

EQUALITY IMPACT ASSESSMENT - RESULTS

Title of Policy	Transposition of the European Directive 2014/52/EU (the 'EIA Directive')
Summary of aims and desired outcomes of Policy	<p>The Scottish Government is required to transpose Directive 2014/52/EU on Environmental Impact Assessment (EIA) into domestic legislation. The requirements of the Directive form part of European law and must be transposed no later than 16 May 2017.</p> <p>As such the Scottish Ministers have consulted on their approach and transposed the requirements into the domestic legislation of its consenting regimes including: Agriculture, Energy, Forestry, Land Drainage, Marine, Planning, Transport and Works Projects and Trunk Roads. In doing so they have sought to meet the requirements of the Directive in a way that minimises any additional regulatory burden but ensures protection of the environment.</p>
Directorate: Division: team	<p>DIRECTORATE FOR LOCAL GOVERNMENT AND COMMUNITIES Planning and Architecture Division Planning Performance EIA Transposition Team</p>

Executive summary

The European Commission set out changes to the 2011 'Environmental Impact Assessment' (EIA) Directive through Directive 2014/52/EU (EIA Directive). This amends the current EIA Directive 2011/92/EU; however the aims remain the same; to provide a high level of protection of the environment and to draw together, in a systematic way, an assessment of the likely significant environmental effects arising from a proposed development. The requirements form part of European law and must be incorporated into the domestic legislation of Member States by 16 May 2017. As such we have consulted on our approach and amended legislation to transpose the requirements into the following regulations:

- The Agriculture and Land Drainage (Environmental Impact Assessment) (Scotland) Regulations 2017
- The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
- The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017
- The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017
- The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
- The Roads (Scotland) Act 1984 (Environmental Impact Assessment) Regulations 2017
- The Transport and Works (Scotland) Act 2007 (Environmental Impact Assessment) Regulations 2017
- The Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Amendment Rules 2017

To meet the requirements of the Directive, legislation will be laid before parliament for consideration in time for the instruments to come into force by the 16 May 2017.

Background

EIA aims to ensure that the likely significant environmental effects of a development proposal are properly understood before any development consent is granted.

EIA therefore provides a means of assessing the likely significant environmental effects of a proposal, and the potential for avoiding, reducing, or offsetting any significant adverse impacts on the environment.

In Scotland we have a broad range of EIA development, ranging from very small-scale agricultural projects, through to major infrastructure. Developers can be individual farmers and SMEs through to companies big enough to have in-house EIA expertise. The Directive requirements have been integrated into the following consenting regimes: Agriculture, Energy, Forestry, Land Drainage, Marine, Planning, Transport and Works Projects and Trunk Roads. Whilst the procedures are broadly the same across these regimes nonetheless these need to be sufficiently flexible to ensure proportionality according to the nature and scale of the individual proposal.

The requirements of the Directive have been transposed where they are mandatory to the principle of minimal additional regulatory burden whilst ensuring protection of the environment. We have also sought to transpose in a manner that adheres to the guiding principles for transposition set out in current Scottish Government guidance, which ensure the domestic regulations meet the minimum requirements of the Directive, and the implementing measures come into force by the transposition deadline.

The Scope of the EQIA

This EQIA assesses the potential impact resulting from the mandatory changes of the Directive for the 8 regimes listed above, with separate arrangements being made for the Flood Management and Ports and Harbours regimes.

The Scottish Government undertook an initial screening exercise and concluded that there was unlikely to be any differential impacts on any of the groups. This was then consulted upon and views sought from stakeholders on the following question:

Do you think the transposition proposals 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?

Overall 70 responses were received to the consultation from a variety of organisations including 32 developers and consultants, 20 from professional bodies, 8 competent authorities, 4 from statutory authorities, and third sector bodies and 6 responses from individuals.

In response to our approach on the EQIA 8 respondents provided comments. The majority agreed that there would not be an impact on the equalities groups as a result of the transposition proposals, with some commenting that an EQIA was not required at all. Where comments were provided, two respondents highlighted that any potential impact could be linked to information management in the current process, specifically in rural areas, being potentially more likely to reach readers of traditional newspapers than other groups. As such there were no effects linked to the transposition.

Recommendations and Conclusion

The Scottish Government has concluded that no changes to the legislation are necessary following results of the EQIA. The proposals in the amended legislation are largely procedural and administrative and intended to apply equally to all affected; as such they have been deemed to have no significant differential effect on the basis of characteristics. Whilst there are no changes in the regulation we have sought to increase accessibility outside legislative change. Accessibility was highlighted throughout comments in relation to publication, consultation and notification of EIA Reports. The majority of respondents agreed with the approach, however some felt information could be made more accessible. In order to aid accessibility we will create a webpage on the www.mygov.scot website which will signpost EIA information across all regimes.