



ADVICE NOTE 12
Strategic Environmental
Assessment

Planning Service
Infrastructure Services Department
Grantfield
Lerwick
Shetland

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1. Background Information to SEA

EU Directive: The process Of Strategic Environmental Assessment (SEA) is regulated by the EU Directive 2001/42/EC, the Environmental Assessment of Plans and Programmes (Scotland) Regulation 2004 and the Environmental Assessment (Scotland) Act 2005. SEA is the environmental assessment of plans, programmes or strategies.

SEA Objectives: SEA seeks to provide high level protection to the environment; integrate the environment and sustainable development into planning processes; promote sustainable development; and promote a more open, transparent and evidenced-based planning culture.

Sectors SEA relates to: SEA applies to the sectors of agriculture, fisheries, tourism, transportation, telecommunication, waste management, water management, industry, energy and land use.

Consultative Authorites: SEA requires consultation with consultative authorities and the general public at varying degrees throughout the entire process. The statutory consultation authorities include Scottish Natural Heritage (SNH), Historic Scotland (HS) and the Scottish Environment Protection Agency (SEPA),

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 to which it relates. This process will vary depending on the exact nature of the strategy, policy or plan itself. However there are five important parts of the process which always need to take place.

- **Pre-Screening/Screening** is the stage at which it is established whether SEA will be required on a particular plan etc.
- **Scoping** sets out in more detail the areas of likely significant impacts and requires a formal consultation with the Consultation Authorities “to identify the scope and level of detail to be reflected in an Environmental Report”.
- **Consultation** on the draft plan and Environmental Report is required.
- **Post-Adoption** is the point at which a statement is required to set out how the Environmental Report and consultation responses have been taken into account.
- **Monitoring** the significant effects of the plan on the environment.

Appropriate Assessment: European Directive 92/43/EEC (The Habitats Directive) requires competent authorities to carry out an Appropriate Assessment of plans and projects that, either alone or in combination with other plans and projects, are likely to have a significant effect on European designated sites. The Council cannot therefore adopt plans unless it determines that the provisions of the plan are not likely to have a significant effect on any European site. In the absence of such a determination, the Council will have to carry out an Appropriate Assessment in respect of the plans in line with the requirements of Article 6(3) and 6(4) of the Habitats Directive. The SIC Planning Service can provide information on EU designated sites within Shetland. If the plan or programme affects the following areas, it will require an SEA:

- Site of Special Scientific Interest
- National Nature Reserve
- Special Protection Area
- Wetland of International Importance
- National Scenic Area
- Special Area of Conservation
- Historic Garden and Designed Landscape

SEA Statutory Notices: SEA is defined by the EU Directive as the preparation of an environmental report on the likely effects of the draft plan or programme. It states that authorities should take into account the environmental report and use the results of the consultation in decision-making and providing information when the draft plan or programmes is adopted to show how the results of the environmental assessment have been taken into account. In order to provide information to the public some notices would have to be published on the council's website and the local press. Templates for the notices are attached in appendix 1.

Before tackling an SEA it is advisable to read the Environmental Assessment (Scotland) Act 2005. Guidance on the Act can be found in Chapters 1 to 15 of the SEA Tool Kit (see references at end). A copy of the Tool Kit can be seen at the Planning Service, Grantfield.

2. Frequently Asked Questions

Do I need to carry out a SEA?

If you are preparing a strategy, policy, plan or programme which is, or will be, subject to preparation or adoption (or both) by a responsible authority or prepared by a responsible authority for adoption through a legislative procedure, the answer is yes.

Even if you are unsure if there will be environmental effects, you should still undertake the initial stages of the SEA. The following are examples of strategies and programmes that have required an SEA across Scotland.

- Local Plan
- National Transport Strategy
- Fish Farm Locational Framework
- Structure Plan
- Renewable Energy Plans
- Local Transport Strategy
- Masterplans
- Community Plan
- Corporate Plan
- Environmental Strategies
- Housing Strategy
- Rural Development Plans
- Road Safety Plan
- Biodiversity Action Plan
- Fuel Poverty Strategy
- Economic Development Plans
- Onshore and Offshore Energy Plans
- Area Waste Plan
- Regional Transport Strategy
- Core Path Plan

What is an SEA?

