

Non-Technical Summaries - *Due Care and Attention?*

John Fry,¹ Anne Maxwell, Sarah Apere, Paddy McAweeney, Luke McSharry and Ainhoa González²

¹ School of Agriculture and Food Science, University College Dublin, Ireland

² Girobi Environmental Services, Spain

Abstract

A Non-Technical Summary (NTS) is often a legally required component of documentation for either EIA or SEA - justified on the grounds that it facilitates communication and helps satisfy obligations towards public participation. However, critiques following introduction of Directive 85/337/EEC suggested many EIA NTSs were glossy brochures acting more as project publicity than as serious attempts to provide a comprehensible executive summary. This paper reports on on-going reviews of aspects of NTS practice in the Republic of Ireland. Many EISs lodged with Irish planning applications in the 1990s contained no NTS when reviewed - either never having had one (therefore legally inadequate on submission) or failing to cross-reference the statement to a separate (and missing) NTS. Searches of theoretical texts and practice manuals generally reveal little on NTSs - suggesting the problem may be education. Comparison of NTS content with that of the parent statements, revealed significant variation in absolute or relative NTS size; shortage of stand-alone graphics; and variability in correspondence in subject matter between documents - most NTSs attracting 'poor' or 'inadequate' grades. Reviewing SEA NTSs suggests similar inadequacies; a cut-and-paste approach; few graphics; incoherence in narrative and little indication of how the SEA contributed to the plan/programme. Specific review of language used in writing NTSs suggested that, although documents may have become non-technical by minimising jargon, the general text could not qualify for description as 'plain language'. Ironically, reviews collectively suggest a surprisingly large minimum length for NTSs that could adequately serve their theoretical functions. The following text constitutes a background paper produced for a discussion session on the NTS as an '*Orphan of Impact Assessment*'.

Introduction

Public participation is a 'pillar' of modern approaches to impact assessment, and an important element of that is mutual learning based on communication and free information flow that is inclusive and adaptive to the diversity of stakeholders (André, et al 2006). In the northern hemisphere, participation has been enhanced by the Århus Convention and, in the extensive area of EU influence, by Directive 2003/35/EC (CEC, 2003). Sharing documentation is part of the minimum acceptable level of public interaction, but poorly communicative documentation limits both interactions with the public and effective decision-making - risks that an early evaluation encapsulated in its title: "*An unreadable EIS is an environmental hazard*" (Weiss, 1989). US EIAs produced under NEPA require a succinct summary that adequately and accurately summarises the Environmental Impact Statement (EIS), stressing its major conclusions (Canter, 2008). Earlier US advice had also noted that those preparing the summary should recognise it will be read by diverse technical and non-technical audiences (Canter, 1996). Similarly, a 'clear and concise summary' of the EIS was a requirement of EIA procedures in the Commonwealth of Australia in 1987 (Wood 1995). However, it was the EU Directive 85/337/EEC (CEC, 1985) that formally introduced a *non-technical summary (NTS)* as one of the requirements for project-level assessments. Article 5 of EU Directive 2001/35/EC (CEC, 2001a) also mandated NTS provision to accompany the

Environmental Report generated during Strategic Environmental Assessment (SEA). Since then the NTS idea has been promoted through a range of training materials aimed at an international audience (e.g. Horne and Thomas, 2007) and has gained momentum outside the EU (e.g. NEPA(Jam), 2007).

Basic Compliance with NTS Requirement?

Provision of an NTS is a legal requirement in the Republic of Ireland, reinforced by official guidance on conducting EIA (EPA(Ir), 1995/2002). However, Geraghty's 1996 review of initial Irish EIA practice found NTSs to be broadly inadequate - as did surveys in other member states such as Portugal (Jesus, 2009). As with NEPA, there is an expectation that the NTS will provide an adequate and accurate summary of the EISs, but there were public complaints that NTSs often failed to live up to their name and were merely publicity brochures for the proposal. When reviewed, many EISs lodged with planning applications in the 1990s had no accompanying NTS, and had no reference to one in the substantive document (Fry, 2000). This suggests that they either never had one (and were therefore legally inadequate on submission) or the proponents did not consider the NTS to be a sufficiently integral part of the documentation to merit cross-referencing. A recent unpublished review of 120 EISs produced during 1992-2005 (McAweeney, 2013) found that 11% lacked an NTS and (unlike the Appendices) had no cross-reference to one in the EIS contents listing. There is an expectation that the NTS will be available as a stand-alone document, but it should still be cross-linked to the main EIS text and would usefully be replicated within that document. The Irish SEA Effectiveness Review (RPS, 2012) found SEA NTSs "*typically concise and to the point [and] a key means of informing decision-makers and non-environmental stakeholders of key SEA findings*" - but this has not been the personal experience of one of the authors when undertaking reviews of an admittedly modest complement of SEAs. In those cases, the NTS was often embedded in the SEA Environmental Report rather than being a stand-alone document. Overall, does the expectation of NTS stand-alone status require further definition?

