

A reporter's experience of EIA

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Who are reporters?

- Appointed to take decisions or report on development consent
- 38, from various professional backgrounds
- Planning and Environmental Appeals Division
- Planning appeals, but also other consents
- Planning appeals: written submissions, then possibly further procedure
- Other consents: usually inquiries, usually reports



Planning and EIA

For planning appeals:

- Screening, scoping, requiring additional information or verification, standards for decision
- In planning appeals, all Ministers' EIA functions delegated to reporters
- In other consenting systems, reporters exercise Ministers' EIA functions for inquiry purposes



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EIA requirements

- Prohibition on granting consent for EIA development without EIA
- Requirements for report and consultation
- Take account of environmental information in decision
- Give reasoned conclusions on significant effects in decision



The reporter and EIA

- Not just determination by planning criterion –
- findings on significant effects
- The reporter's role:
 - not (usually) an expert on environmental assessment
 - findings based on evidence in formal procedures
 - reliance on diligence and expertise of others



EIA vs appeal procedure

Planning appeal procedure	EIA
• Front-loaded • Aim at efficiency • Don't turn over stones • Development plan / material considerations	• Minimum evidence standard • Additional procedure • Mandatory consultation • Minimum decision standard



Screening

- Only planning cases
- If no screening opinion, reporter to issue screening direction
- Check of all schedule 2 development appeals
- What to do with screening opinions that don't answer the statutory question?



Scoping

- Only planning cases
- Rare, but not unknown:
 - PPA-320-2125
 - PPA-350-2038
- Through formal submissions
- No opportunity for informal discussion



EIAR and formal process

- EIAR and responses (usually) in reporter's papers
- But additional information may be required or submitted
- Aim: to integrate EIA procedure with appeal / inquiry processes



Reasons for additional information

- Change in circumstances
- Change in development
- Responding to comments
- Addressing errors and inconsistencies

And will the reporter accept it?



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EIAR in practice

Good	Not so good
• Well written – clear, technical terms and methodology explained • Well illustrated • Well edited and consistent throughout • Applies accepted methodology and standards with understanding • Explains reasons for divergence from standard • Schedule of mitigation	• Poorly written – terms not explained • Inconsistencies, e.g between chapters, in non-technical summary • Copy and paste • Difficulties of comparative reports • Failure to assess effects, e.g micro-siting • Decision not to assess effects



The decision / report

- EIA evidence supports:
 - reasoned conclusion on significant effects and
 - determination whether policy criteria met
- Other EIA requirements:
 - Statement: environmental information is up to date
 - Opportunities for public participation
 - Conditions and monitoring requirements



What reporters like:

- View EIA of as essential, not just an administrative burden
- High standards of assessment, clearly explained in well-written report
- Responses focusing on what's important
- Integration of EIA with appeal procedure
- EIA essential to reporter's role – and to an efficient decision



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