SEA is the environmental assessment of strategies, policies, plans and programmes. Other forms of assessment that integrate economic, social and environmental issues, in varying degrees, include environmental appraisal, sustainability appraisal and strategic sustainability assessment. The Directive defines SEA as follows:

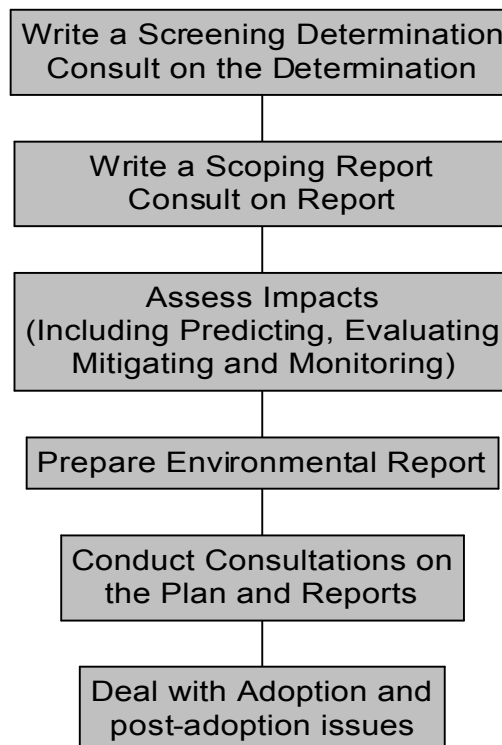
- The preparation of an environmental report on the likely significant effects of the draft plan or programme
- Carrying out consultation on the draft plan or programme and the accompanying environmental report
- Taking into account the environmental report and the results of the consultation in decision-making and

- Providing information when the draft plan or programme is adopted showing how the results of the environmental assessment have been taken into account.

I think I do need to carry out an SEA. What should I do?

The SEA is broken down into 6 steps, which can be confusing. However to simplify the process you should take the 6 steps in turn:

SEA Process



Note: At the Screening stage you may find that SEA is not required on procedural and legislative grounds and that there will be no negative effects in which case you do not need to undertake the other stages.

Who can assist with SEA?

There are three options to look at: - (i) doing SEA in house, (ii) using external consultants and (iii) combining (i) and (ii). Option (i) is the preferred option due to the benefits of building knowledge, capacity building and assisting collaborative working between departments and services however it is ultimately up to each service or community partner.

What does SEA mean for Shetland?

Among other things Responsible Authorities may have to: -

- Carry out SEA for plans or programmes they initiate
- Act as consultees for other authorities SEA

- Provide baseline information for the SEA process
- Monitor significant impacts identified in plans or programmes
- Ensure quality assurance in the SEA process

What could be the outcomes of SEA?

Significant environmental effects are predicted and evaluated. The first outcome will be to find out if plans or programmes are predicted to be negative, positive, uncertain or neutral effects. Their evaluation will address issues such as reversibility or irreversibility of effects, risks, duration (permanent, temporary, long-term, short term and medium-term) and cumulative (direct, indirect, secondary and synergistic). The second outcome will be to find mitigation measures to avoid, reduce, address, and compensate significant effects. If significant effects are found, the adopted plan will normally include monitoring arrangements to monitor the effects. An SEA can also identify positive environmental effects and how plans or programmes might maximise these benefits.

Why do we need to carry out an SEA, what are the benefits?

SEA is important to protect the environment of Shetland and the wider UK, EU and global environment SEA seeks to:

- Address the effects of policies, plans and programmes on the environment
- Integrate sustainable development into the planning process

SEA can be used to direct EIAs and potentially highlight areas early in the planning process where there may be issues. It can potentially mean that as an authority we get the information that we want in an EIA.

SEA is a useful device for highlighting potential significant environmental effects of certain plans and programmes to decision makers (i.e councillors) early in the process and can help in developing and monitoring environmental effects in order to inform later policy reviews. SEA can also add value to the policy making process.

