

[REDACTED]

From: [REDACTED]
Sent: 21 February 2020 14:21
To: DLA Piper
Cc: [REDACTED]
Subject: Ineos Appeals Falkirk & Stirling
Importance: High

Our refs: PPA-240-2032 & PPA-390-3029

21 February 2020

Good afternoon

I refer to your email of 22 January. The reporters have now had the opportunity to consider the additional information they will need before they can finalise their report to Ministers on these applications. Subject to their consideration of your views and those of anyone else to whom this email has been copied, the reporters' preliminary thoughts are as follows.

1. **Update to relevant legislation** – The reporters consider that further written submissions should be made, setting out any changes to the legislative framework within which Ministers' decision would be taken. This should include any changes to the law governing other consenting regimes as were discussed in hearing session 2 (relationship to other permissions) on 31 March 2014.

2. **Environmental information** - In carrying out their environmental impact assessment of the proposals, Ministers will require adequate and up to date environmental information. The reporters consider that further written submissions should be sought to address, first of all, the question of whether the provision of updated environmental information would require a new environmental statement (and if so, whether that would require to follow the 2017 EIA regulations), or whether an update to the original ES would suffice (to which the 2011 EIA regulations applied). Parties are asked to explain their reasons in relation to these matters.

Secondly, with regard to the scope of any updated environmental information, the reporters consider that key questions include –

- Has there been any material change in receptor sensitivity or is there any reason to reassess the likely magnitude of impact for any of the topics covered in the ES ?
- Is there any reason to require the scope of the ES to be expanded ?
- Are the appellants proposing any change to the extraction / treatment methodology ?
- Does the global experience of unconventional oil and gas (UOG) since the ES was prepared have any implications for the adequacy of the ES ?

3. **The need for appropriate assessment** of effects on the Firth of Forth SPA. The reporters are aware that case law in the years since the public inquiry may have affected the approach Ministers will need to take when considering whether the proposals are likely to have significant effects on the SPA and, if so, whether these would adversely affect its integrity. The reporters consider that further written submissions on this matter should be sought.

4. **International, national and local policy** was considered in an inquiry session. This covered not only planning policy but also energy and climate change policy more broadly. The reporters note that there have been changes to the development plan since the public inquiry. Other developments of which they are aware include the UK and Scottish Government's declarations of a climate emergency and the Scottish Government's expression of no support for UOG. The reporters also consider Ministers would wish to hear parties' submissions on the implications (if any) of the UK's departure from the EU for the binding targets on greenhouse gas emissions that the UK was a signatory to. The reporters' preliminary view is that this subject area would best be handled in a re-opened inquiry session.

5. **Any other matters** – It may be that other issues have arisen since the public inquiry in March 2014, which parties consider will require further information or procedure. The reporters will consider any such matters that are brought to their attention by the deadline set out below.

Next steps

All recipients of this email are invited to respond by **5 pm on 20 March 2020** on the matters raised above. For the avoidance of doubt, such responses should not provide any updated information, merely indicate the respondents' views on what additional / updated information will be required and how this should be handled.

Having considered any responses, the reporters will issue formal procedure notices as required, setting out subsequent deadlines for the submission of further information and (where necessary) fixing dates for oral process. In order to avoid undue delay and expense for all involved, the reporters will try to avoid holding another pre-examination meeting. However, that may prove impossible if there is significant disagreement over the need for further information and/or the best manner for this to be handled. In responding to this email, it would be helpful if parties could provide an indication of their availability for an inquiry session on policy matters and an estimate of how long such a session would be likely to take.

Kind regards,

[Redacted signature]

Specialised Case Officer

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