conservation issues on the site in relation to reptiles and indirect impacts of the development of the site on the adjacent Site of Special Scientific Interest (SSSI) and candidate Special Area of Conservation (CSAC).

Following site meetings and discussions of various mitigation options with relevant stakeholders, it became apparent that the issues raised could not be resolved and a radical redesign of the site proposal was undertaken, to employment use. This meant that the site no longer had the potential pressures on the adjacent area that the residential development would have entailed.

Whilst the change in the project design delayed the submission of the application for the site by 18 months, it was felt that the redesign of the scheme following the original scoping justified the extra time and resources involved. The potential environmental impacts identified at the scoping stage were avoided and planning permission was granted. Scoping allowed the early identification of a number of un-resolvable key issues associated with the initial scheme. If these issues had not been identified through scoping, the original project would have been likely to proceed to public local inquiry.

Source: Terence O'Rourke Ltd

- 4.21 Larger developers with experience in a specific sector and a clear knowledge of the relevant issues, for example large mineral developers, often ask for informal views from LPAs. Smaller companies tend to favour the more formal scoping opinion route to obtain definitive advice. However, the informal approaches are used for smaller projects where the developer is unclear about the level of information that needs to be provided at this relatively early stage (see paragraph 4.4).

Consultation and stakeholder involvement

- 4.22 The use of consultations with a range of stakeholders was regarded as important for an effective scoping process by three of the total of nine seminar groups. Consultation by local authorities to support scoping opinions was widespread, but by no means universal. The LPA e-mail questionnaire indicated that statutory bodies were consulted in 72% of projects (note that the Regulations specify that statutory bodies be consulted in all cases). Non-statutory organisations such as NGOs or local community groups were also involved in 25% of projects, normally in addition to statutory bodies. However, it was found that consultation of the public was undertaken in only 3% of the sample, while in as many as 22% of projects there was no external consultation at all. These results suggest that scoping consultation by LPAs may be less prevalent than was indicated in an earlier study by IAU (2003).
- 4.23 Local planning authorities welcome contact from developers/consultants in the early stages of EIA, whether concerning scoping opinions or informal procedures, as they feel that this tends to save time and resources later on. Consultations are most useful if they progress beyond a simple exchange of information to include active discussion exploring potential issues, perhaps through meetings (as highlighted in Jones, 1999 and Glasson *et al*, 1999). Indeed, it is very much in the interests of developers to involve LPAs at this early stage. A more structured approach to scoping is preferred by LPAs, which is particularly helpful for authorities with less experience of EIA. The actual approach taken, scoping opinion or informal procedure, is less important with no clear consensus from authorities as to preference. Environmental statements are sometimes received by LPAs without any previous contact by the applicant, due to ignorance of the benefits of involving LPAs in scoping, and/or time and resource constraints. These are often problematic and take longer to process, and can result in numerous requests by the authority for additional information.
- 4.24 Consultees similarly appreciate opportunities to be consulted early in the EIA process (see Box 2 which illustrates the benefits of this approach), and all the seminar groups regarded their involvement as essential. Where consultees are not involved then there can be a tendency for them to scrutinise the resultant ES much more thoroughly. As with LPAs the approach used is regarded of less importance than the involvement of consultees in the process itself.

Box 2. Effective consultation at the scoping stage

Hutchison Ports UK Ltd (HP) have been involved in ongoing consultation with RSPB (and other nature conservation bodies) from the scoping stage, for a number of port-related developments subject to EIA. For example, following a number of pre-scoping meetings attended by RSPB, informal scoping, comprising a letter from the consultants to a number of consultees (e.g. English Nature, Local Wildlife Trust and RSPB) was undertaken for the Bathside proposal in 1999. The scoping responses highlighted a number of 'generic' issues to be considered as well as several novel, site-specific issues for which more detailed work had to be commissioned by HP.

The iterative pre- and post-scoping consultations ensured that all the key issues were flagged up at an early stage to allow a satisfactory level of survey data, analysis and modelling work to be undertaken and a robust ES to be produced. Interestingly, the scoping consultations also identified the need for RSPB to employ independent specialists to validate the modelling and assessment findings, resulting in agreement with HP on key mitigation proposals. Despite the intensive time, cost and resource implications associated with this level of consultation, those involved felt that the resultant savings post application, including agreement on a number of key issues triggered at the subsequent Public Local Inquiry, emphasised the benefits of consultation during scoping.

Source: Royal Society for the Protection of Birds

Public consultation in scoping

- 4.25 The importance of public consultation in relation to planning decisions is increasingly being recognised. This is driven in part by the United Nations' Economic Commission for Europe on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (referred to as the Aarhus Convention) Agreement on access to information, public participation in decision-making and access to justice in environmental matters, and European Union directives on strategic environmental assessment (2001/42/EC), and 'public participation' (2003/35/EC). Whilst the theoretical benefits of involving the public at the scoping stage were acknowledged, in practice this can be difficult, particularly given the limited information available at this stage. The involvement of the public in scoping can arouse unnecessary suspicion and concern and, therefore, careful management of the process is necessary with provision of information on the role of scoping, see Box 3. Failure to plan the involvement of the public at this stage can lead to resources being side-tracked in dealing with largely irrelevant issues and explaining the nature of EIA and scoping.

Box 3. Involving the public at the scoping stage

Whilst following 'good practice' guidance contained in the European Commission guidance on scoping (EC, 2001) for a mineral extraction project, Hertfordshire County Council consulted residents judged to be most affected by the development. This led to the formation of opposition groups who submitted representations to the LPA objecting to 'a planning application' even though all consultation at that point was in relation to the scoping opinion. Considerable time was then taken up subsequently in re-iterating that no application had yet been submitted and that the LPA was dealing with the scoping opinion. It was clear that those involved in objecting were unaware of the distinction and were confused

Source: Hertfordshire County Council

- 4.26 We understand that the sort of confusion reported in the Hertfordshire case in Box 3 was also experienced in Austria where some members of the public were unable to distinguish between the scoping and consent procedures. Members of the public commented at the scoping stage and some mistakenly believed they were commenting at the consent stage⁴.
- 4.27 Many of those questioned during the course of the research felt that effort to consult the public as part of the EIA process should focus on the post ES submission stage rather than at early stages such as scoping. However, developer exhibitions were suggested as one means of attempting to involve the public at the scoping stage.

Links between screening and scoping

- 4.28 Any linkages between screening and scoping are difficult to establish with varied practice being reported by LPAs. In some instances a scoping opinion will logically follow a screening opinion, but others reported a screening opinion being less likely to result in a scoping opinion. Seven of the 21 LPA planners see no linkage at all between these two stages of EIA. Where a screening opinion is requested the LPA will inevitably provide scoping information as part of their response, and therefore is less likely to receive a request for a scoping opinion. Larger, experienced developers are more able to establish the need for EIA, and thus only request a scoping opinion from the LPA. Where developers

4 Based on an informal discussion with the Ministry of the Environment in Austria.

with experience ask for a scoping opinion, they tend to have prepared well and engage in the process more actively. Six of the 21 LPAs interviewed expressed the view that screening was a more contentious issue within EIA as it made the crucial decision as to whether an EIA was necessary or not and the resulting commitment of resources.

SCOPING TECHNIQUES

- 4.29 Information on the techniques and methods used in scoping is drawn from the LPA e-mail questionnaire, and the seminar groups and stakeholder telephone interviews.
- 4.30 The approach to scoping and the quality of the outcome appears to be variable according to a range of factors including the level of experience of those involved and the resources available. In interviews, three of 21 LPAs who gave their views, reported that they had made use of formal scoping tools such as checklists or matrices. There was also little indication that LPAs or statutory consultees had developed a standard scoping method, preferring instead a case-by-case approach. However, some LPAs have begun to formalise their approaches by using a standard framework checklist (see Box 4), and adopting a weighting system to make judgements about the relative importance of impacts.

Box 4. Using a checklist as a framework for scoping

Hertfordshire County Council has developed a framework checklist in the form of a matrix to respond to developer requests for scoping opinions. This allows all potential impacts to be considered and the response tailored to site-specific issues. In addition a GIS database is used.

The matrix is based on the model in the European Commission scoping guidance (EC, 2001) and is divided into two parts. Part 1 contains questions relating to project characteristics in relation to their relevance to the project, the particular characteristics of the project environment likely to be affected and a judgement on potential significance. Part 2 covers the characteristics of the project environment in terms of important features, resources, etc. The checklist is completed following receipt of all consultation responses.

The matrix has proved to be a useful tool, making scoping a more thorough exercise. Despite taking some time to complete, the use of the matrix provides a comprehensive response in accord with the formal status of a scoping opinion.

Source: Hertfordshire County Council

- 4.31 However, in conducting scoping, 96% of 79 LPAs who responded reported in the e-mail questionnaire that supporting documentation was used for reference purposes, showing development in practice from the lack of use of guidance by LPAs as reported by Weston, 2000. Generally, the EIA Circular (02/99) and regulations (SI 293, 1999) were most commonly referenced for this purpose but a range of other materials were widely used, including the ODPM Guide to Procedures (1999) and *The Essex Guide to Environmental Impact Assessment*, produced and periodically updated by Essex County Council (2002) but utilised well beyond the boundaries of the county of Essex.
- 4.32 LPAs reported varied views of the quality of information supplied by developers/consultancies to support scoping. Broadly equal numbers of LPAs reported supporting material to be sufficient, minimal or variable, and this seemed to depend on the experience levels of those preparing the information for the developer and those evaluating it for the LPA. Three of 21 LPAs received only outline information and six of 21 LPAs indicated that further information needed to be requested at the scoping stage. In discussion at the seminars two of the nine groups recognised that there were commercial

pressures, real and perceived, that could lead the developer to restrict the availability of information for scoping. However, more experienced developers, and particularly those dealing with projects in specific sectors, have been more proactive in developing and evolving good practice, see Box 5.

Box 5. Evolving good practice in Scottish Power

Scottish Power is a company involved in EIA development in many places, including England and Scotland, and it has developed an interesting corporate approach to scoping. The company has always acknowledged the value of scoping as a key part of the EIA process, and much more than a simple 'tick-box' exercise. In-house EIA practitioners, utilising relevant guidance, lead the scoping process. The production of a 'scoping report', highlighting the key potential environmental issues to be assessed and the baseline studies to be undertaken, remains an essential part of their scoping activities. Similarly, the consultation of key organisations (e.g. the LPA, Scottish Natural Heritage, community councils) is regarded as an important element of scoping practice. Over time there has been a significant increase in the number of consultees approached during scoping to include, e.g. RSPB, telecommunications companies, local wildlife trusts, etc. The approach to scoping has become more in-depth, with provision of more detail on methodologies within the scoping report, and more rigorous 'chasing' of consultees for their views. Use of on-going consultation with key consultees (e.g. Scottish Natural Heritage, RSPB, LPAs) in a more iterative process has also developed over time.