SEA Stages

3. SEA Stage 1 - Screening Process

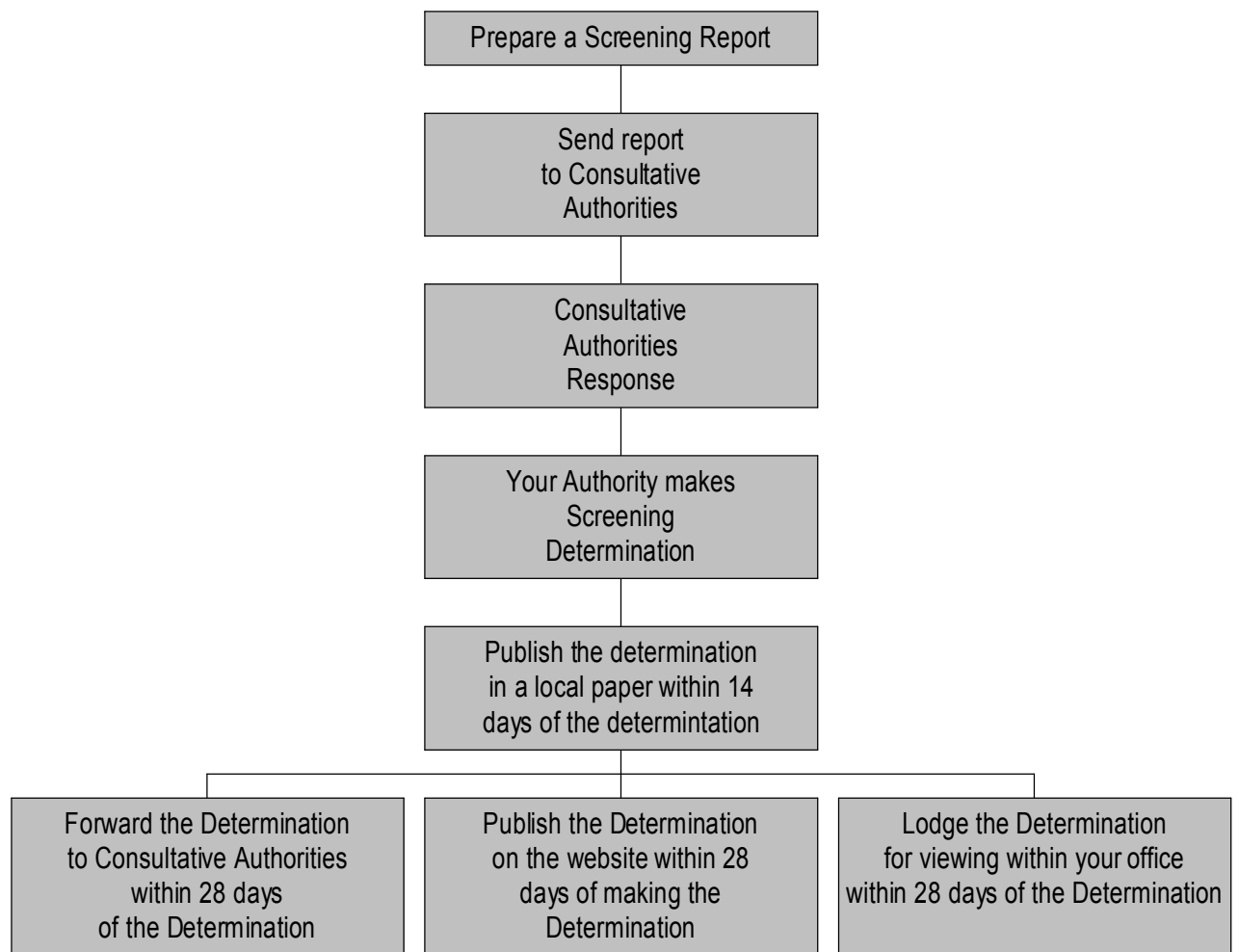
This process helps to determine whether SEA is necessary. Screening requirements fall into three categories, which are in turn broken down into various criteria. The categories of relevant plans or programmes are as follows:

- Plans or programmes presumed to have significant environmental effects. For these types of plans or programmes, the SEA process starts with the scoping report. If the plan relates to the following 10 sectors, it will require an SEA and the screening process can be skipped: agriculture, fisheries, energy industry, telecommunications, transport, tourism, town and country planning, waste management and water management.
- Plans or programmes whose significant environmental effects should be determined through screening and
- Plans or programmes whose environmental effects should be determined through pre-screening

Remember that minor amendments, alterations or modifications of plans will require screening. Equally, plans affecting small areas at local levels and those that guide officers decisions to approve or refuse applications for developments fall under this category. Examples of these plans are masterplans or area plans.

