

Haylink Application for Development at the HMS Ganges Site, Shotley – Accessibility and Completeness of the Environmental Information

ODPM Guidance on EIA procedures to be adopted by local planning authorities reminds authorities that:

“In the case of *Berkeley v SSETR* (2000), the House of Lords commented that an ES must not be a “paper chase”. Lord Hoffman said, “the point about the environmental statement contemplated by the Directive is that it constitutes a single and accessible compilation, produced by the applicant at the very start of the application process, of the relevant environmental information”.

Clearly, the environmental information submitted to support the Haylink applications for 325 houses on the HMS Ganges site failed this test, and even as an environmental professional with 25 years experience in carrying out Environmental Impact Assessments, I found it impossible to piece together the thread of the arguments put forward by Haylink.

In summary, Haylink submitted a planning application for 500 houses in July 2004, supported by an ES published in June 2003. My understanding is that this application was withdrawn and was not therefore considered by the planning authority.

The revised application for 325 houses was submitted in August 2005, supported by an “Updated Environmental Statement Summary” produced in July 2004 and an “Updated Transport Assessment” (see application letter from Haylink to Babergh District Council dated 2 August 2005). Paragraph 2.9 of the Updated Environmental Statement Summary states that “in updating the effect of the current revisions to the Master Plan, it follows that the potential impacts previously considered are generally going to be less than identified in the June 2003 ES. As no harm was identified in the original ES, the proposed revisions will in fact decrease the scope for harmful effects even further. As such, with the exception of traffic generation, recommissioning detailed survey work has not been undertaken for this update”.

It is clear, therefore, that the environmental information made available to Babergh District Council and to the general public and other consultees is totally inadequate and does not meet the test set in the Hoffman case for a number of reasons:

1. There was no justification for relying on the June 2003 ES and simply updating it. The June 2003 ES was not available to the public or other consultees at the time of the August 2005 application, it was by then over two years old and possibly out of date, and its conclusions had not been tested or accepted by Babergh District Council since the application had been withdrawn.

2. The August 2005 application was supported only by an “Updated Environmental Statement **Summary**”, rather than by a fully detailed ES. The environmental information supporting the August 2005 application did not, therefore, meet the requirements of the relevant regulations.

3. Paragraph 2.9 of the “Updated Environmental Statement Summary” states that “the potential impacts previously considered are **generally** going to be less than identified in the June 2003 ES” and therefore concludes that there will be no significant environmental impacts. This assertion that the impacts will generally be less is not sufficient to constitute a detailed and specific assessment of the environmental effects of this development.

4. It is clear that the use of the June 2003 ES, which was not made publicly available in accordance with the requirements of the regulations, as amended by an “Updated Environmental Statement Summary”, together with various supplementary reports on traffic and noise, do not constitute an ES, since Hoffman clarified that an ES “constitutes a single and accessible compilation, produced by the applicant at the very start of the application process, of the relevant environmental information”. The environmental information was not a single document, nor was it accessible, nor was it produced at the very start of the application process.

Simon Hewitt
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