


**Hong Kong Institute of  
Environmental Impact Assessment**  
香港環境影響評估學會





**HKIEIA 2022  
EIA Webinar Series**

# Proportionate Environmental Impact Assessment

Josh Fothergill FIEMA CEnv

21<sup>st</sup> June 2022

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# Welcome

**Josh Fothergill FIEMA CEnv**  
Founder & Director  
Fothergill Training & Consulting Ltd

## & Housekeeping

**Zoom delivery system**

- Recording the session (available via YouTube within the next week)
- Questions via the Chat:



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## EIA Webinar Series 2022

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21 June - *Proportionate EIA*

26 July - *EIA & Climate Change*

30 Aug - *Digital EIA*

11 Oct - *EIA and the SDGs*



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## Outline:

- What do we mean by Proportionate EIA?
- Disproportionate EIA – Drivers & Challenges
- Enabling & Delivering Proportionate EIA
- Exploring what Proportionate EIA means for Hong Kong



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## What do we mean by *Proportionate* EIA?



Photo by Christoph Burandorfer on Unsplash



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## Proportionate EIA

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A concept that has emerged over the last decade as a way of framing action to improve EIA.

Potential origins within UK's 2011 Vision for EIA Practice:

EIA practice will influence development proposals to ensure that they work for the developer, community and environment, in order to meet the objective of sustainable development. It must recognise that getting this right is essential to delivering proportionate assessments that generate improved environmental outcomes.

*The State of EIA Practice in the UK* (Fothergill-IEMA, 2011)



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## Proportionate EIA

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Emerged partly as response to concerns raised about the effectiveness of EIA practice

2004: Justice Sullivan:

*"It would be no advantage to anyone concerned... - applicants, objectors or local authorities - if ES were drafted on a purely "defensive basis" mentioning every possible scrap of information ... Such documents would be a hindrance not an aid to sound decision-making by the local planning authority, since they would obscure the principles issues with a welter of detail"*

Derbyshire Waste Ltd vs Blewett and SoS for Environment [2004] EWCA Civ 1508 at para 42



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## Proportionate EIA

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Also driven by a desire to seek to provide a more positive framing of EIA, its role and influence.

As EIA practitioners we are problem solvers, but... this often means when discussing EIA we focus on its challenges, rather than celebrating and promoting the tool's success and influence:

- Improving environmental outcomes
  - EIA coordination generating positive return on investment
  - Enabling development where it would otherwise have not been possible
- And of course...
- Avoiding, preventing, reducing and compensating for negative impacts



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## Positive Action on Proportionate EIA

### UK Experience

2012-14: EU Amends EIA Directive focus on: **Consistency, Quality & Streamlining**

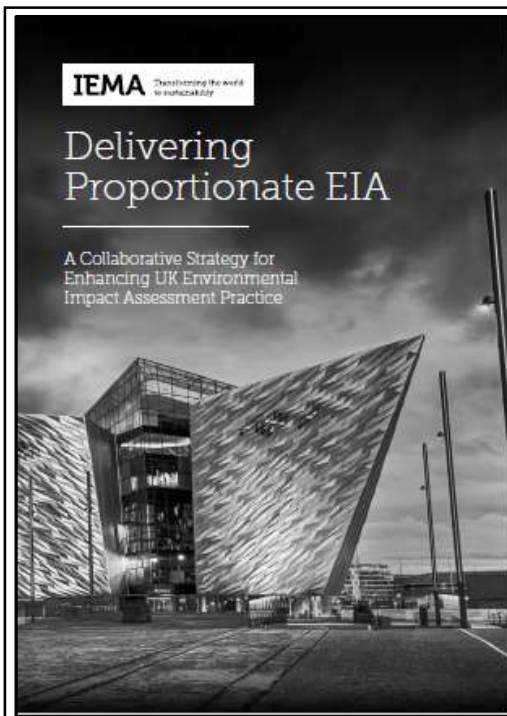
2015: EIA Practice leaders recognize transposition of EIA Directive provides an *opportunity for change* around the narrative about EIA in the UK

2016: **Proportionate EIA Summit**, positive solutions focussed engagement across all the 'EIA community'

2017: **Proportionate EIA Strategy** launched 2 months after the UK's new EIA Regulations seeking to gain momentum from greater interest and attention towards the tool.



