

---

## LIS RESPONSE TO EIA TRANSPORTATION CONSULTATION

### **Consultation Q1: Do you agree with proposals to provide for a coordinated rather than joint procedure?**

#### **LIS Response**

Yes

Comments: This should assist in the improved iteration of scheme revisions prior to planning application submission for mutual benefit of different stakeholders and possibly help avoid likely appeals later, reducing overall costs and delays.

### **Consultation Q2: What would the regulatory impact be if legislation was introduced which required that no construction of any EIA development should take place until any operational permits or consents required under the Habitats and Birds Directives, Water Framework Directive, the Industrial Emissions Directive, the Waste Framework Directive or the SEVESO III Directive had been granted?**

#### **LIS Response**

Likely lengthy delays before EIA development could proceed - but this may be appropriate depending on the scale and location of potential effects vizavis WFD/HSD etc in relation to the development. It would depend on the scheme itself and the proportionality of matters covered by CA's concerned but it maybe that certain aspects of a could be progressed pending permits being given but with no cost liability attached if permits not granted. However, this entail additional costs & administration to secure and police - would probably need a full Environment Protection Agency for larger schemes. Or for less major schemes this could be defined as part of Reporters decision under Conditions if the matters concerned are of less magnitude. However, thresholds would need to be defined.

### **Consultation Q3: Will you have to change your current practices to meet the new screening requirements?**

#### **LIS Response**

Unsure

Comments: Some schemes contain agriculture/forestry/land drainage/energy/transport elements - so how will this be dealt with if different timescales for screening?

---

**Consultation Q4: Do you consider that our approach to transposition of screening appropriately implements the requirements of the Directive?**

**LIS Response**

Unsure

Comments: Possible missed opportunity to be clearer on Scoping requirements for CA's so that all parties clear early on as to what is required in S. statement & info to be provided by developer. But this connects to our concerns about specialist skills (shortage) in local authorities being available to do this effectively/timeously. More Guidance on Scoping(detailed) for all parties would be useful here.

**Consultation Q5: Will you have to change your current practice to prepare a reasoned conclusion?**

**LIS Response**

Yes

Comments: If EIA to be based on Scoping Opinion where requested by developer where does that leave projects where no scoping requested? It would be unexpected if that were the case but in order to promote best and consistent EIA practice this seems to be a potential misnomer which will encourage inconsistency. Where no Scoping requested will the developer make considered assumptions?

**Consultation Q6: Do you consider that our approach to transposition of requirements concerning the content of the EIA report appropriately implements the Directive?**

**LIS Response**

Unsure

Comments: If there is no mandatory Scoping then there is potential not to report appropriately to implement Directive adequately. While welcome para 97 p19 of consultation doc - "developers are encouraged to engage where appropriate...early stages" we would recommend more definite terms to facilitate early avoidance of adverse effects through design etc. Para 98 disappointing to note "do not propose.... Mandatory Scoping" as this is where the effective dialogue usually begins between developer and CA

---

**Consultation Q7: Do you consider that our approach to transposition of scoping appropriately implements the requirements of the Directive?**

**LIS Response**

No

Comments: See earlier comments

**Consultation Q8: Do you consider that our approach to transposition of assessment quality and expertise appropriately implements the requirements of the Directive?**

**LIS Response**

Unsure

Comments: We are concerned that EIA knowledge and skills available to local authorities inhouse have been seriously eroded in recent years and budgets for call off contracts/alternative arrangements are also increasingly limited or non-existent to the point where the CA may not be able to be competent! This undermines the Directives intentions. This is a serious issue which requires urgent attention as case workloads with limited staff will also affect response times for EIA casework.

We are also concerned with the lack of recognition that some EIA topic disciplines do require specialist knowledge and experience to assess complex situations in proposals. Expert witnesses are just that and professional qualifications are often a key to this accepting not exclusively in all topic areas.

**Consultation Q9: Do you consider that our approach to transposing consultation and publicity appropriately implements the requirements of Directive?**

**LIS Response**

Yes

Comments: Welcome greater transparency through electronic publication and consultation.

