

# National Planning Improvement



National Planning Hub:  
Environmental Impact Assessment Training Capacity Building Programme

## EIA Course Summary

# Welcome



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# Agenda

- 10.30 Welcome & Agenda, NPH EIA Training Programme and Housekeeping
- 10.35 **PART 1: EIA Common Complexities:** Rochdale Envelope and Cumulative Effects
- 11.05 *Live Q&A Session*
- 11.15 **PART 2: Course Summary:** Practical Screening, Scoping + Submission to Consent
- 11.35 *Live Q&A Session*
- 11.45 Close



## EIA APPLICATION TO CONSENT DECISION

This section of the NPH EIA course covers core information related to activities that need to occur when the proponent of an EIA development submits its planning application, and how specific EIA duties planning officers need to undertake from receipt to issuing the decision notice.

The page covers the following:

- The developer's EIA Report (EIAR)
- Key planning officer duties on receipt of an EIA application
- The PA's examination of the environmental information
- Integrating the PA's reasoned conclusions on significance into the decision
- Coverage of EIA related information in/alongside the decision notice

At the bottom of this page you can watch the recording of the NPH EIA training module relevant to the content covered on this page, as recorded on 26 February 2026.

## PLANNING OFFICER DUTIES ON RECEIPT OF AN EIA APPLICATION

### During Validation

The process starts with the developer's submission of the application that relates to an EIA development, and thus must be accompanied by an EIA Report (EIAR). It is advisable for planning officers need to make a few checks at this point. The first is whether the application is an EIA development, in many cases this will already be known due to an earlier screening request from the developer and a screening opinion issued by the PA; however, if the proposed development is a Schedule 2 Development and has not previously been screened that process must be completed to determine if an EIAR is required or not – see the [Screening page](#) for further details.

Where the developer submits a document they indicate is an EIAR, planning officers should check this document to ensure it meets the legislative requirements that define the minimum content coverage to be considered to be an EIA Report. This information is set out in Regulation 5(2)(a to f) and additionally covers any of the information specified in Schedule 4 of the Regulations that is relevant to the development and environment likely to be affected.

### After Validation

Following validation, the planning officer's EIA duties relate to ensuring that the EIA procedures around notices, publication and consultation are effectively delivered so that they generate the environmental information, which they will examine in the next step.

The notice of an EIA application must be sent to those on 'neighbouring land', which has the same meaning as defined under the Development Management Procedure Regulations. Schedule 5 of the 2017 EIA Regulations sets out the form of the notice required to indicate that an EIAR, etc is available for inspection.

Publication of the EIAR, alongside the application, has a number of activities that the planning officer must ensure are delivered. The first is publication of the EIAR notice – the requirements of which are set out in Regulation 21 (2) a to h). This notice must be published on the PA's application website, plus advertisement of the notice in both the Edinburgh Gazette and a newspaper circulating in the locality of the proposed development. The costs associated with the notice in both the Gazette and local newspaper should be met

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Introduction

Screening

Scoping

[Application to Consent Decision](#)

Other aspects of EIA

Case Studies

Learning Materials

Glossary

## National Planning Hub

[www.planninghub.scot](http://www.planninghub.scot)

# EIA learning content on NPH Website

**Live: Homepage *EIA course* + *Introduction to EIA, Screening, Scoping, EIAR to consent decision, EIA Glossary and more!***



# 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.



# PART 2

## Course Summary – Practical Refresher

- *Screening*
- *Scoping*
- *EIAR Submission to Consent*



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# Today's EIA Learning Objectives

Provide planning officers with an opportunity to:

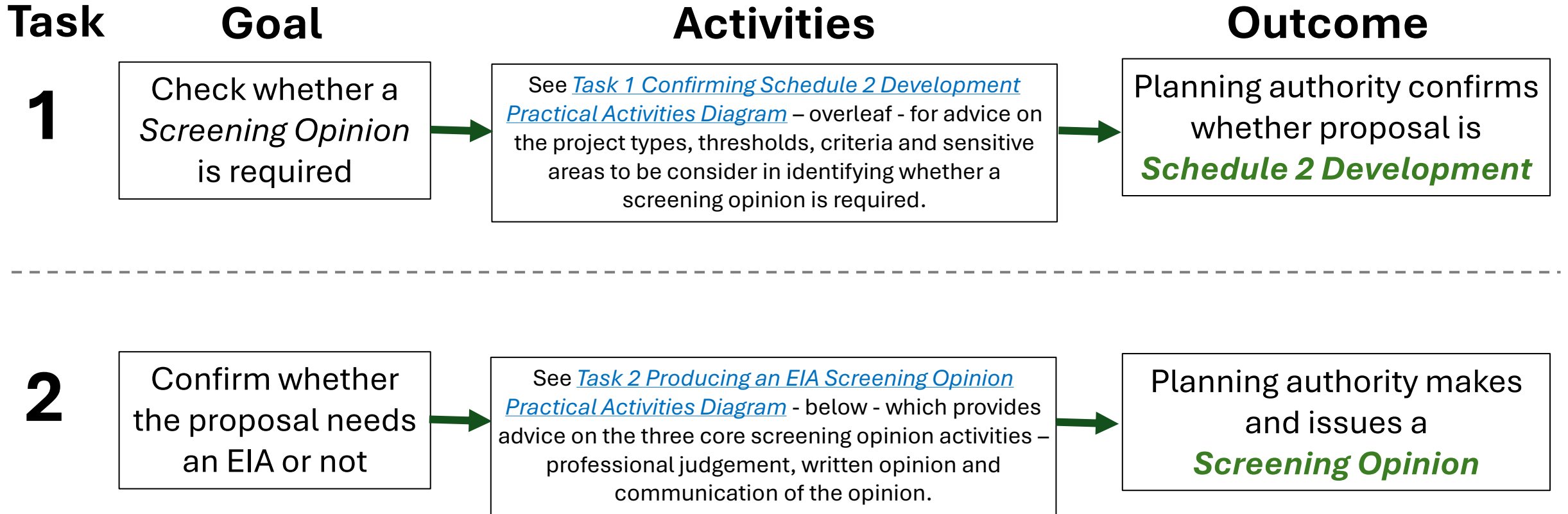
- Refresh their appreciation of key good practice elements across
  - EIA Screening Opinions,
  - EIA Scoping Opinions, and
  - Examination of an EIA Report in determining a planning application.



