

**Public consultation
Review of the Environmental Impact Assessment (EIA) Directive
COSLA response**

1. The Convention of Scottish Local Authorities (COSLA) is the national and international voice of the 32 Scottish Councils. Scottish Local Authorities have large competences in implementing EU and national environmental policy and legislation and, through their powers on planning, the current review of the European Impact Assessment is of great importance to them. COSLA welcome the opportunity to contribute to this consultation. Our Regeneration and Sustainable Development agreed on 4 September the following key messages:
2. We agree that EU legislation on Environmental Impact Assessments has enabled minimum standards to be applied across the EU when deciding upon de-installation of facilities that could have negative environmental consequences. Similarly, the case for a better integration of the Strategic Impact Assessment for future policies, legislation and programmes (“upstream”) with the Environmental Impact Assessment when implementing them (“downstream”) is a useful and timely goal.
3. Addressing environmental concerns while fostering economic development is a seminal and sensitive question for local government everywhere. Although many of the installations outlined in the Directive have a regional or national dimension (including national authorisation schemes), they affect and are affected by local circumstances. Scotland, with its vast potential for renewable energy for instance, and its environmentally sensitive geography – both due to the high level of concentration of populated areas in the Central Belt and the vast expanses of sensitive natural areas such as peat lands – are a good example of this dilemma. Similarly, capacities need to be developed in undertaking robust scenario planning as to ensure that there is a clear range of feasible alternatives being put forward for decision.
4. As a result of the two previous points we would be keen to ensure that much more robust mechanisms are developed in the Strategic Impact Assessment, crucially ensuring a more systematic and structured involvement of local government in the definition of EU environmental legislation – both through more streamlined mechanisms of pre-legislative consultation which do not amount to simply answering questionnaires but would result in real negotiation with local and regional representatives when preparing EU legislation. This would ensure that the potential impacts at local level of such legislation, as well as the feasibility of getting it implemented on the ground, are better taken into account when legislation is implemented. Indeed the new EU Lisbon Treaty provision on pre-legislative consultation signal this direction and we would welcome a Commission proposal to bring this to the fore. Conversely, this more robust engagement at the “upstream” Strategic Impact Assessment phase with Local Government would enable a greater ownership and better implementation of the “downstream” Environmental Impact Assessment.
5. Regarding the harmonisation of definition of standards, there might be a case for this to be addressed to ensure proper and consistent implementation of the already vast body of EU environmental legislation across all EU Member States. However the

Consultation paper does not outline the possible avenues in which the Commission intends to develop these minimum assessment standards. As this could conflict with existing domestic legislation (which is comparatively robust when compared to other member states) we would be wary of endorsing this principle without further clarification from the Commission.

6. Regarding public participation, we recognise the importance of this provision to ensure that the EIA is transparent and democratically accountable. Again, Scottish legislation is good in this regard. Obviously, there are always opportunities to better coordinate planning decisions that lie between the local and national level. However, it is important to remember the role that local government has to play when large installations are decided nationally, not just as consultees in the public phase of the EIA but also as partners in taking these decisions. As regards to provisions regarding public involvement, it is open to question whether future EIA legislation from the EU level could go beyond establishing basic principles without undermining the more robust arrangements that exist at national level.
7. Similarly, we welcome the holistic approach on the Environmental Impact Assessment as which in the future would include other related policy areas such as biodiversity and climate change. On the latter, COSLA's existing policy positions have stressed the need to ensure that local climate impacts are more clearly identified in the future.
8. Therefore, its inclusion in the scope of the future EIA would seem appropriate and relevant. Indeed we welcome a joined up approach on this that mirrors efforts being carried out in the "upstream" phase between DG Environment and other commission departments that fund projects with an environmental dimension, such as DG REGIO. The same rationale should apply to the EIA and perhaps the current review of all EU policies (notably the holistic approach of the EU2020 strategy) and funding instruments (EU budget Review) provide the ideal occasion to address this.

For further information please contact:

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