The chart below shows how the screening process should be administered. It should be stressed that, because of screening determination and publication requirements, the screening process does not end when you receive the consultative authoritys opinion in your screening report. Consultative authorities are Scottish Natural Heritage, Historic Scotland and the Scottish Environment Protection Agency.

The Screening Process



For more information on the Screening process please see Strategic Environmental Assessment Tool Kit (Scottish Executive, 2006)

<http://www.scotland.gov.uk/Publications/2006/09/13104943/0>

The Toolkit Templates provide a useful guide to begin the Screening Report:

www.scotland.gov.uk/Topics/SustainableDevelopment/guidancenotes

4. SEA Stage 2 - Scoping Process

The scoping process sets the scope of the SEA by establishing the baseline for the assessment in the next stage. It identifies the environmental issues to be taken into consideration during decision-making. Scoping thus 'sets the scope' of the environmental assessment. The objectives of the scoping process are as follows:

- To enable the authorities to focus on the significant environmental issues to be assessed and thereby avoids wasting time, money and effort.
- To provide information to the consultation authorities to allow them to come to a judgment on the adequacy of the level of detail and the consultation period proposed
- To address alternatives, environmental issues and the assessment methods or framework to be adopted
- To identify the methods to be used, the organisations to be consulted during assessment, and the timing and length of the consultation period.

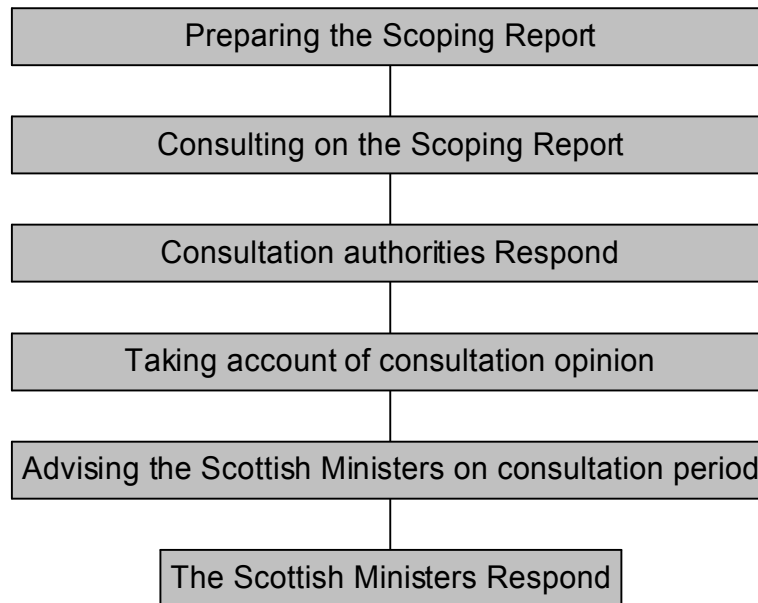
The scoping report will cover the following issues: -

- Baseline data relevant to the report;
- Other relevant plans, programmes and environmental protection objectives such as the Kyoto Protocol, UK Sustainable Development Strategy, Scottish Sustainable Strategy, the Structure Plan, the Local Plan, Sustainability Charter and the Strategic Plan.
- Environmental problems and issues in the relevant area; SEA objectives, indicators and targets linked to baseline, environmental problems and other relevant plans
- Assessment methods to be used
- The arrangements for monitoring of significant effects.
- The relevant environmental issues defined to include air, water, biodiversity, soil, climatic factors, population and human health, cultural heritage including architectural and archaeological heritage, landscape and material assets
- Consultation framework

You are required by legislation to consult with the consultative authorities on the scoping report. In Scotland, at this time the Consultative Authorities are Scottish Environment Protection Agency, Health and Safety Executive and Scottish Natural Heritage. In addition consultation with the public may enrich the process. You must ensure that sufficient time is given for consultations.

