

# The Planning Series: 11 - Strategic Environmental Assessment

Quick Guide

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## What are strategic environmental assessments?

**Strategic Environmental Assessment (SEA)** is a process which looks at the effects that a **plan or programme** is likely to have on the environment before it is adopted. Where an SEA is required, a plan-maker must complete an assessment and present the findings of the assessment in an environmental report that is then consulted upon. Any issues raised during the consultation must be taken into account by the plan-maker before the plan can be adopted. SEA is designed to be integrated into the development stages of a plan or programme and to influence decision-making throughout<sup>1</sup>.

## When is an SEA required?

The framework for the SEA process is provided by European Directive 42/2001/EC on 'the assessment of the effects of certain plans and programmes on the environment'. This Directive has been brought into effect for plans or programmes solely in Wales by **The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004<sup>2</sup>** and for plans or programmes operating partially in Wales or operating in other parts of the UK but having an impact in Wales by **The Environmental Assessment of Plans and Programmes Regulations 2004<sup>3</sup>**.

There is no definitive list of plans and programmes that are covered by the SEA regulations, each case must be considered on an individual basis. The responsibility for deciding if the plan or programme is covered by the regulations lies with the **organisation that is preparing the plan or programme**. However, in broad terms the Regulations require an assessment to be completed for plans or programmes:

- Which are prepared by **responsible authorities<sup>4</sup>** for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, tourism, town and country planning or land use; and
- Which set the **framework** for future development consents (e.g. the UK Marine Policy Statement).

An assessment should be completed for plans or programmes which are to be adopted through an **Act of Parliament or secondary legislation**, such as regulations. It is unusual for plans or programmes to be adopted in this way in the UK, although these legislative procedures for adoption are used in some EU Member States.<sup>5</sup>

Additionally, a plan or programme that requires an assessment under the EU **Habitats Directive** requires an SEA. A plan or programme which determines the use of a small area, or which is a minor modification to a plan or programme, will only be subject to SEA if it is likely to have **significant environmental effects**. An SEA does **not need to be undertaken** for a plan or programme in which the sole purpose is national defence or civil emergency, or a financial or

<sup>1</sup> Welsh Government, **Strategic Environmental Assessment**, 29 August 2006 [accessed 17 October 2012]

<sup>2</sup> **The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004**, SI 2004/1633 [accessed 11 December 2012]

<sup>3</sup> **The Environmental Assessment of Plans and Programmes Regulations 2004** SI 2004/1633 [accessed 11 December 2012]

<sup>4</sup> Those who prepare plans and programmes subject to the directive and by whom, or on whose behalf, an SEA is prepared for a plan or programme

<sup>5</sup> UK Government, **A Practical Guide to the Strategic Environmental Assessment Directive**, September 2005 [accessed 21 November 2012]

budget plan or programme.

Appendix 1 of the **Practical Guide to the SEA Directive** includes an indicative list of plans and programmes which have been determined to be subject to the directive and also sets out the criteria for applying the SEA Directive.

## Screening

**Screening** is the process that can be undertaken to determine whether a plan or programme requires SEA. Some plans automatically require SEA because they clearly meet the criteria defined in the Directive, whilst other plans and modifications to some existing plans may need to be subject to a screening process and determined on a case-by-case basis. Where the requirement for SEA is determined on a case by case basis the plan-maker must consult the **Statutory Consultation Bodies (Cadw, the Countryside Council for Wales and the Environment Agency Wales for plans and programmes solely in Wales, the Countryside Council for Wales and the Welsh Government for plans operating partially in Wales or operating in other parts of the UK but having an impact on Wales<sup>6</sup>)**. Annex II of the Directive sets out 'significance criteria' to guide the plan maker and Statutory Consultation Bodies at this stage of the process.<sup>7</sup> The **screening consultation** is designed to gain the Statutory Consultation Bodies' opinion on whether the proposed plan is likely to have significant effects on the environment. Where a screening consultation is undertaken, the plan-maker is required to produce a **screening determination**, which must be made publicly available.

