

**Consultation Title: Transposition of EU Environmental Impact Assessment Directive 2014/52/EU**

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**To: EIA transposition team**

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Scottish Land & Estates is a member organisation that uniquely represents the interests of both land managers and land-based businesses in rural Scotland. Scottish Land & Estates has members with interests in a great variety of land uses and welcomes the opportunity to respond to this consultation.

**Q1. Do you agree with proposals for a coordinated rather than joint procedure?**

Yes

**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?**

Scottish Land & Estates disagrees with the proposal to ensure that no construction takes place until all relevant operational permits are in place. We believe that this would risk introducing undue cost and delays to development.

**Q3. Do you have any further comments on the changes proposed to implement articles 1 and 2 of the EIA Directive?**

No

**Q4. Will you have to change your current practice to take account of the risk of major accidents?**

No

**Q5. Do you consider that our approach to transposition of information to be assessed appropriately implements the requirements of the Directive?**

Yes

**Q6. Will you have to change your current practices to meet the new screening requirements?**

No

**Q7. Are you content with the current timescales for providing a screening opinion?**

Scottish Land & Estates agrees that determinations by the competent authority should be made as soon as possible and provided that regimes with a shorter maximum time period for determination will not change, the new maximum 90-day timescale is acceptable.

**Q8. Do you consider that our approach to transposition of screening appropriately implements the requirements of the Directive?**

Yes

**Q9. Will you have to change your current practice to prepare a reasoned conclusion?**

In the addition of a requirement for the developer to highlight 'reasonable alternatives', the definition of what is 'reasonable' may be open to subjective interpretation and therefore uncertainty for the developer, which did not previously exist.

**Q10. Do you consider that our approach to transposition of requirements concerning the content of the EIA report appropriately implements the Directive?**

Yes

**Q11. Do you consider that our approach to transposition of scoping appropriately implements the requirements of the Directive?**

Yes

**Q12. Do you consider that our approach to transposition of assessment quality and expertise appropriately implements the requirements of the Directive?**

Yes. Given that part of the EIA process includes consulting with statutory consultees and given the diverse range of EIA topics and different areas of specialist expertise, Scottish Land & Estates agrees that definition of any route for accreditation of competent experts should not be included to avoid inadvertently excluding relevant experts from the EIA report process.

**Q13. Do you consider that our approach to transposing consultation and publicity appropriately implements the requirements of Directive?**

Yes

**Q14. Do you feel that the current arrangements for informing the public meet your needs?**

Yes

**Q15. Do you consider that the regulations meet the requirements of the Directive concerning the information to be included in the development consent?**

Yes

**Q16. What administrative changes are likely to be required to implement new provisions on the content of decision notices?**

None

**Q17. Do you consider that our approach to transposition of monitoring in the regulations implements the requirements of the Directive?**

Yes

**Q18. Will you have to change your current practices to meet the new monitoring requirements?**

No.

**Q19. Do you consider that our approach to transposition for decisions appropriately implements the requirements of the Directive?**

Yes

**Q20. Do you consider that our approach to conflict of interest appropriately implements the requirements of the Directive?**

Yes

**Q21. 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?**

Yes

**Q22. Do you consider that our approach to transitional arrangements appropriately implements the requirements of the Directive?**

Yes

**Q23. 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?**

Scottish Land & Estates supports the idea of increasing the afforestation threshold for non-sensitive areas (such as planting new woods/forests, direct seeding or natural regeneration and planting Christmas trees or short rotation coppice) from 5 hectares to 20 hectares. Forestry is an important commercial sector which also has many social and environmental benefits and in seeking more proportionate and less burdensome regulations, Scottish Land & Estates supports this proposal.

**Q24. 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?**

No

**Q25. Do you have any comments on the new provisions for multi stage consents?**

No

**Q26. Do you currently use EIA guidance? If so please provide further details.**

Scottish Land & Estates does not use EIA guidance directly but many of our members do.

**Q27. Is there any particular area or regime where you feel that guidance would be helpful?**

No

**Q28. 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?**

No

**Q29. What do you consider are the likely costs and benefits arising from the changes outlined in this consultation paper?**

We agree with the likely costs and benefits set out in the Partial Business and Regulatory Impact Assessment.

**Q30. Do you have any comments on the Draft Partial Regulatory Impact Assessment?**

No