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## UK Experience

### 2017: Proportionate EIA Strategy

- Launched with Liverpool University
- Webinar engagement
- Mtgs with English, Scottish and Welsh Government
- Practitioner workshops across UK

### 2018: Proportionate EIA Training course

2019 onwards: Less co-ordination, but multiple activities across range of parties.



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## Wider experiences: “Proportionate” EIA

*Canada:* Initial reductive legislation, post-2015 refreshed system

*Australia:* Federal and State level reviews and actions

*Hong Kong:*

*‘Secondly, for lack of appropriate scoping, EIA reports routinely exceed a thousand pages, with lengthy discussions of environmental impacts which are not likely to be significant.’*

*Mayer and Wu Lan (2019) The Environmental Impact Assessment Ordinance: Two Decades, No Change, Environmental Law, June 2019*



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## ***Proportionate EIA is not about focussing on negatives...***

- Concerns over long EIS / EIA Report...
- Perceptions of ineffective scoping...
- Driving less EIA by efficiency and streamlining...
- A sole focus on significant effects...
- Seeking to apply blame for EIA challenges on specific actors...

***It should be about...***

***Coordinating positive actions that enhance EIA.***



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## ***In my view Proportionate EIA is a filter...***

In its application *Proportionate EIA* should turn the complex world of:

- Environmental Policy + Legislation
- Development + Environmental interactions

into a simple to follow coherent narrative that influences design and informs decision-making, including the public's role in this.

For the professional community **Proportionate EIA** should act as a *positive mindset* focussing around *effective and efficient* EIA delivery across the system, project and practice to enhance trust and confidence in the tool and its findings.

More succinctly:

***Proportionate EIA =  
Improving the value of EIA***



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## Improving value of EIA for who?



**Not my place to seek to define this for Hong Kong!**

But work to identify and agree:

- What improving EIA's value means for Hong Kong?

and

- Which parties most need to benefit from this improved value?

Answering these would form a key component of understanding what **Proportionate EIA** means in Hong Kong.



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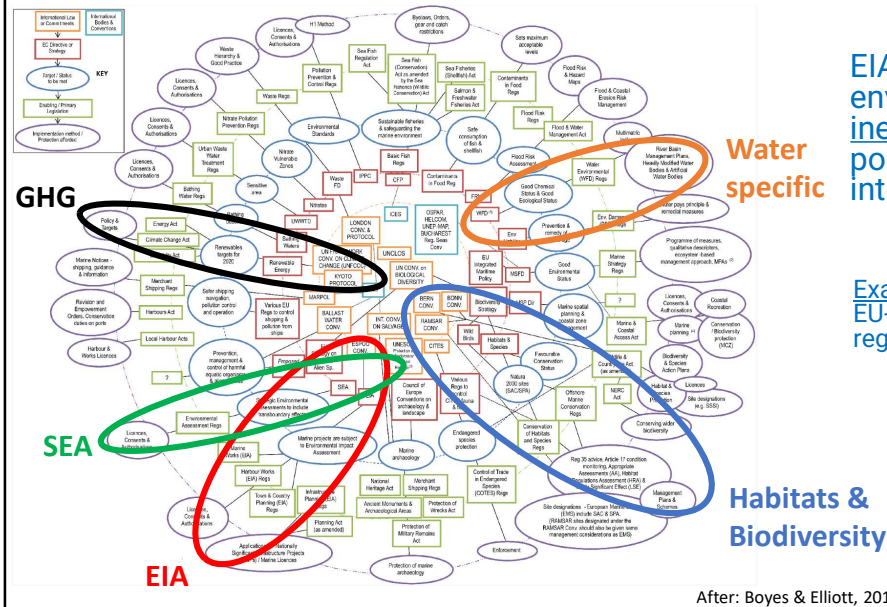
## Drivers & Challenges

***Disproportionate***  
**EIA**



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# Crowded assessment space emerged around EIA



EIA's reach includes multiple environmental issues that inevitably have their own policy / legislative both at international, local scales...

Example:  
EU-UK Marine related environmental regulations & management



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## Disproportionate drivers within EIA practice



These drivers often *interact* to result in a *disproportionate* EIA

Adapted from SoEIAPIUK (IEMA, 2011)



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## Wider Drivers of Disproportionate EIA

EIA legislation remains a function of the **thinking + context** of its origins:

- Seeking to Protect the environment from development
- Creating the voice for environment in decision making
- Documentation of this 'voice' in a paper-based report world.

