

Environmental Impact Assessment (EIA)

Screening of Schedule 2 Development



Scottish Government
Riaghaltas na h-Alba
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Practical Overview

Task

Goal

Activities

Outcome

1

Check whether a *Screening Opinion* is required

See [Task 1 Confirming Schedule 2 Development Practical Activities Diagram](#) – overleaf - for advice on the project types, thresholds, criteria and sensitive areas to be consider in identifying whether a screening opinion is required.

Planning authority confirms whether proposal is **Schedule 2 Development**

2

Confirm whether the proposal needs an EIA or not

See [Task 2 Producing an EIA Screening Opinion Practical Activities Diagram](#) - below - which provides advice on the three core screening opinion activities – professional judgement, written opinion and communication of the opinion.

Planning authority makes and issues a **Screening Opinion**



Task 1

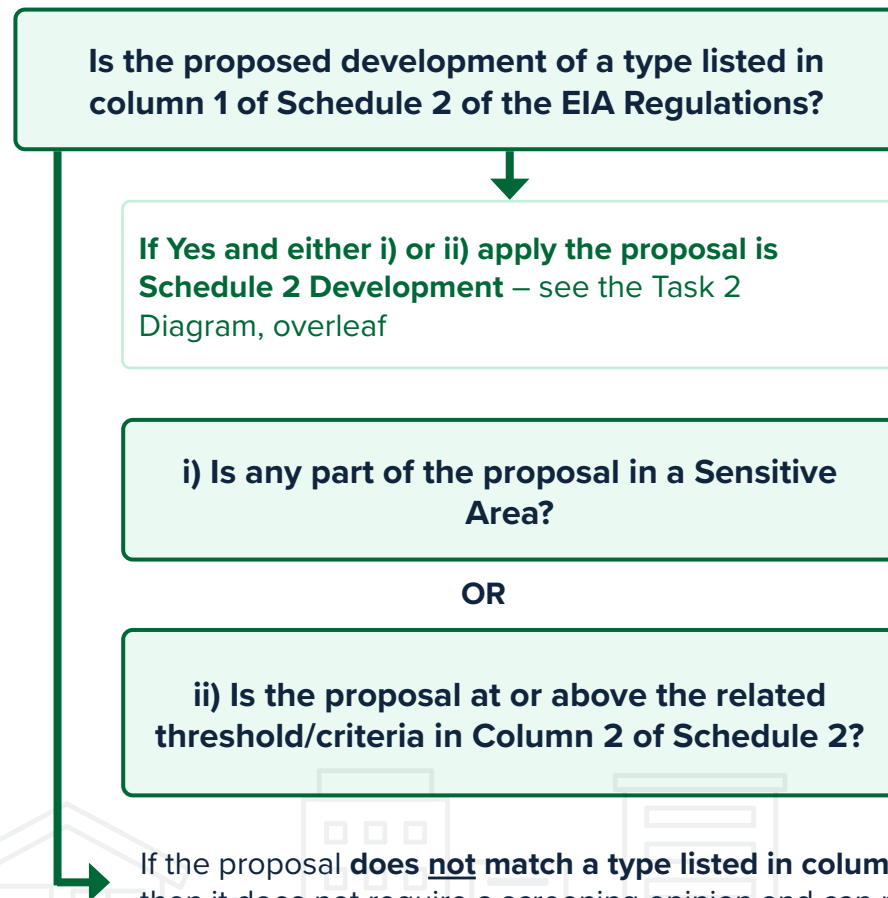
Confirming Schedule 2 Development

Practical Activities Diagram



Confirming if the proposal is a *Schedule 2 Development* - to identify whether a screening opinion needs to be produced, or not.

The planning officer must check:



Advice

It is prudent to take a broad view of the descriptions in column 1; examples of this include:

- Housing within urban infrastructure 10(b)
- Solar farms in the overall category 3) Energy industry
- Recycling facilities under 11(b) waste installations

Where found to be a *Schedule 2 Development*, proposals that might be *Permitted Development* must have this confirmed through EIA screening.

The EIA Regulation 2 defines **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

Every development type/sub-type in Sch 2 Column 1 has corresponding threshold /criteria in Column 2.

Task 2

Producing an EIA Screening Opinion

Practical Activities Diagram



Making a planning authority Screening Opinion (Confirming whether the proposal needs to undertake an EIA, or not)

Planning officer screening activities

A)

Screening Judgement - Consider whether the proposed development is likely to have a significant effect on the environment?

- Yes, the proposal = EIA Development and an EIA must be undertaken.
- No, EIA is not required and the proposal can progress to application.

B)

Screening Opinion - Document your significance judgement in a written statement and justify your reasoning drawing from the evidence and the criteria in schedule 3 of the EIA Regulations.

C)

Screening Communication - Your decision and justification must be sent to the developer and made available to the public on both a website and the public record.

Advice

- A developer is required to provide information about the proposed development, receiving environment and likely effects to enable screening [Regulation 8 (2)&(3)].
- Planning officers are required to refer to the above information, the criteria in Schedule 3 of EIA Regulations and available results of any relevant assessment (e.g. where the site is allocated in a plan that underwent Strategic Environmental Assessment).
- If concluding no significant effects due to “mitigation”, set out by the developer (e.g. design features or avoid/prevent measures), refer to Circular 1/2017, PAN 1/2013 and the information set out in Slides 24-26 of NPH EIA Webinar 3.
- Regulation 28 sets out the details on the availability of screening opinions for inspection (e.g. website, Register).
- Both the developer and 3rd parties have the right to ‘challenge’ a screening opinion by requesting the Scottish Ministers produce a **Screening Direction**.