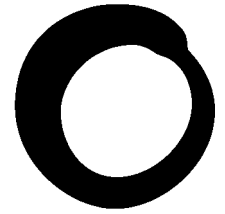


May 2006



**Friends of
the Earth**

Strategic Environmental Assessment (SEA)

a campaigner's guide

Friends of the Earth inspires solutions to environmental problems, which make life better for people.

Friends of the Earth is:

- the UK's most influential national environmental campaigning organisation**
- the most extensive environmental network in the world, with almost one million supporters across five continents and over 60 national organisations worldwide**
- a unique network of campaigning local groups, working in over 200 communities throughout England, Wales and Northern Ireland**
- dependent on individuals for over 90 per cent of its income.**

To join or make a donation call us on 0800 581 051

Friends of the Earth, 26-28 Underwood Street, London N1 7JQ

Tel: 020 7490 1555 Fax: 020 7490 0881 Email: info@foe.co.uk Website: www.foe.co.uk

Friends of the Earth Limited company number 1012357

♻️ Printed on paper made from 100 per cent post-consumer waste

Introduction

The SEA Directive is one of the most important things to happen to the process of making plans for many years. It will provide important opportunities to understand the environmental impacts of new policy and plans in the same way that Environmental Impact Assessment EIA is meant to help us understand the impacts of specific applications. The following briefing is an outline of the way the new system works. The most important message is do not be put off by the jargon and complexity. SEA will be used to assess your environment. You need to be involved because you probably know more about your locality than the planners and the outcome of SEA will shape the future of your community

Where does SEA come from?

SEA comes from European Law. Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (the SEA Directive) was adopted on 21 July 2001 and had to be implemented in Member States by 21 July 2004.

Who does SEA apply to?

The Directive requires environmental assessment of certain plans and programmes which are likely to have significant effects on the environment. Regional Spatial Strategies (RSS) and local plans are subject to SEA.

Regional planning bodies and local councils who prepare these plans have to:

- prepare an environmental report on the plan or programme's likely significant effects on the environment
- consult environmental authorities and the public
- take the environmental report and consultation comments into account in decision-making
- monitor implementation of the plan/programme to identify unforeseen effects and enable remedial action to be taken.

The Directive also applies to a limited number of private sector bodies (principally privatised utility companies). For a plan to be "required", essentially an authority must have no discretion as to whether or not it prepares the Plan.

Will the directive apply to non statutory local plans?

While SEA applies to most planning documents, there may be some plans like Area Action Plans which, because of their small scale and the fact that there are no significant environmental effects, do not require SEA. Where there is uncertainty, local authorities should carry out a scoping exercise which should be made public.

When did the Directive take effect?

The Directive will apply to Plans whose "first preparatory act" is after 21 July 2004, but also plans which are adopted after 21 July 2006, so it could apply retroactively to plans already in preparation.

SEA and Sustainability Appraisal (SA)

Just when you thought it wasn't going to get any more complicated! The way the government has decided to implement the SEA directive in planning is to wrap it up under the umbrella of Sustainability Appraisal (SA). SA has been about for over a decade and is a much sloppier process than SEA. Sustainability Appraisal is about assessing planning policy against the four pillars of sustainable development and reaching a broad decision as to whether it meets these objectives. It does not have the detailed requirements for

understanding the environmental impacts of policy contained in the SEA process. But do not worry about this repackaging exercise, because all the provisions of the SEA Directive must be applied in addition to those requirements of SA.

So how does SEA work?

SEA is a process of environmental assessment that leads to an environmental report, which should help inform policy choices. The process of producing a report should work in parallel with the preparation of the plan. This process will vary depending on whether you engaged with a regional or local plan. However there are five important stages of the SEA process which always need to take place, (see the Strategic Environmental Assessment directive: guidance for planning authorities, 2004 <http://www.odpm.gov.uk/index.asp?id=1143275> for more detail).

Stage A: setting the context and establishing the baseline

Stage B: deciding the scope of SEA and developing policy alternatives

Stage C: assessing the affects of the plan

Stage D: consultation on the draft plan and environmental report

Stage E: monitoring the implementation of the plan.

Stage A: setting the context and establishing the baseline

This part of the process is designed to give a picture of existing environmental circumstances and the existing policy framework. It must also identify existing environmental protection objectives and work out their relevance to the plan.

