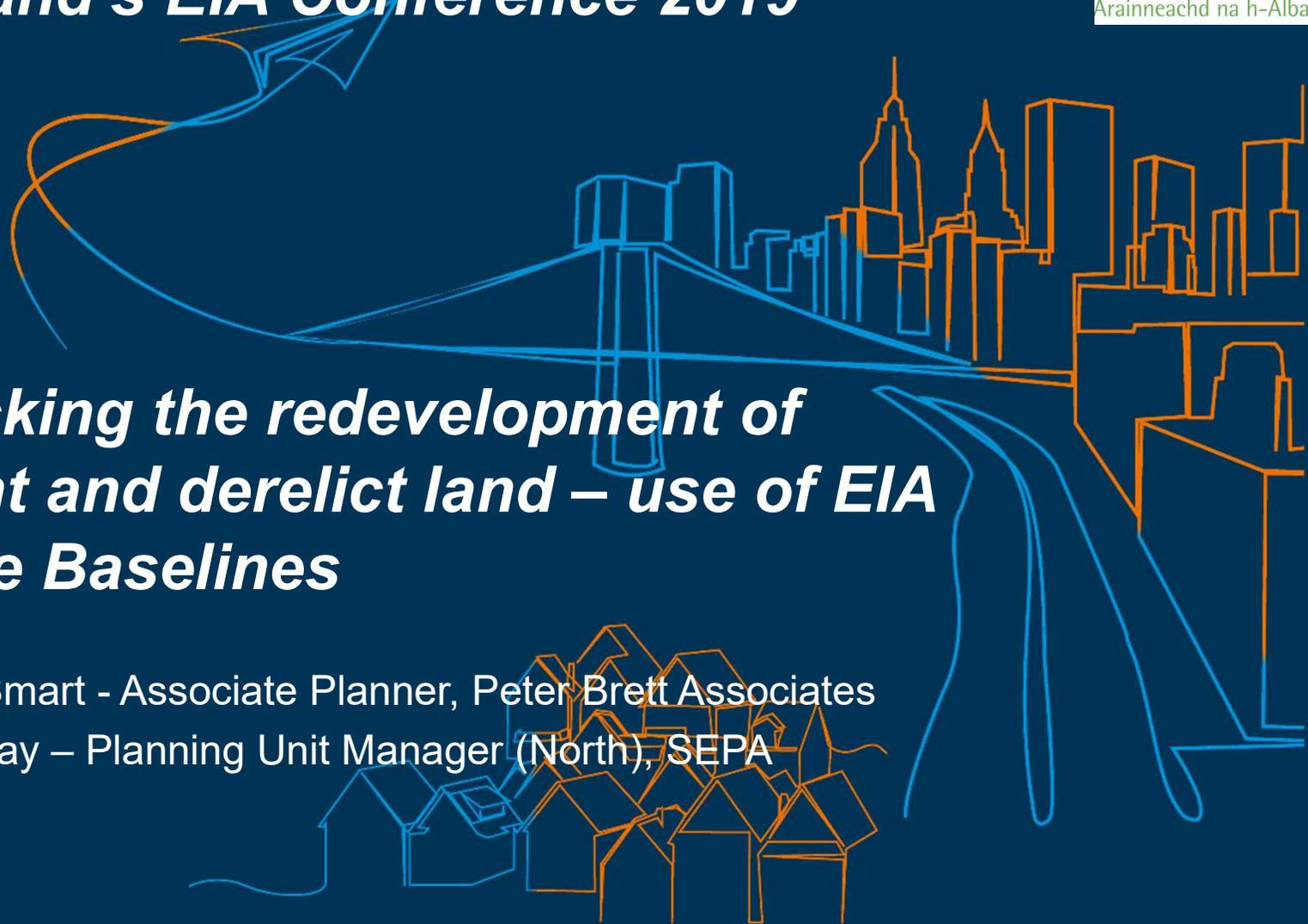


# *Scotland's EIA Conference 2019*

## *Unlocking the redevelopment of vacant and derelict land – use of EIA Future Baselines*

Duncan Smart - Associate Planner, Peter Brett Associates  
Jim Mackay – Planning Unit Manager (North), SEPA



