

# National Planning Improvement



National Planning Hub:

Environmental Impact Assessment Training Capacity Building Programme

## EIA Screening:

Enhancing Planning Officer Confidence & Understanding

# Welcome & Agenda



## Josh Fothergill FISEP CEnv

Founder & Director - Fothergill Training & Consulting Ltd

### AGENDA

10.30am – Welcome & Agenda, NPH EIA Training Programme and Housekeeping

10.35am - **EIA Screening – Enhancing Planning Officer Confidence & Understanding**

11.15/20am - ***Live Q&A Session***

11.30 - 45am - Close



## ENVIRONMENTAL IMPACT ASSESSMENT

The Environmental Impact Assessment (EIA) stream of the NPH began in October 2024. The NPH engaged directly with planning authorities and key agencies to ascertain if any specialist expertise or additional capacity is required in relation to the EIA process in planning for projects they are dealing with or that are coming down the line. The NPH has sourced and commissioned EIA experts to develop and deliver an EIA training capacity building programme. Priority will be given to developing learning events and online resources of direct relevance to planning authorities; however, the resources produced are likely to also be beneficial to other parties involved in the EIA process.

The National Planning Hub (NPH) has appointed Fothergill Training & Consulting Ltd to develop a mix of different resources through winter 2025 into spring 2026 to help enhance and build capacity on EIA amongst planning officers. Below we have published a number of resources:

### Environmental Impact Assessment Process Map

A core EIA process diagram has been developed to provide clarity to the various activities required during the delivery of EIA, from determining whether EIA is required (screening) to how an EIA application should be managed in consenting.

[Download the EIA process map](#)

### Key EIA Regulations

A second version of the process map has also been produced to provide planning authorities with cross references to the key regulations that are relevant to each of the activities across the EIA process. The regulations in question being [The Town and Country Planning \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017](#).

The visual process map provides a route map for delivery of the EIA process for projects that are required to undertake the assessment in Scotland and should be read in conjunction with related planning policy, legislation and guidance.

[Download the EIA process map including key regulatory references](#)

### Introduction to EIA for Planning Authorities

The Improvement Service has worked with Fothergill Training & Consulting and Brodies Solicitors to design a short course of "Introductory EIA modules" for all local planning professionals throughout Scotland.

In the context of Scotland's planning system the EIA process is applied where a proposed project is considered likely to have significant effects on the environment, where this is the case the activities set out in the EIA process map (above) must be applied before such a project can be granted consent. This course has been developed to support local authority teams involved with the EIA process during consenting.

The course modules will initially be delivered as live learning events for planning authorities, with the recording then being made freely available to all parties and members of the public with an interest in the assessment.

The initial course delivered in December 2025 consists of two videos:

1. [Introduction to EIA for Planning Officers \(Download the presentation\)](#)
2. [Introduction to Key EIA Legal Issues for Planning Officers](#)

The first of the course's short *EIA Explainer* articles can also be found providing a further gentle introduction to the legal context of EIA and case law.

[Download the EIA explainer article: Legal context of Environmental Impact Assessment \(EIA\) - a gentle introduction](#)

## RELATED CONTENT

### National Planning Improvement

The National Planning Improvement Champion is responsible for monitoring the performance of planning authorities and providing advice to them (and others) on what steps might be taken to improve their performance.

### Planning Skills

The Planning Skills Programme co-ordinates training events for public sector planning officers, with the aim to develop the skills required to deliver better places.

### Planning for Place

The Planning for Place Programme supports councils and their partners to collaborate around place, seeking to encourage place-based approaches to joint planning, resourcing and delivery of places that enable all communities to flourish.

### Shaping Places for Wellbeing

The programme aims to improve Scotland's wellbeing and reduce inequalities through changing our collective approaches to the places where we live, work and play.

## KNOWLEDGE HUB RELATED LINKS

### National Planning Hub Community of Practice

(login/registration required)

# National Planning Hub EIA Web-content

<https://www.improvementservice.org.uk/products-and-services/planning-and-place-based-approaches/national-planning-hub/environmental-impact-assessment>



- Introduction
- Hydrogen
- Battery Energy Storage
- Onshore Wind
- Housing (LDP)
- Environmental Impact Assessment**
- Case Studies
- Events
- Resources
- News, Media and Blogs

# Housekeeping

- Your microphone and camera have been disabled for this session.
- Please be aware we are recording today's session – to be shared on NPH EIA webpage with slides.
- Any Q+A will be excluded from the recording, so feel free to ask questions without worry.