## What are the stages in completing an SEA?

The SEA regulations require certain proposed plans and programmes which may have an impact on the environment, to be assessed for their likely effect. The findings of the assessment are presented in an **Environmental Report**. Before completing an Environmental Report the plan-maker must consult the Statutory Consultation Bodies for Wales (Cadw, Countryside Council for Wales and the Environment Agency Wales **for plans and programmes solely in Wales, the Countryside Council for Wales and the Welsh Government for plans operating partially in Wales or operating in other parts of the UK but having an impact on Wales<sup>4</sup>**) to ask for advice on the detail that should be considered in the Report. Once completed the report, alongside a draft of the plan, is then consulted upon with the public and again with the Statutory Consultation Bodies. Issues raised in the environmental report and in responses to the consultation must be taken into account by the plan-maker before the plan is formally adopted.

A plan-maker must:

- Determine, where necessary, in consultation with the Statutory Consultation Bodies whether any plan or programme is **subject to the Regulations** and whether an **environmental assessment** is required;
- Ensure that an environmental assessment is conducted and that an **Environmental Report** is produced, covering the proposals in the plan or programme and realistic alternatives;
- Consult the **Statutory Consultation Bodies** on the scope of the Environmental Report (for no less than 28 days);
- Take account of the **Environmental Report** and the **responses to the consultation** before adopting the plan or programme;
- **Publish information** about the adoption of the plan or programme, including how the Environmental report and responses to the consultation have been taken into account; and

<sup>6</sup> From 1 April 2013 the Countryside Council for Wales and the Environment Agency Wales will be replaced by Natural Resources Wales

<sup>7</sup> Environment Agency Wales, **Strategic Environmental Assessment**, [accessed 17 October 2012]

- **Monitor the environmental effects** of implementing the plan or programme.<sup>8</sup>

SEA should be fully integrated into the plan or programme-making process from the outset and at each decision-making stage thereafter. It should also be used in developing the arrangements for monitoring the implementation of the plan, to inform the next revision or replacement.

## What should be included in an Environmental Report?

Schedule 2 of the Regulations sets out what information should be provided in the Environmental Report:

- An outline of the contents, main **objectives of the plan or programme**, and relationships with other relevant plans and programmes;
- Relevant aspects of the **current state, and likely future state, of the environment** without implementation of the plan or programme;
- The **environmental characteristic** of areas likely to be significantly affected;
- **Existing environmental problems** relevant to the plan or programme;
- **Environmental protection objectives**, at international, EU or national level, which are relevant to the plan or programme and the way those objectives have been taken into account;
- **Likely significant effects on the environment**; including on biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors. These effects should include secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects, and interacting effects;
- Measures envisaged **to prevent, reduce and offset** any significant adverse effects on the environment of implementing the plan or programme;
- An outline of the reasons for **selecting the alternatives** dealt with, and a description of how the assessment was undertaken including any difficulties encountered in compiling the information;
- A description of measures envisaged concerning **monitoring**; and
- A **non-technical summary** of the information provided.

The **Practical Guide to the SEA Directive** includes a number of suggested sources of relevant environmental information.

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<sup>8</sup> Welsh Government, *Strategic Environmental Assessment in Wales*, 2 September 2008 [accessed 12 November 2012]

## What happens when a plan or programme is adopted?

As soon as reasonably practicable after the adoption of a plan or programme, the responsible authority must:

- Make a copy of the plan or programme and its accompanying environmental report **available for inspection** by the public at its principal office;
- **Bring to the attention** of the public the title of the plan or programme; the date on which it was adopted; the address at which a copy of it and its accompanying environmental report may be viewed; the times when an inspection can be made; that inspection is made free of charge;
- **Inform the Statutory Consultation Bodies;** the public consultees; the Welsh Government; and
- Explain how the consultation responses have been **taken into account**.

### Monitoring

The responsible authority must monitor the implementation of each plan or programme and any unforeseen adverse effects at an early stage and be able to undertake appropriate remedial action. Monitoring also contributes baseline information for future plans or programmes.

## Further information

For further information about **Strategic Environmental Assessment**, please contact **Nia Seaton** ([Nia.Seaton@Wales.gov.uk](mailto:Nia.Seaton@Wales.gov.uk)), Research Service.

### See also:

- SI 2004/1656 (W.170) *The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004*
- Office of the Deputy Prime Minister, the Scottish Executive, the Welsh Assembly Government and the Department of Environment in Northern Ireland, **A practical Guide to the Strategic Environmental Assessment Directive**

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