# Scotland's EIA Conference 2019: EIA Future Baselines

## Overview

**Purpose: To explore the role of future baselines in EIA practice**

*Future Baseline: expected changes to current environmental conditions before development commences*

Context:

- Ever increasing complexity of EIA
- Implications of 2017 EIA Regulations

Workshop Agenda:

- What is a future baseline?
- When is one needed?
- Developing a future baseline
- Challenges, issues and solutions

# Scotland's EIA Conference 2019: EIA Future Baselines

## Introductions



now part of



Industry leading development and infrastructure consultancy



Full-service team with extensive experience of major projects:

- EIA co-ordination
- Planning
- Socio-economics
- Transport planning
- Geo-environmental & geotechnical
- Hydrology & flood modelling
- Acoustics
- Air Quality
- Landscape
- Ecology (inc. HRA)
- Civil engineering
- Building engineering and utilities
- Wider services through Stantec UK and Global

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## Introductions



Non-Departmental Public Body  
Consultee – planning advice  
regarding:

- Flood risk
- Sustainable waste management
- Water environment (surface water and ground water)
- Marine environment
- Air quality
- Noise and odour
- SEA & EIA Consultation Authority

Regulator:

- Authorisations, Permits and Licences
- Contaminated Land

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## Back to basics...the importance of baselines

Why do you need a baseline?

- Objective reference point for:
  - Characterising receptors
  - Identifying likely environmental changes
  - Assessing impact level and significance
- Need agreement on baseline between Applicant, EIA project team, consultees and planning authority
- Should be succinct, targeted and proportionate



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## The EIA Regulations

- No specific consideration in Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017
- Indirect references:
  - Regulation 4: Definition of EIA Process
  - Schedule 4: Information for inclusion in EIA Report

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SCOTTISH STATUTORY INSTRUMENTS

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2017 No. 102

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

Made - - - - 29th March 2017  
Laid before the Scottish Parliament 31st March 2017  
Coming into force - - 16th May 2017

CONTENTS

PART 1  
INTRODUCTORY

1. Citation and commencement  
2. Interpretation  
3. Prohibition on granting planning permission without an environmental impact assessment  
4. Environmental impact assessment  
5. Environmental Impact Assessment Report

PART 2  
DETERMINING WHETHER ENVIRONMENTAL IMPACT ASSESSMENT IS REQUIRED

6. EIA Development  
7. General provisions relating to screening  
8. Requests for screening opinion of the planning authority  
9. Screening opinions – time period for decision  
10. Requests for screening directions of the Scottish Ministers

PART 3  
PROCEDURES CONCERNING APPLICATIONS FOR PLANNING PERMISSION

11. Application or request to review made to a planning authority without prior screening  
12. EIA application made to a planning authority without an EIA report  
13. Application or Appeal to the Scottish Ministers without prior screening  
14. EIA application referred to the Scottish Ministers without an EIA report  
15. Appeal to the Scottish Ministers without an EIA report

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## Relevant Statutory Provisions (1)

### Regulation 4 (2): Definition of EIA Process

*The environmental impact assessment must identify, describe and assess in an appropriate manner, **in light of the circumstances relating to the proposed development**, the direct and indirect significant effects of the proposed development...on the factors specified in paragraph (3) and the interaction between those factors.*

Regulation 4(3): Environmental Factors – population and human health, biodiversity, land, soil, water, air, climate, material assets, cultural heritage and landscape

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## Relevant Statutory Provisions (2)

### Schedule 4: Information for Inclusion in EIA Reports

*3. A description of the relevant aspects of the current state of the environment (the “baseline scenario”) and **an outline of the likely evolution thereof without implementation of the development** as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of relevant information and scientific knowledge.*

*4. A description of the factors specified in regulation 4(3) **likely to be significantly affected by the development...***

#### Implications:

- Requirement to identify likely changes to current baseline in the absence of development
- No specific requirement to assess impacts based on likely future changes – except likely cumulative effects
- Flexibility to develop and apply future baseline scenarios when required

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## Guidance – or lack of...