## Q&A



Q&A

- EIA questions for the speaker will be posed in the *Live Q&A* at the end of the presentation.
- If you want to ask a question, use the **MS Teams Q&A** function at any time during the session.
- Click on the Q&A now to see the questions being asked as we go along
- We will read questions out on your behalf.

## Technical issues

- Any technical issues should also be raised in the Chat function.



# **EIA Screening**

## ***Enhancing Planning Officer Confidence & Understanding***

# Today's EIA Learning Objectives

Provide planning officers with a core understanding of the:

- Different ways a project can be defined as *EIA development*,
- How to identify *Schedule 2 Development* – those the PA need to screen
- Activities planning officers deliver in producing a *Screening Opinion*

The session also provides tips & advice on EIA screening incl: the role of mitigation, alignment to the multi-staged consent process and information on guidance / templates.



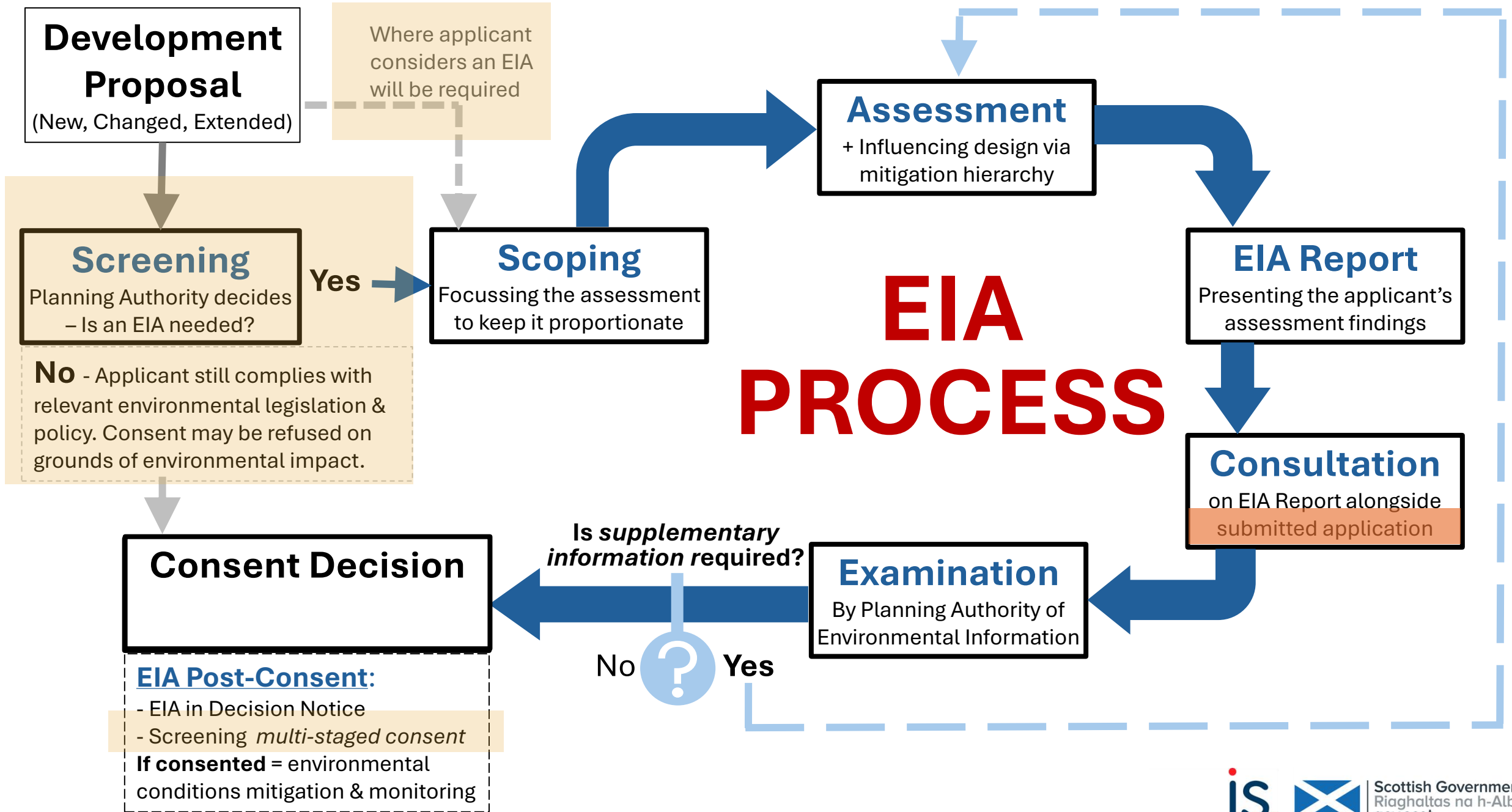
# Environmental Impact Assessment (EIA)

