



# The Scottish Strategic Environmental Assessment Review

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## FOREWORD

Protecting and improving the environment brings many benefits for Scottish life. Clean air, land and water provide for healthier lives. Green spaces and access to wild places improve our well-being. While our beautiful landscapes and enviable cultural heritage provide an invaluable asset upon which our tourism industry depends.

Strategic environmental assessment (SEA) plays a vital role in protecting and improving all of these aspects of the environment and more by ensuring that policy-makers across Scotland embed environmental considerations into the plans and programmes that they prepare.

In passing the Environmental Assessment (Scotland) Act in 2005, the Scottish Parliament significantly extended the application of SEA and highlighted its desire that Scotland becomes a leader in this field.

Some six years on, and a decade since the original European SEA Directive, this review is the first full test of how Scottish practice and experience is developing. It asks challenging questions about SEA's effectiveness at delivering improved environmental outcomes. It also investigates whether it can be delivered not just more effectively, but also more efficiently and proportionately.

As statutory Consultation Authorities, the Scottish Environment Protection Agency, Scottish Natural Heritage and Historic Scotland are well placed to help Scotland's public bodies focus their assessments on the key environmental issues facing the country and to help them fully embrace today's environmental challenges by finding new and innovative ways to address them in the plans and programmes they prepare.

This review is intended to help unlock the full potential of SEA and ensure that Scotland's public policy making contributes effectively to environmental protection and improvement and to the challenging targets set by the Scottish Government to address climate change.



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# 1. INTRODUCTION AND BACKGROUND TO THE REVIEW

## 1.1 Introduction to the project

It is ten years since the European Directive 2001/42/EC, the (Strategic Environmental Assessment (SEA) Directive), came into force and nearly six since the passing of the Environmental Assessment (Scotland) Act 2005 (the SEA Act) which extended the scope of requirement for SEA in Scotland. This review is the first formal consideration of how SEA is performing in Scotland and was initiated by the Scottish SEA Consultation Authorities (CAs) to understand the extent to which SEA is making a difference to Scottish public sector policymaking.

## 1.2 The Scottish SEA review

The Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage (SNH) and Historic Scotland (HS) have worked together – supported by the Scottish Government and a project Steering Group – to carry out this review. It has two distinct but related aims:

- (a) **environmental protection and improvement** - to identify whether SEA achieves effective environmental protection and improvement by influencing the preparation of plans, programmes and strategies (PPSs);
- (b) **better regulation** - to identify opportunities to make SEA more efficient for Responsible Authorities (RAs) and Consultation Authorities (CAs) with the aim of streamlining the SEA process, reducing un-necessary resource burdens and eliminating duplication.

The review also covers a number of cross cutting issues including an evaluation of the range and usefulness of guidance and support and identifies how stakeholders are engaged through the SEA process and whether enhancements can be made. The full specifications of the review are set out in Appendix 1.

## 1.3 Administrative arrangements

The review was undertaken by SEPA on behalf of the other Consultation Authorities (CAs), who co-funded the project. The review was overseen by a project steering group comprising a range of Scottish SEA practitioners and experts.

*Figure 1 – Project Steering Group membership*

<b>Project team</b>	
Neil Deasley	Project team leader, Scottish Environment Protection Agency (SEPA)
Sofia Billett	Project team, SEPA
Silvia Cagnoni Watt	Project team, SEPA
<b>Project co-funders</b>	
Alasdair McKenzie	Historic Scotland
Fiona Rice	Scottish Natural Heritage
<b>Practitioners/expert SEA advisors</b>	
William Carlin	Scottish Government

Brian Clark	University of Aberdeen
Graham Esson	Perth and Kinross Council
Colin Gillespie	South Lanarkshire Council
Alison Lax	Cairngorms National Park Authority
Antony McGuinness	East Ayrshire Council
Fiona Simpson	Scottish Government
Eileen Summers	Orkney Islands Council
Tadhg O'Mahony	Rep of Ireland Environmental Protection Agency (by correspondence)

While the review was led by the statutory CAs, the findings and views expressed are based on evidence gathered from workshops, surveys and casework analysis and are not the views of the CAs. The review includes an impartial analysis of the Scottish CAs' performance and roles. Review of draft material by the Project Steering Group was a means of ensuring that the analysis of the CAs was robust and impartial.