Improvements in approach have led to better quality ESs that focus on key issues and EIAs that utilise a wider range of available information. Consequently, there is a more efficient use of time and resources associated with scoping.

Source: Scottish Power

- 4.33 Twelve of 21 LPAs interviewed reported that scoping opinions were as project and site specific as possible though nine reported that there would often be a mixture of specific and generic content, depending on the quality of the supporting information provided and of the responses of consultees.
- 4.34 Of the 21 LPA planners interviewed, 20 reported that consultation in scoping is tailored individually for each project, though generally a core list of consultees is maintained. LPAs mostly favour involving relevant non-statutory bodies in scoping consultation where appropriate and those that do so believe their contributions to be very useful. This is because they not only bring important specialist expertise to bear, but they can also express it specifically in the local context of the proposed development.
- 4.35 Where consultation for scoping is undertaken by consultancies, some useful examples of practice are evident in terms of a pro-forma to standardise approaches and in making effective use of meetings.
- 4.36 Seminar discussions revealed a general feeling that scoping added value to the EIA process if it produced a written record of the outcome, which might be in the form of a scoping opinion, but which could equally be the minutes of an informal meeting. Such a record was felt to provide a reassuring reference point for the ensuing EIA process. However there was also a sense that scoping had become a means of engaging stakeholders in order to ensure that all issues of concern were included in the subsequent EIA, rather than in the traditional sense of scoping as a means of excluding topics of limited relevance to the project in question.

IMPLICATIONS OF SCOPING

- 4.37 The following implications arising from undertaking scoping in EIA are based on the LPA e-mail questionnaire, and the seminar groups and stakeholder telephone interviews.

4.38 The undertaking of scoping at the inception of the EIA process has several implications for the stakeholders involved. These are discussed below and relate to procedural issues (particularly regarding time), the perceptions of ultimately how worthwhile scoping is in terms of ES quality as well as the overall benefits and drawbacks of scoping and whether the benefits outweigh the costs. This section also considers the support of LPA officers (and other stakeholders) through training and potential measures to improve scoping. Finally views are presented on, and whether, mandatory scoping would further benefit the contribution of scoping to the EIA process, and ultimately decision-making and environmental protection.

Procedural issues

4.39 When questioned about procedural issues, only three of 54 LPA e-mail questionnaire respondents (6%), who expressed a view, indicated no procedural difficulties with scoping. The remaining respondents indicated the following key procedural difficulties in undertaking scoping:

- obtaining responses from consultees within the timescale (31%). This was also highlighted by LPA interviewees – however, see Box 6 on how the Environment Agency is dealing with this problem;
- the lack of expertise in-house and amongst applicants and other stakeholders (22%);
- the short timescale available (20%), and
- the resource implications (9%).

4.40 The timing of scoping and the five week timescale available are both issues of concern to practitioners. The opinion of those LPA officers interviewed was divided as to whether scoping takes place at the optimum time in the project development process, with 38% indicating that it did and 33% that it did not primarily because in practice scoping was taking place too late in the project development process. Other LPA officers indicated that the optimal time for scoping in the project development process varied depending on the project and its location, and that the nature and requirements of the planning system were a key influence on when and how scoping activities are undertaken.

Box 6. The Environment Agency and scoping consultation

The Environment Agency is the largest environmental organisation in Europe and plays a pivotal role in many aspects of environmental policy and management in England and Wales. Because of this, the Agency is perhaps the single most significant statutory consultee for EIA projects. A common thread to the feedback from local authorities was that slow response by statutory bodies to consultation requests is a key factor in the difficulty of meeting the five week statutory period for the issue of a scoping opinion. Many of those who expressed this view named the Environment Agency specifically, though perhaps this is partly because of the importance of the Agency's views in very many cases. The Agency itself points out that responding to a scoping consultation is a potentially complex process that can require input from a range of internal specialists and that the efficiency of this process can depend on the quality of the information provided. Good quality scoping reports can be extremely helpful in facilitating this process.

The Environment Agency is aware of these views and is currently refocusing its efforts and planning resources into the higher risk development proposals and more strategic issues i.e. LDFs, EIA and SEA/SA work. The Agency has developed generic 'standing advice' which replaces bespoke responses to a number of lower risk development proposals. This refocus on the strategic and higher risk development proposals will result in faster response times for EIA consultations, including scoping opinions.

Source: Environment Agency

- 4.41 Of the ten developers and consultees who commented on whether scoping occurs at the optimum time, only two of the latter were of the view that it was perhaps too late to address alternatives effectively, where appropriate. The specified five week response time for LPAs to produce a scoping opinion split the LPA interviewees between those indicating that five weeks was sufficient (43%) and those who were of the opinion that this was too short a timescale (43%). Nevertheless, careful planning and management of scoping can allow an effective process to take place within the timescale (see Box 7), as evidence presented here suggests

Box 7. Innovative scoping techniques – tight timescales

Environ were appointed by Caledonian Paper/UPM Kymmene to undertake an EIA for the proposed extension to an existing paper mill in 2002. The EIA was to be completed within an extremely tight timescale of five weeks. To achieve this, Environ used an innovative scoping technique comprising a one-day round table meeting and specialist group discussions between the attending key statutory consultees. The key issues discussed were limited to the interaction of the proposal with the existing paper mill and these were resolved through discussion between the parties and clarification of the nature of the issues and the stance of each consultee. The output of the meeting was a fully scoped basis for the EIA with follow-up consultation being limited to exchange of information between parties. This technique allowed for a more 'streamlined' scoping process with issues being resolved 'there and then', thereby avoiding delays in reaching a scope which satisfied all parties and with a resultant ES that all consultees clearly understood.

Source: ENVIRON UK Limited

- 4.42 Few issues clearly stood out as obvious problems regarding the perceived short timescale, but those worthy of note were an inclination to more generic responses (also highlighted by consultants interviewed), (see Box 8 for an example of how lack of specificity in scoping can cause problems), which can allow greater flexibility in focussing resources effectively (see Box 6), and that developers tend not to exert undue to pressure on LPAs to respond. Although mixed views were expressed about the five-week timescale, many respondents commented that a deadline provided a goal for all stakeholders to work towards. A minority of LPA telephone interviewees actively suggested lengthening the five-week time period, whilst others was felt that it was a useful compromise.

Box 8. Potentially ineffective scoping practice – repeated surveys

Scoping was undertaken by consultants on behalf of a developer for the re-development to residential use of a former military site in Hampshire in 2000. The consultants requested the LPA to provide a formal scoping opinion and provided a scoping report with their request. This included generic information regarding the site and the proposed assessment, but without providing detailed survey methodologies. A non-statutory consultee response agreed that the generic approach was satisfactory and that visitor surveys were required. However the survey methodologies were not agreed at scoping and no further consultation relating to this was undertaken.

In considering the submitted application and accompanying ES, the consultee highlighted that the surveys had been undertaken at times of day inappropriate for collecting ecological data, therefore compromising the value of the data. Consequently, repeat surveys were undertaken independently by MORI with the ES being re-written to take account of the findings of these surveys, whilst incorporating a number of additional concerns raised by the consultees. The application was re-submitted one year after the original application.

In this instance it was suggested by the consultee that the 'formality' of the formal scoping process i.e. consultation by letter via a third party (LPA) rather than direct consultation via meetings, site visits etc, resulted in a failure to identify and address inaccuracies in the methodologies at the scoping stage. This was compounded by the generic format of the scoping report (i.e. lack of detail regarding specific methodologies) resulting in a generic response by the consultee. The lack of ongoing consultation post-scoping also meant that certain issues which should have been 'flagged up' at scoping were effectively 'lost in the noise' of other issues considered to be more of more significance resulting in abortive time, delays in the application and excessive cost to the developer.

Source: Environmental non-governmental organisation

Effect of scoping on the quality of environmental statements

- 4.43 A key issue to be debated when analysing scoping is whether it does ultimately result in a better quality environmental statement. Most of the LPA e-mail questionnaire respondents (67%) were of the opinion that scoping did have a beneficial effect on the ES. Of the 21 LPA interviews, 15 interviewees supported this view, although consultees presented a more varied picture. The LPA questionnaire responses indicated that improved quality of ESs was generally due to scoping ensuring focus on key issues (68%) and the positive outcome of early consultation (39%). Only a few LPAs (9%) expressed the view that scoping had a marginal effect, mainly because scoping opinions were regarded as unnecessary for experienced developers/consultants; a view shared by several developers. This issue of experience was also raised as a key factor by the few LPAs (11%) that indicated that scoping did not improve the quality of the ES. Other factors for scoping not achieving its potential were, applicants not following the advice from scoping, time pressures, and variable quality of information provided and consultee responses. Responses from LPA telephone interviewees indicated that scoping led to fewer requests for additional information during decision-making in most projects (62%). A further quarter of respondents gave more qualified support for this view.

Benefits and drawbacks of scoping

- 4.44 A wide range of benefits of scoping was indicated by LPAs, with the focus on key impacts and improved clarity generally cited by LPA e-mail questionnaire respondents (54%), and by 22 of the 29 other stakeholders interviewed. This aspect was specified as a key factor in achieving an effective scoping process by four of the nine seminar groups. Other benefits indicated by LPAs included collaboration and consultation (23%), and early engagement with the applicant (14%). Of the 29 other stakeholders interviewed, 13 also highlighted early consultations involving a range of participants as a key strength of scoping. In addition, developers and consultants pointed out that scoping could make a contribution to a logical audit trail within EIA.
- 4.45 The response to the LPA e-mail questionnaire also highlighted some drawbacks. These included:
- the resource implications of scoping (32%)
 - the limited timescale for consultation and consideration of issues (23%)
 - late or no response from the consultees (16%) and
 - the non-binding nature of scoping outcomes so that omissions are still possible (16%) – this latter point was an area of concern for one of the seminar groups.
- 4.46 The majority of LPA interview respondents (81%) indicated that despite the non-binding nature of scoping opinions, all outcomes of scoping were adhered to very well, with the remainder indicating a varied use of scoping outcomes.
- 4.47 Unsurprisingly, the responses from telephone interviews with developers, consultants and consultees raised other issues of concern regarding scoping. Developers and consultants were most concerned about the relative lack of experience of other stakeholders (LPAs and consultees) in EIA and therefore scoping, with the consequential lack of a ‘focus’ in their responses. The often generic responses from LPAs were also highlighted through most

consultee telephone interviews. Variation, and lack of consistency in approaches to scoping and responses by LPAs was raised by eight of the 29 other stakeholders interviewed and six of the nine seminar groups. This can vary according to geographical location, type of development, type of authority, etc. Difficulties with lack of experience and inconsistencies in approach are compounded when poor communication among stakeholders occurs (see Box 9).