The world has changed...

- Rise of prominence of environment and sustainability agenda:
  - Increasing range of 'environmental' issues of interest
  - More tools and drivers – legislation, policy, corporate governance
- Cloud Computing, Social Media and Artificial Intelligence

The delivery of Project EIA has evolved from **Informer** (voice) to **Influencer**  
 But... Procedures + Guidance may not have kept up sufficiently!



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## Challenges from Disproportionate EIA



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# Enabling & Delivering *Proportionate* EIA



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## ***Steps toward Proportionate EIA***

1

Co-ordinated action is generally found to be needed at multiple levels within the EIA system to deliver broad scale change:

- Practitioner
- Project
- Systemic changes

Collaboration at each level is often the key to success:

**Engagement + Agreement + Action**



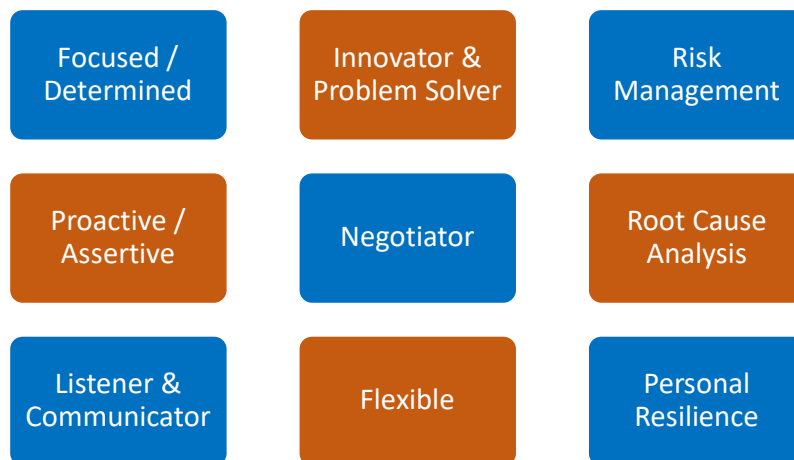
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# ***Enabling Proportionate EIA*** through the actions of **PRACTITIONERS**



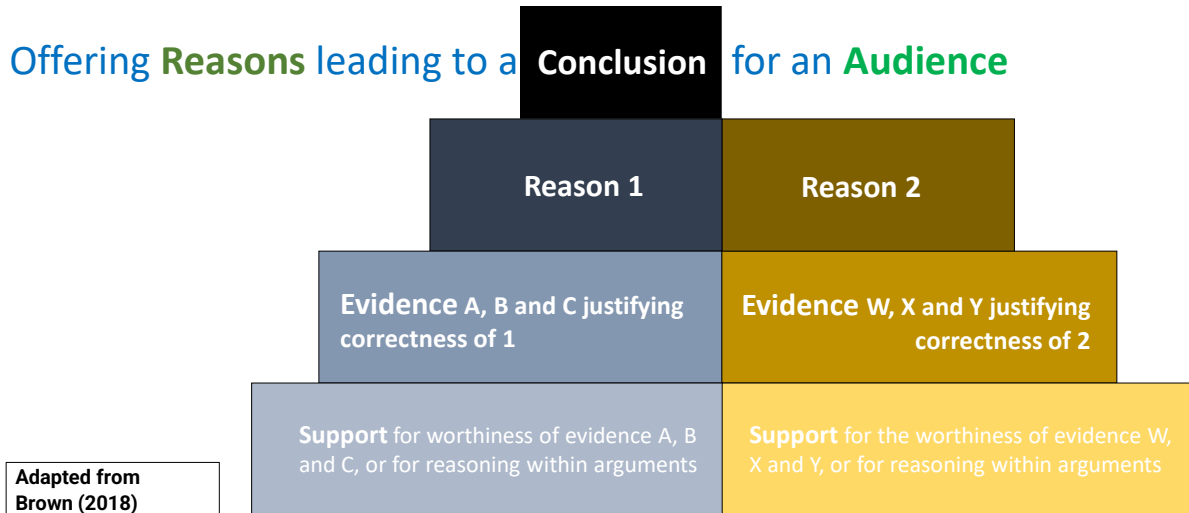
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## **Professional Capabilities for a** ***Proportionate EIA Mindset***



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## Considering how we think and write...



