DRAFT Consenting Pilot Process

Consenting Task Group Outcomes

- **CTG1:** Delays in the consenting process are minimised by removing unnecessary downtime, duplication, and non-value-added steps. Improved co-ordination between regulators to facilitate communication and streamline the consenting process.
- **CTG2:** The consenting process provides developers with an early understanding of potential constraints, leading to a reduced time to achieve all consents and ensures developers know and understand information required to support a regulatory decision.
- **CTG3:** The consenting process includes simple, clear mechanisms for informing and facilitating third party engagement. Improved transparency and community engagement by ensuring an effective and meaningful opportunity for communities, consultees, and other interest groups.
- CTG 4: Identify any remaining issues or areas for further exploration within a continuous improvement project and change ideas.

Pilot Process Principles

- A request to one regulator is treated as a request to all
- Pre-application advice should be properly and efficiently targeted from the start
- Capturing stakeholder knowledge of relevant material considerations early in the development process can avoid later delays and improve relationships
- Information requirements should be targeted and clear to avoid unnecessary work

Caveats

- The following consenting pilot process is <u>draft</u> and subject to change. It is applicable to agreed finfish applications.
- We expect pilot delivery to be an iterative process, with feedback loop. We will not get it right first time.
 We will build from experience.

Stage One: Request for pre-application advice

Process Existing confidential/ informal pre-app **Developer** submits pre-application engagement template to **regulators**, advisors and statutory consultees Discussion with Crown Estate Scotland on **Lease Option** Agreement **SEPA** and the **Local Authority** identify case officers **SEPA** invites **regulators**, **statutory consultees** and advisory bodies to advise on the required level of consultation and/ or register nil response A joint meeting of regulators, statutory

consultees and the **developer** to discuss the proposal should be considered.

Distribution List

SEPA, Relevant Local Authority, Nature Scot, Relevant District Salmon Fisheries Board, MD- Fish Health Inspectorate, Marine Directorate Licensing Operations Team, Marine Directorate Science, Northern Lighthouse Board, Maritime and Coastguard Agency, Historic Environment Scotland

Supporting Documents

Standard Pre-Application Template

Suggested Timescale

2 weeks

Stage Two: Provision of joint pre-application advice

Process

SEPA will begin preparation of a coordinated pre-application advice report SEPA will contact regulators, statutory consultees and advisory bodies to request signposting to considerations within their remit and relevant policies (matters that will need to be considered as part of a formal application). Regulators, statutory consultees and advisory bodies will be asked to identify where any potential 'showstoppers' exist – if identifiable at this stage. **SEPA** will coordinate and compile the report A joint meeting of regulators and statutory consultees will be considered

SEPA will share draft pre-application advice with the **developer**, copied to **regulators**, statutory consultees and advisory bodies The developer will review the pre-application advice report. The developer will have 21 days to raise any issues. **SEPA** will publish the pre-application advice report on its website

Distribution List

SEPA, Relevant Local Authority, Nature Scot, Relevant District Salmon Fisheries Board, MD- Fish Health Inspectorate, Marine Directorate Licensing Operations Team, Marine Directorate Science, Northern Lighthouse Board, Maritime and Coastguard Agency, Historic Environment Scotland

Supporting Documents

Joint Pre-Application Advice Template

Suggested Timescale

8 weeks

Stage Three: Community and Third-Party Engagement



The **developer** will conduct proportionate third-party engagement using methods best suited to the development proposals and third-party interests. The engagement mechanism preferred by third parties will be met as far as is possible.

As part of the engagement exercise, the **developer** will be clear on the information sought and how information will be used with guidance from **SEPA/LAs** on-material considerations)

The **developer** will submit a community engagement report to **SEPA** and the **local authority**

Distribution List

 Standardised list to be agreed based on locale, including, for example; the relevant Community Council(s) for the area, Regional Inshore Fisheries Group, Fisheries Management Scotland, RYA and other third parties.

Supporting Documents

Community Engagement Report Template

Potential to inform future community engagement best practice guidelines

- Material Considerations are outlined in Annex A of the <u>planning circular</u>
- Guidance which could be used
 - Major Pre-Application Consultation Report (Annex C of planning circular)
 - MD LOT Pre-Application Consultation Report <u>Guidance</u>

Suggested Timescale

Not time bound

Stage Four: Screening/Scoping Opinion Request and Issue of a Joint Scoping Opinion Report and Advice The outputs of community engagement will be reviewed by SEPA and the LA. The **local authority** will share a draft scoping opinion and joint advice report with the **developer**, copied to **regulators and SEPA** will review and update the pre-application report, statutory consultees. A meeting will be offered to discuss the where necessary, considering the issues raised via third party scoping opinion and joint advice. **Statutory** 5 weeks consultation. The updated report will be published. Timeframe TBC The **developer** will submit an EIA scoping the draft scoping opinion and joint advice report will be request to the **local authority**, including published on the local authority website. The **developer** will request a OR what they intend to assess as part of EIA screening opinion. and the proposed information collection methodology. This will include feedback from public/ stakeholder engagement and mitigation where possible. The developer will submit collected information to the local authority and SEPA The local authority will commence EIA The local authority and SEPA will confirm if the information screening and scoping activities. submitted is sufficient to support an application. Where EIA is required, The local authority, Pre-application is complete. with advice from SEPA and other statutory consultees, will review and agree the proposed information collection methodology. **Supporting Document** The **local authority** will coordinate a screening opinion report, Joint Scoping Opinion and Pre-Application and joint pre-application advice and supporting information **Advice Template** requirements.