

# Environmental Impact Assessment (EIA)

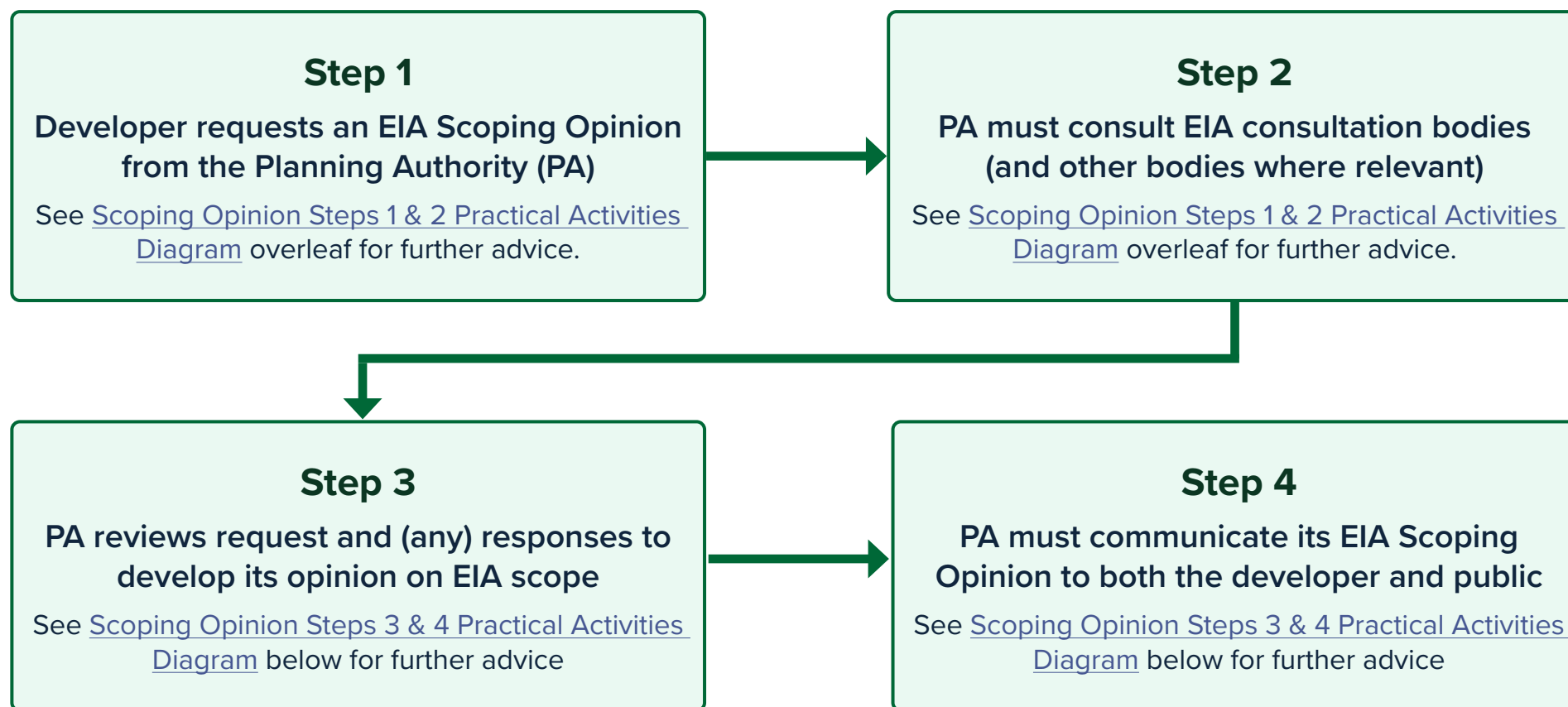
## Practical steps for Planning Officers when making a Scoping Opinion



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### Practical Overview



# Environmental Impact Assessment (EIA) Scoping Opinion Steps 1 & 2

## Practical Activities Diagram

### Step 1

#### Developer Scoping Request

- The proponent of an EIA development is not required to make a scoping request to the Planning Authority (PA).
- Where such a voluntary request is made, by the developer/their EIA consultants, it **must** contain both a:
  - Description of location of development, including a plan sufficient to identify the land, and
  - Brief description of nature & purpose of the development and its likely significant environmental effects.
- The PA **must** check that the developer's scoping request provides sufficient information to enable it to make a Scoping Opinion. If it does not, the PA should request this from the developer within 21 days.
- A developer's request can also contain "*such other information [they] may wish to provide*", which will sometimes include a consultant's EIA Scoping Report.



### Step 2

#### PA EIA Scoping Consultation

- While the developer's scoping request is voluntary it triggers formal duties for the PA, including consultation.
- The PA must consult each of the EIA consultation bodies:
  - The adjoining Planning Authorities to the PA
  - Historic Environment Scotland
  - NatureScot
  - Scottish Environmental Protection Agency
  - Scottish Water.
- Consult any of the following, where the PA considers the EIA of the proposed development is **relevant** to them:
  - Health & Safety Executive, Office Nuclear Regulation, and any other public body the PA considers to have interest due to "*their specific environmental responsibilities or local and regional competencies*".
- While the Regulations require a PA to consult these bodies, they do not compel the bodies to respond.



# Environmental Impact Assessment (EIA)

## Scoping Opinion Steps 3 & 4

### Practical Activities Diagram



### Step 3

#### PA forms its Scoping Opinion

- In every case the PA should focus on forming its own opinion on the scope and level of detail of EIA Report that the developer will submit alongside their application.
- In doing the above, the PA should take account of:
  - The information provided by developer, especially details about the characteristics of proposed development, its location, technical capacity and likely impacts on the environment, and
  - any responses received from those bodies the PA consulted [see Step 2].
- The PA should also ensure that it gathers views from relevant internal “consultees” within the council (e.g. ecology / heritage colleagues, where available).
- Further advice: Circular 1/2017; PAN 1/2013 and the slides, recording and info on the [NPH EIA Scoping page](#).



### Step 4

#### PA Communicates Opinion

- Where a developer makes a scoping request (Step 1) the PA is expected to produce and issue the related *Scoping Opinion* to them in 35 days. This period can be extended to a defined ‘longer period’, but this must be agreed in writing with the developer.
- Where a developer does not receive a requested scoping opinion after 35 days/longer agreed period, they have the right to request a *Scoping Direction* from the Scottish Ministers but must inform the PA they are doing this.
- The PA must also make their Scoping Opinion – and the developer’s related request – publicly available [as per EIA Regulation 28]. Copies of the PA’s Scoping Opinion must be made available on a website and at an office of the PA where the register may be inspected. The opinion must remain available for a period of at least 2 years.