A decision-support tool applied **before** determining planning permission for those developments *likely to have significant effects on the environment...*

A **legislative requirement** – applied across UK's development consent processes, including planning system.

Applies a more rigorous approach to environmental assessment for the projects that pose a greater risk to the environment and communities.





# Getting EIA Screening right is **IMPORTANT**

## Legal Risk - *Prohibition to Grant Consent*

The EIA Regulations **prohibit** the grant of planning permission or multi-staged consent to *development* requiring EIA unless... an ***environmental impact assessment*** has been carried out.

A failure to screen or to correctly screen a *schedule 2 development* to identify whether an ***EIA is required*** places any subsequently granted consent at risk of **Judicial Review**.



# Screening – Key Regulatory References

## Town and Country Planning (EIA) (Scotland) Regulations 2017

**Development Proposal**  
(New, Changed, Extended)

Where applicant considers an EIA will be required

**Screening**  
PA decides – Is an EIA required?

**Consent Decision**

**EIA Post-Consent:** - Screening *multi-staged consent*

= **Regulation 2 - Interpretation**  
= “EIA Development”, “Sch 1 & 2 development” etc...

= **Regulation 6(2)(c)**

= **Regulations 6, 7, 8, 9,  
11 + 12  
& Schedules 2 + 3**

= **Regulations 3 + 4**

= **Regulations 29, 30 + 31**

SCOTTISH STATUTORY INSTRUMENTS

**2017 No. 102**

**TOWN AND COUNTRY PLANNING**

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

Made - - - - - 29th March 2017  
Laid before the Scottish Parliament 31st March 2017  
Coming into force - - - 16th May 2017

CONTENTS

PART 1  
INTRODUCTORY

1. Citation and commencement
2. Interpretation
3. Prohibition on granting planning permission without an environmental impact assessment
4. Environmental impact assessment
5. Environmental Impact Assessment Report

PART 2  
DETERMINING WHETHER ENVIRONMENTAL IMPACT ASSESSMENT IS REQUIRED

6. EIA Development
7. General provisions relating to screening
8. Requests for screening opinion of the planning authority
9. Screening opinions – time period for decision
10. Requests for screening directions of the Scottish Ministers

PART 3  
PROCEDURES CONCERNING APPLICATIONS FOR PLANNING PERMISSION

11. Application or request to review made to a planning authority without prior screening
12. EIA application made to a planning authority without an EIA report
13. Application or Appeal to the Scottish Ministers without prior screening
14. EIA application referred to the Scottish Ministers without an EIA report
15. Appeal to the Scottish Ministers without an EIA report

**Note – Goes beyond Part 2’s Regulations 6 to 10**



# The various ways a project can require EIA



# What makes a proposal *EIA Development?*

*Schedule 1 Development* = **YES** - *Always require EIA*

- If it meets / exceeds a project description listed in *Schedule 1* EIA Regulations

*Schedule 2 Development* = **Maybe** - *decision required to determine need for EIA...*

- **Applicant choice** [Reg 6(2)]
- **Planning Authority** take decision by producing a ***screening opinion***
- [**Scottish Ministers** take decision by producing a ***screening direction***]

*Development below definition of Schedule 2 development* = *Rarely, only via*

- **Scottish Ministers have power** take produce a ***Screening direction***



# EIA Screening

## Planning Officer Task 1

### Identifying *Schedule 2 Development*



# EIA Screening

## When is a screening opinion needed?

PA must produce a case by case *screening opinion* for all

### *Schedule 2 Development*

A proposal is ***schedule 2 development*** if...

