



Scotland's EIA Conference 2026

**Developing the
Scottish Government's
Guidance on:
*Uncertainty in EIA***

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ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

The EIA stream of the National Planning Hub (NPH) began in October 2024. The NPH engaged with planning authorities and key agencies to ascertain if any specialist expertise or additional capacity is required in relation to EIA processes.

The NPH appointed Fothergill Training & Consulting Ltd to develop and deliver the EIA Training Course through winter 2025 into spring 2026. The resources produced through this Programme were targeted towards planning officer training needs but are likely to be beneficial to all parties involved in the EIA process.

EIA Capacity Building

Context

Scottish Government EIA actions in response to Wull Muir ruling:

- **Live case work responses** (e.g. DPEA, ECU) – clarifying whole project status and managing submission of additional information related to grid connections.
- **Convened EIA Roundtable** to discuss practical steps following the ruling
- **Commissioned technical guidance** on EIA assessment practice and dealing with uncertainty, in light of the ruling
- **Update Blog** outlining activities undertaken in relation to the ruling.

The Project:

Scope

- Increase clarity for practitioners dealing with uncertainty in EIA.
- Support emergence of proportionate assessment practice in this area.
- A focus on energy generation site and grid connections but with advice of relevance and value to other sectoral contexts across EIA in Scotland.



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Outside the Scope

The project will not make recommendations to make changes to any:

- Legislation
- Or
- Planning Policy

The guide will not provide advice on points of legal interpretation.

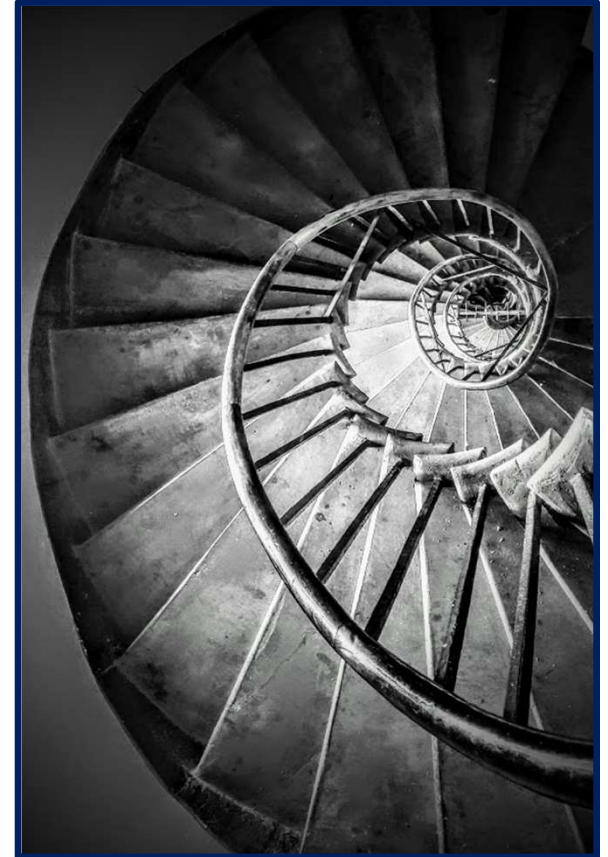


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Uncertainty is part of EIA

EIA is a predictive tool so uncertainty is already part of the process.

- **Legislation:** Schedule 4(6) "*...main uncertainties involved*"
- **PAN 1/2013** advice on uncertainties related to:
 - Screening
 - Permission in principle
 - Supplementary information requests

Forthcoming guide responds to a specific area of uncertainty

- How practice responds to uncertainty generated by limitations in what is known about *associated development* that sit outside the principal application but form part of the project for EIA purposes.
- Reiterate that *other development* (those not part of the project for EIA purposes) can fall within scope of assessment of cumulative effects.

Developing the Guidance

- Desk-based research
- Stakeholder interviews with:
 - Consultation bodies, EIA consultants, Renewables sector bodies, and Transmission operators
- Drafting & Review
 - Internal Steering Group
 - External Advisory Group
- Finalisation
- Publication



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Stakeholder Engagement Messages

- Recognition that guidance alone cannot resolve underlying legal, consenting and grid-reform issues.
- Support for a guide that provides clarity for practice but retains flexibility of approach to fit a project's specific context.
- EIA workloads have increased since the ruling with a common response being a desk-based grid route assessment being produced and consulted upon.
- New EIA projects need to consider the question of associated development early, ideally determining both presence and approach during scoping.