Adapted from  
Brown (2018)  
*Organised Reasoning  
Training*

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## Applying the mindset in Scoping

A storyboard of key stakeholders per Topic:

- Who is key audience for what?
- What are their priorities and take on other views?
- What has been agreed?
- Has this been done?
- What would trigger need to reconfirm?

**But remember... Scoping is a complex process of evolving risk, resource & relationship management**  
**Negotiation + Flexibility + Personal Resilience**



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## Templates vs Proportionate EIA mindset

### Benefits of Templates

- Structure drives efficiency
- Avoids missing things
- Brings order to elaborate info
- Consistent house style / brand
- Helps engender "EIA Team"
- Easier than debating across all the specialisms

### Challenges of Templates

- Erodes need to think about structure of message
- Risks stifling valuable conversation with specialists
- Focus on satisfying template, not linking findings to audience
- Consistency drives longer ES



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***Enabling Proportionate EIA***  
within a  
**PROJECT**



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## Get the client onboard!

Having a client actively engaged and supportive of delivering a Proportionate EIA is hugely beneficial, but requires:

- Sharing understanding on what Proportionate EIA means
- Enhanced trust + communication to overcome challenges
- Establishing and reviewing shared goals as EIA progresses

Even if client interest is low at the outset seek to focus EIA and find appropriate opportunities to bring proportionate EIA into the project.

**But remember...** you also need to bring everyone else along!



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**Scoping Starts!**  
1<sup>st</sup> Env minded  
thoughts on proposal



**Scoping the Ast**  
Consultants gather  
data & engage EPD,  
stakeholders and  
others



**Scoping Agreed**  
Achieved via meetings  
or formal Scoping  
Opinion



**Scope Refined**  
Assessment and  
design iterations  
influence scope



**Scoping the EIS!**  
Front end, Scoping Table,  
Topic Chapter / Not, etc

***Our efforts to miss nothing, risk the  
audience missing everything!***



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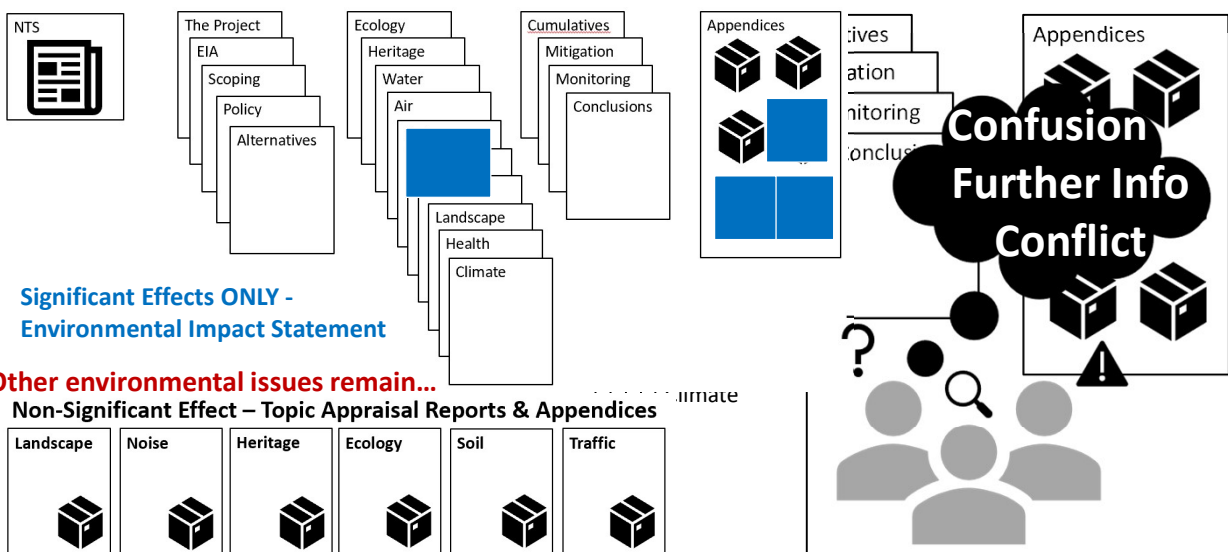
## Proportionate EIA & Scoping

- Bringing stakeholders with you is essential
- Engage on what is covered + justifying decisions & reasoning
- EIA consultants support engagement, not dominate / direct
- **Trust is key**, but...
  - Great record keeping is not far behind!
- **Pragmatism** - balance proportionate & stakeholder expectations
- **Skills** - Listening, negotiating and flexibility.



