Scotland's EIA Conference 2023 – 12th October 2023

Combined Notes Workshop delivery 1, 2 and 3:

NPF4 Delivery via Proportionate EIA

Q1 – What is proportionate EIA?

- Key impacts and issues
- No excessive detail (is it relevant to the assessment?)
- Focusses on key policies proportionate to the risk
- Assessment with a defined scope
- Availability of detail at scoping.
- Should scoping be mandatory?
- Not just 'shorter and cheaper' use resource and time available to focus on pressing issues
- How it is presented is important make accessible

Q2 – What are the potential blockers to proportionate EIA for the key participants (particularly in light of NPF4)?

- Legislative framework defines EIA gives equal weight to everything?
 - This was challenged however legislation only gives the framework, application of this is key....
- Different participants have different priorities, drivers and agendas.
- It is difficult to find relevant info within the EIA
- Determining bodies time implications, size of documents, re-use of previous docs + templates (not project specific)
- Being able to take data at face value?
- Competence + Resource availability to provide effective scoping, and descope?
- Risk aversion and fear of legal challenge (Decision maker, stats and applicants).
 - Feel the need to cover all bases
 - Afraid of leaving something out
 - o PLI/JR
- Requirement for scientific certainty, rather than judgement
- Poor scoping consultees giving standard responses and scoping opinions just collating responses rather than considering and providing an informed 'opinion'.
- Statutory authorities giving more/additional feedback at consenting stage, rather than scoping
- Risk of objections (stat and public)
- Compare the amount of assessment done on previous similar projects and expect the same
- Application of regulations are the problem, not the regulations themselves (i.e. EIA only needs to cover scoping opinion, it is the ineffective scoping that is the key).

What are the potential blockers to proportionate EIA for the key participants (particularly in light of NPF4)?

Lack experienced regula	Neophobia	EIA Structure
Vague	e guidance documents	Precedent (CPO)
Resource	Scoping too early	Resourcing Cost
Fear of PLI Clear	scope Timidity	Scoping everything in
Precedent	Legal challeng	e Time Repetition
Programme	Lack of expert	ise Public perception
	isk adverse developers	Risk management
Poor scoping	Stakeholder perceptio	ns
		Lack of evidence base
Lacking	experienced regs	

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What are the potential blockers to proportionate EIA for the key participants (particularly in light of NPF4)?

Wordcloud Poll 🗹 23 responses 🔗 12 participants									
			Inco	onsiste	ent scoping a	advi			
		Lack of con	fiden	ce	Response p	eriods			
			Risk o	of lega	l challenge	Lack	of resou	rces in LPA	
			L	Jncert	ainty/risk ad	lverse	Exp	ertise	
	Lack o	of knowledge	e	Ves	ted interests	5	Focus	- lack of	
			Unce	rtainti	es about NPI	Fm	Perceive	ed risk	
			Fear		Risk aversi	on			
			F	Resou	rcing constra	aints			
					Feel need to	cover	oo mu		

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O What are the potential blockers to proportionate EIA for the key participants (particularly in light of NPF4)?

Wordcloud Poll ☑ 12 responses 😕 6 participants



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Q3 – How do you focus on the 'determining factors' that are material/significant?

- Is it even possible? can you actively square the circle given different desired outcomes and risk of legal challenge?
- Scope at right time. With sufficient detail to descope more of the topics
- Can more detail be taken out of the EIA
 - Environmental considerations that are not significant
 - Planning policy issues into planning statement
 - Known risk with established mitigation techniques (upfront commitment and planning condition agreed pre-application)
 - Purse mitigation at scoping stage
- Shift effort to enforcement of legislative requirements rather than extensive assessment on known risks already captured by standard working practices and other regimes (e.g. surface water pollution, hydrology under CAR)
- Data sharing amongst developers/regulators/statutory consultees. May lead to more efficient scoping
- Use of GIS/Figures to illustrate points, rather than long written assessment chapters.
- Make pre-application consultation compulsory
- Continuous open dialogue
- Lessons from other sectors (e.g. GRIP, DMRP)

- Stronger direction from Scottish Government to give back up to 'Scoping Opinion' authorities for braver scoping decisions. Guidance etc... that they can use as evidence justification for stronger scoping decisions
- Resourcing more specialist support for scoping authorities, internal or centrally provided.

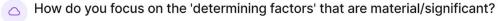
How do you focus on the '	determining factor	s' that are material/significant?
Wordcloud Poll 🗹 41 responses	s 🖧 22 participants	
Locati	LPA and local groups	Ecological limits
	Small b	ut cumulative bad
Regulatory input		Later scoping
	Early consu	Robust scoping
Using SEA to h	elp focus Scopin	g community engagement
Local expertise	Use consultant expe	ertise
Preload/prescope	e Understanding I	Previous applications
Front loading	Sensitivity of recep	Good scoping
	Improving communie	EIA expertise

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→ How do you focus on the 'determining factors' that are material/significant? Wordcloud Poll 2 13 responses 2 7 participants

Engage at preapp					
NTS and Exec Summary PEIR	Better consultation				
Try + focus on dev plan					
Effective scoping					
Want to cover everything	All consultees agree to				
Meaningful pre-app Streamline					
EIA Trainin	g				
As much early information					

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Wordcloud Poll 🖸 16 responses 🔗 9 participants

 Prof confid to scope out

 Scope later
 More pre app consultantio

 More information
 Sufficient info early on
 Phased scoping

 More information
 Sufficient resources
 More agreed data

 Clear guidance
 Some of fee upfront
 More strategic approach

 More strategic approach
 Continuous communication
 Strategic approach

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