



Impact assessment: Eroding benefits through streamlining?



Alan Bond ^{a,b,*}, Jenny Pope ^{c,d}, Angus Morrison-Saunders ^{b,e}, Francois Retief ^b, Jill A.E. Gunn ^f

^a School of Environmental Sciences, University of East Anglia, UK

^b School of Geo and Spatial Sciences, North-West University, South Africa

^c Integral Sustainability, Australia

^d Curtin University Sustainability Policy Institute, Australia

^e Environmental Science, Murdoch University, Australia

^f Department of Geography and Planning and School of Environment and Sustainability, University of Saskatchewan, Canada

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ABSTRACT

This paper argues that Governments have sought to streamline impact assessment in recent years (defined as the last five years) to counter concerns over the costs and potential for delays to economic development. We hypothesise that this has had some adverse consequences on the benefits that subsequently accrue from the assessments. This hypothesis is tested using a framework developed from arguments for the benefits brought by Environmental Impact Assessment made in 1982 in the face of the UK Government opposition to its implementation in a time of economic recession. The particular benefits investigated are 'consistency and fairness', 'early warning', 'environment and development', and 'public involvement'. Canada, South Africa, the United Kingdom and Western Australia are the jurisdictions tested using this framework. The conclusions indicate that significant streamlining has been undertaken which has had direct adverse effects on some of the benefits that impact assessment should deliver, particularly in Canada and the UK. The research has not examined whether streamlining has had implications for the effectiveness of impact assessment, but the causal link between streamlining and benefits does sound warning bells that merit further investigation.

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1. Introduction

Environmental Impact Assessment (EIA) is in different stages of development in different countries, and it is clear that it has continued to expand its influence across the world since its first legal implementation in the USA in 1969 (Morgan, 2012). In addition to spreading across the globe, discrete specialist forms have evolved that focus on all tiers of decision-making, and all the components of sustainability. This has produced a large number of related decision-support tools (Pope et al., 2013) which we collectively refer to as 'impact assessment' (IA); it is this wider portfolio of decision-support tools which are the focus of this paper. However, despite the widespread uptake of impact assessment, demonstrating the value of the benefits of IA to all stakeholders has been an elusive quest for practitioners and researchers. This potentially poses a threat to IA's current place as the decision-support tool of choice with respect to environmental and sustainable development concerns in many jurisdictions. We suggest that some Governments have sought to streamline impact assessment in order to reduce the

time and/or cost involved (thereby improving the cost/benefit ratio), and hypothesise that this has had some adverse implications for some of the expected benefits (potentially cancelling, or even overriding, the intended cost/benefit savings). We seek to test this hypothesis through a structured analysis of practice in four different jurisdictions: Canada, South Africa, the United Kingdom (UK), and Western Australia. The choice of countries reflects the authors' expertise rather than using a particular sampling strategy, however, it does incorporate developed (Canada, the UK and Western Australia) and developing (South Africa) countries, three resource-rich regions (Canada, South Africa and Western Australia) which were less affected by the global recession, and one country (UK) which has struggled to bring its economy out of the current recession, which began in 2007–2008.

The research focuses on a specific time frame of the last five years (which is an arbitrary choice); it does not examine the effectiveness of impact assessment and we are not examining whether impact assessment has become less effective over this time frame. It should still be acknowledged that ongoing improvements to practise could more than counter the loss of benefits we have identified in this study. Different benchmarks would likely lead to different conclusions, as would the consideration of IA over different timescales or in different jurisdictions. We would anticipate, for example, that a similar review over the last 20 years, for example, would indicate a very beneficial trajectory. Likewise, a systematic review of the beneficial outcomes of IA over the last

* Corresponding author at: School of Environmental Sciences, University of East Anglia, UK.

E-mail addresses: alan.bond@uea.ac.uk (A. Bond), jenny@integral-sustainability.net (J. Pope), A.Morrison-Saunders@murdoch.edu.au (A. Morrison-Saunders), francois.retief@nwu.ac.za (F. Retief), jill.gunn@usask.ca (J.A.E. Gunn).

five years, not constrained by streamlining efforts of governments, might also lead to different conclusions. There is much evidence of improvements in practice over time (see, for example, Adelle and Weiland, 2012; Bond et al., 2012; Esteves et al., 2012; Fundingsland Tetlow and Hanusch, 2012; Harris-Roxas et al., 2012; Morgan, 2012) which could more than compensate for any reduction in benefits identified in this research. The point of this research is to determine whether there is a causal link between streamlining of impact assessment and reductions in subsequent benefits accrued and therefore examine whether reducing the cost/time spent in IA may be counterproductive.