Length of an NTS?

It has also been noted that significant variation exists in the length of EIA documentation produced in Ireland, with early EISs running from one (1) to several hundred pages. It is noted (somewhat tongue-in-cheek) that it would take approximately 50 A4 pages to adequately address all the reporting issues mandated by the EIA Directive, while (as in other jurisdictions) an EIS in excess of 120 pages tends towards intentional or unintentional obscurantism. NEPA recommendations (Canter, 2008) suggest that the summary 'should not exceed 15 pages' (although some increase would presumably be legitimate to ensure non-technical explanations), while Partidario (1999) recommends not more than 20 for an NTS. However, if a long EIS *is* justified, presumably a 'sufficient' NTS for such a project proposal would also be proportionally large?

Comparisons of the relative lengths of NTS and main EIS documents were undertaken by Maxwell (2004 - reviewing 35 NTSs; 2002-3, 5 project categories) and Apere (2005 - 100 NTSs; 1990-2004, 7 categories). This ratio ranged over 0.6-21.8% of EIS length (means = 5.7 and 6.0 respectively), but showed significant variation by project category, with (as noted in other respects) agricultural project NTSs being skimpiest. McAweeney's later analysis was based on a superficially similar time-spread of EISs to Apere's, but essentially dealt with more recent documents. That found EIS length ranging between 20-263 pages (mean = 100.0), while NTS lengths ranged 0.5-46 pages (mean = 12.1) and the mean ratio of NTS/EIS length = 11.0%. Maxwell had found that the few NTSs rated 'excellent' or 'good' were more than 10% of EIS length, a finding corroborated by Apere (2005). Provided the EIS itself is

carefully edited, a 10% rule-of-thumb seems more useful as advice than a strict page limit. McAweeney's results tentatively suggest that the Irish NTS might be evolving in this direction.

NTS Fidelity as an EIS summary?

Canter (2008) emphasised that the EIS summary should reflect the EIS itself; stressing its major conclusions, identifying areas of controversy and noting the issues to be resolved. Maxwell (2004) and Apere (2005) both found variation in the range of coverage between NTSs and their EISs, with some elements of particular general interest (e.g. treatment of alternatives) being infrequently addressed. Maxwell also observed that cross-referral in the NTS to sections within the main EIS was, ironically, both poorly done and over-used. Alternatives are more frequently addressed in SEA NTSs, but summaries of their development, why some were not brought forward, and their potential impacts, are uncommon.

Although McAweeney (2013) found fairly reasonable NTS coverage of the environmental sectors (fauna, flora, air, soil, etc.) demanded by Article 3 of 85/337/EEC (CEC, 1985), significant variation existed in the coverage of other subjects mandated by the directive (Figure 1). Even though it is not explicitly required by the directive, the provision of maps is advocated as best practice (Partidario, 1999). In the form of site plans, it is also recommended by Irish guidance (EPA, 1995/2002), but only 28.5% (Maxwell) and 36.3% (McAweeney) of NTSs sampled exploited this major communication aid. Most worryingly, 7 NTS in McAweeney's sample (5.8% - all small wind energy projects produced by the same consultant) were cut-and-paste exercises in which names and locations were simply changed.