- It fits within a description mentioned in Column 1 of schedule 2 **AND** either
  - any part of the proposal is within a *Sensitive Area*
- or
- Any applicable threshold or criterion in Column 2 of schedule 2 is either **met** or **exceeded**



# Screening: **Schedule 2 development**

## Column 1 - Types of development that might require EIA

1. **Agriculture + aquaculture**
2. **Extractive Industry**
3. **Energy Industry**
4. **Production & processing of metals**
5. **Mineral industry**
6. **Chemical industry**
7. **Food industry**
8. **Textile, leather, wood and paper industries**
9. **Rubber industry**
10. **Infrastructure projects**
11. **Other projects**
12. **Tourism & leisure**

+ Changes or extensions to existing forms of above listed activities.

**If not specifically mentioned - Read beyond / into these titles...**

**EIA = Wide scope & Broad purpose** – solar, recycling, desalination, etc...



# Identifying Schedule 2 Development

## Requires Screening IF...

Covered by a Column 1 type

AND

applicable Column 2 threshold / criteria **met** or **exceeded**

**OR**

any part of the proposal is within a ***Sensitive Area***

SSSI, SPA, SAC, World heritage site, Scheduled monument, National Scenic Area, National Park, marine protected area, or land has a nature conservation order under Section 23 of the Nature Conservation (Scotland) Act 2004

[Defined in Regulation 2]

<i>Column 1</i> <i>Description of development</i>	<i>Column 2</i> <i>Applicable thresholds and criteria</i>
<b>10. Infrastructure projects</b>	
(a) Industrial estate development projects;	The area of the development exceeds 0.5 hectare.
(b) Urban development projects, including the construction of shopping centres and car parks, sport stadiums, leisure centres and multiplex cinemas;	
(c) Construction of intermodal transshipment facilities and of intermodal terminals (unless included in schedule 1);	
(d) Construction of railways (unless included in schedule 1);	The area of the works exceeds 1 hectare.
(e) Construction of airfields (unless included in schedule 1);	(i) The development involves an extension to a runway; or
	(ii) the area of the works exceeds 1 hectare.

# EIA Screening of *Schedule 2 Development*

## Who is involved?



# EIA *Screening Opinion*:

## The Parties Involved

To get to a Screening Opinion requires input from:

- **Developer** (/ their Consultant) about the development, environment and effects
- **Planning Authority** make the decision and produce the ***screening opinion***

**NOT REQUIRED to be involved** (via EIA Regulations)

- **Consultation Bodies** (i.e. Adjoining PA, NatureScot, SEPA, HES, Scottish Water)
- **The Public\*** + Other Stakeholders / Interested Parties

\* The PA's *Screening Opinion* must be made available on public record



# EIA Screening

## Developer's Role

[Reg 8 (2) & (3)]

1. Make a screening request
2. **Must** provide following information alongside screening request (/planning application):
  - **Location of the development**, including a plan sufficient that identifies the land
  - **Proposed development**, including the physical characteristics of proposed development (incl: demolition works) and its location regarding environmental sensitivity of geographic areas likely to be affected;
  - **Aspects of the environment likely to be significantly affected by the proposal**
  - **Any likely significant effects**, from information available –resulting from expected residues, emissions & production of waste and the use of natural resources (e.g. soil, land, water and biodiversity).

**In addition** - Developer's may also describe - any features of the proposed development, or proposed measures, envisaged to **avoid or prevent** significant adverse effects on the environment.

**If not provided** – PA should request it... and screening clock should not start!



# EIA Screening

## Planning Officer - Task 2

### Producing a *Screening Opinion*



## Planning Officer Task 2 = 3 Activities

- 1) **Screening Judgement** = Planning officer's judgement as to whether the proposed development is likely to have a significant effect on the environment
- 2) **PA's Screening Opinion** = Writing up the above judgement and the core justification and evidence behind it as the PA's *Screening Opinion*
- 3) **PA's Screening Communication** = Making the above *Screening Opinion* available to both the developer and placing it on public record



# Activity 1 – Screening Judgement

## Planning officer's professional judgement

**Professional Judgement:** Does the planning officer consider that the proposed development is *likely* to have one or more *significant effects on the environment*?