#### 1.4 Navigating the report

This report is split into two distinct parts: (a) Chapters 1-3 which provide background information about SEA in Scotland and the methods used to undertake this review and (b) Chapters 4.1 to 4.17 are an analysis of how SEA is performing in relation to a range of topics and processes. These chapters cover significant detail on the SEA processes, the players in these processes and the issues being experienced. Each chapter is designed to stand alone (although with links to other, related, chapters) so that users may focus on one key issue. The chapters are structured and presented so that the key evidence is presented in graphs and tables in the text and where appropriate, a link to relevant recommendations, or to other chapters, is made.

#### 1.5 Common terms and abbreviations used in this report

The following common terms and abbreviations are used throughout this report.

**The SEA Act** – The Environmental Assessment (Scotland) Act 2005.

**The SEA Regulations** – The Environmental Assessment of Plans and Programmes (Scotland) Regulations) 2004 (SSI 2004/258).

**The SEA Directive** – Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment.

**PPS** – Plan, Programme or Strategy – In Scotland, this also includes policies.

**Section 5(3) PPS** – A qualifying PPS under section 5(3) of the SEA Act (including all PPSs that would qualify under the SEA Directive).

**Section 5(4) PPS** – A qualifying PPS under section 5(4) of the SEA Act (those PPSs that would not qualify under the SEA Directive but are caught by the wider scope of the SEA Act in Scotland).

**RA** – Responsible Authority designated under the SEA Act.

**CA** – Consultation Authority designated under the SEA Act.

**ER** – Environmental Report.

**PAS** – Post Adoption Statement.

**NTS** – Non Technical Summary.

**SEA Gateway** – The Scottish Government SEA Gateway.

**SEA activity** – This statement includes any PPS that has had some aspect of SEA applied to it. This includes plans that were screened out, but excludes those that were pre-screened out.

**Plan subject to SEA** – This statement includes any PPS that has been subjected to an assessment and its findings published in an Environmental Report. PPSs screened out are not included in this statement.

**Practitioner** – Normally the primary author of an ER or acting as a co-ordinator for SEA within an authority. These may be in house to the RA or acting as a consultant on behalf of an RA.

**Plan-maker** – Those who are primarily responsible for preparing a qualifying PPS.

**Stakeholder** – Those with an interest in SEA primarily from the perspective of engaging in the consultation process including the public. Generally, this also includes the CAs, although where appropriate, their views are separated and a separate chapter on CA roles and performance is provided.

**Environmental effects** – This term is used in relation to the casework analysis and refers to all environmental effects (significant or minor, positive or negative) identified in an ER or through consultation comments that resulted in an action by the RA.

**Significant adverse environmental effects** – This term is used in the relation to the casework analysis and refers to those effects identified in ERs or through consultation responses that were deemed to be both significant and adverse on one or more SEA topics.

**The Toolkit / The SEA Toolkit** – the Scottish Government's, Strategic Environmental Assessment Toolkit, published in 2006.

## 2. SEA IN SCOTLAND – AN OVERVIEW

### 2.1 About this chapter

This chapter provides a brief overview of how SEA has been introduced into Scots Law and summarises the volume of casework and the administrative processes in place to handle that casework. It also provides a summary of the perceptions of SEA, which set the scene for consideration of evidence in chapters 4.1 – 4.17.

### 2.2 SEA - A brief history

Directive 2001/42/EC (the SEA Directive) came into force on 21 July 2001. For the first time it placed a statutory requirement for certain plans and programmes to be subject to a formal environmental assessment as part of their preparation. European Member States were given until 21 July 2004 to transpose the directive into domestic legislation.

Under the Scotland Act 1999, legislating on environmental issues is devolved to the Scottish Parliament, meaning that Scotland passed its own legislation to implement the directive into Scottish law. This was achieved through the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004 (SSI 2004/258). These regulations transposed the directive for plans and programmes covering all or part of Scotland. For plans and programmes covering Scotland and any other part of the UK, the Environmental Assessment of Plans and Programmes Regulations 2004 (SI 2004 No 1633) passed by the UK Government at Westminster apply. SSI 2004/258 transposed the directive almost verbatim and it came into force in Scotland on 20 July 2004.

