

National Planning Improvement



National Planning Hub:
Environmental Impact Assessment Training Capacity Building Programme

EIA Common Complexities

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

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 1

EIA Common Complexities

- *Rochdale Envelope*
- *Cumulative Effects*

Today's EIA Learning Objectives

Provide planning officers with a core understanding of the:

- Basis and application of the Rochdale Envelope (design parameters) within the EIA process related to planning applications.
- Key expectations around considering the cumulative effects between an EIA development and other developments across the EIA process.
- A summary of the recent: *Raeshaw Farms Ltd v Scottish Ministers* [2026] CSIH 10



EIA and...

Rochdale Envelope



Neil Collar, Solicitor, LARTPI

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Rochdale envelope

The problem

- Multi-stage consent – how to address env impact at initial stage, before full details of dev available?

The solution

- Identify parameters of dev, assess env impact using those parameters, grant permission subject to conditions ensuring dev will be within those parameters



Rochdale envelope

R v Rochdale MBC ex p Milne (no.2) [2001] JPL 470

- JR – outline pp – business park development
- Outline pp upheld:
 - application included specific parameters
 - EIA took account of potential significant effects flowing from such a flexible approach
 - OPP included stringent conditions to ensure project remained within the anticipated boundaries of the outline application



Rochdale envelope

Examples:

- PPIP for built development – parameter plans
- On- and off-shore wind – candidate turbines
- Ferry terminal - maximum “design vessel” – size adequate for future vessel sizes – 50 year design life



EIA and...

Cumulative Effects



Josh Fothergill, FISEP CEnv

Founder & Director - Fothergill Training & Consulting Ltd



WHY CUMULATIVE EFFECTS?

EIA seeks **significant effects**

However / wherever, they arise...

Likely significant effects on Factors (listed in EIA Regulations):

Population and human health, biodiversity, land, soil, water, air, climate, material assets, cultural heritage, and landscape.

+ **Interactions** between the environmental factors above.

+ indirect, secondary, **cumulative**, transboundary, short, medium and long-term, permanent and temporary, positive and negative effects of the development.



Cumulative Effects Confusion

Catch-all terminology vs Legislative basis

PAN1/2013 (and EIA practice) use the term cumulative effects to cover a broad scope of some of the more complex EIA effects:

- Interactions from *within the* project (**Intra-project CEA**) and
- Interacting effects with other projects (**Inter-project CEA**).

2017 EIA Regulations are clear Cumulative Effects are:

Effects arising from project undergoing EIA and other projects



WHERE ARE CUMULATIVES?

EIA Regulations

TCPA (Scotland) EIA Regulations include cumulative effects in...

EIA screening criteria = Schedule 3 (1)(b) and (3)(g):

“the cumulation of the impact with the impact of other existing and/or approved development” =e.g. ***Characteristics of the potential impact***

EIAR content = Schedule 4(5)(e):

“*cumulation of effects with **other existing and (or) approved projects**, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected and (or) the use of natural resources”*



EIA Report Cumulative Effects

Only existing / consented developments?

Be Aware: Government guidance + EIA practice often go further than **EIA Regulations** in what to include in the cumulative effects assessment to add (some) **forthcoming development...**

Sound reason for this

= Timing of EIAR assessment **vs** Date of actual consent decision

- **EIA Regulations** = CA's reasoned conclusions of significant effects on the environment are '**up-to-date**' at the point of consent [Reg29(2)(f)(iii)]
- EIA Reports Cumulative Effects scope easily be >1yr old by consent decision