Figure X: Percentage of NTS sample containing maps or addressing a range of potential impact sectors, treatment of which is required by Directive 85/337/EEC (n = 120*)

Maps	Site description	Mitigation	Alternatives	Emissions		Materials		Article 3 sectors
				Nature	Quantity	Nature	Quantity	
36.3	58.6	36.3	30.1	32.7	10.6	10.7	4.5	73.5

[*Project categories: Wind-energy (36) Housing/Development (30) Quarry (17) Wastewater treatment (14), Industry (14) Aquaculture/Agriculture (3), Landfill (3)]

A lack of maps and explanatory graphics seems to be a common problem in Irish SEA NTSs as well. The plan/programme tends not to be described or has insufficient detail, while the baseline is commonly a 'cut and paste' operation presenting a generic description of the current state rather than an effective and non-technical summary of key issues or sensitivities. Proposed mitigation measures are rarely presented or, if present, are not linked to potential impacts. More worryingly since statutory monitoring is a distinctive requirement of the SEA Directive (CEC, 2001a), a summary of monitoring indicators is often lacking.

NTS Quality?

Maxwell (2004) and Apere (2005) followed European guidance on EIA-EIS review (ERM, 1994; CEC, 2001b) to assess the content of both the EIS and NTS under examination. Unfortunately, the majority of the NTSs were considered inadequate in relation to both their reflection of main EIS text, and in meeting the directive's requirements on conveying specific information. While not reviewing the text quality of his sample, McAweeney (2013) found

similar NTS deficiencies in conveying information presented in the relevant EIS. Canter (1996; 2008) and others note that the summary is likely to be the primary document read by the majority of interested parties - even, on occasion, the decision-makers. Therefore, any failure to summarise crucial information uncovered by the EIA is highly problematic.

NTS Accessibility/NTS Readability

Guidance in several jurisdictions indicates that a major function of the EIS summary is in facilitating public interaction, and to that end the language needs to be clear and concise. It should be as non-technical as possible, and the vocabulary chosen from words familiar to the widest possible audience. Specific review of NTS language suggests that, although some documents may be 'non-technical' by minimising jargon, the general text cannot qualify as 'plain language'. Maxwell (2004) utilised the *Flesch-Kincaid* and *Flesch Reading Ease* tests (Flesch, 1974) to assess the comprehensibility of the NTS texts she studied. These long-established tests assess the *words used per sentence* (ASL) and *syllables per word* (ASW) to calculate *readability ratings*, and relate those to the comprehension expected at different educational levels; a readability score of 60-70 (US 7-9th Grade) is considered normal for communication with a lay reader. Only 1/35 NTSs attracted this rating, the mean readability value of the sample actually being 39 (30-50 = 'difficult' college level language). Apere (2005) repeated the test on a larger sample and found *all* 100 NTS texts to be 'difficult'.

Didactic Reinforcement?

Although there seems to be broad international consensus favouring the NTS concept, a limited study of textbooks (Apere, 2005) suggested the literature laid comparatively little emphasis on it - although Portuguese publications were (and remain) a clear exemption to this general observation (Partidario, 1999; Jesus et al., 1999; Jesus, 2009). A more recent study (McSharry, 2013) investigated a larger semi-random sample of English language texts and training manuals relating to EIA and/or SEA, including online materials wherever available. Most were produced in the EU or by organisations subscribing to the NTS concept and, overall, 18,749 pages in 98 texts were searched visually and/or electronically. Only two texts mentioned NTS in their contents lists, while 2 others had an unlisted section-heading mentioning NTS. Not all texts had indices, but only 12 of those that did listed the NTS - although detailed searches revealed mention in 27 texts (usually more than once) on a total of 192 pages. However, 30 electronically-searched texts definitely did not contain any mention of the NTS. These results seem to suggest that even academics and trainers psychologically view the NTS as a procedural requirement rather than a significant aspect of what should be a participatory planning process. However, some reassurance could be drawn from the fact that, where successive editions of a text were available, the frequency of NTS mention usually increased with time (e.g. Glasson et al, 1994/2012).

Conclusion

Provision of a Non-Technical Summary is a legal requirement under EU legislation for both project-level EIA and SEA of Plans and Programmes, and is therefore theoretically legislated for in EU Member States such as the Republic of Ireland. However, successive evaluations of a range of aspects of NTSs (e.g. conformity with legal requirements, correspondence to the parent documents, ease of comprehension of the language used), and of the didactic literature on impact assessment, suggests that the NTS still falls short of its potential as an aid to participatory planning and remains an '*Orphan of Impact Assessment*'.

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