

THE INFLUENCE OF EA ON PROPOSAL PLANNING AND DESIGN

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INTRODUCTION

“What determines the influence of EA on development?”

Outcomes in relation to development:

1. Modifications to the planning and design of development proposals
 - (to reduce environmental and social impacts)
2. Greater emphasis on environmental/social considerations in political decision-making
3. Shift in normative views of the desirable balance between environmental (and social) protection and economic growth

EA AS A SET OF MECHANISMS

Five inbuilt mechanisms:

- Procedural requirements - structured and rigorous approach to appraisal
- Prediction of consequences before proceeding
- Evaluation of alternatives and provision of mitigation measures
- Seek and consider the views of affected and interested stakeholders
- Statutory approval decision (and conditions)

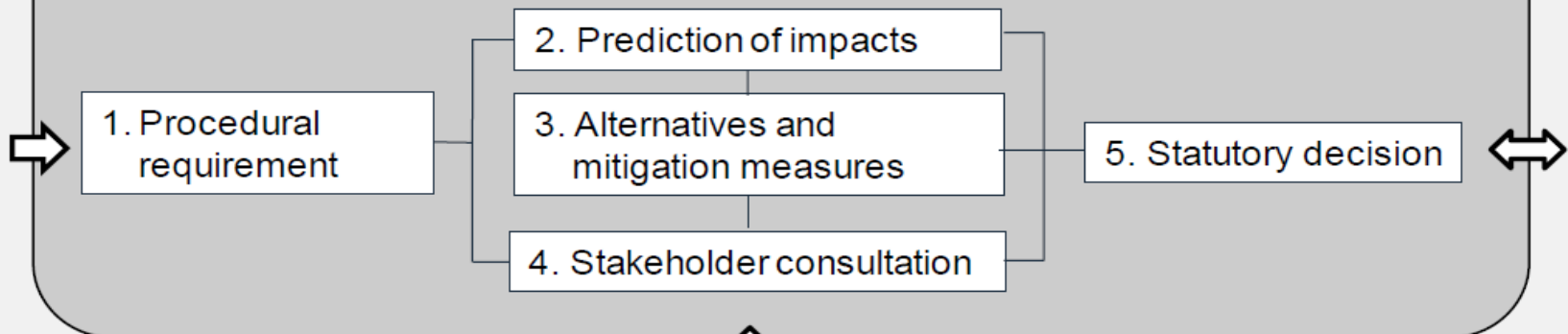
(Sixth, implicit mechanism – learning)



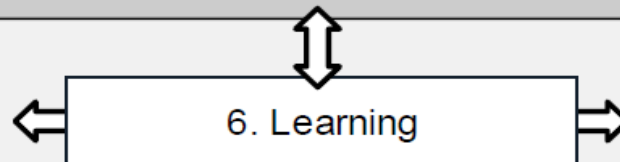
EA AS A SET OF MECHANISMS

Development outcomes: proposal planning and design, decision making, normative ideas of development

Appraisal of development proposals



Proposal teams
Proponent
organisation



Regulatory
authority
Government

Economic structures

Political structures

Civil Society

METHODOLOGY

- Literature review – empirical studies that connect EA to changes to proposal planning and design (PPD)
- Semi-structured interviews

	Number	Ave Exp
Decision Makers	2	3.0
Senior Bureaucrats	5	8.0
Assessment officers	14	10.5
Proponent - Senior Managers	7	15.9
Proponent - Project Managers	7	14.3
Proponent - Env Managers	12	10.5
NGOs	8	12.1
Consultants	17	11.6
All informants	51	

DOES EA INFLUENCE PPD?

- All informants identified EIA frequently or always had some influence on PPD
 - Including senior managers and project managers
- Regulators: influencing PPD may be more important than approval decision
- Highly variable outcomes

WHAT MOTIVATES PROPONENTS TO MAKE CHANGES TO PPD?

- Meeting legislative and policy requirements and standards, ensuring proposal is acceptable and “approvable”
- Avoiding or reducing delays in approval processes
- Corporate responsibility and reputation, gaining and maintaining SLO, community expectations about environmental performance
- Minimising impacts on landholders and immediate neighbours
- Cost (viability) prevails

AT WHAT IN THE PROCESS POINT ARE CHANGES MADE?

Many proponents adjust PPD BEFORE screening:

- Want to appear responsible to the regulator
- Avoid “clearly unacceptable” decision (formal or informal)
- Smoother approvals process (“bite the bullet” early)

[learning??]

BACK TO THE MECHANISMS

EA: Five inbuilt mechanisms:

- Procedural requirements
- Prediction of consequences
- Alternatives and mitigation measures
- Views of affected and interested stakeholders
- Statutory approval decision (and conditions)

Mechanisms arising from other structures:

- Economic growth paradigm
- Community and social movements
- Proponent organisations
- Organisational culture and experience with EA
- Proposal planning and design processes
- CSR and SLO.



PROCEDURAL REQUIREMENTS

- Clearly influences proponent behaviour
- Forces proponents to “stop and think”
- Presents a risk to development proposals
 - Unforeseen delays
- Progressively tighter, more prescriptive, less flexible procedures
 - Consistency, accountability for timelines
 - Tick the box?