As part of the preparations in Scotland for the new regulations, Scottish Ministers in 2003 and 2004 consulted on a proposal to extend the scope of SEA in Scotland beyond that required by the directive. The key principles of the proposed Environmental Assessment (Scotland) Bill as set out at the time of the consultation were<sup>1</sup>:

- *“it will extend the scope of application of the SEA Directive but not materially affect the SEA process, allowing for a smooth transition from one regime to the other”;*
- *“it will include a pre-screening mechanism to allow strategies, plans or programmes with no possible significance to the environment to be exempted” ;*
  - i. *“it will extend the scope of the Directive to include "strategies";*
  - ii. *“in extending the scope of the Directive, it will require environmental reports for a wider range of strategies, plans and programmes but it will not add to the information required to form part of such reports”;*
  - iii. *“it will remove the qualification in the Directive that plans are to be subject to SEA only if they are required by legislative or other means and only if they set a framework for future development consent of projects”;*
- *“it will include provisions to ensure that voluntary strategies, plans and programmes developed by a number of authorities working in co-operation are subject to SEA”.*

<sup>1</sup>Adapted from: *Strategic Environmental Assessment: A Consultation on Proposed Legislative Measures to Introduce Strategic Environmental Assessment in Scotland* - <http://www.scotland.gov.uk/Publications/2003/12/18691/31034>

Underlying the Bill were three key objectives:

- *“to contribute to the Executive's aim of improving the quality of Scotland's environment and making Scotland more sustainable”;*
- *“to achieve better policy making by ensuring that environmental effects are fully considered at an early stage in policy formulation and the environmental effects of different options are assessed”;* and
- *“to contribute to more open government. The public and interested organisations will be able to comment on environmental reports and public bodies will be obliged to explain how they have taken such comments into account”.*

The Environmental Assessment (Scotland) Bill was introduced to the Scottish Parliament on 2 March 2005<sup>2</sup> and was passed on 9 November 2005, receiving royal assent a month later on 14 December 2005. The Environmental Assessment (Scotland) Act 2005 (hereafter referred to as the SEA Act) came into force on 20 February 2006<sup>3</sup>.

Under the SEA Act, qualifying PPSs come under two different sections. Section 5(3) PPSs represent those that qualify under the SEA Directive, while section 5(4) PPSs are those that are beyond the requirements of the directive but which must be considered by the wider application of the SEA Act.

### 2.3 SEA Practice in Scotland – A summary

From July 2004 to the 1 Jan 2011, some 555<sup>4</sup> PPSs affecting Scotland and prepared by 80 different RAs have been subject to at least one formal stage of SEA. Of these, 159 were screened out on the basis that they are unlikely to lead to significant environmental effects, while 396 went on to be subject to a full SEA. Since the coming into force of the SEA Act, a further 308 PPSs have been pre-screened out of SEA on the basis that they are likely to lead to no or minimal environmental effects. [Chapter 4.1](#) provides details of SEA activity.

### 2.4 The Scottish Government SEA Gateway

All Scottish SEA casework is administered via the Scottish Government SEA Gateway<sup>5</sup> and the network of gateways operated by the CAs<sup>6</sup>. The role of the gateways is to ensure that consultations occur in an organised and structured manner. The gateway system operates in the following way for statutory consultations:

Step 1 RA sends the SEA consultation documentation to the Scottish Government SEA Gateway;

Step 2 the Scottish Government SEA Gateway registers the consultation in its database and sends the relevant documents directly to the CAs (via their SEA gateways) informing them of the statutory or agreed deadline;

<sup>2</sup> For details about the progress of the Bill, go to: <http://www.scottish.parliament.uk/business/bills/38-environmentalAssessment/index.htm>

<sup>3</sup> The UK Regulations still apply for all plans and programmes covering Scotland and any other part of the UK.

<sup>4</sup> As at 31 December 2010. Source: Scottish Government SEA Database.