Box 9. Potentially ineffective scoping practice – involvement of two LPAs

A site proposed for re-development to mixed-use, straddles two local planning authority areas, LPA1 and LPA 2. Both the Local Wildlife Trust (LWT) and biological recording centre were initially requested to provide information relating to the entire site and a buffer zone around it, and to express their views. Subsequently, the developer divided the site into two separate sites, requiring two applications subject to separate EIAs, with two separate scoping exercises being undertaken. The LWT responses to the scoping exercises emphasised that unless a co-ordinated approach to surveying and reporting was adopted, scoping would be flawed from the outset.

In the opinion of the LWT the splitting of the site rendered the scoping process ineffective, as:

- Issues raised in one scoping response which were applicable to the entire site (e.g. the potential presence of protected species in one area of this site which could 'move' to other areas of the site) were not fully considered in the other ES as cross-referencing of scoping opinions and responses was not undertaken adequately.
- Lack of consultation between the two LPAs and key stakeholders regarding the two separate sites and differences in the approaches adopted by each LPA also had implications for the overall quality of the ES'.
- There was ineffective consideration of the cumulative impacts of the two developments, which effectively formed one site.
- There was a duplication of effort for all stakeholders, with the consultants having undertaken two scoping exercises (including the production of two 'identical' scoping reports), and the consultees and LPA having to consider and respond twice.
- The full information for the entire site was not available to LPA1 to enable a decision to be made, as potentially only half of the information was provided, the other half will be provided within the LPA2 ES.

In this case the LWT believe that best practice would have been for the two LPAs to recommend production of a single EIA (and therefore scoping) for the site as a whole whilst submitting two separate planning applications. Alternatively, a lead authority could have been agreed, or a common approach to the two EIAs could have been identified and applied.

Source: Wildlife Trust for Birmingham and the Black Country

4.48 However, notwithstanding the drawbacks of scoping currently experienced, the majority of LPA e-mail questionnaire respondents (76%) and other stakeholders interviewed indicated that the benefits of scoping outweighed the costs. Time and cost savings later in the EIA process were regarded as part of an effective scoping process by three of the seminar groups, and there was general agreement with this view from the consultants and developers interviewed. A quarter of the LPA e-mail questionnaire respondents highlighted the time savings later in the EIA process as a result of scoping. Only a few LPA respondents (10%) were of the view that benefits did not outweigh the drawbacks, and a similar proportion (14%) felt unable to draw any conclusions on this aspect. Similarly, 48% of LPA interviewees felt that the costs incurred by the LPA in scoping led to a reduction of costs in later stages of EIA. The majority of these (80%) expressed the reduction in costs in terms of time savings. Other than those unable to express an opinion on this issue, the remainder (43%) did not feel that there were any cost savings. However, four of the 21 LPA interviewees made the point that time savings only occurred if scoping was performed well, but that poor scoping lead to delays at various stages in the EIA, e.g. dealing with large unfocussed ESs.

Training for scoping

- 4.49 Generally, planning officers seem to be involved in scoping without the benefit of training (52% of 65 LPA e-mail questionnaire responses), with the remainder having undergone some form of training. The picture for consultees is similar with the six of the 11 telephone interview respondents reporting that staff learn about EIA ‘on the job’ without the benefit of prior training or guidance. However, even for LPAs this training can range from the extremes of a formal qualification in EIA (15%) to a half-day in-house seminar (19%). Three of the seminar groups highlighted the variations in knowledge and experience of LPAs and statutory consultees. The larger consultees – statutory and non-statutory – do tend to have greater recourse to staff with EIA knowledge through graduates from EIA degree programmes. The fact that EIA projects are often dealt with infrequently leads to the double consequences of there being less incentive to gain knowledge and experience, in parallel with little knowledge and experience actually being gained from practice. Two of the seminar groups and responses from telephone interviews with consultees all said there was a need for specific training on scoping for a range of stakeholders.
- 4.50 Other suggestions to improve scoping practice in England included the preparation of specific and detailed good practice guidance on scoping, suggested by seminar participants and 27 of all 50 stakeholder interviewees. Existing guidance was regarded as sufficient by 16 of all 50 stakeholders, but there is an urgent need to update official guidance. All the different groups of stakeholders indicated that advice should be targeted to particular stakeholder groups, particularly in relation to the level of detail required and to move towards a greater consistency in approach. In addition, better internal management of the EIA process by LPAs and statutory consultees was seen as important, an issue also stressed in the literature (Jones, 1999).

Mandatory scoping

- 4.51 When questioned as to whether scoping should become mandatory, most LPA interview respondents (62%) indicated that it in their view it should be. However 24% were quite clear that scoping should not become mandatory due to resource implications and the need to maintain flexibility and discretion. Also, 14% of LPA questionnaire respondents indicated that they regarded their current approach to scoping as effectively mandatory in any case. The seminar participants provided essentially the same messages, but the support for mandatory scoping was more equivocal, with three groups indicating outright support, three groups of the view that the existing system worked well, and the remaining three groups focussing on other aspects to improve scoping. The consultants interviewed felt that improvements in scoping practice were more likely to arise through a more participatory and imaginative approach, which was broadly supported by consultees who indicated that their more explicit involvement would be helpful. Developers indicated that decisions regarding scoping should be left to the discretion of the applicant as they were best placed to judge the extent of advice and input required from the LPAs and consultees.

CHAPTER SUMMARY

- 4.52 The data gathered during this study has indicated a range of issues concerning scoping practice in England.

- 4.53 It is clear that both formal scoping opinions adopted under the EIA Regulations, and informal methods, play a large role in **scoping activity** in England. Informal methods are more favoured by experienced developers and consultants. 94% of LPAs deal with scoping opinion requests in-house and 75% spend three person-days or less in preparing their scoping opinion. Costs to LPAs related to work on scoping opinions cannot be separately established. The use of scoping directions by the First Secretary of State is a very minor part of scoping activity, mainly because using this approach to deal with delays by LPAs in issuing a scoping opinion is perceived as counter productive and likely to damage working relationships.
- 4.54 The main **driver for scoping** is that it is widely regarded as a useful element of the EIA process by a range of stakeholders. Scoping is usually initiated by developers in conjunction with their consultants. All those involved in scoping regard consultation in the process as important, although public involvement in scoping is more problematic. Scoping is viewed as effectively providing the 'terms of reference' for the subsequent EIA.
- 4.55 LPAs and other stakeholders generally adopt a case-by-case approach to scoping and tend to make little use of formal tools. There is some evidence of developing practice to standardise approaches by LPAs and developers to allow for more consistency in approach. Documentation and guidance is used and mainly relates to government publications. The information supplied to LPAs by developers to assist them in preparing their scoping opinions is regarded as variable in amount and quality, but is nevertheless perceived as helpful.
- 4.56 The **implications** of scoping are that it appears to be a beneficial process that allows assessments to focus on key impacts and improve their clarity. This is in spite of procedural difficulties in adhering to specified timescales, and the relative lack of expertise and consistency in LPAs and statutory consultees. In particular, LPA respondents perceived a beneficial effect on the quality of ESs through scoping. Overall benefits are felt to outweigh costs. It is clear however, that further support of practitioners is needed through targeted training and guidance.
- 4.57 Overall, the views on **mandatory scoping** were equivocal, with LPAs more in favour of adopting this approach than other stakeholders, particularly developers.

CHAPTER 5

Conclusions

- 5.1 This study into current scoping activity in England, and in particular the extent to which scoping opinions contribute to and improve the effectiveness of EIA, is one of the few studies to evaluate recent practice on scoping in the European Union in the context of changes brought about by Directive 97/11/EC. It highlights the continuing development of scoping practice initially implied by earlier literature from the UK soon after implementation of Directive 97/11/EC (Jones *et al*, 1998; Weston, 2000; Phylip-Jones, 2000; IAU, 2003).
- 5.2 The study has confirmed some of the findings of earlier research in the UK and from broader international experience. In particular, the wide use of scoping and scoping opinions, the usefulness of consultation, the relative lack of public involvement, the reliance on experience and expert judgement (although guidance material does appear to be playing an increasing role with LPAs), and the problems that can arise with regard to resources when dealing with a significant number of EIAs. In addition, the study has provided new information on the submission of scoping reports (and other material) by developers/consultancies to aid LPAs in the preparation of scoping opinions. This practice seems widespread and welcomed by LPAs. Similarly, the study has shed light on the influence of scoping on the quality of the subsequent ES. The perceptions of LPAs are that ES quality benefits from scoping through being better focussed with consequential influence on the planning of the EIA process overall.
- 5.3 The key findings on scoping activity and its effectiveness in England are addressed below.

Provision of scoping opinions

- The LPA e-mail questionnaire indicated that developers requested scoping opinions in 50% of the EIA projects analysed. In a further 18% of projects scoping was addressed through informal discussions but did not result in the adoption of a scoping opinion. However, in 32% of projects the local authority had not been involved in a scoping procedure. This predominance of scoping opinions in scoping activity in England was confirmed by telephone interviews with stakeholders and the seminars. It is also apparent that informal approaches and scoping opinions are effectively treated similarly by some LPAs. County councils appear to issue scoping opinions less frequently than other authorities, but engage in a higher level of informal scoping activity.

Provision of scoping reports

- The LPA e-mail questionnaire indicated that developers provided scoping reports to accompany requests to LPAs for scoping opinions in 62% of projects. Supporting information of some degree about the project and/or the local environment was supplied in all but 4% of the EIA projects. LPAs indicated that they welcomed this more

detailed and structured presentation of information and found it useful in preparing their scoping opinions, although there were varying views on the quality. The relatively high incidence of scoping reports may be due to these giving developers a perception of influence over the EIA process and their subsequent assessment activities.

LPA preparation of scoping opinions

- In the vast majority of projects analysed (94%) the scoping opinion was prepared in-house by the LPA staff. Consultation by LPAs was widespread, although not universal, and statutory bodies predominated in 72% of projects (note that the Regulations specify that statutory bodies are consulted in all cases). Non-statutory organisations such as NGOs or local community groups were also involved in 25% of these projects, normally in addition to statutory bodies. The non-statutory consultees, particularly wildlife trusts, were valued for their specific local knowledge and information that they were able to contribute to scoping. In contrast, scoping rarely involved the public. There was little enthusiasm from seminar participants for public involvement at the scoping stage, due to concerns about maintaining the integrity of the process and avoiding premature disclosure of often controversial or uncertain issues. LPAs appear to be making more use of guidance than reported previously, mainly that produced by government, in particular Circular 02/99 (DETR, 1999) and *EIA: A Guide to Procedures* (DETR, 2000). The main difficulty experienced by LPAs when preparing scoping opinions was in obtaining responses from statutory consultees within the five-week timescale. Resource implications for LPAs dealing with many EIAs were also an issue in terms of knowledge and time available.