PREDICTION

- Baseline information is possibly more important:
 - Drives “avoidance” behaviour
 - Available earlier in PPD process
 - Desktop information and prior experience in that location - extremely valuable
- Prediction most useful for quantifiable values
- Proponents and regulators are confident in quality/accuracy:
 - Minimal engagement with uncertainty
- NGOs raised serious questions about accuracy of baseline data and predictions

ALTERNATIVES AND MITIGATION

- Genuine alternatives analysis is limited
- Some proponents do exhibit strategic proposal/site selection:
 - High level risk avoidance (approval and/or reputation risk)
 - Mostly in large resource sector proponents
- Trend towards “election promise” proposals in public sector
- Pre-EIS work is not well documented

STAKEHOLDER ENGAGEMENT

- Many proposals attract very little attention:
 - Existing mining/industrial communities
 - Is there a socio-economic factor too?
- Formal review/comment process appears very ineffectual:
 - Availability of community resources
 - Too late for proponents to make changes
 - Very disruptive if major changes are required
 - “Out of scope” issues are discounted (suppresses “debate and discourse” about development)
- NGO tactics are changing
 - Limited engagement within process
 - Main interest is stopping/delaying proposals
 - Come in as late as possible
 - Cherry-pick proposals that align with strategic concerns.

STATUTORY APPROVAL DECISION

- Most projects are approved
 - What is the proponent withdrawal rate?
- Proponents very fearful of rejection
 - (or unscheduled delays??)
- Refusals strongly linked to proponent SLO and voter pressure – unpopularity
- Limited evidence of “political interference” in the EA process:
 - Assessment officers are very aware of:
 - Economic imperatives
 - Issues that may affect voter attitudes

OPPORTUNITIES FOR EVOLUTION OR REVOLUTION

Opportunities to increase the influence of EA on PPD:

- Integration with proposal planning and design
 - Replace EIA with Environmental Design Reports?
- Supporting inexperienced proponents
- Pre-screening, pre-lodgement
- Availability of information
- Review stage
 - Stakeholder role
- Strategic level:
 - Proposal selection
 - Discussions about development

FEEDBACK AND QUESTIONS



INTEGRATION OF EA AND PPD

Few organisations have formal procedures:

- “we designed an approvals manual handbook and we go and talk to their toolbox meetings and staff meetings and branch meetings and go along to the end of the design phase to just have a look through things for them” (PEM05)
- “That’s one of my things that I’ve done over the years is develop those, [get] the project development and the EIA together and interactions and even now people say what’s that, what are you doing that for?... in 25 years of practice that hasn’t developed hardly at all, it seems amazing” (EAM04)
- “just a bunch of work that is happening and somehow it will magically come together, and they don’t explicitly integrate it” (PPM01)

INTEGRATION OF EA AND PPD

Importance of individuals on the team:

- “I don’t think you can formalise something like that, as an organisation you need to get those right people in the boxes, and set the right rules of engagement for them” (PSM02)
- “a project is actually a social construct, it’s a collection of people so it’s all interconnected conversations and interconnected decisions that are made. If you don’t have the right capability then you’re not going to get an outcome.” (PPM01)

INTEGRATION OF EA AND PPD

Philosophical and communication differences between design/engineering and environmental disciplines:

- "I don't think many people understand the details of environmental and social impacts and how it overlaps with the project development" (PPM03)
- "the EIS guys will come onto a project and go on about 'the bloody engineers don't understand' and the engineers are going on about 'these bloody bunny huggers are holding us back'" (PPM01)
- "a nice engineer, a benign and amenable engineer" (AO02)

WHAT DRIVES PROPONENTS TO MAKE CHANGES TO PPD?

Meeting legal requirements, timely approvals:

- “if you are going to survive long-term then you’ve got to make sure your projects comply with all the environmental requirements.” (PSM05)
- “if they can satisfy what the [regulator] wants, the process is going to be a lot smoother and faster.” (AO04)
- “it’s recognising that if they don’t deal with those things themselves then they may be forced to” (AO01)

WHAT DRIVES PROPONENTS TO MAKE CHANGES TO PPD?

CSR and reputation:

- "I just believe that at the end of the day we've got to provide something that's at least equal but better than what we've come there with" (PSM01)
- "if you are going to survive long-term then you've got to make sure your projects comply with all the environmental requirements and it is good for your name and reputation." (PSM05)
- "in today's society you can't sell anything that is ethically unsound or environmentally unsound" (PSM04)
- "the people that work here have a genuine desire to be good corporate citizens" (PEM05)

WHAT DRIVES PROPONENTS TO MAKE CHANGES TO PPD?

Position in local community, SLO:

- “they were genuinely concerned about the neighbouring landholders” (PEM06)
- “I think the government regulation is one part of it, but it is more so the community, and where we are” (PEM03)
- “you piss off people in a country town and they remember” (PEM05)

MAXIMISING INFLUENCE OF EA ON PPD

- Pre-screening?
 - “there needs to be some sort of mechanism to do EISs or EAs or whatever on a concept” (PEM07)
- Integration between EA and PPD?
 - Formal procedures? (decision scoping)
 - Integrated conceptual design report
 - (Re-)conceptualisation of EA as a design tool
- Proponent awareness and learning?
 - “it also I think comes down to the mindset of the proponent, some of them are ... bending over backwards to do the right thing, ... others are quite clearly, “I have been told I have to do this therefore I am going to do it but I’m not happy, and I’m not going to put much effort into it” (ASB03)