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## When do you need a future baseline?

- Development lead-in times
- Development phasing
- Overlapping or temporary consents
- Expected changes to impact sources or receptors prior to development – land use, physical, social or economic
- Overlaps with assessment of cumulative effects
- Other circumstances?

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## Use of Future Baselines

It's nothing new...

- Transport – changes in traffic between consent, construction and operation
- Air quality – changes in vehicle fleet/plant
- Ecology – vegetation growth/change (natural or managed)
- Repowering – SNH Draft Repowering Guidance (2018) proposed approach
- Useful for contaminated sites and VDL redevelopment – mechanism to address contamination extent / uncertainty, land ownership complexities and financial risks
- Climate Change
- Other applications?

Environment: *“a broad approach that encompasses both biophysical and social or community issues”* (IEMA, 2015)

# *Scotland's EIA Conference 2019: EIA Future Baselines*

## Developing an EIA Future Baseline – PBA Case Studies

1. Scottish Marine Technology Park, Former Carless Oil Terminal, Old Kilpatrick
2. Exxon Site Redevelopment Project, Bowling
  - Overview
  - Development of EIA future baseline
  - Lessons learned: successes, pitfalls and recommendations
  - Other experiences from the floor?

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## Scottish Marine Technology Park, Former Carless Oil Terminal



# Scotland's EIA Conference 2019: EIA Future Baselines

## Scottish Marine Technology Park, Former Carless Oil Terminal

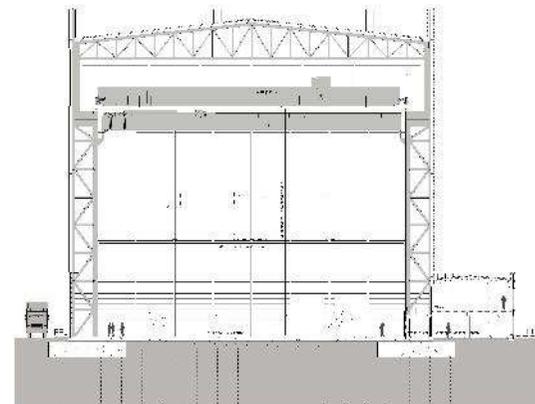


Image Credits: GD Lodge Ltd

# Scotland's EIA Conference 2019: EIA Future Baselines

## Carless Site Ecology Future Baseline



Current Baseline: Phase 1 Habitats Survey (2017)



Future Baseline: Expected Phase 1 Habitats Post Remediation

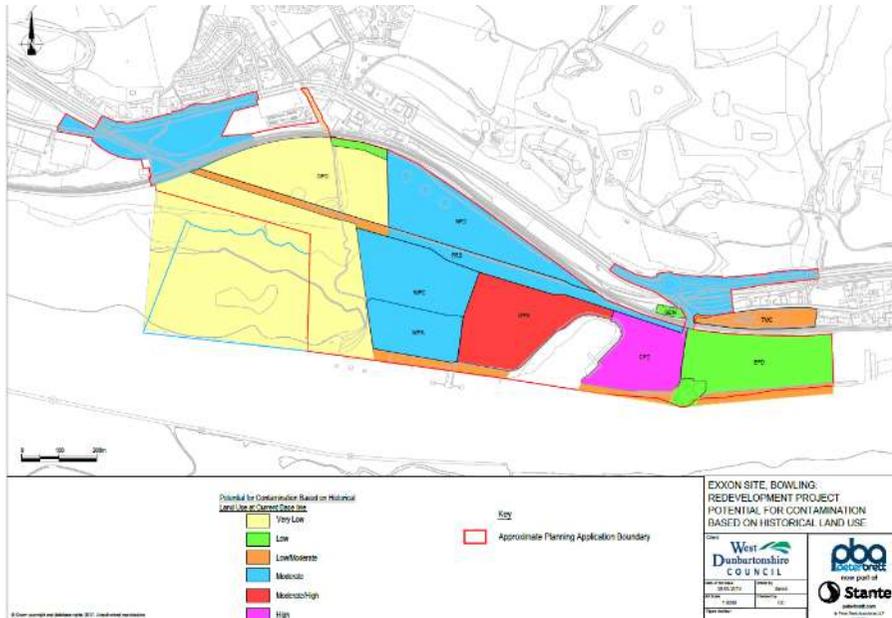
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## Exxon Site Redevelopment Project, Bowling