<sup>5</sup> [sea.gateway@scotland.gsi.gov.uk](mailto:sea.gateway@scotland.gsi.gov.uk)

<sup>6</sup> Historic Scotland: [hssea.gateway@scotland.gsi.gov.uk](mailto:hssea.gateway@scotland.gsi.gov.uk); SEPA: [sea.gateway@sepa.org.uk](mailto:sea.gateway@sepa.org.uk); SNH: [sea.gateway@snh.gov.uk](mailto:sea.gateway@snh.gov.uk)

- Step 3 the CAs register the consultation in their local casework recording systems (often part of, or linked to, systems for recording other consultations and casework (e.g. planning consultations)) and assign a case officer;
- Step 4 on completion of a response, the CA sends the documentation to the Scottish Government SEA Gateway within the statutory or agreed deadline set;
- Step 5 the Scottish Government, on receipt of responses from each of the CAs, sends these to the RA with a covering letter.

The gateway process has been in place since the commencement of SEA in 2004. The gateway is administered by the Scottish Government SEA Unit.

Other functions and activities of the gateway include:

- providing advice to RAs on the legislation (stopping short of advising on compliance);
- maintaining a searchable online database<sup>7</sup> of all SEA cases;
- preparing the Annual Report of SEA Activity to the Scottish Parliament<sup>8</sup>;
- acting as a portal for requests for general advice and information;
- preparation and review of the SEA Toolkit and other SEA guidance;
- co-ordinating the SEA Forum<sup>9</sup> (see [Chapter 4.15](#)).

## 2.5 Role of the CAs

SNH, SEPA and Historic Scotland<sup>10</sup> are identified as CAs by the SEA Act and must be consulted at key stages during the preparation of a qualifying PPS. The three CAs provide, within their respective areas of competence, expert advice to RAs on the potential for PPSs to have significant environmental effects. The roles and performance of the CAs are summarised in [Chapter 4.13](#).

## 2.6 General perceptions of SEA

Before considering the evidence gathered by this review, it is important to understand practitioners' and stakeholders' views on the high level strengths and weaknesses of SEA. This is important in order to address what are seen as "the big issues" as well as to understand where there may be misconceptions or inaccurate perceptions. These data are derived from surveys and workshops described in Chapter 3.

### 2.6.1 Positive aspects of SEA

Survey respondents were asked to identify up to four key strengths of SEA as currently practiced in Scotland (figure 2).

The most commonly cited strength was the role SEA plays in improving transparency of decision making in respect of environmental issues. Other aspects such as the very clearly defined requirements of the SEA Act and the requirement for regular consultation are also seen as significant

<sup>7</sup> [www.scotland.gov.uk/Topics/Environment/SustainableDevelopment/14587/SEAG](http://www.scotland.gov.uk/Topics/Environment/SustainableDevelopment/14587/SEAG)