Contribution of scoping to the quality of environmental statements

- The majority of LPAs through the e-mail questionnaire (67%) and 15 of the 21 interviewees held the view that scoping improved the quality of the ES subsequently submitted. This mainly related to planning officer perceptions of better-focused documents and better planned EIAs. The fact that scoping also generally involved consultation and therefore brought a wider range of concerns to the discussions was also viewed as beneficial for the quality of the ES. LPAs confirmed that the improved quality of ESs arising from scoping also reduced the need to request further information at subsequent stages.

Time and cost implications of scoping

- Although only 48% of local authority e-mail questionnaire respondents reported that scoping opinions had been issued in the five-week period allowed by the regulations, the majority of respondents estimated that in terms of person days they are a relatively small drain on LPA resources per project, typically taking three days or less. However, for LPAs with a heavy EIA caseload the overall workload can be significant. There is evidence to suggest that the time savings later in the EIA process may not be significant. A quarter of the LPA e-mail questionnaire respondents highlighted the time savings later in the EIA process as a result of scoping. Accurate and quantifiable data on the financial costs involved in the various aspects of EIA are not generally available and stakeholders were unable or unwilling to make estimates given the inherent uncertainty involved.

Cost implications of making scoping a mandatory procedure

- In general, stakeholders felt that the benefits of scoping outweighed the drawbacks and costs – financial and time. Interviews with the various stakeholders, supported by seminar responses, indicated varying support for mandatory scoping. LPAs were more supportive of scoping becoming a mandatory part of EIA than the other stakeholders contacted in this study. Consultees were more equivocal and were more concerned that they should have a role in scoping than with the precise mechanism for its delivery. Consultants favoured a more participatory and flexible approach that allowed them to use their professional expertise on a case-by-case basis. Developers were very clear that scoping was best left as a non-mandatory step where they could exercise their discretion on the best way to proceed.

While the study found that some support for mandatory scoping exists, this is not felt to be sufficient to recommend changes to the current arrangements on that basis. LPAs had some concerns about resource implications in being able to cope with increased workloads. The main cause of increased workloads would be the requirement for LPA involvement in scoping the 32% of projects that they do not see at present. Increasing levels of LPA involvement in scoping from the current 68% of cases to 100% of cases implies an increase in case workload for LPAs of approximately 50%. This is estimated as a maximum increase as it is inevitable that even in cases where scoping opinions are not issued some degree of evaluation of likely impacts has to take place. Also, the workload would be influenced by the form that mandatory scoping might take. Other stakeholders were concerned about loss of discretion and flexibility. On the other hand an increased level of consistency that mandatory scoping might bring was seen as beneficial. Interviewees suggested that improvements in consistency could be achieved through better training of stakeholders and production of up-to-date targeted guidance.

- 5.4 In conclusion, this study has shown that scoping is becoming firmly embedded in English EIA practice with most stakeholders engaging the process in a spirit of cooperation and openness, including consultation. However, in common with many other countries, all the theoretical benefits of scoping are yet to be delivered in full. It is clear that the original purpose of scoping as a means to focus subsequent assessments by eliminating minor issues from the EIA is often lost and perhaps not clearly understood by all stakeholders. There needs to be a more universal recognition and understanding of the purpose of scoping and what it seeks to deliver within EIA.

CONSIDERATIONS FOR FUTURE RESEARCH AND POLICY DEVELOPMENT

- 5.5 It is beyond the remit of this study to recommend future actions for stakeholders involved in scoping in EIA. However throughout the duration of this research a number of considerations for future policy and research have emerged. Stakeholders to whom each of these considerations are thought relevant are included in brackets.

Guidance

1. Evaluate and, where necessary, update current government guidance on EIA with regard to advice on scoping to develop best practice in tools and methods, the use of scoping reports, the role of consultation, the management of the process of scoping and exploring linkages with screening (Communities and Local Government).

2. Explore the value of producing specific guidance on scoping targeted at individual stakeholders to clarify their role in scoping, and how their contribution is integrated with those of other stakeholders (LPAs and statutory agencies).

Training

3. Include scoping as a key element of training courses on EIA, and more general 'updating' courses for all stakeholders (LPAs, statutory agencies and professional bodies).
4. Develop specific training materials on scoping applicable for different stakeholder groups for use in training (LPAs, statutory agencies and professional bodies).

Research

5. Undertake research into EIA case studies where no scoping has apparently taken place, either in the form of a scoping opinion or involving informal approaches. This would allow an exploration of potential linkages between ES quality and scoping.
6. Undertake research on the feasibility of SEA (as required by European Directive 2001/42/EC) of plans and programmes setting parameters for scoping of individual projects.

Above all, there needs to be a clear recognition by all stakeholders of the role of scoping in EIA, and advice from government that an EIA does not need to study all possible impacts to an equal degree of detail.

References

Bass, R.E, Herson, A.I and Bogdan, K.M (2001) *The NEPA Book: A Step-by-Step Guide on how to Comply with the National Environmental Policy Act*, 2ne edition. Solano Press, Point Arena.

Bond, A. and Stewart, G. (2002) Environment Agency scoping guidance on the environmental impact assessment of projects *Impact Assessment and Project Appraisal* 20, (2), 135-142

Council on Environmental Quality (1981) *Memorandum: Scoping Guidance*. 30 April, CEQ, Washington DC.

Department of the Environment (1991) *Monitoring Environmental Assessment and Planning*, HMSO, London.

Department of the Environment (1995) *Preparation of Environmental Statements for Planning Projects that require Environmental Assessment* HMSO, London.

Department of Environmental Affairs and Tourism (2002) *Scoping, Integrated Environmental Management*, Information Series 2, DEAT, Pretoria.

Department of Environment, Transport & the Regions (1999) *Environmental Impact Assessment*. Circular 02/99. The Stationery Office, London.

Department of Environment, Transport & the Regions (2000) *Environmental Impact Assessment: A Guide to Procedures*, Thomas Telford, Tonbridge.

Environment Agency (2002) *Scoping Guidelines for the Environmental Impact Assessment of projects* (May 2002), Environment Agency, Bristol.

Environmental Protection Authority (2002) Guide to Preparing an Environmental Scoping Document, Version 1, in *Environmental Impact Assessment (Part IV Division 1) Administrative Procedures 2002*, (EPA), Perth.

Essex Planning Officers Association (2002) *The Essex Guide to Environmental Impact Assessment*, Essex County Council, Chelmsford.

European Commission (2003) Report from the Commission to the European Parliament and the Council: On the Application and Effectiveness of the EIA Directive (Directive 85/337/EEC as amended by Directive 97/11/EC) *How successful are the Member States in implementing the EIA Directive*, Office for Official Publications of the European Communities, Luxembourg.

- European Commission (EC) (2001) *Guidance on Environmental Impact Assessment: Scoping*, Office for Official Publications of the European Communities, Luxembourg.
- Glasson, J., R. Therivel & A. Chadwick (1999) *Introduction to Environmental Impact Assessment: Principles and procedures, process, practice and prospects*, 2nd edition, UCL Press, London.
- Husby, S.R. (1997) *Seks år med konsekvensutredninger* NIBR Rapport 20: 13-14.
- Impacts Assessment Unit (2003) *Scoping Decision-Making under the Town and Country Planning (EIA) (England and Wales) Regulations 1999*, Unpublished report to EIA Unit, Office of the Deputy Prime Minister, IAU, Department of Planning, Oxford Brookes University, Oxford.
- Institute for Environmental Management & Assessment (2004) *Guidelines for Environmental Impact Assessment*, IEMA, Lincoln.
- Jones, C.E. (1999) Screening, scoping and consideration of alternatives, Chapter 10, pp201-228, in Volume 1 of *Handbook of Environmental Impact Assessment* Petts, J. (ed), Blackwell, Oxford.
- Jones, C.E, Wood, C.M and Dipper, B. (1998) Environmental Assessment in the UK planning process, *Town Planning Review* 69, (3), 315-339.
- Marriott, B.B (1997) *Environmental Impact Assessment: A Practical Guide*, McGraw-Hill, London.
- McNab, A (1997) Scoping and Public Participation in Weston, J (1997) *Planning and Environmental Impact Assessment in Practice*, Longman, Harlow.
- Ministry for the Environment (MoE) (1992) *Scoping of Environmental Effects – A Guide to Scoping and Public Review Methods in Environmental Assessment*, Ministry for the Environment, Wellington.
- Ministry of the Environment/Aalborg University (2003) The *Outcome of EIA in Denmark* European Commission. http://ec.europa.eu/environment/eia/pdf/eia_outcome.pdf
- Mulvihill, P.R. and Baker, D.C. (2001) Ambitious and restrictive scoping: case studies from Northern Canada, *Environmental Impact Assessment Review*, 21, (4), 351-369.
- Pavlickova, K. (2004) *pers comm.* Centre for EIA, Comenius University, Bratislava, Slovak Republic.
- Phylip-Jones, J (2002) *Assessing the effectiveness of the scoping stage in the EIA process, with specific reference to UK landfill projects*, (unpublished MA Dissertation), University of Manchester.

Pinho, P. and Margalha, J. (2004) Scoping in EIA – theoretical strengths and practical weaknesses, in *Planning for Sustainable Development – the practice and potential of Environmental Assessment*, pp225-236, Proceedings of the 5th Nordic Environmental Assessment Conference, Reykjavik, Iceland, 25-26 August 2003, Nordregio Report 2004:2, Nordregio, Stockholm. <http://www.nordregio.se>

von Ritter, K. and Tsirkunov, V. (2002) *How Well is Environmental Assessment Working in Russia?* A Pilot Study to Assess the Capacity of Russia's EA System, Draft unpublished report, World Bank, Washington DC.

RTPI (2001) *Planning Practice Standard (PPS) Environmental Impact Assessment*, The Royal Town Planning Institute, London. <http://www.rtpi.org.uk>

Scottish Natural Heritage (2002) *A Handbook on Environmental Impact Assessment: Guidance for Competent Authorities, Consultees and Others involved in the Environmental Impact Assessment Process in Scotland*, SNH, Edinburgh.

Sigurdardóttir, H. and Gunnarsson, J. (2004) EIA and the practical experience of the scoping report in Iceland, in *Planning for Sustainable Development – the practice and potential of Environmental Assessment*, pp237-246, Proceedings of the 5th Nordic Environmental Assessment Conference, Reykjavik, Iceland, 25-26 August 2003, Nordregio Report 2004:2, Nordregio, Stockholm. <http://www.nordregio.se>

Weston, J (2000) EIA, decision-making theory and screening and scoping in UK practice, *Journal of Environmental Planning and Management*, 43, (2), 185-204.

