

Annex IIIbis (Scoping)

The UK considers that this annex requires some significant work, in conjunction with the draft regulation on Scoping, to improve clarity of the process being described, and we do have a number of proposals to suggest. In the interests of time, we can summarise our key points now, and can submit the remaining proposals in writing.

Firstly, a key concern for us is the use of the term Environmental Risk Assessment, and the way in which this is referred to in this Annex.

In sub-paragraph (i) both a preliminary impact analysis and an Environmental Risk Assessment are referred to. It is not clear to us what the difference is between an “impact analysis” that analyses risk and an Environmental Risk Assessment, despite reading this Annex alongside the Guidelines. We want to emphasise that we do very much support the role of risk assessment within Scoping, but think that the use of the terms EIA and ERA – and the seemingly interchangeable use of the terms ‘impact’ and ‘risk’ – adds confusion to a well-established process. For clarity, the simplest solution in our view, is to not introduce the separate term ERA at all. However, we would be open to hearing views from other delegations who might want to explain why both terms are required, and how they see the interaction between an ERA and an EIA. Regardless of which terms are ultimately used, we think there needs to be a piece of work undertaken to ensure that the process that is described is coherent, and that the different stages are referred to consistently throughout the EIA Process Regulations, Annexes, Standards and Guidelines.

Another overarching comment that we think needs to be addressed in relation to this Annex, as well as more broadly in the Regulations relating to the Environmental Impact Assessment process, is the inconsistent reference to specific receptors, i.e. the things that impacts act upon. For example, as introduced, sub-paragraph g.bis singles out impacts on human health.

We agree that it should be made explicit what impacts are covered by Scoping, as Scoping is the basis for the Environmental Impact Assessment and Environmental Impact Statement. In our view, all potential impacts must be considered, whether environmental, social, economic, cultural or relating to human health, noting that even this list might not be exhaustive. However, we would prefer consistency in how such different aspects or elements are treated in these regulations, so that none are weighted more than others, and we think that an overarching reference to this range of impacts should be sufficient. We are open to views on how best to address this. One option could be to include a single paragraph in this annex that sets out the range of impacts that Scoping is expected to consider, and we could be open to that.

Another option may be to include these aspects in the Schedule definition for Environmental Impact, noting that the definition for Environmental Impact also underpins the definition for Environmental Effect. This could then remove the need to refer individually to these receptors in different parts of the EIA regulations – and g.bis could then be deleted. In this Annex, sub-paragraph (i), which currently refers to ‘the important issues’ could then instead refer to ‘all potential Environmental Impacts’, thus signalling that all those receptors listed in the definition for Environmental Impacts must be considered during Scoping.

With all this in mind, our preference for sub-paragraph (i) would be for it to read as follows:

- i. a preliminary impact analysis **of all potential Environmental Impacts, in terms of their potential risk, to inform** the Environmental Impact Assessment, and evaluate the need for further information; which includes

Sub-paragraphs (j) and (k) could be deleted, as these are duplicative of (i).

Finally, regards Stakeholder consultation, we are of the view that work is needed across the regulations on Stakeholder consultation to ensure standardised best practice and transparency. As such, sub-paragraphs (l) and (m) will need to be consistent with the approach taken across the regulations.