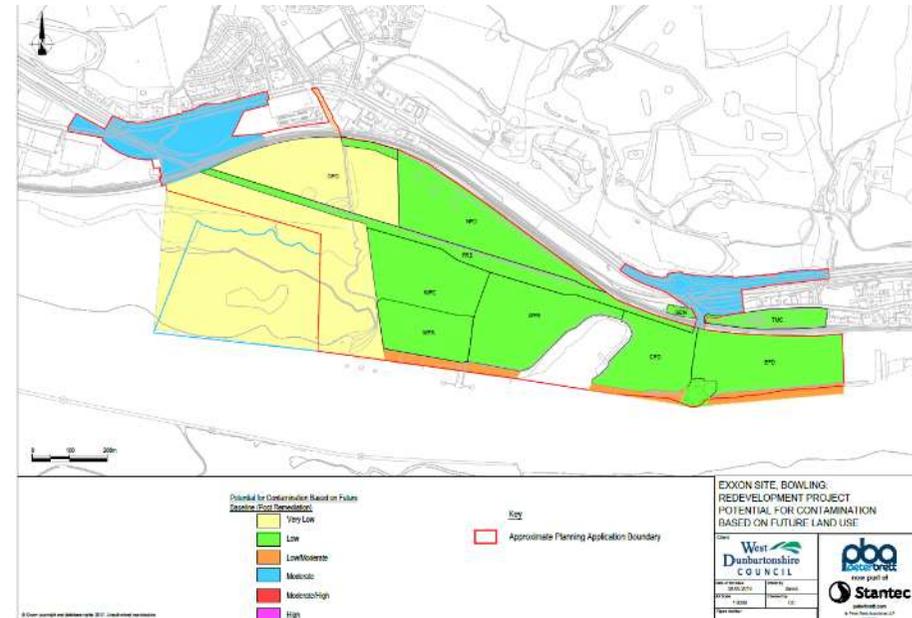


# Scotland's EIA Conference 2019: EIA Future Baselines

## Exxon Site Geo-environmental Future Baseline



Current Baseline: Potential for Contamination



Future Baseline: Potential for Contamination Post Remediation



# Scotland's EIA Conference 2019: EIA Future Baselines

## SEPA – A Consultee & Regulator View

Implications of EIA future baselines for assessing development proposals:

- Benefits
- Weaknesses
- Issues



**Climate change allowances  
for flood risk assessment in  
land use planning**



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## EIA Future Baselines - Challenges and Risks

- Uncertainty – crystal ball gazing...
- Inconsistency
- Objectivity
- Information Availability, Asymmetry & Competency
- Mitigation Delivery
- Environmental Monitoring
- Others?



# *Scotland's EIA Conference 2019: EIA Future Baselines*

## EIA Future Baselines – A Need for Guidance?

Is there a need for guidance or development of a more consistent approach to using future baselines in EIA practice?

Overarching guidance – IEMA, RTPI and/or Scottish Government?

Thematic guidance – Key Agencies and/or Technical Professional Institutes?

Can we define some key principles which EIA future baseline guidance should cover?

# Scotland's EIA Conference 2019: EIA Future Baselines

## Key Messages

- Range of situations when future baselines may be needed in EIA practice
- Relevant statutory provisions but no guidance
- Key considerations in developing and applying future baselines
- Inherent risks, challenges and issues
- A need for guidance and greater consistency



**Q&A**

**Thank you**

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