Wood, C (2003) *Environmental Impact Assessment: A Comparative Review*, 2nd edition, Prentice Hall, Harlow.

Wood, C., Jones, C.E., Baker, M. and Short, M. (2003) *Effect of Environmental Appraisal in Achieving Changes to Development Plans*, unpublished report to Economic and Social Research Council, EIA Centre, Planning & Landscape, School of Environment and Development, University of Manchester, Manchester.

APPENDIX 1

A Review of International Evidence

HISTORICAL DEVELOPMENT OF SCOPING

- A1.1 The development of scoping as an important element of EIA is mirrored in the development of EIA itself as a process. The first codification of EIA principles in legislation was through the influential USA National Environmental Policy Act (NEPA) in 1969. This has proved to be an important model and precursor for EIA development worldwide (Wood, 2003). Scoping was not an original requirement of NEPA, but was added in response to the voluminous nature of many environmental impact statements in the USA following implementation of the legislation. Scoping was intended to ensure that more focused Environmental Impact Statements (EISs) were prepared and, incidentally, has assisted in increasing coordination between proponents in the EIA process and in the agreeing of action-specific timetables (Wood, 2003). In a similar way, Australia did not have any scoping requirements written into the original administrative procedures, but scoping is now used by all the States as well as by the Federal Government of Australia as a means of improving the quality of EIA reports. EISs are only published once they meet the requirements of guidelines developed through public scoping.
- A1.2 In the United States, scoping was introduced formally after nearly a decade of experience of EIA practice, through the 1978 Council on Environmental Quality (CEQ) Regulations. In determining the scope of environmental impact statements (EISs), agencies must consider types of action, alternatives and impacts. An essentially open scoping process is used in the United States, which is intended to obtain the views of other agencies and the public regarding the topics to be included. There is no prescribed list of impacts which must be included in EISs beyond the specification that direct, indirect, connected, similar and cumulative actions must be considered, together with alternatives and mitigation measures (Bass *et al*, 2001).
- A1.3 Scoping is a formal (i.e. with specified procedures) requirement for full EIA reports in the United States and Canada. It is a general requirement for EIA reports in Australia and South Africa. While not a formal requirement in New Zealand, scoping is very strongly encouraged for notified projects under the Resource Management Act 1991 and local authorities can set up their own scoping procedures. In effect, an applicant is being instructed that it would be unwise to neglect consultation about the proposal and the scoping of its effects (Wood, 2003). It is interesting to note that scoping is recognised as important, through its mandatory requirement, in many of the EIA systems that have existed for longer periods of time. The lesson of the importance of scoping to EIA is also recognised by countries that have developed their EIA systems more recently. In South Africa, such heavy emphasis is placed on this stage that the EIA regulations permit the relevant authority to request a plan of study for scoping (Department of Environmental Affairs and Tourism, 2002). This may be little more than a record of initial discussions between the applicant and the relevant authority but if required, it must include, 'a description of the proposed method of identifying the environmental issues'.

SCOPING PROCEDURES

- A1.4 Scoping can be regarded as an important element in the EIA process and required by the legislation, but may not have associated procedural requirements to support its implementation. This is the case with the Canadian Environmental Assessment Act 1992, which requires the responsible authority to determine the scope of the screening, or comprehensive study, while the Minister of the Environment determines the scope of panel reviews and mediations when fixing the terms of reference. However, no scoping procedure is specified. Similarly, in the Australian EIA process, where despite being a long time requirement, formal procedures for consultation and public participation in scoping are lacking.

INTERNATIONAL GUIDANCE

- A1.5 Examples of guidance relating to scoping are evident from a range of countries and organisations and most of the guidance documents contain useful step-by-step approaches aimed towards conducting a comprehensive and effective scoping exercise. Early scoping guidance from the USA (CEQ, 1981) favoured tailoring the scoping process to each individual project, particularly in relation to the methods used, the timing and meetings. European Commission (2001) guidance for use by competent authorities, developers and EIA practitioners describes in detail the various activities involved in scoping, and provides a step-by-step procedure for addressing those including consultations and reviewing alternatives. The guidance also contains checklists of project components and environmental components.
- A1.6 Perhaps the most comprehensive guidance relating to public consultation during scoping is provided by New Zealand's Ministry of the Environment (1992) in Scoping of Environmental Effects produced in response to the enactment of the Resource Management Act, 1991. This guidance details procedures for community liaison, informing the community, public meetings and negotiations.
- A1.7 The Environmental Protection Authority (EPA) (2002) of the Government of Western Australia has produced guidance for proponents outlining requirements when preparing an Environmental Scoping document. The format of such a document is not prescribed, but the Administrative Procedures set out the minimum information to be provided. The guidance provides an indicative list of information to be included in the Environmental Scoping document: the purpose of the document, identification of proponent, description of the proposal, alternative options and the basis for justifying the proposal and selecting the preferred option. Furthermore, the guidance specifies inclusion of a summary of potential environmental impacts, their significance and possible management responses and proposed studies and investigations (scope of works). Finally, the guidance explains the requirements of each part of the Environmental Scoping document to clarify what is needed at each stage in its preparation.

SCOPING IN PRACTICE

- A1.8 Literature discussing the practical application of scoping is less common, and thus while there are many sources espousing its theoretical benefits, conclusions on its effectiveness are more rare. Mulvihill and Baker (2001) considered experience in Northern Canada and found evidence of 'ambitious' cases in which innovative approaches were employed and explicit efforts made to maximise and extend the influence of EIA. However, such experiences were not universal, and in other instances scoping led to a more narrowly defined assessment process. Effective scoping was related to a willingness to address public concerns, in particular in this context cultural issues, in innovative ways. Less effective practice was associated with scoping taking place relatively late in the EIA process and as a narrowly conceived exercise.

APPENDIX 2

Scoping practice in the European Union

- A2.1 The European Commission (2003) Five Year Review on the application and effectiveness of the EIA Directive (Directive 85/337/EEC as amended by Directive 97/11/EC) investigated the success of the 15 Member States⁵ – prior to the accession of 10⁶ other countries in 2004 – in implementing the EIA Directive. Seven Member States have a mandatory scoping procedure in place (i.e. the competent authority has to provide a scoping opinion whether the developer asks for one or not).
- A2.2 Scoping is a requirement for EIA reports in the Netherlands. The Dutch system also contains prescriptive requirements in relation to scoping procedures. Scoping has been a requirement of the Dutch EIA system since its introduction in 1987. The Environmental Management Act (1994) requires project (or plan) specific guidelines to be prepared for each EIA. The notification of intent prepared by the proponent alerts the competent authority that an EIA is to be undertaken and that guidelines are to be prepared. In turn, the competent authority must publish the notification of intent and apprise the EIA Commission, which must produce its recommendations on guidelines within nine weeks of publication of the notification (Wood, 2003). The Dutch EIA system is under review and the indications are that in the future the system will be more flexible and less prescriptive.
- A2.3 There were mixed opinions between Member States as to whether the introduction of the scoping procedures has brought improvements. Many respondents believed that it was far too early to judge the effectiveness of the process while others simply stated that as they have always included a mandatory scoping stage in their EIA legislation they cannot make a worthwhile comparison. Some of the respondents were of the view that the introduction of the scoping phase has improved the quality of the information provided to the competent authority; however, there is no specific evidence to support that view. The report does suggest that the introduction of scoping procedures has the potential for increasing the length of the EIA process. However, it concludes that there is little evidence that the length of the EIA process has been affected by the introduction of the scoping stage.
- A2.4 Consultation with the public during the scoping process is legally required in Belgium, Denmark, Finland, the Netherlands, Spain and Sweden. In Austria, Germany, Ireland and the UK relevant environmental authorities or agencies are consulted but it is up to the competent authority to decide whether or not the public should be consulted on the scope. A range of methods appear to be used in scoping exercises including checklists, matrices, impact chains, and modelling, with expert judgement most frequently relied upon. In many cases, no specific methodology is relied upon. Approximately 50% of the Member States

⁵ Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden. United Kingdom

⁶ Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia

explicitly state that the guidelines of the Commission are used. Some Member States have produced guidelines of their own, either independently (e.g. Netherlands) or through adapting the Commission's guidelines (e.g. Austria). Greece has produced guidelines that set out the required information for different project categories, but for each individual project these guidelines are expanded to suit the specific requirements of the case.

- A2.5 The Five Year Review Report (European Commission, 2003) indicated a wide variety of approaches to the scoping stage of EIA exist, with some Member States seeming to appreciate the value of an early scoping stage more than others. Some Member States require the publication of draft scoping reports or even draft EISs. There is also recognition in some Member States that public involvement at the scoping stage identifies the issues that are 'significant' to the people who will have to live with the project and not just the 'experts' who will not.
- A2.6 In Portugal, scoping is not mandatory but developers have the right to present a scoping proposal to the EIA authority for analysis, using a case specific formally constituted EIA Commission. Institutional and public consultation is optional and dependent on the request of the developer. An analysis of 27 scoping proposals (Pinho and Margalha, 2004) showed improvements in scoping over time, particularly in characterising projects, presenting alternatives, describing projects and identifying impacts within ESs. However, many of the theoretical benefits of scoping have yet to be realised in Portugal, with particular issues of concern being the elimination of irrelevant impacts from ESs, and involvement of the public in scoping.
- A2.7 In Denmark, scoping involves the first of two rounds of public consultation in the EIA process. The approach to this consultation varies greatly depending on the type of project, ranging from a leaflet and announcement to more detailed and wide-ranging material. It seems that the greater the amount of material supplied the greater the participation of the public. The consequences of a lack of public debate during scoping consultations are many more comments during the second round after publication of the EIA report when the assessment process is quite far advanced and it is more difficult to respond to the concerns raised (Ministry of the Environment/Aalborg University, 2003).
- A2.8 The Slovak EIA procedure stipulates that scoping should be decided by the Ministry of Environment in collaboration with the competent authority following discussion with the developer. If required an associated timetable will also be prepared. The Ministry must deliver their response within three weeks. This response takes into account data to be included, alternatives, and areas requiring special attention, any joint assessments and the number of copies of the environmental impact statement. The developer is responsible for informing the public about scoping and its timetable. Currently, it appears that practice on scoping in Slovakia is in accordance with the regulatory requirements (Pavlickova, *pers comm*).
- A2.9 Outside the European Union, scoping activities in Norway⁷ are encompassed through the 'notification' process and document. Despite initial problems with late application in the EIA process, and a range of incomplete or over-detailed reports, practice has improved to provide clearly defined documents to guide subsequent assessments (Husby, 1997). The associated study programmes appear to provide a clear framework for the EIA report. In Iceland, the developer prepares a draft scoping report for the National Planning Agency,

⁷ Norway and other EEA states comply with EC Directive

which then approves a final scoping report for the developer to prepare the environmental impact statement. Indications are that the process could be better managed with consequent improvements in quality (Sigurdardóttir and Gunnarsson, 2004). The Russian Federation has no explicit provisions for scoping although terms of reference do need to be applied. Scoping practice is not well developed and developers are driven more by a desire to pass the review stage of the State Ecological Expertise process (broadly equivalent to EIA) than to prioritise impacts. Developers are guided by consultants, who seem to increase the scope of the EIA without necessarily adding value to the process. The problems are compounded by a lack of specific procedures and guidelines (von Ritter and Tsirkunov, 2002).