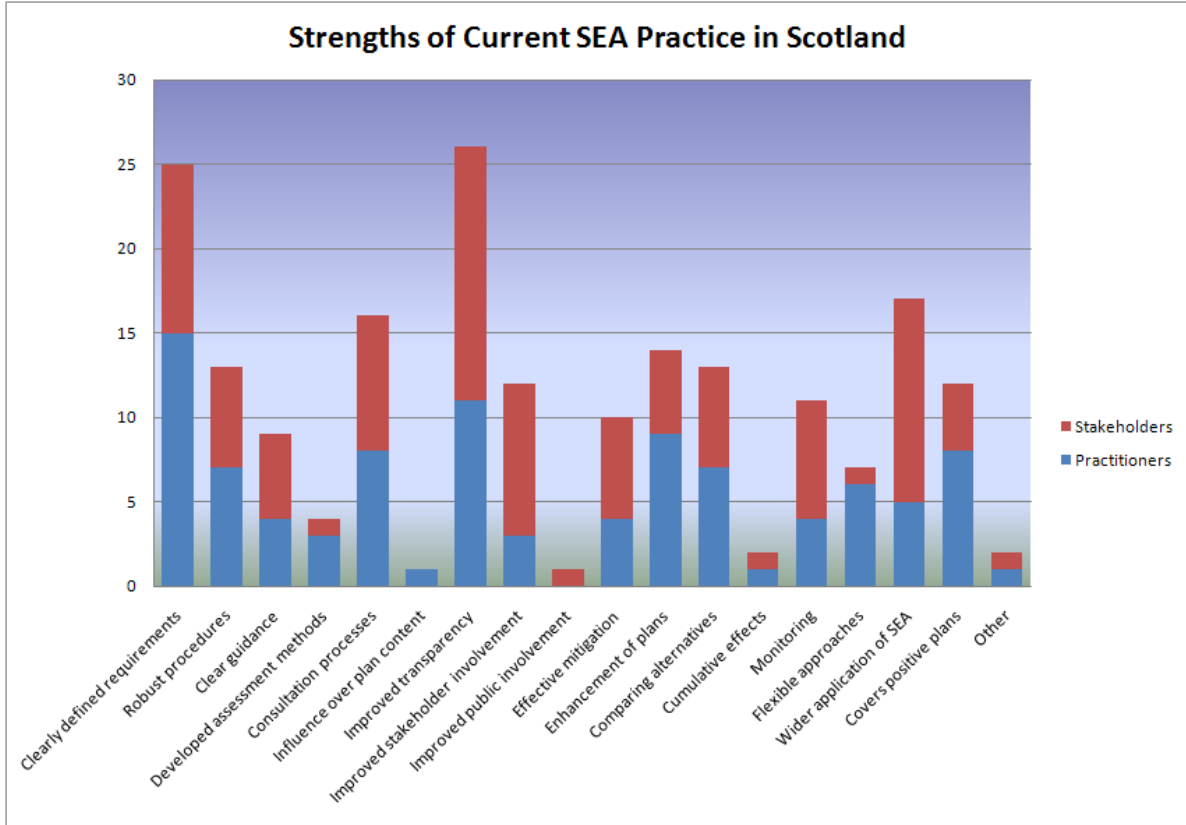
<sup>8</sup> [www.scotland.gov.uk/Topics/Environment/SustainableDevelopment/14587/annualreports](http://www.scotland.gov.uk/Topics/Environment/SustainableDevelopment/14587/annualreports)

<sup>9</sup> [www.scotland.gov.uk/Topics/Environment/SustainableDevelopment/14587/Forum](http://www.scotland.gov.uk/Topics/Environment/SustainableDevelopment/14587/Forum)

<sup>10</sup> Historic Scotland performs this duty on behalf of Scottish Ministers.

strengths. The wider application of SEA in Scotland was also seen as a significant strength by the Scottish SEA community, although mostly by stakeholders compared with practitioners.

Figure 2 – Survey responses - Perceived strengths of current SEA practice in Scotland



