Under the Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013, it is a mandatory requirement that all projects classed as Major or National (and local where warranted) under the hierarchy of development carry out pre-application consultation. Although this is not mandatory for developments under Section 36 of the Town and Country Planning Act (Scotland) 1997, and Section 37 of the Electricity Act 1989, both decided by the Scottish Government’s Energy Consents and Deployment Unit (ECDU) due to the benefits gained, it is often in the developers best interest to commit to a strategy of engagement and to get the views of various stakeholders, to develop a successful project. The Regulations give an outline of the consultation process, however, it is up to the developer to interpret and adapt these so that it is effective for the project being developed.

This article will look at the importance of consultation for various stakeholders involved in the EIA process. Although there is no clear and unambiguous agreement to who is termed a stakeholder, they generally tend to include an individual or group that have an interest in the outcome; the design and implementation of a project, and include those both positively and negatively affected by the project. They range from the developer, the local community, key consultees and the final decision maker.

The onus is on the developer to ensure that consultation is undertaken in a meaningful manner and this is also key for the benefit of the success of their project, and to increase the chance of obtaining development consent. Developers need to identify the appropriate people to engage in consultation; depending on the location, characteristics of the area and nature of the project. It is important that active engagement is undertaken early on in the process to build a genuine relationship; listen to views and provide opportunities for involvement.

Effective consultation enhances the quality of applications, by addressing any issues or any misunderstandings that are highlighted during the EIA process for the benefit of the project. If conducted well, stakeholder engagement should improve the stakeholders trust and enhance the developer’s trust and reputation, helping to improve future engagement.

Community consultation allows the views of the local people to be voiced, which help with acceptability and ‘buy-in’ of a project in the community. Engaging with a wide variety of people should be endeavored to capture views from a cross section of the whole community, rather than attaining views from the vocal minority. Some developer’s invest heavily in trying to contact the ‘hard to reach groups’, rather than adopting a very open engagement programme. It is important that developers provide responses to any issues raised during the consultation process wherever possible, so the community has confidence in their involvement in the process.

The importance of early engagement with key consultees allow developers to be directed to the key significant issues involved with the project that need to be addressed and to allow time to adjust plans accordingly. The consultee is able to feel that their interests have been incorporated into the design iteration, and appropriately assessed during the EIA process. In addition, it permits for a streamline process, ensuring that unnecessary works are not undertaken by the developer. Certain consultees have taken steps to limit and focus the level of consultation that can be undertaken, as a result of the increasing demand on resources for advice and feedback on projects.
Scottish Natural Heritage (SNH) for example, have developed a ‘Renewable Energy Service Level Statement’, which outlines the minimum level of service that developers, their advisers and planning authorities should expect from them, however, under certain circumstances, depending on the significant effects of the project, additional engagement can take place.

Finally, in terms of the decision maker, where there is evidence of effective consultation with the local community and key consultees and any other interested party during the EIA process, the legitimacy of the development and the EIA process undertaken can be understood. It is often the case that views from key consultees (e.g. the roads authority) are given more weight in the decision making process than views raised by the community; perhaps another article could review the appropriateness of this practice.

It should be acknowledged that each project is unique. A consultation strategy that is successful for one project may not be suitable for the next. Each strategy should be adapted to reflect the nature, location and community for the project in question. The benefits of effective consultation are valuable for all involved during the EIA process.

Louise Richardson, Senior Environmental Consultant, ASH Design & Assessment, January 2015.

For access to more EIA case studies and hundreds of non-technical summaries of Environmental Statements visit: www.iema.net/gmark