APPENDIX 3

E-mail questionnaire of local planning authorities

METHODOLOGY

The questionnaire was designed so that it could contain information specific to projects dealt with by individual LPAs. This was achieved by cutting-and-pasting key information from the Communities and Local Government database into the questionnaire, which was designed as a spreadsheet. Each LPA therefore received a list of EIAs submitted to it since 1999 to focus their response appropriately and to aid them in locating the required information. The PlanET database recorded 336 local authorities with EIA experience and a questionnaire was sent to each of them.

The questionnaires were sent by e-mail with instructions that they should be completed on-screen and returned in the same way. Explanatory notes were provided to respondents, while supporting material was also supplied, including a brief summary of the project and a supporting letter from the then ODP. The deadline initially specified for return of the questionnaires was Friday 4 June 2004. The initial response rate was slower than anticipated and two chasing exercises were carried out to encourage the return of questionnaires. The final closing date for receipt of e-mail questionnaires was Friday 10 September 2004.

It is quite difficult to quantify the prevalence of these issues, as while some examples were seen either directly by the project team or by the local authorities through the e-mail questionnaire, these are unlikely to provide the full picture. The project team observed these issues as an incidental by-product of other activities, while the response rate from the e-mail questionnaire of LPAs was relatively low. This therefore indicates that the observations are by no means comprehensive. The PlanET database contains 2,065 recorded projects, of which 46 could be immediately discarded due to the absence of certain detail. Beyond that the identification of errors was not systematic, but an estimate could be made that the total of valid projects was no more than 1,900.

LIST OF RESPONDING AUTHORITIES

- Responding authorities are organised by region and type of authority (in parentheses), with number of EIA projects dealt with since 1999.
- (Nil return) indicates return of blank questionnaire.

North West

Allerdale (district), 1
 Blackburn with Darwen (unitary), 2
 Burnley (district), 2
 Carlisle (district), 1
 Halton (unitary), 9
 Knowsley (metropolitan unitary), 6
 Macclesfield (district), 4
 Rochdale (metropolitan unitary), 5
 Vale Royal (district), 3

North East

Alnwick (district), 2
 Durham (county), 10
 South Tyneside (unitary), 4
 Wear Valley (district), 1

Yorkshire & Humber

Leeds (unitary), 5
 North Yorkshire (county), 20
 Richmondshire (district), 2
 Rotherham (unitary), 9
 York (unitary), 9

West Midlands

Bromsgrove (district), 2
 Lichfield (district), 2
 Staffordshire Moorlands (district)
 (nil return), 1
 Walsall (unitary), 10
 Wolverhampton (unitary), 4

East Midlands

Chesterfield (district), 5
 Hinckley & Bosworth (district), 2
 Leicestershire (county), 13
 Northamptonshire CC, 9
 North West Leicestershire (district), 10
 South Derbyshire (district), 1

Eastern

Bedford (district), 8
 Bedfordshire (county), 17
 Colchester (district), 7
 Dacorum (district), 2
 Epping Forest (district), 1
 Essex (county), 14
 Huntingdonshire (district), 10
 Maldon (district), 2
 Norfolk (county), 33
 Norwich (district), 4
 Peterborough (unitary), 17
 Thurrock (unitary), 3
 Uttlesford (district), 3

South West

Bath & NE Somerset (unitary), 24
 Dartmoor National Park Authority, 1
 Dorset (county), 13
 Exmoor National Park Authority, 5
 Gloucestershire (county), 12
 North Dorset (district), 3
 Restormel (district), 8
 Stroud (district), 5
 Weymouth & Portland (district), 9

South East

Aylesbury Vale (district), 6
 Buckinghamshire (county), 12
 Cherwell (district), 1
 Eastbourne (district) (nil return), 1
 East Hampshire (district) (nil return), 2
 East Sussex (county), 7
 New Forest (district), 3
 Runnymede (district), 4
 Surrey (county), 16
 Test Valley (district), 4
 Waverley (district), 3
 Windsor & Maidenhead (unitary), 4
 Wycombe (district), 4

London

Barnet, 5

Bexley, 2

Dartford, 6

Hammersmith & Fulham, 7

Hounslow, 5

Islington (nil return), 1

Merton, 1

Newham, 4

Richmond, 4

Authorities that responded to indicate non-participation in the study

Ashfield

Hertsmere

Purbeck

Wokingham

E-MAIL QUESTIONNAIRE

Section 1. Involvement in Scoping for Recent EIAs

Note. In Section 1 a list of projects applicable to the local authority subject was presented. For each project, information taken from the Communities and Local Government project database was provided followed by the questions.

Project Details:

Applicant

Location

Project Category (i.e. classification under EIA regulations)

Description of development

Date of Environmental Statement

Questions:

1. Did scoping occur?

- *Scoping opinion/informal scoping/no scoping/not known*

1a. If scoping opinion, how was it produced?

- *In-house/by consultant/other (please specify)*

1b. If scoping opinion, how long did it take from request to issuing of opinion?

2. What information was supplied by the applicant to the LPA?

- *Scoping report/project details/environmental data/other (please specify)*

3. Who was consulted by the LPA at the scoping stage?
 - *Statutory consultees/local groups and NGOs/public/other (please specify)*
4. What was the LPA's output from the scoping process?
 - *Letter or report/consultee responses/regulations schedule 4/other*
5. Was this an application for outline or full consent?

Section 2. General Questions on Scoping and EIA

1. In your opinion, does the scoping opinion procedure lead to better quality environmental statements? Why?
2. Please estimate the resources required by the LPA to produce a scoping opinion and/or for other scoping activity.
3. In your opinion, what are the principal benefits and drawbacks of scoping?
4. In your opinion, do the benefits of the scoping opinion procedure, or other scoping activity, outweigh the costs? Why?
5. In your opinion, what are the key difficulties of the scoping process?
6. If you have had experience of scoping outside of the Town and Country Planning regulations, did this differ? If so, how?
7. Have you had any EIA training that has covered scoping?
8. When undertaking scoping, do you refer to a guidance document? If so, which?
9. Are there any other aspects of scoping you would like to comment on?

APPENDIX 4

Stakeholder telephone interviews

METHODOLOGY

The interviews were conducted by telephone, based on a standard interview protocol to ensure consistency of approach and the compatibility of the collected data for ease of analysis. The notes taken by each interviewer were typed-up against the questions and e-mailed back to the interviewee to provide an opportunity to make corrections or to comment further. The agreed records were then collated centrally for subsequent analysis. The interviews commenced in the final week of June 2004 and were completed by mid September 2004.

Among the LPAs selected for interview were representatives of metropolitan, county, unitary and district authorities, while the coverage of national statutory consultees such as English Nature and the Environment Agency was balanced by the inclusion of local bodies such as wildlife trusts and influential single-interest organisations such as the Royal Society for the Protection of Birds.

Evaluation of the quality of the scoping process was undertaken using questions based on the degree of regulatory compliance, the procedural approach and the time and cost investment in the process. The factors to be considered included: the time and resource savings for LPAs and developers; any impacts on the success rate of planning applications; the early abandonment of projects due to 'red flags' identified; the degree of compliance of environmental statements with scoping conclusions; and any reductions in the need to request additional information for decision-making.

LIST OF INTERVIEWEES

Local Authorities

Ashford	Liz Walker
Cambridge	Sarah Dyer
Doncaster	Arthur Doyle
East Dorset	Richard Henshaw
East Sussex CC	Jeremy Patterson
Exmoor NPA	David Wyborn
Gloucestershire CC	Sarah Pearce
Hertfordshire CC	Richard Greaves
Knowsley	Garry Payne

Lancaster	David Hall
Leeds	Max Rathmell
Lincolnshire CC	Adrian Winkley
Norfolk CC	Rob Cranthorne
North Yorkshire CC	Rachel Pillar
Peterborough	Tracy Humphreys
Plymouth	Ray Williams
Richmond	Roy Summers
Richmondshire	Peter Featherstone
Runnymede	John French
South Tyneside	David Winder
Surrey	Tom Jones
Wolverhampton	David Onions

Statutory Bodies

Department for the Environment (Northern Ireland)	Noel Scott
Department for the Environment, Food and Rural Affairs	Andrew Adams
English Heritage	Ross Simmons
English Nature	Simon Lee
Environment Agency	Judith Johnson
Tracy Brightman	
Forestry Commission	Steve Colderick
Ministry of Defence	Jon Wilson
Scottish Executive	Helen Woods
Welsh Assembly	Timothy Dorken

Non-governmental Organisations (NGOs)

BBC Wildlife Trust	Chris Parry
Council for the Protection of Rural England	Paul Hamblin
Royal Society for the Protection of Birds	Andrew Dodd

Consultants

CPM Environmental Planning and Design	Neil Davidson
Environ	Maeve Fryday
Environmental Resources Management	Michael Stallard Janet Burns

Lovejoy

Lisa Toyne

Terence O'Rourke

Andrew Mahon

Developers

British Airports Authority

Katherine Warner

Bovis Homes

Mike Buxton

Environment Agency

Cath Sanders

Ministry of Defence

Julia Pinnington

Onyx Group

Nick Hollands

Scottish Power

Helen Woods

Thames Water

Jason Straton

Mike Crafer

Vodafone

Lindsay MacDonald

STAKEHOLDER STRUCTURED INTERVIEW PROTOCOLS**Introduction**

The Office of the Deputy Prime Minister (ODPM) has commissioned Manchester University EIA Centre in association with Land Use Consultants to undertake a study of the level of current scoping activity and consider the extent to which scoping opinions contribute to improve the effectiveness of the EIA process. The outputs of the study will inform the future development of government policy in relation to EIA and the scoping process.

The questions have been sent out in advance to allow people to familiarise themselves with the interview. The interview focuses on three key themes:

- Extent of involvement in scoping
- Scoping procedures
- Views on strengths and weaknesses in current scoping practice

It is envisaged that the interview should take no longer than 30mins. It would be appreciated if interviewees would answer the questions generally with regards to their overall experience and where applicable illustrate responses with specific examples. Once complete the interview responses will be recorded anonymously and returned to the interviewee for a read-through prior to submission of the research findings.