The Guidance:

Terminology

Related works - refers to other development or enabling activities of direct relevance to the principal project, which sit outside of that project's consent application.

Associated development - refer to any *related works* that are determined to be part of the whole project for EIA purposes, despite not forming part of the principal project's application.

Seeking to establish a 'common language' in Scottish practice.

The Guidance:

Emerging Advice - Practice Principles

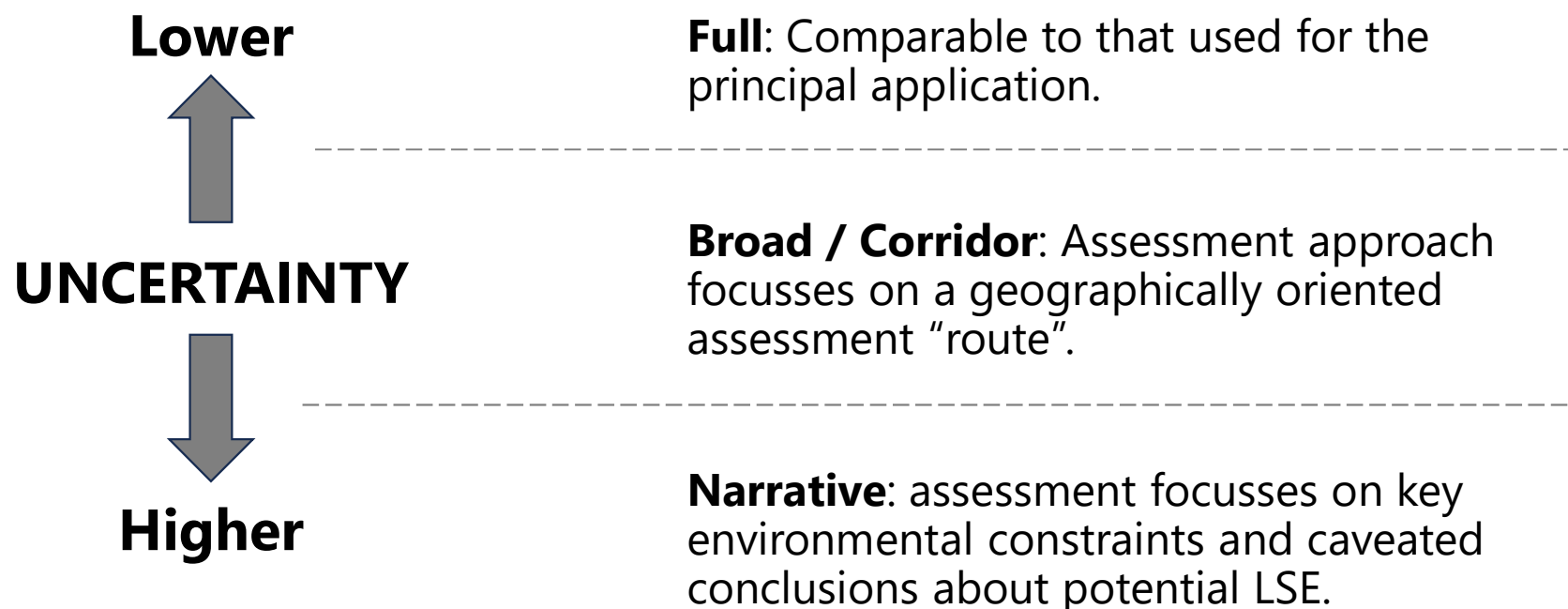
Developers and EIA consultants should

- 1. Achieve early identification of *associated development***
- 2. Understand the *associated development's* uncertainties**
- 3. Take a proportionate approach to assessing *associated development***
- 4. Provide clarity on uncertainties and limitations in reporting**

The Guidance:

Emerging Advice – Assessment

Where *associated development* requires assessment, the consultants' judgement on approach will need to adjust to the degree of uncertainty.



The Guidance: Next Steps

The forward program includes:

- Scottish Government Steering Group review
 - Feedback and updates
- Engagement with Practice
 - Today's discussions, and
 - External Advisory Group (November)
- Finalisation of Guidance
- Publication expected this winter.



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Thank You

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Q&A