- **Yes = EIA Development**
- **No = Normal application** (Environmental effects still considered as material conditions)

Officer **must** ensure their judgement considers:

- Criteria in **Schedule 3**
- Available results of any relevant assessment
- the information provided by the developer [if any]



# Activity 1 – Screening Judgement

## Understanding & considering Schedule 3's criteria

### What does Schedule 3 cover?

- **Characteristics of development** = Proposal and changes it will cause
- **Location of development** = Existing environment & trends
- **Characteristics of the potential impact** = Types of potential consequences

Officers must consider the criteria under these headings

- No single criterion will lead to a conclusion of a significant effect.
- **Judgement** will always need to draw evidence across all three headings



## Activity 2 – Screening Opinion

Writing up the decision and justifying it with evidence

The document(s) the PA is required to produce in writing up its Screening Opinion **must** include both

- The **Screening Opinion** itself - a written statement of the PA's opinion as to whether development is, or is not, EIA development
- A **written statement** referring to the schedule 3 criteria relevant to the development, which gives the **main reasons for their conclusion**
  - + When PA's Opinion = *Not EIA development* - this statement **must** state any features of the proposal or proposed measures envisaged to **avoid** or **prevent significant adverse effects on the environment**.



## Activity 2 – Screening Opinion

### The role of “*Mitigation*” - when concluding Not EIA Development

Developer screening requests often describe many design features and *measures* for protecting and improving the environment.

- **BE AWARE** - Not all of these are *relevant* to your screening judgement

The EIA Regulations, Circular and PAN only refer to 2 types of *measures* that are allowable

- Those that **Avoid** significant adverse effects
- Those that **Prevent** significant adverse effects



## Activity 2 – Screening Opinion

### Mitigation – Is it relevant? & Is it even Mitigation...

**Scenario 1: Judgement** [i.e. Activity 1] = “*the proposal on its own\* will not have any significant adverse environmental effects*” = **Mitigation is irrelevant**

- Don't include mitigation in your written statement it will only muddy the waters...
- REMEMBER – effects you judge to be adverse but not significant are OK

**Scenario 2: Judgement** = “the proposal **would have had** significant adverse environmental effects **but for** specific design features or **measures to avoid or prevent the adverse effect**” - **Mitigation is critical**

- You **must** include such measures in your written statement

**Scenario 3: Judgement** = “the proposal would have had significant adverse environmental effects but for specific design features or measures that only act to **reduce** or **offset** the related adverse effect” - **Non-Compliance Risk!**

- If the proposal is award consent it would be more vulnerable to successful challenge

\* Apply **professional judgement** in deciding whether the description of the proposal is presenting ‘mitigation’ or describing common construction / operational methods.

## Activity 2 – Screening Opinion

### **Templates:** Screening Checklists & Screening Opinion Letter

#### **Screening Checklist**

- A helpful tool to record thinking, but rarely aid judgement
- Do evidence that PA considered all criteria in Schedule

#### **Screening Opinion / Letter**

- Templates often become outdated – does yours still refer to ES?  
Does it confirm you got all Reg8(2) content from proponent?
- Rarely get to the point! Clear & Upfront = **EIA Development / Not!**



# Activity 3 – Screening Communication

## Ensuring the *Screening Opinion* is issued and accessible

### 1. Send it to the developer!

### 2. The Public...

#### EIA Regulation 28 = **Availability of opinions for inspection**

The planning authority must make copies of Screening opinion available for inspection on a website **and** at all reasonable hours at an office of the PA where the register may be inspected (must remain so available for a period of two years).



# Activity 3 – Screening Communication

## Time period to adopt screening opinion

It depends...

- **Standard = 21 days** from receipt developer's screening request
  - Did the clock start? Was it a valid request... see **Developer Role** slide [Reg 8(2)&(3)]
- Can = **90 days** IF extension agreed in writing between PA and developer
- **Beyond 90 days** only in case of defined **exceptional circumstances** and only then IF PA provides a written notice to the developer justifying the extension and providing a date by when the PA will adopt an *opinion*.

**If PA fails to adopt screening *opinion* by relevant deadline...**

**Developer can seek *screening direction* from Scottish Ministers**



# Joint Requests

## EIA Screening & Scoping Requests

Regulations allow developer make joint screening and scoping request.

### PA handling of joint requests:

1. Deal with the screening - as normal.

### **IF EIA is required:**

2. Immediately move on to **Scoping Request** – i.e. inform Statutory Consultees (CBs) of opportunity to contribute and start developing your own views on the topics, data, methods, etc you expect to be covered in the developer's EIA Report.