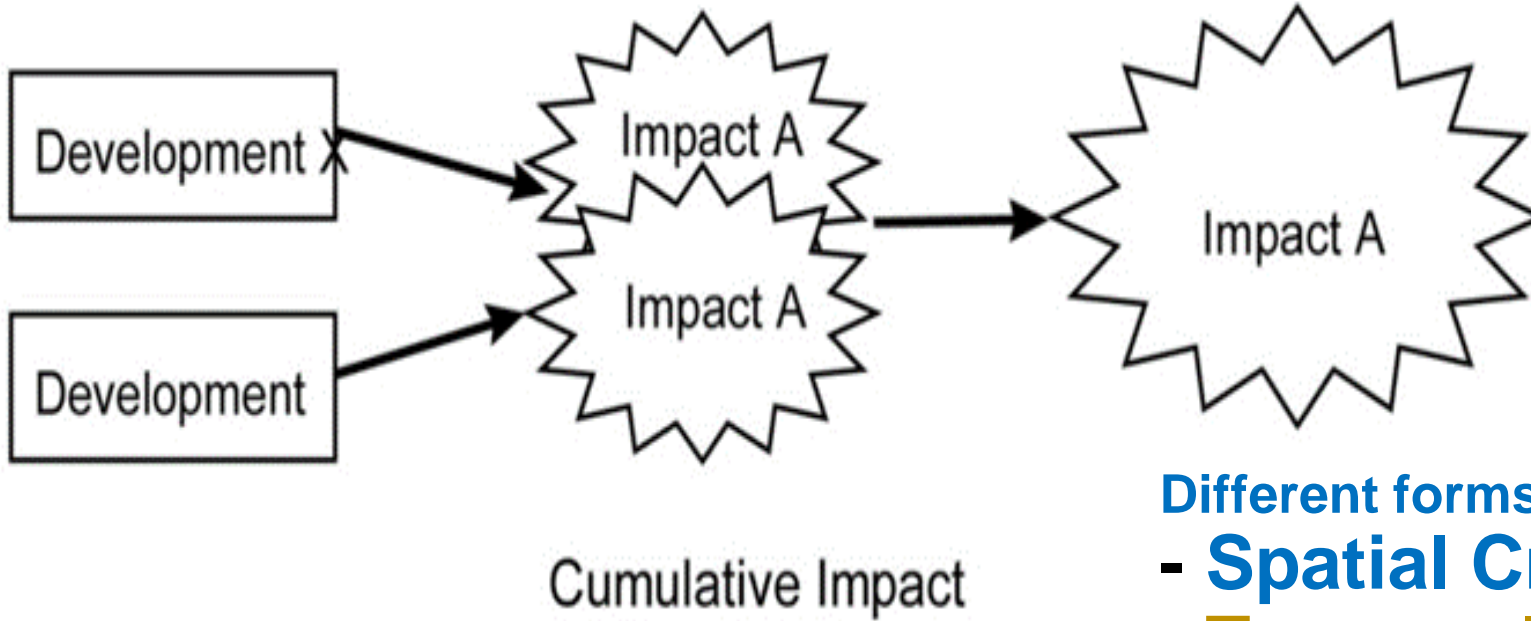
Good EIA Scoping is key (or risk needing supplementary information request) to manage EIA consenting risk **consider scope of other projects to be included:**

Which "Other Projects" might be consented before this project, i.e. beyond "approved and / or existing development"?



Types of Cumulative effects:

Additive



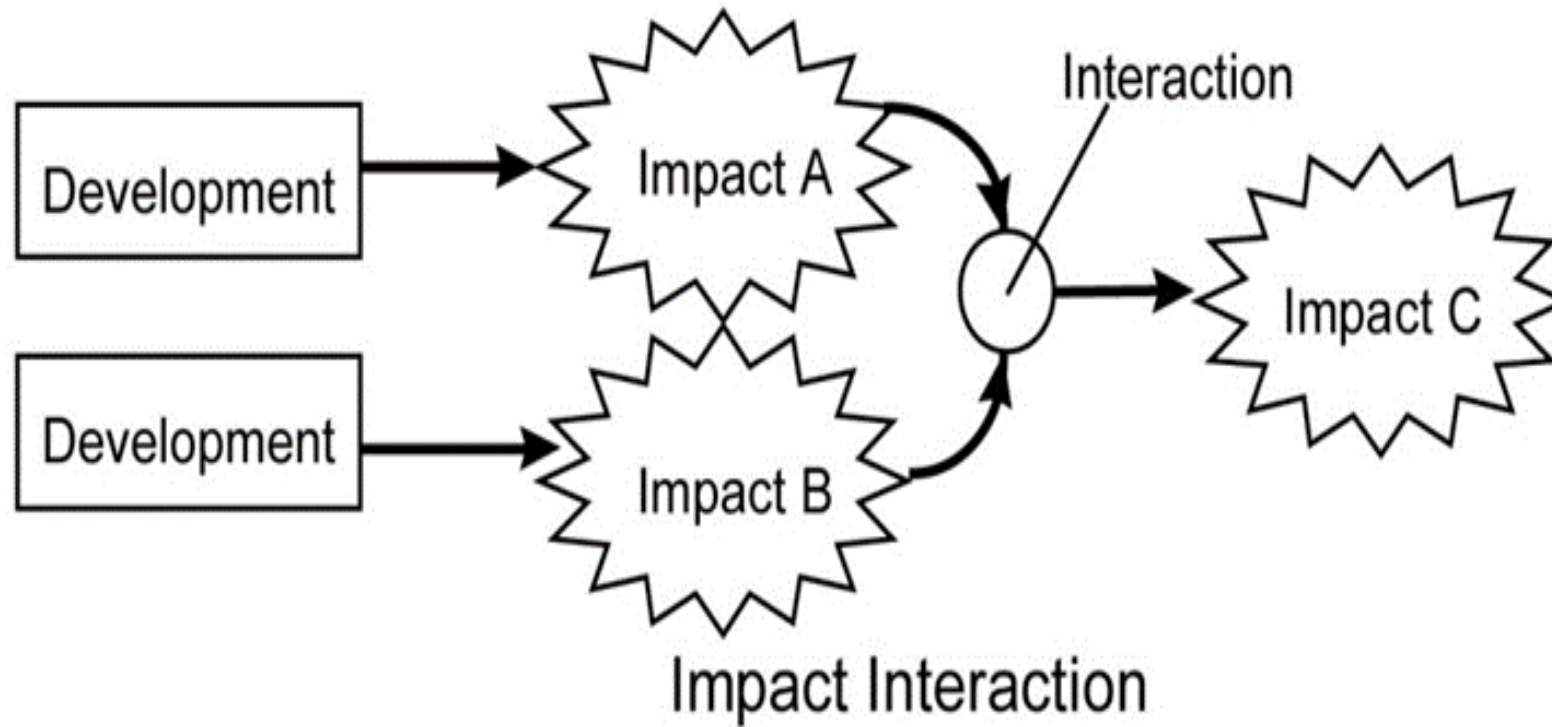
[After: Broderick and OBU]