The following flow chart explains the general overview of the scoping process and shows how the scoping process is administered.

The Scoping Process



For more information on the Scoping process please see Strategic Environmental Assessment Tool Kit (Scottish Executive, 2006)

<http://www.scotland.gov.uk/Publications/2006/09/13104943/0>

The Toolkit Templates provide a useful guide to begin the Scoping Report:

www.scotland.gov.uk/Topics/SustainableDevelopment/guidancenotes

5. SEA Step 3 - Assess Impacts

At this stage the results of the Scoping report are analysed to find the significant significant environmental effects. These are then evaluated and the significant effects are given the following outcomes:

- The Plan may be predicted to have negative, positive, uncertain or neutral effects.
- Their evaluation will address issues such as reversability or irreversibility of effects, risks, duration (permanent, temporary, long term, short-tem, and medium-term) and cumulative (direct, indirect, secondary and synergistic).
- Mitigation measures make recommendations to avoid, reduce, address, and compensate significant effects. They suggest replacing, modifying or including additional statements in the documents.

A monitoring report would normally be integrated into the adopted plan to constantly monitor the significant effects identified through the above process.

6. SEA Stage 4 - Environmental Report

The output from the assessment process is an environmental report, which is the key output from the process. It could be a separate document with links to the plan or programme. It could well be integrated as part of the plan but clearly distinguishable. Instead of a report covering an SEA process, it may also be a report covering a sustainability appraisal. A suggestive structure of the report is shown below. The report also takes into account the responses from the scoping consultation.

Environmental Report: Structure

Structure of Report	Information to Include
Non-technical summary	<ul style="list-style-type: none"> • Summary of the SEA process • Summary of the likely significant effects of the plan or programme • Statement on the difference the process has made to-date • How to comment on the report
Methodology used	<ul style="list-style-type: none"> • Approach adopted in the SEA • Who was consulted, and when • Difficulties encountered in compiling information or carrying out the assessment
Background	<ul style="list-style-type: none"> • Purpose of SEA • Objectives of the plan or programme
SEA Objective and baseline and context. This section is not essential and depending on the report, some or all of this information may not be required.	<ul style="list-style-type: none"> • Links to other international, national, regional and local plans, programmes, and relevant environmental objectives including how these have been taken into account • Description of baseline characteristics and predicted future baseline • Environmental issues and problems • Limitations of the data, assumptions made etc • SEA Objectives, targets and indicators
Plan/Programme issues and alterations	<ul style="list-style-type: none"> • Main strategic alterations considered and how they were identified • Comparison of the significant environmental effects and alternatives • How environmental issues were considered in choosing the preferred strategic alternatives • Limitations of the data, assumptions made etc • Other alternatives considered and why they were rejected • Any proposed mitigation measures
Implementation	<ul style="list-style-type: none"> • Links to other tiers of plans and programmes and the project level (environmental impact assessment, design guidance etc) • Proposals for monitoring.

For more information on the Environmental Report please see Strategic Environmental Assessment Tool Kit (Scottish Executive, 2006)

<http://www.scotland.gov.uk/Publications/2006/09/13104943/0>

The Toolkit Template provide a useful guide to begin the Environmental Report:

www.scotland.gov.uk/Topics/SustainableDevelopment/guidancenotes

7. SEA Step 5 – Conduct Consultation on Plans and Reports

The environmental report must be made available at the same time as the draft plan and programme as an integral part of the consultation process. Some of the ways of making the draft plan and environmental report available to the public include advertising in the press and placing on the Councils website. The environmental report should clearly indicate the interrelationship between the plan and the report. The consultative authorities and the public must be given time to comment on the report.

