

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 raised do not call into question the validity of the planning authority's assessment that EIA is not required'*. An Assessment report is attached which contains further information.

### Sensitivities/Presentation

6. EIA casework is not routinely put to the Minister. However, as this particular proposal was raised at the Member's Business Debate on 14 March it was thought appropriate to bring this case to the Ministers attention for information.

### Recommendation

7. We propose to decline to issue a direction in this case, explaining that Ministers are satisfied that the issues raised do not call into question the validity of the planning authority's assessment that EIA is not required.

Regards

[Redacted – Personal Data – Reg 11(2)]

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