What about mention of Community Councils since their future role is being looked at through the Planning Review as well?

Stat Notices in Press seems to be less appropriate today?

**Consultation Q10: Do you feel that the current arrangements for informing the public meet your needs?**

**LIS Response**

Unsure

---

Comments: Informing and consulting are different exercises. Time and personnel available for consultations usually adequate but information provided is variable in quality and accessibility for general public can be limited. Possible more use of virtual media will no doubt become more commonly used but which requires covering different seasons and light as well as fixed point in time.

**Consultation Q11: Do you consider that the regulations meet the requirements of the Directive concerning the information to be included in the development consent?**

**LIS Response**

Yes

Comments: Again, welcome the mitigation and monitoring to be set out clearly in decision however this is delivered - if by Competent Authorities then make sure they have the staff resources to deliver - if not being defined by Reporters consent letter - query if that is appropriate anyway.

Agreed env Monitoring should not be repeating other current monitoring & proportionality applied to any project monitoring.

**Consultation Q12: What administrative changes are likely to be required to implement new provisions on the content of decision notices?**

**LIS Response**

Drop Paper Press Notices - who reads these today?

Comments: See comment above re staff resources in CA's

**Consultation Q13: Do you consider that our approach to transposition of monitoring in the regulations implements the requirements of the Directive?**

**LIS Response**

Yes

No further comment

**Consultation Q14: Will you have to change your current practices to meet the new monitoring requirements?**

**LIS Response**

No

---

**Consultation Q15: Do you consider that our approach to transposition for decisions appropriately implements the requirements of the Directive?**

**LIS Response**

Yes

Comments: EIA Process/Decisions improved transparency and sooner welcomed

**Consultation Q15: Do you consider that our approach to conflict of interests appropriately implements the requirements of the Directive?**

**LIS Response**

Yes

**Consultation Q16: Do you agree with proposals to introduce penalties and sanctions for knowingly or recklessly providing false information should be applied across all eight EIA regimes?**

**LIS Response**

Yes

**Consultation Q17: Do you consider that our approach to transitional arrangements appropriately implements the requirements of the Directive?**

**LIS Response**

Yes

**Consultation Q18: Do you have any comments on the proposal by the forestry regime to increase the afforestation threshold for non-sensitive areas from 5 hectares to 20 Hectares?**

**LIS Response**

Suggest that for sites are close to habitation/settlement then recommend to keep at 5 hectares, but what constitutes 'close' would need to be agreed with CA's, local communities and clearly defined.

---

**Consultation Q19: Do you have any comments on the proposal by the marine regime to adopt the thresholds used by the planning regime where they are relevant to marine developments?**

**LIS Response**

Seems sensible proposal but would need to clarify what constitutes "marine development"

**Consultation Q20: Do you have any comments on the new provisions on multi stage consents?**

**LIS Response**

No comment

**Consultation Q21: Do you use EIA guidance? If so, please provide further details.**

**LIS Response**

Yes

Comments: SNH EIA Guidance

Landscape Character Assessment Guidance for Scotland and England (SNH)

Landscape Institute(with IEEMA) Guidance for Landscape and Visual Assessment Third Edition

**Consultation Q22: Is there any particular area or regime where you feel that guidance would be helpful?**

**LIS Response**

Landscape Capacity and Sensitivity Assessment - currently based on Landscape Character Assessment Topic Paper 6 which is now out of date

Method for Assessment of Wild Land

**Consultation Q23: Do you think that the proposals presented might impact on people differently depending on characteristics such as age, disability, gender, race, religion or belief, sexual orientation, gender identity or children's rights and wellbeing?**

**LIS Response**

Not sure

---

**Consultation Q24: What do you consider are the likely costs and benefits arising from the changes outlined in this consultation paper? (Please specify which of the Scottish EIA regimes your comments refer to.)**

**LIS Response**

As given previously in Q responses