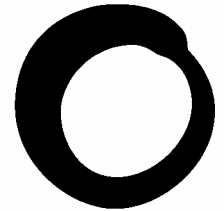


September 2004



**Friends of
the Earth**

Consultation Response

Friends of the Earth's Response to ODPM Consultation paper Sustainability Appraisal of Regional Spatial Strategies and Local Development Frameworks

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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

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General comments

1.1 Friends of the Earth welcomes the implementation of the Strategic Environmental Assessment Directive (SEA) into the UK planning system. The systematic and consultative methodology of SEA should increase the transparency and rigour with which policies, plans and programmes are assessed. SEA should be seen as a means of getting local and regional authorities to address biodiversity and climate change in a much more serious and systematic way when preparing Regional Spatial Strategies and Local Development Frameworks.

1.2 However, we believe that the attempt to 'bolt together' SA and SEA is a major flaw in the new process. There is a lack of clarity in the consultation document as to why two kinds of assessment mechanisms with different origins and with different objectives are being conflated in a way which complicates the process. The outcome is confusing for practitioners and the public alike and in our view diminishes the importance of SEA.

1.3 It is our understanding that Sustainability Appraisal (SA) is the UK-based methodology designed specifically to assess development plans and originally enshrined in guidance in Planning Policy Guidance 12. The Planning and Compulsory Purchase Act 2004 makes SA a requirement of the RSS and LDF preparation process but unlike the SEA Directive there is no formal primary legislative definition of what SA might be. Sustainability Appraisal is, therefore, a broader less defined concept which aims to understand whether the contents of a plan contribute to or diminish from sustainable development. SA is a checking mechanism on the output of local and regional policy-making designed to ensure that all four pillars of the sustainable development idea are integrated. This broad remit means that any individual SA assessment can exploit the complex integration of the four pillars to justify environmentally damaging proposals which nonetheless can be portrayed as 'sustainable'.

1.4 SEA is a quite different process much more focused on a detailed evidence based assessment of environmental circumstances. SEA is designed to enable an understanding of complex cumulative impacts and ensure policies take appropriate action to avoid or mitigate significant impacts. The objectives and required methodology of SEA are much more rigorous, detailed and defined than SA and crucially contains a consultative component. We are concerned that Government plans to subsume SEA into wider Sustainability Appraisals in England will diminish its value and purpose. That purpose is primarily to ensure that complex technical issues relating to biodiversity, climate change or the wider environment are fully understood and placed at the heart of the decision-making process.

1.5 SEA should be recognised as a distinct process and not as an aspect of a Sustainability Appraisal. SEA should be integral to plan making but be represented as a distinct stream of work with a specific environmental focus.

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So that:

- Participation for SEA is clearly defined as separate to that on policy proposals
- The SEA report is a separate document and not subsumed in the SA report

1.6 It is not satisfactory, as the consultation document implies, that it is simply 'desirable' to show that the SEA Directive has been complied with by signposting of the environmental elements in the sustainability appraisal report. This, in our view falls short of what the European Commission regards as essential. Its guidance on the Directive stresses that the environmental assessment must either be a free-standing document or be clearly distinguishable as a separate part of a wider report. (Implementation of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment).

Detailed Comments

1.7 While Friends of the Earth welcomes much of the detailed guidance as to how to conduct SA and SEA we are concerned that the arrangements for public participation in the development plan process are taken to comply with the separate participation requirements of SEA. It is extremely puzzling for example that the current guidance on SCI (PPS 12) does not make mention of the requirements of the SEA Directive and that the consultation document itself provides no detailed guidance on how participation on development plan proposals can be integrated with SEA.

1.8 Again this is partly the product of merging the two processes together but it's extremely confusing for a lay person to understand what they may be participating in; a consultation on local policy formulation or a consultation on the assessment of that local policy (SA) or a consultation on the detailed assessment of environmental impacts of that policy (SEA). There should be a much clearer distinction between these three elements of the development plan preparation process. SCI should explicitly discuss the SEA directive and make special provision for consultation and participation. Guidance on SA and SEA should provide more detailed guidance on standards of participation and consultation required by SEA and crucially the need to conduct such consultation early in the process.

1.9 Paragraph 2.1.8 seems to imply that Regional Planning Bodies have a choice on consulting the public on the SEA of RSS. Likewise, paragraph 2.1.9 suggests consultation will take place at the end of policy formulation process on RSS and on the SA report. However, the SEA directive requires that consultation is mandatory in SEA situations and such consultation must take place at an early stage. Guidance to RPB's must make clear that the requirement of Clause 6 of the Planning and Compulsory Purchase Act 2004 to prepare a Statement of Community Involvement must contain specific reference to the requirements of the SEA Directive in relation to public consultation.