- Different forms of *Additive* cumulative effects:
- **Spatial Crowding**
 - **Temporal Crowding**



Types of Cumulative effects:

Synergistic



[After: Broderick and OBU]

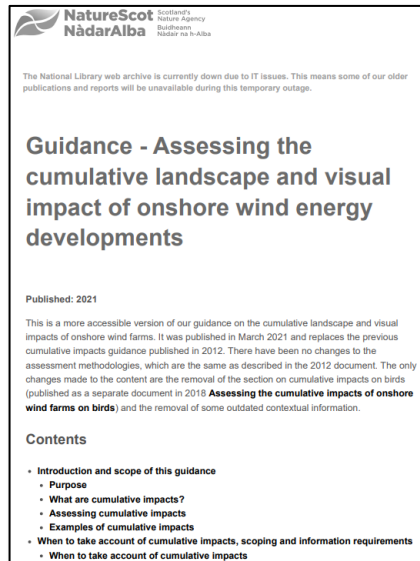
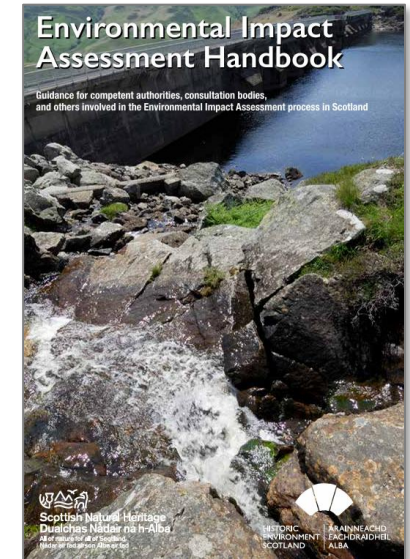


EIA Cumulative Effects

GUIDANCE – Government & Statutory Body

Over-arching

- Government - **Circular 1/2017** The T&CP (EIA) (Scotland) Regulations 2017
- Government - **PAN 1/2013** Environmental Impact Assessment
- Historic Environment Scotland & NatureScot - **EIA Handbook**
- NatureScot – **Onshore wind** cumulative guides – LVIA & Birds



Wider UK Public Body Guidance
Planning Inspectorate – **NSIP: Advice**
on Cumulative Effects Assessment

EIA Case Law

Raeshaw Farms Ltd v Scottish Ministers [2026]



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“the project”

Raeshaw Farms Ltd v Scottish Ministers 12 Feb 2026

- Wull Muir wind farm – Reporter’s decision to grant planning permission
- EIAR – connection of WF to grid not included
- Decision quashed – Reporter failed to address the critical issue of whether WF and associated grid connection are a single project



“the project”

Raeshaw Farms Ltd v Scottish Ministers 12 Feb 2026

What the Court didn't decide:

- If wind farm + grid are one project, how to deal with practical difficulties of assessing the project as a whole for EIA



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Q&A

EIA: Common Complexities - Rochdale Envelope & Cumulative Effects

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Thank You!