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## An easy Fix? *"Only cover Significant Effects"*



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## Proportionate Reports: EIS Narrative

EIS audiences want easy access and effective information related to their:

- Specific concerns, or
- Professional responsibilities.

Humans respond to & remember **connections**. EIS should therefore:

- Present a convincing series of evidence based conclusions.
- Connect these conclusions in an clear flow of information.

These connections become a narrative (/ series of stories), which can be designed to help stakeholders engage with, absorb and form their opinion on the complex and varied information included in an EIS.



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## EIS - Statement or Story?

EIS have many audiences...

These audiences have different needs, expectations and competence...

Raising the question...

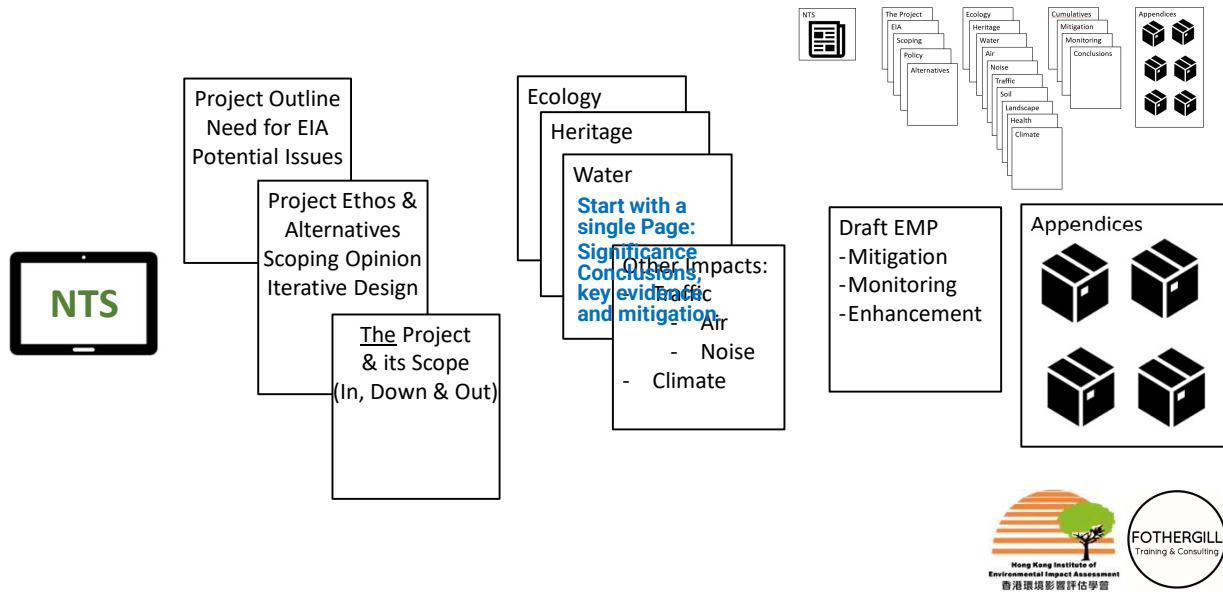
**Can a traditionally structured EIS provide information in a way that satisfies all audiences?**

**Could more use of narrative and innovation (within Ordinance requirements) enable EIS to deliver a better job?**



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## EIS Reimagined 1: *Narrative Structure*



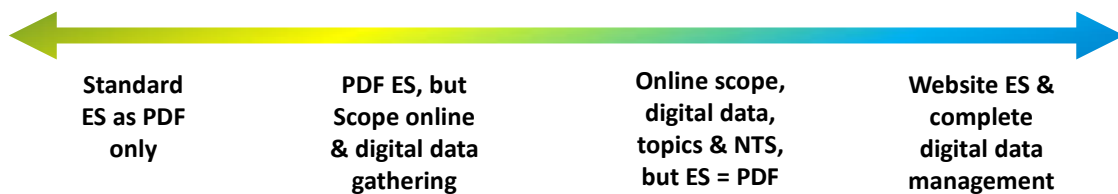
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## EIS Reimagined 2: *Digital EIS*