LOCAL PLANNING AUTHORITIES

a) Extent of Involvement in Scoping

In most cases, these questions are designed to follow up the questionnaires previously completed by the LPA; therefore the extent of the LPA involvement in scoping will have been established previously, except where the LPA did not respond to the questionnaire, in which case the questions will be expanded to ascertain extent of involvement.

b) Scoping Procedures

- Since the introduction of the revised EIA regulations (The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999), do you always provide a formal scoping opinion or are informal responses still requested/provided?
- In your experience, is there a relationship between requests for screening opinions and requests for scoping opinions? (e.g. are both commonly requested or is a scoping opinion less likely where a screening opinion has been requested previously?)
- For the scoping requests received, is enough information generally provided by the developer to enable a comprehensive scoping opinion/response to be provided?
- How do you decide who will be consulted in preparation of a scoping opinion/response, is there a generic list or is it tailored to the type of development?
- Are non-statutory consultees often consulted as part of the scoping process and if so, how useful are the responses?
- To what extent is information provided in the scoping opinion/response generic or site specific?
- For projects progressed to full ES stage, how well is the scoping opinion/response generally adhered to in the ES (i.e. are all comments/information/requests taken on board)?

c) Views on the Strengths and Weaknesses of Current Scoping Practice

- Does scoping increase the quality of the final ES?
- Do you feel scoping is undertaken at the optimum time of the EIA process (or too late to influence design/ consideration of alternatives, or too early for survey results etc)?
- In your opinion, does the five-week response time stated within the Regulations have implications for the 'quality' of the scoping opinion/response?
- Do the costs incurred at the scoping stage result in a reduction in costs/resources/time spent by your LPA during the latter stages of the EIA process/and post submission?
- Do you have any views on the range/number of statutory consultees for scoping (e.g. should be widened)?

- In your opinion, does the scoping process result in a reduction in the need to request 'additional information' to help inform the decision making process?
- Do you feel that further guidance/advice is required to aid in the scoping process?
- How could the existing scoping process be improved?
[Should mandatory scoping be adopted?] {only used as a prompt if issue not raised by interviewee}

d) Additional Points

- Any additional issues raised by the questionnaire responses?

CONSULTEES

a) Extent of Involvement in Scoping

- How many Environmental Statements have you been involved with?
- Were they all dealt with under planning legislation (if 'other' legislation please state)?
- Did they involve a formal request for a scoping opinion, an informal request for a scoping opinion, neither or not known?
- What was your involvement in the scoping process (i.e. did you produce a letter/report, attend a meeting, provide information/advice etc)?

b) Scoping Procedures

- For the scoping requests received, was enough information provided by the developer to enable a comprehensive scoping response to be provided?
- How long does it usually take from the scoping request to the provision of a response and do you ever request additional time (over the statutory period – where applicable)?
- Are you generally consulted by the LPA, consultants or directly by the developer?
- What are the time/costs/resource implications for your organisation associated with the scoping process (can these be quantified)?
- What difficulties do you encounter when preparing a scoping response and how are these overcome?
- Do the costs incurred at the scoping stage result in a reduction in costs/resources/time spent by your organisation during the latter stages of the EIA process and post submission?
- Does the information you provide in a scoping response tend to be generic or site specific?

- Does anyone in your department/organisation have any EIA training (that covers the scoping process)?
- Do you have any guidance/guidelines as to how to provide a scoping response (i.e. what info should be included etc)?
- For projects progressed to full ES stage, how well is your input into the scoping opinion/response adhered to in the ES (i.e. are all comments / information / requests taken on board or not known)?
- Does the scoping process result in a reduction in the need to request 'additional information' to help inform your response to the submitted application?

c) Views on the Strengths and Weaknesses of Current Scoping Practice

- What are the strengths of current scoping practice and do they differ for informal and formal scoping opinions?
- What are the weaknesses of current scoping practice and do they differ for informal and formal scoping opinions?
- Do the strengths of scoping outweigh the weaknesses, i.e. is the time spent on scoping justified?
- Does scoping increase the quality of the final ES (if known)?
- Do you feel scoping is undertaken at the optimum time of the EIA process (or too late to influence design/ consideration of alternatives, or too early for survey results etc)?
- In your opinion, does the response time stated within the regulations have implications for the 'quality' of the scoping response?
- What are your views on the expertise of LPAs in dealing with scoping opinions (where applicable)?
- How could the existing scoping process be improved?
[Should mandatory scoping be adopted?] {only used as a prompt if issue not raised by interviewee}
- Do you feel that further guidance/advice is required to aid in the scoping process?

CONSULTANCIES

a) Extent of Involvement in Scoping

- How many Environmental Statements have you been involved with?
- Were they all dealt with under planning legislation (if 'other' legislation please state)?
- Did they involve a formal request for a scoping opinion, an informal request for a scoping opinion or neither?

- What is your involvement generally in the scoping process (e.g. preparation of scoping report, attendance at meetings, collation of information etc)

b) Scoping Procedures

- Was information provided by the developer at scoping stage sufficient to inform the scoping request?
- Who (if anyone) did you consult at the scoping stage in addition to the LPA?
- Are non-statutory consultees often consulted as part of the scoping process either by you or the LPA (please specify), do they provide useful responses?
- Where applicable, how long does it usually take from scoping request to scoping opinion (does it often exceed the statutory 5 week period)?
- Does provision of a scoping opinion ever result in early abandonment of a project due to the identification of potential 'show-stoppers', or significant changes to project layout/design?
- Do you have any views on the range and number of statutory consultees?
- If you disagree with any aspect of the scoping opinion, would you go back to LPA or not – can you provide any evidence of this?
- What are the time/costs/resource implications associated with the scoping process (can these be quantified)?
- Do the costs incurred at the scoping stage result in a reduction in costs/resources/time spent during the latter stages of the EIA process and post submission?
- Does scoping have an impact on the overall length of the decision making process, e.g. does early involvement of the LPA lead to a faster decision?

c) Views on the Strengths and Weaknesses of Current Scoping Practice

- What are the strengths of current scoping practice and do they differ for informal scoping and formal scoping opinions?
- What are the weaknesses of current scoping practice and do they differ for informal scoping and formal scoping opinions?
- Do the strengths of scoping outweigh the weaknesses, i.e. is the time spent on scoping justified?
- Does scoping actually inform the process of EIA preparation or is it simply a procedural hoop?
- In practice, does scoping assist in focussing on potentially significant impacts (are topic areas ever 'scoped out')?

- Do you feel scoping is undertaken at the optimum time of the EIA process (or too late to influence design/ consideration of alternatives, or too early for survey results etc)?
- Does the scoping stage help in costing the ES and determining a realistic programme for completion/scope of works?
- What are your views on the expertise of LPAs in dealing with scoping opinions?
- Do you feel that further guidance/advice is required to aid in the scoping process?
- How could the existing scoping process be improved?
[Should mandatory scoping be adopted?] {only used as a prompt if issue not raised by interviewee}

DEVELOPERS

a) Extent of Involvement in Scoping

- How many Environmental Statements have you been involved with?
- Who makes the decision to undertake scoping (and why), at what stage of the development is it undertaken?
- Does it generally involve a formal request for a scoping opinion, an informal request for a scoping opinion or neither?
- What is your involvement in the scoping process?

b) Scoping Procedures

- Are non statutory consultees (and other organisations/public) often consulted as part of the scoping process, do they provide useful responses and are they contacted by the LPA, consultants or yourselves?
- How long does it take from scoping request to scoping opinion (does it often exceed the statutory 5 week period)?
- If you disagree with any aspect of the scoping opinion, would you go back to LPA or not – can you provide any evidence of this?
- Does provision of a scoping opinion ever result in early abandonment of a project due to the identification of potential ‘show-stoppers’, or significant changes to project layout/design?
- Who if anyone was consulted at the scoping stage in addition to the LPA?
- Do you have any views on the range and number of statutory consultees?
- What are the time/costs/resource implications associated with the scoping process (can these be quantified)?

- Do the costs incurred at the scoping stage result in a reduction in costs/resources/time spent during the latter stages of the EIA process and post submission?

c) Views on the Strengths and Weaknesses of Current Scoping Practice

- What are the strengths of current scoping practice and do they differ for informal and formal scoping opinions?
- What are the weaknesses of current scoping practice and do they differ for informal and formal scoping opinions?
- Do the strengths outweigh the weaknesses, i.e. is the time spent on scoping justified?
- In practice, does scoping assist in focussing on potentially significant impacts (are topic areas ever 'scoped out'?)
- Do you feel scoping is undertaken at the optimum time of the EIA process (or too late to influence design/ consideration of alternatives, or too early for survey results etc)?
- Does the scoping stage help in costing the ES and determining a realistic programme for completion/scope of works?
- What are your views on the expertise of LPAs in dealing with scoping opinions?
- Do you feel that further guidance/advice is required to aid in the scoping process?
- How could the existing scoping process be improved?
[Should mandatory scoping be adopted?] {only used as a prompt if issue not raised by interviewee}

COMPARATIVE REVIEW:

Town and Country Planning EIA Regulations in Wales, Scotland and N. Ireland

a) Extent of Involvement in Scoping

- What is the role of your department with regards to the EIA process and in particular, scoping?
- Has your department produced any guidance relating to the scoping process in EIA?
- Has your department been involved with any other aspects of scoping (e.g. preparation of policy/position statements, undertaking research/review of current practice)?
- Is your department often requested to provide advice/answer questions relating to scoping by other government departments, LPAs, developers, consultants, consultees etc?

b) Views on the Strengths and Weaknesses of Current Scoping Practice

- What are the strengths of current scoping practice and do they differ for informal responses and formal scoping opinions?

- What are the weaknesses of current scoping practice and do they differ for informal responses and formal scoping opinions?
- Do the strengths of scoping outweigh the weaknesses, i.e. is the time spent on scoping justified?
- Does scoping actually inform the process of EIA and improve the quality of the final ES or is it simply a procedural hoop?
- Do you have any views on the range/number of statutory consultees for scoping?
- Do you feel that further guidance/advice is required to aid in the scoping process?
- How could the existing scoping process be improved?
[Should mandatory scoping be adopted?] {only used as a prompt if issue not raised by interviewee}

Non-planning EIA Regulations

a) Extent of Involvement in Scoping

- What is the role of your department with regards to the EIA process and in particular scoping?
- What EIA Regulations provide the context for this?
- Has your department produced any guidance relating to the scoping process in EIA?
- How many Environmental Statements have you been involved with?
- Did they involve a formal request for a scoping opinion, informal scoping or neither?

b) Scoping Procedures

- Do you always provide a formal scoping opinion or are informal responses still requested/provided?
- In general, who is responsible for producing the scoping request (i.e. developer, consultant, other)?
- Do you refer to any guidance when preparing a scoping response?
- In your experience, is there a relationship between requests for screening opinions and requests for scoping opinions? (e.g. are both commonly requested or is a scoping opinion less likely where a screening opinion has been requested previously?)
- For the scoping requests received, is enough information generally provided by the developer to enable a comprehensive scoping opinion to be provided?
- How do you decide who will be consulted in preparation of the scoping opinion, is there a generic list or is it tailored to the type of development?