# ***EIA Screening Opinion***

[www.improvementservice.org.uk/products-and-services/planning-and-place-based-approaches/national-planning-hub/environmental-impact-assessment/Screening](http://www.improvementservice.org.uk/products-and-services/planning-and-place-based-approaches/national-planning-hub/environmental-impact-assessment/Screening)





# 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:

Is the proposed development of a type listed in column 1 of Schedule 2 of the EIA Regulations?

If **Yes** and either i) or ii) apply the proposal is **Schedule 2 Development** – see the [Task 2 Diagram](#), overleaf

i) Is any part of the proposal in a *Sensitive Area*?

Or

ii) Is the proposal at or above the related threshold / criteria in Column 2 of Schedule 2?

### 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 thresholds / criteria in Column 2.

If the proposal **does not** match a type listed in column 1 or it does but **neither i) or ii) apply** then it does not require a screening opinion and can progress as a normal application.

# 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 3<sup>rd</sup> parties have the right to ‘challenge’ a *screening opinion* by requesting the Scottish Ministers produce a **Screening Direction**.

# ***EIA Scoping Opinion***

[www.improvementservice.org.uk/products-and-services/planning-and-place-based-approaches/national-planning-hub/environmental-impact-assessment/Scoping](http://www.improvementservice.org.uk/products-and-services/planning-and-place-based-approaches/national-planning-hub/environmental-impact-assessment/Scoping)



# Environmental Impact Assessment (EIA) Practical steps for Planning Officers when making a Scoping Opinion

## Practical Overview

### Step 1

Developer requests an EIA Scoping Opinion from the Planning Authority (PA)

See [Scoping Opinion Steps 1 & 2 Practical Activities Diagram](#) overleaf for further advice.

### Step 2

PA must consult EIA consultation bodies (and other bodies where relevant)

See [Scoping Opinion Steps 1 & 2 Practical Activities Diagram](#) overleaf for further advice.

### Step 3

PA reviews request and (any) responses to develop its opinion on EIA scope

See [Scoping Opinion Steps 3 & 4 Practical Activities Diagram](#) below for further advice

### Step 4

PA must communicate its EIA Scoping Opinion to both the developer and public

See [Scoping Opinion Steps 3 & 4 Practical Activities Diagram](#) below for further advice



## 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

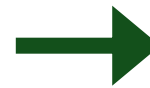
- While the developer's scoping request is voluntary it triggers formal duties for the PA, including consultation.
- The PA must consult each of the EIA consultation bodies:
  - The adjoining Planning Authorities to the PA,
  - Historic Environment Scotland,
  - NatureScot,
  - Scottish Environmental Protection Agency, and
  - 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.



## 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.



# PA Examination of *Environmental Information*

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



# EIA's *Prohibition to Grant Consent* *and Definition of EIA*

T&CP EIA (Scotland) 2017 Regulations **prohibit grant of planning permission /** multi-staged consent **to development that require an EIA unless...**  
an *Environmental Impact Assessment* has been carried out.

*Environmental Impact Assessment* is defined by Reg 4(1)(a-e) as process consisting of:

- Preparation of an EIA report by the **developer**
- Carrying out consultation, publication & notification
- Examination by **PA** of information presented in **EIA report** and any other **environmental information**
- Reasoned conclusion by **PA** on the significant effects of the development on the environment, taking account of examination (and own supplementary examination - where appropriate)
- Integration of reasoned conclusion into the decision notice



# The *Environmental Information* – which a PA must Examine

The PA's activities to deliver the EIA Notices, Publications + Consultations creates the...

## Environmental Information

Defined in **Regulation 2**, as:

- **EIA report** submitted in respect of the proposed development
- Any *additional information* submitted in respect of the development
- Any **representations** made by **any consultation body / other public body** consulted in respect of the development
- Any **representations** duly made by **any other person** about the environmental effects of the development



# The PA's **Examination** of *EIA report* and any other *Environmental Information*

[Reg 4(1)(c)]

**Examination** implies more than term 'consideration' from pre-2017 Regs

**PA** making a **thorough and detailed analysis** across the environmental evidence related to the proposed development.

Your examination's professional (planning) judgements =

A. Reasoned conclusion on significant environmental effects

B. IF minded to consent

= Mitigation / Monitoring measures re: significant adverse effects



# EIA Examination

## Effective Planning Officer thinking

### In examining the *Environmental Information*:

- Start by understanding the Development **and** EIAR *Non-Technical Summary*
- Examine all topics **but prioritise** those with significant adverse effects findings and those that prove controversial (differing views EIAR **vs** Representations)
- It is helpful to focus on the key findings for you as **PA** – significant effects findings and proposed mitigation measures.
- Work back into evidence only as far as needed to satisfy your judgements.
- If considering requesting **supplementary information** ensure it will be relevant to reaching the PA's reasoned conclusion on significance



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Q&A

## EIA Course Summary

- To ask a question, use **MS Teams Q&A** function.
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## EIA Course Summary

**Thank You!**