Consultative Requirements

Steps in the SEA	Consultation Requirements
Screening the plan/programme	Consult with SEPA, SNH and HS
Scoping	Consult SEPA, SNH and HS
Environmental Report and Draft Plan or Programme	Consult SEPA, SNH and HS and make information available to the public
During the preparation of the plan or programme	Take account of the environmental report and opinions expressed. Produce a statement to this effect
Adopt plan or programme; statements and measures concerning monitoring	Make information available to SEPA, SNH and HS. Make information available to the public

8. SEA Step 6 - Monitoring and implementation of the plan or programme

To undertake an effective SEA, measurable indicators and targets are preferred to more general and broad-brush objectives. For this reason, in developing aims for monitoring, it is the measurable indicators or targets that are important to the monitoring process. Issues identified when collecting baseline data should inform the development of aims for the monitoring report.

A good environmental report including robust mitigation and monitoring measures as well as good plans and programmes, does not necessarily prevent unexpected adverse effects from occurring. For this reason a mechanism for identifying effects that require remediation should be put in place. In addition to identifying the conditions considered environmentally undesirable or unacceptable, the SEA report should indicate possible remediation actions that should be in place. Measures include plan revision and amendment and further mitigation measures. It should also identify those who will be responsible for taking remedial action and the frequency of such actions should the need arise.

Below is a list of aspects to think about when considering monitoring:

- What to monitor (For example flood risk, CO2 emissions, electricity generated from renewable energy sources)?
- Where does the monitoring data come from?
- Are there any gaps in existing information and how can these be resolved?
- When should action be considered?
- Who is responsible for monitoring?
- What can be done if a problem is identified?

For more information on the Post Adoption stage please see Strategic Environmental Assessment Tool Kit (Scottish Executive, 2006)

http://www.scotland.gov.uk/Publications/2006/09/13104943/0

The Toolkit Templates provide a useful guide to setting up report/programme monitoring arrangements

www.scotland.gov.uk/Topics/SustainableDevelopment/guidancenotes
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9. Useful Resources

In order to facilitate the SEA process, there are a number of toolkits and guidance booklets have been developed by the European Union, the UK Government and the Scottish Executive. These resources include templates for each stages of the process.

Reference	EU guidance – Directive 2001/42 on The Assessment of the Effects of Certain Plans and Programmes on the Environment
Summary	Guidance on the EU Strategic Assessment Legislation. Provides links to the categories of development for example agriculture, fisheries, energy and information on the different policies in relation to noise, biodiversity, climate change, health, waste, water, sustainable development, chemicals, air, and biotechnology.
Web link	http://ec.europa.eu/environment/eia/home.htm

Reference	Environmental Assessment (Scotland) Act 2005
Summary	Sets out the legal requirement for the Council to carry out strategic environmental assessments. Guidance on this Act can also be found in the SEA Toolkit in Chapters 1-15. See ref below.
Web link	http://www.opsi.gov.uk/legislation/scotland/acts2005/20050015.htm

Reference	Strategic Environmental Assessment Toolkit (2006) Scottish Executive.
Summary	Provides a useful practical overview of the Environmental Assessment Act. Should be the main reference when undertaking an SEA.
Web link	http://www.scotland.gov.uk/Publications/2006/09/13104943/0

Reference	Strategic Environmental Assessment Toolkit Templates (2006)
Summary	This document provides comprehensive guidance on each of the stages and provides templates which can be adapted to suit individual circumstances.
Web link	http://www.scotland.gov.uk/Topics/SustainableDevelopment/guidancenotes

Reference	Office of the Deputy Prime Minister et al. (2005) A Practical Guide to Strategic Environmental Assessment Directive. London: ODPM Publications.
Summary	This Practical Guide provides information and guidance on how to comply with the European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment", known as the Strategic Environmental Assessment or SEA Directive.
Web link	http://www.scotland.gov.uk/Topics/SustainableDevelopment/SEApracticalguide

Reference	HMSO (2004) The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004. London: The Stationery Office Limited.
Summary	Sets out the requirements of the EIA Directive and the Habitats Directive
Web link	http://www.hmso.gov.uk/legislation/scotland/ssi2004/20040258.htm