This is a vital stage of the process because it is here that important sources of baseline data and important environmental challenges for the Plan are identified. Since there may be some dispute about the quality of baseline data on issues such as climate change or the need for waste disposal capacity, it is important to be involved at this early stage. However, local and regional authorities do not have to consult with the public at this stage on the sources of their baseline data.

Stage B: deciding the scope of SEA

Deciding on the scope of the SEA is important in the quality of the final outcome. It is absolutely vital that a full range of environmental issues are included, so the policy implications can be properly assessed at the later stages. The local or regional Planning Body will consult at this stage on the sorts of issues that the SEA should deal with. Again it is vital to play a role in this consultation.

Stage C: assessing the effects of the plan

Using the information gathered in the first two stages of the process, SEA now turns to assess the impact of the plan. This means that SEA must predict the impacts of plan policy. Normally an SEA will evaluate a range of policy options and provide a range of potential impacts that result from these options. The process should consider at this stage any measures to prevent, reduce or off set identified environmental effects.

Stage D: consulting on the draft plan and environmental report

The consultation on the draft plan and environmental report should happen simultaneously. The environmental report should set out the results of the SEA process up to this point. The

results of the consultation should be taken into account and the plan preparation process should show how the results of the Environmental Report were considered in finalising policy.

Stage E: monitoring the effects of implementing the plan on the environment

The environmental report should provide an important way of ensuring that the plan is implemented effectively. The objectives established in the environmental report should ensure a proper monitoring regime and overall should provide important baseline material for the next review process.

So what must the Environmental Report include?

An Environmental Report (ER) should be prepared which identifies, describes and evaluates the likely significant effects on the environment of implementing the plan and reasonable alternatives. It should consider environmental characteristics likely to be affected, including designated sites, and likely significant effects on the environment, including secondary, cumulative, synergistic, short, medium, long term, permanent and temporary, positive and negative effects. Measures to avoid, mitigate or compensate for serious adverse impacts must be included, as must a description of proposed monitoring measures.

It is important to stress that there are any limited provisions for ensuring the quality of environmental reports. The report itself is only obliged to look at reasonable alternatives. Likewise it is unclear how far the SEA process will collect new primary data on environmental issues, or rely solely on existing data sets which may be flawed. It is unlikely that the SEA process can be obliged to collect such data, but early contact with local and regional planning authorities is an opportunity to argue for a high quality process.

There is an important opportunity in the examination of regional and local plans to draw attention to any major deficiencies in the SEA process. The Planning Inspectorate, who have to test all such plans for 'soundness', have a responsibility to assess whether or not the SEA process has been adequately implemented.

What must the consultation include?

Strategic Environmental Assessment has its own requirements for public consultation, particularly on the Environmental Report stage. In many cases you will find that local authorities have merged together participation requirements for the plan and for SEA into one process. In practice this might mean that early participation on the options which your plan is considering, will be combined with deciding the scope of the SEA. If you want more information on precisely how your local authority is managing participation in the draft plan, you should ask to see the copy of the Statement of Community Involvement which sets out the standards you can expect.

Who must they consult?

Environmental authorities (for example the Environment Agency and English Nature) and the public, including environmental NGOs, must be consulted over the draft plan and environmental report. These groups must also be informed when a plan is adopted, and a statement given of how environmental considerations have been integrated into the plan, how the environmental report and consultation views were taken into account and the reasons for choosing the plan in light of reasonable alternatives.

Why are they using a private sector consultant?

Many local and regional planning bodies commission consultants to prepare an SEA. This is largely because they do not feel that they have either time or the expertise to deliver what is

a complex document. Some campaigners have raised concerns that private sector consultants might have a conflict of interest. Where such concerns arise, it is important to be fully involved at an early stage in the SEA process to ensure the consultants are doing their job properly.

Using SEA to assess development options

Because strategic environmental assessment provides a sophisticated way of grasping the environmental impacts of new policy, it can be used as a powerful tool to assess different development options offered by local and regional planners. For example, in the preparation of the regional spatial strategy for Yorkshire and the Humber, three different Strategic development options were prepared ranging from low-growth to high-growth. Each option can be assessed on its environmental impact, particularly for example on climate change. In the south-east plan a similar approach was taken to assessing the impact of aviation on climate change because of the dramatic negative impact expansion was seen to have. When SEA is working well, it should be an important way of delivering policy which achieves sustainable development.