Our analysis is structured around the musing of an academic at the beginning of the 1980s, a time when IA had been practised for just over a decade in the USA, but was not yet a requirement in many European countries, or the majority of countries in the rest of the world, and coinciding with a time when the world was experiencing a global recession. Professor Timothy O'Riordan, speaking at the Royal Geographical Society in 1982 (Garner and O'Riordan, 1982, p.347), commented on the reluctance of the British Government to embrace the EIA Directive being debated in Europe: "*Behind this defensive screen one suspects there is a desire to maintain the status quo, which, by and large, suits developmental interests, which keeps the environmental lobby reasonably well at bay and which permits actual decision-making to remain cryptic*". He goes on to present arguments as to why the then forthcoming European EIA Directive (Council of the European Communities, 1985) would be a positive move based on considerations of 'consistency and fairness', 'early warning', 'environment and development', and 'public involvement'. It would be possible to construct a systematic framework of the potential benefits of impact assessment drawn from the literature over more than 40 years of practice. However, such a framework would be large and therefore impractical to apply to any given area of practice because of the data needs. O'Riordan's four benefits were regarded as core arguments for EIA practice prior to adoption by the European Union and, as such, we argue that they provide a suitable basis for evaluating the effects of impact assessment streamlining in the present day. All four benefits are still regarded as core benefits: Glasson et al. (2012) highlight the value of EIA as a vehicle for stakeholder consultation and participation and as an instrument for sustainable development; fairness is one of the principles of impact assessment best practice espoused by the International Association for Impact Assessment (International Association for Impact Assessment and Institute of Environmental Assessment, 1999); and early warning is a widely understood goal for impact assessment that leads to better design (Glasson et al., 2012; Wathern, 1988). A key assumption is that these four benefits of EIA are equally valid to the broader portfolio of IA tools as they reflect key principles which have wider relevance than just the 'environment'.

The next section explores the four benefits of EIA highlighted by O'Riordan (Garner and O'Riordan, 1982) in more detail, also reflecting on some more recent academic literature relevant to these, in order to clarify the evaluation framework. This is followed by some examples from the selected countries of recent changes to IA legislation and processes, the implications of which we consider in the context of our revisiting and updating of O'Riordan's four benefits in order to evaluate whether they uphold or erode them. In this discussion we also highlight examples of policy rhetoric and public debates about the role and future of IA that characterise the political mood and may portend further changes in the future. Finally, we deliberate on the implications of our findings.

2. O'Riordan's benefits of EIA

2.1. Consistency and fairness

O'Riordan's arguments (Garner and O'Riordan, 1982) reflect the initial rationale for EIA as providing much-needed evidence for decision-makers operating in an objective and rational manner. However,

Bartlett and Kurian (1999) have since questioned the validity of the 'information provision' (rational) model of policy making with respect to EIA, and suggested five other models which, if valid, call into question the consistency and fairness of decisions made subsequent to EIA. To provide some examples, Cashmore and Axelsson (2013) find that power is a strong mediating influence over the effect of impact assessment through analysis of World Bank Strategic Environmental Assessment (SEA) in Dhaka city. They conclude that such mediation can both enable and constrain the effect (i.e. influence) of IA, with the actual effect largely driven by the wishes of the agency with greatest power—the World Bank itself in the particular case they investigated.

O'Riordan (Garner and O'Riordan, 1982) also understood the political/power-based nature of decision-making, but made his arguments on the basis that the conceptualisation at the time was that technical EIA was different from political environmental assessment. It is also the case that these five alternative models of effectiveness for EIA have since gained far more credence, and that this feeds into the net benefit of 'early warning' because of the influence of what Bartlett and Kurian (1999, p.421) called the 'organisational learning model' whereby "EIA may change the internal politics of an organisation required to undertake it". This is evidenced by many proponents having embedded environmental expertise in their organisations, with the result that they are less likely to put forward environmentally unacceptable proposals. This is discussed further in relation to early warning in Section 2.2.

In terms of fairness O'Riordan (Garner and O'Riordan, 1982) was originally concerned about justice to developers (for example, through different authorities setting different requirements for EIA in adjacent jurisdictions), but arguments are now made that justice should apply to all. Of relevance here is a distinction made by Morrison-Saunders and Early (2008) between public participation and natural justice. They report on a case in which natural justice in an Australian EIA was argued to have been violated because the Minister was found to have made his decision to reject a wind farm proposal largely on the basis of a report that was not made available to other parties during the EIA process.¹ The concept of natural justice, which is embedded in legislation in some parts of the world, as well as case law, highlights issues of fairness and justice for all stakeholders in an EIA process (Morrison-Saunders and Early, 2008).

The key 'consistency and fairness' points can thus be summarised as:

- Consistency of approach (across different jurisdictions and decisions)—delivering justice to all stakeholders; and
- Quality of information (IA being seen as a technical process and an input into a more political process of 'environmental assessment' in which the environment is taken into consideration along with other competing agendas).

2.2. Early warning

O'Riordan (Garner and O'Riordan, 1982) made the argument that EIA can save money through better design or location which can reduce operational costs, or avoid subsequent legal penalty through breaches of consent or fines for pollution incidences. Along these lines, Wathern (1988, p.6) also argued that "*The greatest contribution of EIA to environmental management may well be in reducing adverse impacts before proposals come through to the authorization phase*" and Ortolano and Shepherd (1995) have argued that just knowing that EIA exists means that proponents don't put forward environmentally damaging proposals.

However, costs are easier to measure relative to benefits and this has been reflected in various pieces of research. In Canada, although very few federal agencies, if any, track the costs of EIA (Sadler, 1996) and notably, the Canadian Environmental Assessment Agency does not (Chapman,

¹ The case was settled out of court so there was no legal ruling on natural justice (Morrison-Saunders and Early, 2008).

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