**Different Mindset** = think early about:

- Managing legal / regulatory requirements,
- GIS / Data management
- Communications

**How far is your digital EIA going?**



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# ***Enabling Proportionate EIA*** action across the **SYSTEM**



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## **EIA must change with the times...** **A Procedural tool in an outcome focussed world**

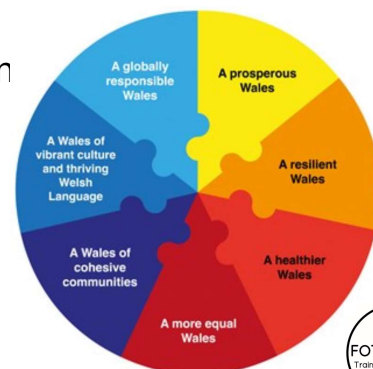
### **Outcome based Policy & Legislation:**

- Global trend, agreeing and working to achieve defined outcomes
- Intended to drive efficiency, accountability, partnership

In establishing environmental / sustainability outcomes aim is to create a system wide response which recognize inter-relationships and the need to innovate to deliver change.

Example:

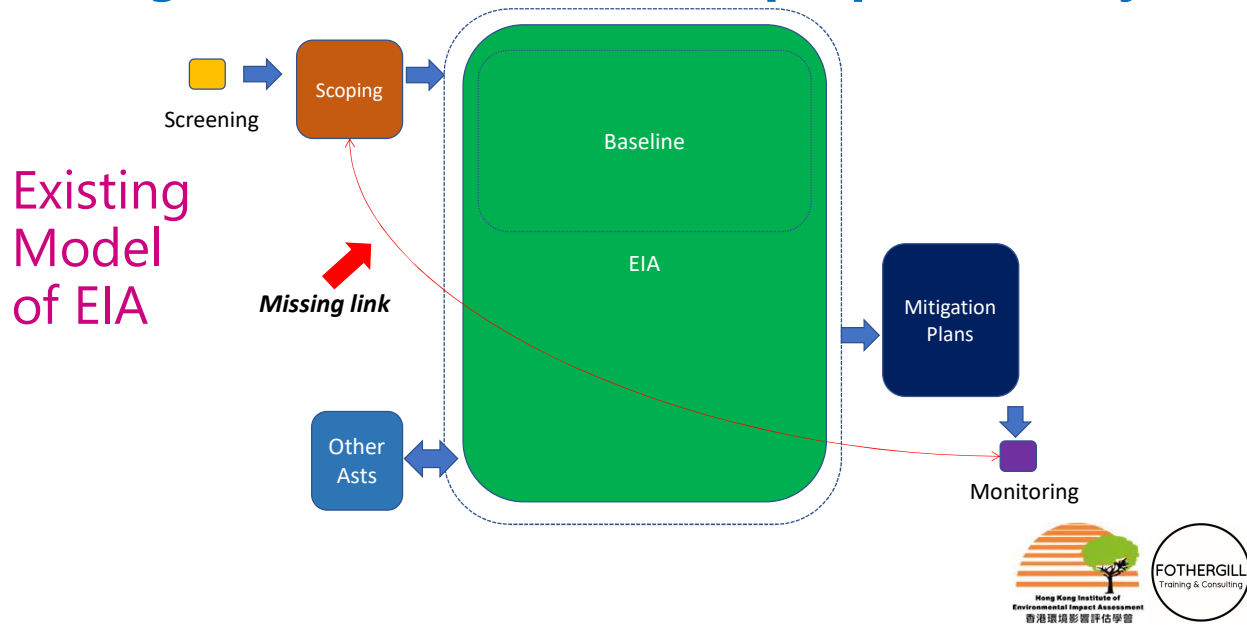
**Wales: Wellbeing and Future Generations Act**  
**Globally: SDGs**



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## Using *EIA Outcomes* to drive proportionality 1