Reference	Scottish Executive (2003) Environmental Assessment of Development Plans: Interim Planning Advice. Edinburgh: Scottish Executive.
Summary	Outlines the environmental policy context, introduces the main requirements of the Directive, addresses the main considerations, outlines the key stages in the development plan process and provides advice on each case. Uses case studies.
Web link	http://www.scotland.gov.uk/Publications/2003/08/18048/25556

10. Relevant Contact Details

SEA Gateway

Area 1-H (Bridge), Victoria Quay, Edinburgh, EH6 6QQ

Tel: 0131 244 5094

email: SEA.Gateway@scotland.gsi.gov.uk

<http://www.scotland.gov.uk/Topics/SustainableDevelopment>

Scottish Natural Heritage Shetland Branch

Ground Floor, Stewart Building, Alexandra Wharf

Lerwick, Shetland ZE1 0LL

Tel: 01595 693345

e-mail: northern_isles@snh.gov.uk

<http://www.snh.org.uk/>

Scottish Environment Protection Agency

The Esplanade, LERWICK, Shetland, ZE1 0LL

Tel: 01595 696926

Fax: 01595 696946

<http://www.sepa.org.uk/>

Historic Scotland

Longmore House, Salisbury Place

Edinburgh, EH9 1SH

Tel: (0131) 668 8600

<http://www.historic-scotland.gov.uk/>

Shetland Amenity Trust (including the Shetland Biological Records Centre)

Garthspool, Lerwick, Shetland, ZE1 ONY

Tel: (01595) 694688

email: shetamenity.trust@zetnet.co.uk

<http://www.shetland-heritage.co.uk/amenitytrust/>

<http://www.nature-shetland.co.uk/brc/>

Royal Society for the Protection of Birds

East House, Sumburgh Head Lighthouse, Virkie, ZE3 9JN

Tel: 01950 460800

<http://www.rspb.co.uk/>

Heritage Section (SIC)

Planning Service, Infrastructure Services Department, Shetland Islands Council,
Grantfield

Lerwick, ZE1 0NT

Tel: (01595) 744800

email: conservation@shetland.gov.uk

www.sic.gov.uk

11. Glossary

Consultation Authority

A specialist body with environmental expertise that can consider plans and programmes submitted by a Responsible Authority. The consultation Authorities are; Scottish Ministers (Historic Scotland), Scottish Environment Protection Agency and Scottish Natural Heritage.

Environmental Report

Document required by the SEA Directive (Directive 2001/42/EEC on the assessment of the effects of certain plans and programmes on the environment) as part of an environmental assessment, which identifies, describes and evaluates the likely significant effects on the environment of implementing a plan or programme and reasonable alternatives. Section 14 and Schedule 3 of the Act sets out the information required in an environmental report.

Plan or Programme

The term “plan or programme” covers any plans or programmes to which the Act applies and specifically includes strategies.

Pre-Screening

Where, in the opinion of the responsible authority, a plan as described in section 5(4) of the Act is considered, in the opinion of the Responsible Authority, to have no or minimal effect on the environment it may exempt the plan from SEA. To reach such a decision the Responsible Authority must consider the significance of the environmental effects against the criteria set out in Schedule 2 of the Act. Under section 7 of the Act, Responsible Authorities have a statutory obligation to notify Scottish Ministers of their pre-screening decisions and a register of decisions is available for public inspection.

Responsible Authority

Any person, body or office holder exercising functions of a public character. If such an authority prepares a strategy, plan or programme which requires an SEA then that authority is responsible for the SEA. Where more than one authority is responsible for a strategy, plan or programme they should reach an agreement as to who is responsible for the SEA. Where an agreement cannot be reached, the Scottish Ministers shall make the determination.

Scoping

The process of deciding the scope and level of detail to be included in the environmental report.

Screening

The process of determining the likely significance of effects on the environment of a strategy, plan or programme. Schedule 2 of the Act sets out criteria for determining the likely significant effects on the environment.

Strategic Environmental Assessment (SEA)

Generic term used to describe environmental assessment as applied to strategies, plans and programmes. The term “SEA” is used to refer to the type of environmental assessment required under the Environmental Assessment (Scotland) Act 2005.

Further Information

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Tel: 01595 744800