# **Challenging a PA** **EIA *Screening Opinion***



# PA Screening Opinions can be **Challenged**

## Two different mechanisms

### 1. **Screening Direction** – via **Scottish Ministers**

- This must occur before the PA make the consent decision related to the proposed development that has been issued a screening opinion.
- **Both developer or a third party** can make a screening direction request
- Where a Screening Direction is issued it replaced any previous Screening opinion

### 2. **Legal challenge** to – to an **awarded consent**

- A failure to undertake screening for a schedule 2 development or a failing within the PA's screening procedure could lead to the basis of a judicial review of a subsequently awarded consent for a Sch2D.



## Screening Schedule 2 Developments:

# Examples: **Procedural Risks** for PA EIA Screening

1. Where PA fails to screen a schedule 2 development for likely significant effects on the environment before granting consent [**Don't forget!**]
2. Where material differences in an application arise, or relevant circumstances surrounding an application change, between screening opinion and project consent [**Did something change?**]
3. Where there are substantive inadequacies in a screening opinion; such as: unreasonable judgement/s, tick box approach to consideration, inadequate record of reasoning [**Effective judgement & clear justification**]
4. Where there has been a failure to make the screening opinion and associated justification publicly available for inspection [**Communication**]



# ***EIA Screening + Approval of Matters Specified in Condition***

***[EIA & Multi-Staged Consent]***



# Screening of Multi-Staged Consent *Where EIA previously submitted*

[Regulation 33]

**A DIFFERENT APPROACH** – where EIA previously submitted (e.g. PPIP).

**Check if** developer has submitted *additional information* with their *Approval of matters specified in condition (AMSC)* EIA = “*application for multi-stage consent*”

**If not** - PA must consider whether the development (/ the part that the AMSC relates to) **may** have **significant environmental effects** that have **not previously identified & assessed**.

**If Yes** - PA must seek EIA *supplementary information* from developer using its powers under EIA Regulation 26.



# Screening of Multi-Staged Consent

*Where previous application did not undergo EIA* [Reg 34+32]

Application for AMSC + EIAR was not previously submitted

If AMSC relates to

Either – a *Schedule 1 development*

Or – a *Schedule 2 development* that **may** have significant effects that were **not** identified in (any) previous screening opinion / direction.

**Then** - the **standard screening approach applies** – as earlier – in terms of which **PA must** check for significant effects, write up a screening opinion (with justification) and communicate this (developer & public record)



# ***EIA Screening - Guidance***



# GUIDANCE

## EIA Screening

### Scotland

- Government - Circular 1/2017 The T&CP (EIA) (Scotland) Regulations 2017
- Government - PAN 1/2013 Environmental Impact Assessment
- HES & NatureScot - EIA Handbook 3rd Edition

### Northern Ireland

- Development Management Practice Note 9B: EIA Screening (Dec '23)



# Learning Review

## EIA Screening - *Enhancing PO Confidence & Understanding*

Provide planning officers with a core understanding of the:

- Different ways a project can be defined as *EIA development*,
- How to identify *Schedule 2 Development* – those the PA need to screen
- Activities planning officers deliver in producing a *Screening Opinion*

The session also provided tips & advice on EIA screening incl: the role of mitigation, alignment to the multi-staged consent process and information on guidance / templates.



# EIA Training Capacity Building Programme

## Next Steps

### February & March

Look out for more NPH EIA live online events – **Thursday 10.30am** on:

- **12 February – Scoping**
- **26 February – EIA applications from submission to consent decision**
- **12 March – PA & EIA wider linkages** (Section 42, other EIA Regs, other Asts)
- **26 March – *Tbc: Rochdale Envelope, Other complexities, Refresher Q&A***

ALSO – Please regularly check NPH webpages for new EIA articles, diagrams and other content.



National Planning Hub:  
EIA Training Capacity Building Programme



Q&A

## EIA Screening - *Enhancing PO Confidence & Understanding*

- To ask a question, use **MS Teams Q&A** function.
- Click on the Q&A tab now to see the questions others are asking.
- We will read questions out on your behalf.
- The Q+A will be excluded from the recording made available on the NPH website.

# National Planning Improvement



# National Planning Improvement



National Planning Hub:

Environmental Impact Assessment Training Capacity Building Programme

## EIA Screening:

Enhancing Planning Officer Confidence & Understanding

**Thank You!**