If you want more information on using SEA to assess strategic growth options in regional and local plans, please see the Friends of the Earth policy briefing for the English regions.

Will SEA save us all?

Well no, not quite. It is important to bear in mind that the final decisions on planning policy are combination of technical factors, community views, business ambitions and national government policy. It may be the case that, even when the SEA report has identified a particular growth option as having a major negative impact on the environment, that decision makers support this because they believe there is a public interest in such levels of growth. This can be deeply disappointing. However, it is important to bear in mind that decision makers are not meant to 'trade off' the environment with economic growth, instead they are meant to 'integrate' the objectives of sustainable development in a way which ensures the environment is robust enough to support future generations. This view is specifically identified in the government's Sustainable Development strategy 2005. This can be found at the DEFRA website.

FAQs

How is the significance of 'environmental effects' going to be assessed?

This must be a matter for 'professional' judgment by planners and consultants - in other words it can be open for debate. Annex II of the Directive provides a list of criteria that can be used to judge whether an environmental effect is significant. Further advice on interpretation of the criteria is set out in 'A Practical Guide to the Strategic Environmental Assessment Directive' – see further reading at the end of this briefing.

If an SEA has been done, is EIA still needed?

In most cases, yes. In practice, an SEA will typically be concerned with broad proposals and alternatives, while EIA is project-specific and requires more detailed information on the effects of a particular proposal on the environment. SEAs will help with the preparation of an EIA but will not remove the need for one.

If an SEA has been done on a high level or 'parent' plan like RSS, is one required for plans at lower tiers or later stages?

Yes, all LDFs will need an SEA. The Directive provides for avoidance of duplication between plans or programmes in hierarchies. In practice the extent of assessment needed will often depend on the relationship between the plans or programmes concerned. 'Lower level' plans like LDFs are generally more detailed and location specific than those at higher tiers, and an SEA may therefore be needed to assess effects not previously covered in the necessary detail.

If an SEA is conducted as part of a wider assessment, will a separate Environmental Report be needed?

The European Commission guidance states that the Environmental Report can be included in a wider assessment of the effects of the plan - for example, as part of a sustainability assessment which also covers social and economic effects. It is however desirable to show clearly that the Directive has been complied with, for example by signposting to enable the components that meet the requirements for the Environmental Report to be readily identified.

Who will do SEAs?

The Directive does not specify who should carry out SEA. The obligation to ensure that an SEA is done will normally lie with the Responsible Authority which produces the plan, but the work may be done either by the authority's own staff or by others such as consultants, or a combination of the two.

Will the UK set up a body to approve or review SEAs? How will the quality of SEAs be controlled?

The Government has no plans to create a dedicated body to carry out or oversee SEAs. In general, this will be integrated into the overall arrangements for oversight of plans in other words the planning inspectorate will be able to look at the quality of the SEA in assessing the 'soundness of the plan'. ODPM are developing methods for quality assurance as part of a foundation of good practice.

Further information and guidance:

Friends of the Earth - Freephone 0808 800 1111

Website: www.foe.co.uk

Planning

Email: planning@foe.co.uk

Website: www.YourPlanningRights.co.uk

Right to Know

Email: RightToKnow@foe.co.uk

Website: www.RightToKnowOnline.org.uk

Rights and Justice Centre

Email: legal@foe.co.uk

Useful web sites

Government

Office of the Deputy Prime Minister

<http://www.odpm.gov.uk/>

The Planning Inspectorate

<http://www.planning-inspectorate.gov.uk/>

Environment Agency

www.environment-agency.gov.uk/

Information Commissioners Office

www.ico.gov.uk

Planning Portal

www.planningportal.gov.uk

Non Governmental Organisations (NGO)

Campaign to Protect Rural England planning site

www.planninghelp.org.uk

Environmental Law Foundation

www.elflaw.org/

Neighbourhood Initiatives Foundation

www.nif.co.uk/

Wildlife and Countryside Link.

www.wcl.org.uk

Specific reading

Community Rights Resource Pack:

<http://www.foe.co.uk/resource/local/planning/resource/index.html>

Policy briefing for the English regions

http://www.foe.co.uk/resource/guides/new_english_planning_system.pdf

A Practical Guide to the Strategic Environmental Assessment Directive:

<http://www.odpm.gov.uk/index.asp?id=1143275>