

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?

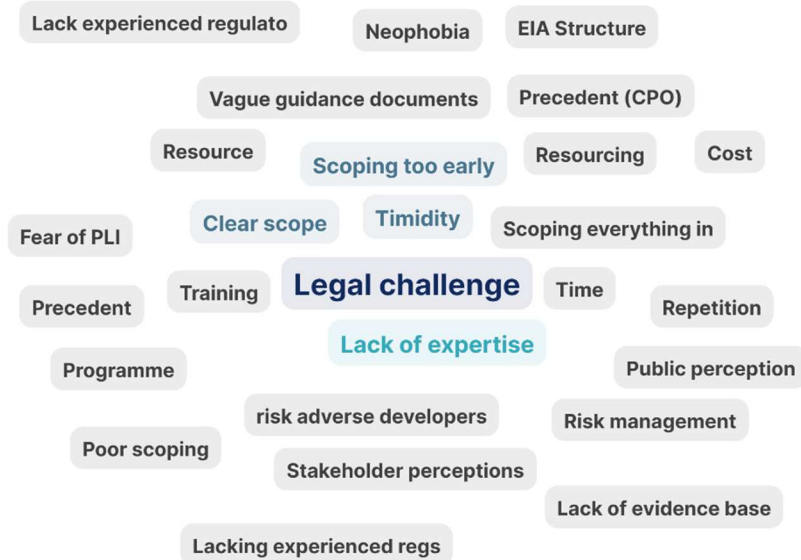
- Key impacts and issues
- No excessive detail (is it relevant to the assessment?)
- Focusses on key policies – proportionate to the risk
- Assessment with a defined scope
- Availability of detail at scoping.
- Should scoping be mandatory?
- Not just 'shorter and cheaper' – use resource and time available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

Wordcloud Poll 56 responses 26 participants



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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



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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 factors' that are material/significant?

Wordcloud Poll 41 responses 22 participants



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

Wordcloud Poll 13 responses 7 participants



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

Wordcloud Poll 16 responses 9 participants