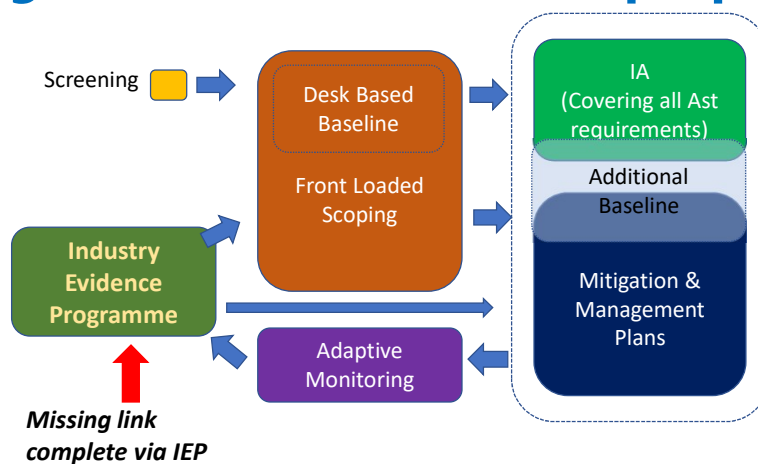
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## Using *EIA Outcomes* to drive proportionality 2

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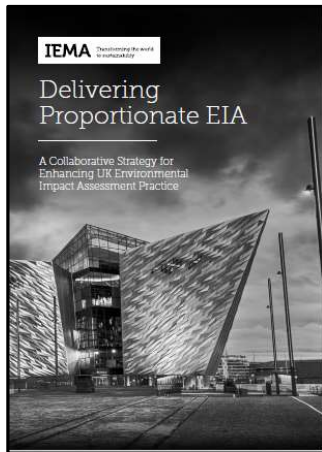


## A potential New Model for EIA

Adapted from  
Howard (2018) *Industry Evidence Plans (RHDHV)*

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## Learning from UK Proportionate EIA Strategy



Professional EIA community often takes *responsive actions* reacting to symptoms of disproportionate EIA, rather than ***proactive actions*** that seek to address its causes.

- Both are needed for proportionate EIA.
- But... *Proactive* requires > collaboration
  1. Enhancing People
  2. Improving Scoping
  3. Shared Responsibility
  4. Embracing Innovation & Digital



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## 1) Enhancing People

EIA is disproportionate because of people and the systems they set up  
Generate and maintain momentum around a ***Proportionate EIA System***

- Maintain broad alliance of stakeholders
- Need for more formal and informal training related to EIA
- Clarity of what we are coalescing around
  - Improved value through EIA
  - Better EIA, not fewer EIAs
  - More effective influence, not shorter documents



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## 2) Improving Scoping

Universal agreement on need to improve, but to do this need to enhance **COURAGE** of key actors in scoping, by improving:

- Base EIA Competence
- Flip the concept - Justification of why an issue is *scoped in* and what elements with it are to be addressed
- Protective approach of EIA's scope through assessment avoid creep

Potentially:

Adoption of **Industry Evidence Plan** model to agree core scope of data, issues and mitigations for specific sectors / development types.



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## Shared Responsibility

Disproportionate EIA is a systemic problem. It cannot be resolved by an individual / organisation, **action and engagement across the EIA Community is needed.**

Need to come together to define Proportionate EIA in local context.

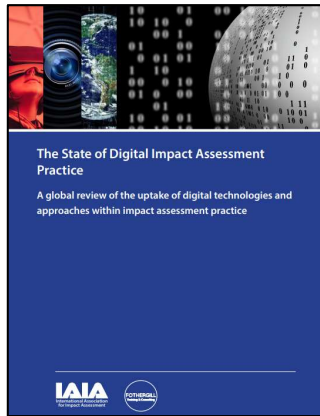
Key Relationships can include:

- Role Government plays in practice (Active / Benign, Director / Partner)
- Consultancies (Compete / Collaborate, Collective / Insular)
- Between Professional Bodies (Compete / Collaborate, Collective / Insular)



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## 4) Embracing Innovation & Digital



### North America:

- Canada, Environmental database management system
- IFC, Artificial Intelligence, and data innovation for social license

### Europe

- Iceland, Early example of the potential of digital EIS
- Netherlands, Digital EIS, diagnostic tool country ESIA systems
- Serbia, Envigo digital IA platform

### Asia

- China (Hong Kong), Virtual and hybrid reality systems
- Singapore, Autonomous vehicles + automated decision support systems
- Nepal, drones + digital air quality devices



### South America

- Chile, Remote sensing and live database EIA follow-up
- Guyana, Imagery + GIS to map coastal ecosystem services, with in-field verification.