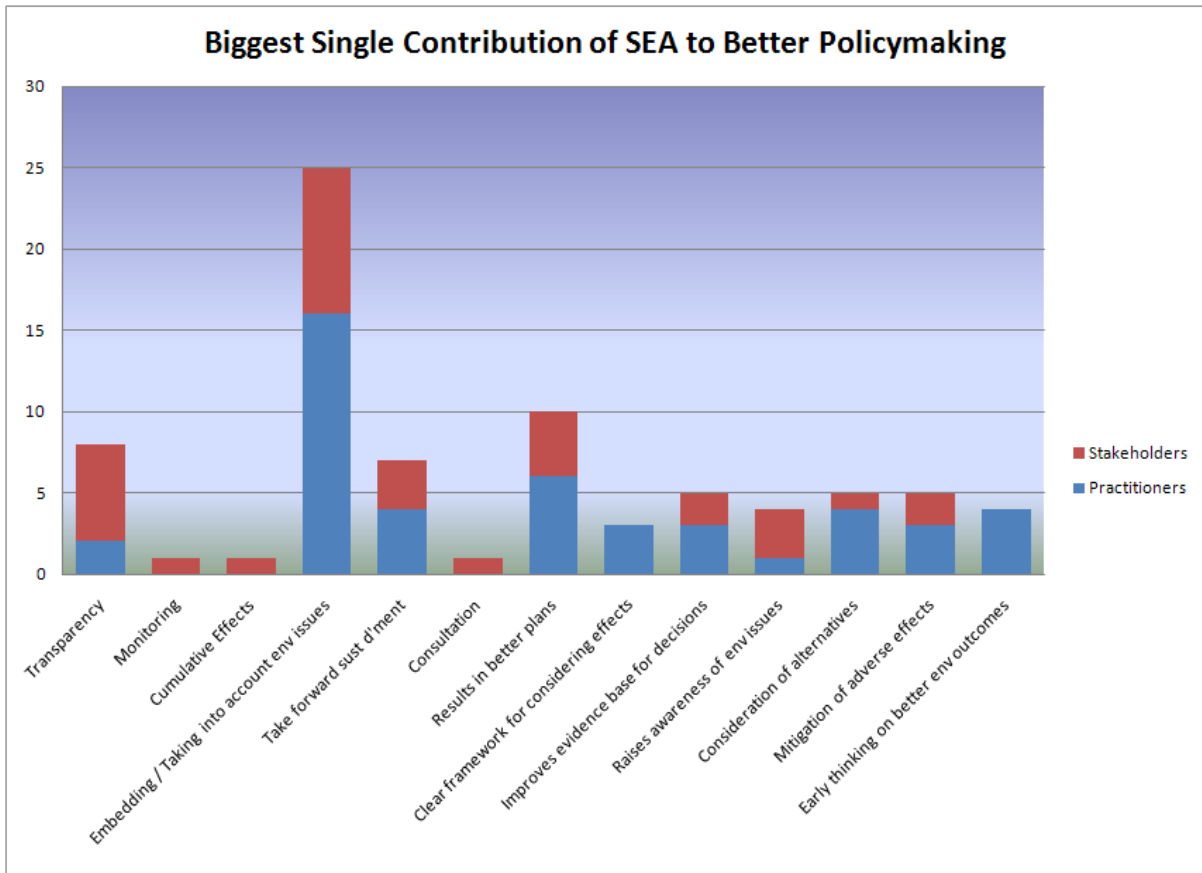
It is noticeable that public involvement, influence over plan content and consideration of cumulative effects were rarely identified as strengths. This view is supported by evidence gathered in the review. Generally, improved stakeholder involvement was seen much more positively by stakeholders than by practitioners.

Survey respondents were also asked to identify the one single biggest contribution they thought SEA had made to improving policymaking (figure 3).

Ensuring that environmental issues are properly taken into account as part of the plan preparation process was clearly seen as the most significant single contribution. This perceived contribution almost directly mirrors one of the three key aims of the (then) Scottish Executive in establishing the legislation<sup>11</sup> – “to achieve better policymaking by ensuring that environmental effects are fully considered at an early stage in policy formulation”. One of the key benefits of this is that it enables policy debates to be addressed very early in the decision making process which in turn reduces the need for these to be discussed at the project level.

<sup>11</sup> Strategic Environmental Assessment: A Consultation on Proposed Legislative Measures to Introduce Strategic Environmental Assessment in Scotland - <http://www.scotland.gov.uk/Publications/2003/12/18691/31034>

Figure 3 – Survey responses – Biggest single contribution of SEA to better policymaking



Many respondents stated that SEA contributed to greater transparency (although stakeholders had a much more positive view of this than practitioners), improved the content of PPSs, and helped emphasize the importance of sustainable development by the early identification of relevant issues. A further contribution was the role of SEA as an environmental awareness raising tool, particularly among those preparing PPSs who previously never had to consider such issues in any detail.

Combining these, the top five strengths/contributions of SEA in Scotland are perceived to be<sup>12</sup>:

- that it ensures that environmental issues are systematically taken into account during PPS preparation;
- that it improves the transparency of decision making;
- its wider application to cover PPSs outwith the Directive’s requirements;
- the clearly defined requirements and procedures laid down by the legislation;
- the consultation processes that are required.

It is interesting to compare these findings with those from a series of seminars held at Strathclyde University in 2008<sup>13</sup>, which also undertook a Strengths Weaknesses Opportunities and Threats (SWOT) analysis of SEA. It found the top five strengths of SEA to be:

- formally brings environmental issues into decision making;

<sup>12</sup> Drawn by combining the results from all four surveys on strengths and the biggest single contribution.

