

Subject: EIA Third Party Screening Direction Request - Energy from Waste Processing Building, Land at former Shanks & McEwan, Carnbroe, Coatbridge, North Lanarkshire

PS/Minister for Local Government and Housing

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) SCREENING DETERMINATION, ENERGY FROM WASTE (EFW) PROCESSING BUILDING, LAND AT FORMER SHANKS & MCEWAN, CARNBROE, COATBRIDGE, NORTH LANARKSHIRE, ML5 4UG

Purpose – to note for information/general awareness

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1. For the Minister to note that we intend, unless otherwise advised, to decline a third party EIA Screening Direction request (whether an EIA is required or not) in relation to the above. This proposal was raised as a topic by Monica Lennon MSP at the Member's Business Debate on 14 March.

Procedures

2. Where a third party submits information to Ministers suggesting a proposed development requires EIA, even though neither the planning authority nor the applicant takes that view, that information should be considered on a case by case basis, in light of the 2017 EIA Regulations. The correspondence from the third party has to indicate they have seriously considered the basis on which an EIA might be needed, and offers relevant grounds for the request. In each case the test to be applied is whether the issues raised give rise to a real risk that the planning authority's assessment was not, and does not remain, valid.

Background

3. The proposed development is for variations to an approved application for an Energy from Waste (EfW) plant. The initial application was submitted in July 2009, recommended for approval by North Lanarkshire Council (NCL) planners in February 2010 but rejected by committee in April 2010. The applicant subsequently appealed to Scottish Ministers and appeal was allowed in May 2011. The Council then lodged an appeal to Scottish Ministers and the appeal was allowed in May 2011. The Council then lodged an appeal to the Court of Session which was refused in June 2013.

4. NLC on this occasion have concluded that an EIA is not required as the principle of an EfW plant has already been established at the site and has underwent EIA. In their assessment North Lanarkshire Council concluded that the proposed changes to the Energy from Waste plant are not considered to be significant enough that it requires another EIA to be carried out. Subsequently, a member of the public has written to Scottish Ministers saying that they disagree with this decision and request that Scottish Ministers issue a screening direction as to whether it requires an EIA or does not, even though neither the planning authority nor the applicant takes that view.

Conclusion

5. Having considered all the information in light of the 2017 EIA regulations, (assessment report attached), we propose to decline to issue a direction in this case, explaining that; interpretation of the EIA regulations is a matter for the planning authority in the first instance, and that - in this particular case - Ministers are *'satisfied that the issues*