- Are non-statutory consultees often consulted as part of the scoping process and if so, how useful are the responses (please provide examples of consultees)?
- What is the output from the scoping process (i.e. letter, report, consultee responses etc)?
- To what extent is information provided in the scoping response/opinion generic or site specific?
- For projects progressed to full ES stage, how well is the scoping opinion/response generally adhered to in the ES (i.e. are all comments/information/requests taken on board)?

c) Views on the Strengths and Weaknesses of Current Scoping Practice

- What are the strengths of current scoping practice and do they differ for informal responses and formal scoping opinions?
- What are the weaknesses of current scoping practice and do they differ for informal responses and formal scoping opinions?
- Do the strengths outweigh the weaknesses, i.e. is the time/resources spent on scoping justified?
- Does scoping increase the quality of the final ES?
- Do you feel scoping is undertaken at the optimum time of the EIA process (or too late to influence design/ consideration of alternatives, or too early for survey results etc)?
- In your opinion, does the response time stated within the regulations have implications for the 'quality' of the scoping response?
- Do the costs incurred at the scoping stage result in a reduction in costs/resources/time spent by your department during the latter stages of the EIA process/and post submission?
- Do you have any views on the range/number of statutory consultees for scoping?
- In your opinion, does the scoping process result in a reduction in the need to request 'additional information' to help inform the decision making process?
- Do you feel that further guidance/advice is required to aid in the scoping process?
- How could the existing scoping process be improved?
[Should mandatory scoping be adopted?] {only used as a prompt if issue not raised by interviewee}

APPENDIX 5

Stakeholder Seminars

METHODOLOGY

The seminars were publicised at the early stages of the research alongside the other project activities. The numbers attending the seminars and the mix of stakeholders represented was carefully controlled to ensure a high quality of discussion and the optimum representation of the spectrum of opinion on scoping. The venues for the seminars were The University of Manchester and the Office of the Deputy Prime Minister at Ashdown House, Victoria Street, London.

LIST OF ATTENDEES

The attendees are listed below:

Local planning authorities

Paul Ackroyd	Calderdale MBC
Jessica Binks	Barnet BC
Trevor Bithell	Macclesfield BC
Christine Bostock	Rochdale MBC
Elizabeth Cowdray	Congleton BC
Arthur Doyle	Doncaster MBC
Andrew Fuller	Liverpool City Council
Richard Glover	Calderdale MBC
John Hamer	Carlisle City Council
Darren Hendley	City of York Council
Hazel Honeysett	Cheshire CC
Darryl Howells	Poole BC
Philippa Jarvis	Wycombe DC
Simon Plowman	City of Salford Council
Christine Koller	Bedfordshire CC
Ruth Martin	Portsmouth City Council
Peter Minoletti	Newham BC

John Norman

Brighton and Hove Unitary
Authority

Vincent Pearce

Colchester BC

Wendy Rousell

Luton BC

David Townsend

Wear Valley DC

Developers

Gordon Adam

Forestry Commission

Colin Clark

Anglian Water Services Ltd

Rachel Dobson

Anglian Water Services Ltd

Ben Olney

British Airports Authority

Julia Pinnington

Ministry of Defence

David Quincy

Anglian Water Services Ltd

Sue Simmonite

Associated British Ports

Katherine Warner

British Airports Authority

Consultancies

Kate Bailey

Freelance Consultant (representing
RTPI NW Region)

Mark Elton

WSP Environmental

Ed Frost

Posford Haskoning

Jon Hancox

AEA Technology

Alan Heatley

Parsons Brinckerhoff Ltd

Andrew Lelland

AEA Technology

Isabelle Moriera

Arup Environmental

Angela Mulgrew

Hyder Consulting

Krista Patrick
Unit (GMGU)

Greater Manchester Geological

Andrew Russell

Gifford & Partners

Claire Senior

Cassidy Ashton Planning

Caroline Soubry

Hyder Consulting

Michael Stallard
Management

Environmental Resources

Claire Vetori

Faber Maunsell

Karen Wilson

Entec Consulting

Statutory consultees

Alison Brown	Countryside Council for Wales
Andrew Davison	English Heritage
Phil Griffiths	Environment Agency – Thames Region
Joanne Murphy	Environment Agency – Head Office
Colin Pritchard	Countryside Agency
Carl Simms	English Nature

Others

Andy Bailey	Institute of Environmental Management & Assessment
Alan Bond	University of East Anglia
Matthew Collings	Eversheds
Daniel Pullan	Royal Society for the Protection of Birds
Professor Christopher Wood	University of Manchester

DISCUSSION GUIDE

Session 1: DRIVERS FOR SCOPING (10 minutes)

1. How do developers/consultancies choose which approach to take regarding scoping?
2. What is the LPA preferred approach? Scoping opinion or informal approach? What is the LPA opinion on 'unsolicited' ESS?
3. Do consultees have any preferences regarding the approach to scoping?

Session 2: SCOPING ACTIVITIES (35 minutes)

Consider questions from perspective of scoping opinions and other approaches to scoping

4. What information is necessary to conduct scoping? Is information readily available? In what format should information be presented?
5. What are the most useful tools for undertaking scoping?
6. Do stakeholders tend to use 'set' procedures?
7. How detailed should the level of evaluation be in undertaking scoping?
8. Who should be involved in the scoping process?
9. What are the main difficulties in scoping projects? How are/can these be resolved?

10. What are the most useful/preferred outputs of scoping? Should the output be regarded as guidance or prescriptive?
11. Should Schedule 1 and Schedule 2 projects be tackled differently with regard to scoping?
12. What time inputs do stakeholders make to the overall scoping process? Is the time limit of 5 weeks for a scoping opinion sufficient?

Session 3: EFFECTIVENESS OF SCOPING (15 minutes)

Consider questions from perspective of scoping opinions and other approaches to scoping

13. What is an 'effective' scoping process?
14. Do all stakeholders have appropriate and sufficient knowledge and experience of the requirements and objectives of scoping?
15. Is it possible for developers/consultancies to conduct an effective scoping process without involvement of LPA/consultees?
16. Typically, how much time, and what cost is incurred, by stakeholders in undertaking scoping?

Session 4: CHANGES TO SCOPING PROCEDURES (15 minutes)

17. Should a more consistent approach to scoping be adopted in England? What might this involve? What would be the implications for stakeholders?
[Should mandatory scoping be adopted?] {only used as a prompt if issue not raised by group}

APPENDIX 6

Case Studies

LIST OF CASE STUDIES

Box Illustrative example Source organisation)	Selection criteria	Relevant research objectives (O1, etc, relates to research objectives)
Box 1 Residential manufacturing use development (Terence O'Rourke Ltd)	<ul style="list-style-type: none"> • Complete re-design of project as a result of scoping 	<ul style="list-style-type: none"> • Scoping improving project design (effectiveness) (O4) • Time and cost implications (O5)
Box 2 Various port developments (Royal Society for the Protection of Birds) <i>(Note: under Harbour Works EIA Regulations)</i>	<ul style="list-style-type: none"> • Schedule 1 development • xample of good consultation between developer and consultees 	<ul style="list-style-type: none"> • Scoping procedures (O4) • Effectiveness of scoping (especially consultation aspects) (O4) • Time/cost implications (O5)
Box 3 (Hertfordshire CC)	<ul style="list-style-type: none"> • Difficulties of public involvement in scoping 	<ul style="list-style-type: none"> • Procedural implications (O3)
Box 4 (Hertfordshire CC)	<ul style="list-style-type: none"> • Example of more structured approach to preparation of scoping opinions 	<ul style="list-style-type: none"> • Procedural implications (O3)
Box 5 Wind farm developments (Scottish Power)	<ul style="list-style-type: none"> • Example of evolving good practice (have produced 10-20 scoping reports since 1999) 	<ul style="list-style-type: none"> • Example of continual development in good practice since introduction of revised Regulations, SI293 (O4)
Box 6 Statutory consultee approach to scoping (Environment Agency)	<ul style="list-style-type: none"> • Consultation policy – resource implications and response times 	<ul style="list-style-type: none"> • Time/cost implications (O5)
Box 7 Scoping approach to projects with tight timescale (Environ)	<ul style="list-style-type: none"> • Approaches to scoping (1 day roundtable meeting) 	<ul style="list-style-type: none"> • Scoping procedures (O3) • Effectiveness of scoping (O4) • Time/cost implications (O5)
Box 8 Case where concern expressed regarding surveys which were subsequently repeated (environmental non-governmental organisation)	<ul style="list-style-type: none"> • Example of potentially ineffective scoping practice 	<ul style="list-style-type: none"> • Procedural implications (O3) • Effectiveness of scoping (O4) • Time/cost implications (O5)
Box 9 Development proposal which straddles boundary of two local authorities and resulted in two separate applications (Wildlife Trust for Birmingham and the Black Country)	<ul style="list-style-type: none"> • Example of potentially ineffective scoping practice 	<ul style="list-style-type: none"> • Procedural implications (duplication, inconsistency) (O3) • Implications for quality of ES (O4) • Time/cost implications (O5)

CASE STUDY PRO-FORMA

The detailed questions to elicit material for each case study were developed specifically and uniquely for each case depending on the topic under consideration.

Background Details	Key Contacts
Name of Development:	Case Study Proponent:
Date (year) Scoping was undertaken	Name:
Type of Development:	Organisation:
Developer:	Contact No/E-Mail:
Location:	Developer:
Case Study Proponent	Name:
Reason for Selection	Organisation:
	Contact No/E-Mail
	LPA Case Officer:
	Name:
	Organisation:
	Contact No/E-Mail
	Consultee:
	Name:
	Organisation:
	Contact No/E-Mail
Key Case Study Questions	
<i>Scoping Procedure (formal /informal/other)</i>	
<ol style="list-style-type: none"> 1. What form of scoping was undertaken (formal/informal/other)? 2. Who made the decision to undertake scoping in this format? 3. Who if anyone was consulted prior to this decision being made? 4. Who was consulted during the scoping process? 5. Were two scoping reports produced – where they identical or different? 	
<i>Scoping Techniques (differences/variations from 'normal')</i>	
<i>Strengths/Weaknesses:</i> <ul style="list-style-type: none"> o Quality of ES o Time/cost/resources o Aid to decision making 	
<i>Implications</i>	
1.	
Supporting Information Requirements	Organisation Responsible