### Africa

- Kenya, Drones surveys
- Nigeria, Developing digital EIA project + drone surveys
- South Africa, digital screening platform

### Australasia

- Australia, digital EIA studies, reports and monitoring system.

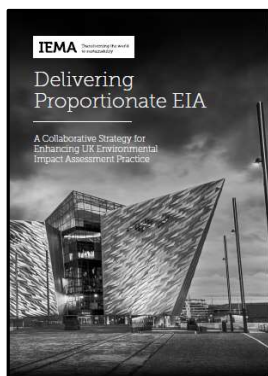
***"The use of advances in digital technologies and their applications in the pursuit of enabling more effective IA practice."***

Fothergill & Murphy, 2021



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## Learn from UK's Proportionate EIA Strategy...



**A Strategy is not enough to maintain momentum and focus on proportionate EIA**



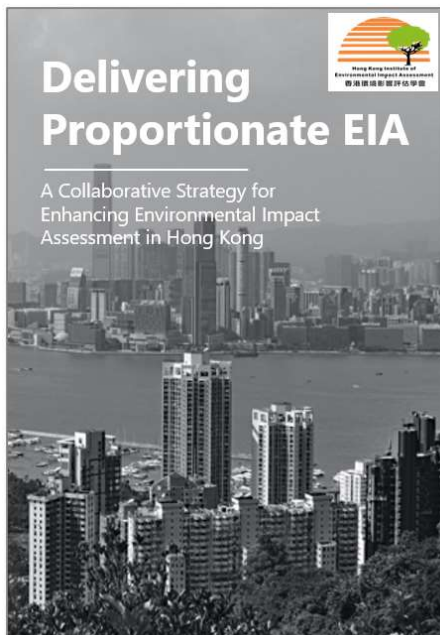
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# Exploring what *Proportionate EIA* Means for Hong Kong



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## A Hong Kong Proportionate EIA Initiative could...

- Define what *Proportionate EIA* means in Hong Kong?
- Broadcast collective ambition for EIA improvement
- Recognize specific drivers and prioritized solutions
- Defining roles + responsibilities for implementation
- Showcase positive progress already achieved
- Building capacity to catalyse progress
- Demonstrating leadership



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## Roadmap to a Hong Kong *Proportionate EIA Strategy*

- Bring key parties together, confirm interest and gain commitment
- Define what is already know - Review previous activities + initiatives
- Recognize disproportionate EIA drivers + when / where influence
- Engagement to identify potential solutions – large > small
- Collaborative action to generate momentum
- Produce the Strategy and initial Action Plan
- Rollout of Strategy & Plan and implementation of initiatives
- Proportionate EIA oversight committee – review progress
- Update Action Plan based on monitoring and engagement



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## *Proportionate EIA* **SUMMARY**



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## Summary Proportionate EIA

- Disproportionate EIA has common symptoms, but defining the drivers requires local categorization.
- Proportionate EIA is about improving its *Value* and *Outcomes*
- Defining these outcomes and who should benefit most from improvements in value requires engagement and a collective initiative.
- Many actions are in the gift of the profession, but... without wider buy-in they risk addressing symptoms not causes.
- Hong Kong has opportunity to show leadership in taking on it's the challenge of Proportionate EIA.



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## Proportionate EIA in Hong Kong



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## Post-webinar availability

All HKI EIA members will be emailed links to both a:

- recording of today's presentation on YouTube
- PDF of the slide deck



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Getting to grips with:

## Climate Change in EIA

**Josh Fothergill FEIMA CEnv**  
Founder & Director  
Fothergill Training & Consulting Ltd

**Tuesday, 26 July 2022**  
**7pm – 8:30pm**  
**Online Platform: Zoom**

The webinar will focus on how climate change is being considered in EIA practice, the challenges this can present, and the approaches being applied to overcome such challenges. Exploring EIA's consideration of greenhouse gas emissions (GHG) and climate change adaptation and resilience the webinar will pose the question of: *How Hong Kong's EIA practice can help deliver on the Climate Change Action Plan to 2050?*

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## Next Webinar in 2022 EIA Series

**26 JULY - EIA & Climate Change**  
*Registration opens ~5<sup>th</sup> July, look out for the HKI EIA invitation email in your inbox.*

**30 AUG - Digital EIA**

**11 OCT - EIA and the SDGs**



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# THANK YOU

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