<sup>13</sup> <http://www.iema.net/?module=ievents&func=view&eid=375>

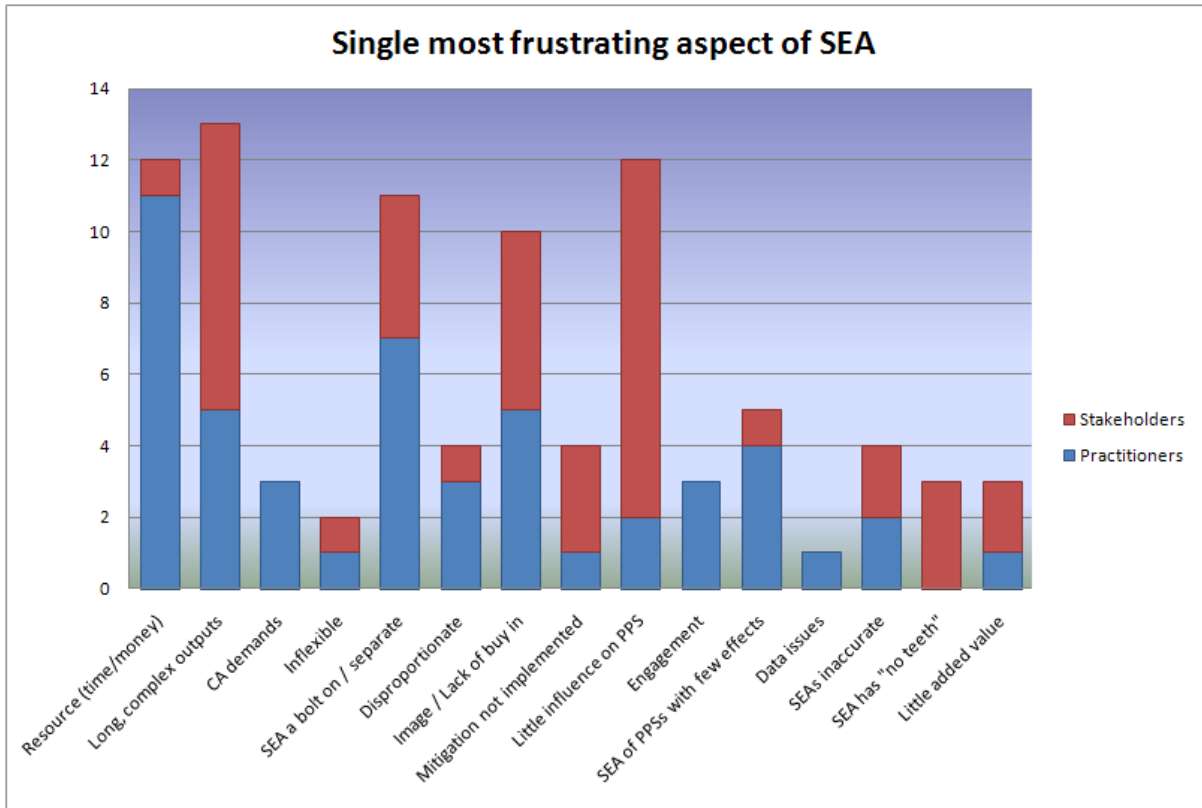


- systematic process allowing early identification of environmental implications of plans;
- increased capacity building /environmental confidence;
- holistic approach to the environment;
- provides an audit trail and transparency.

### 2.6.2 Negative aspects of SEA

Survey respondents were asked to identify the single biggest frustrating aspect of SEA<sup>14</sup>.

Figure 4 – Survey responses – Single most frustrating aspect of SEA



Five key frustrations were identified by almost two thirds of those expressing a view. Given the current resource constraints on the Scottish public sector, it is not surprising that the resources required to do SEA was the most frustrating aspect among practitioners. Many were also concerned about output complexity, the perceived lack of influence over PPS content (although it must be noted that this was particularly the view of stakeholders and much less so that of practitioners) and that SEA is sometimes treated as a “bolt on” process rather than being effectively integrated. These issues are discussed in more detail in chapters 4.1 – 4.17.

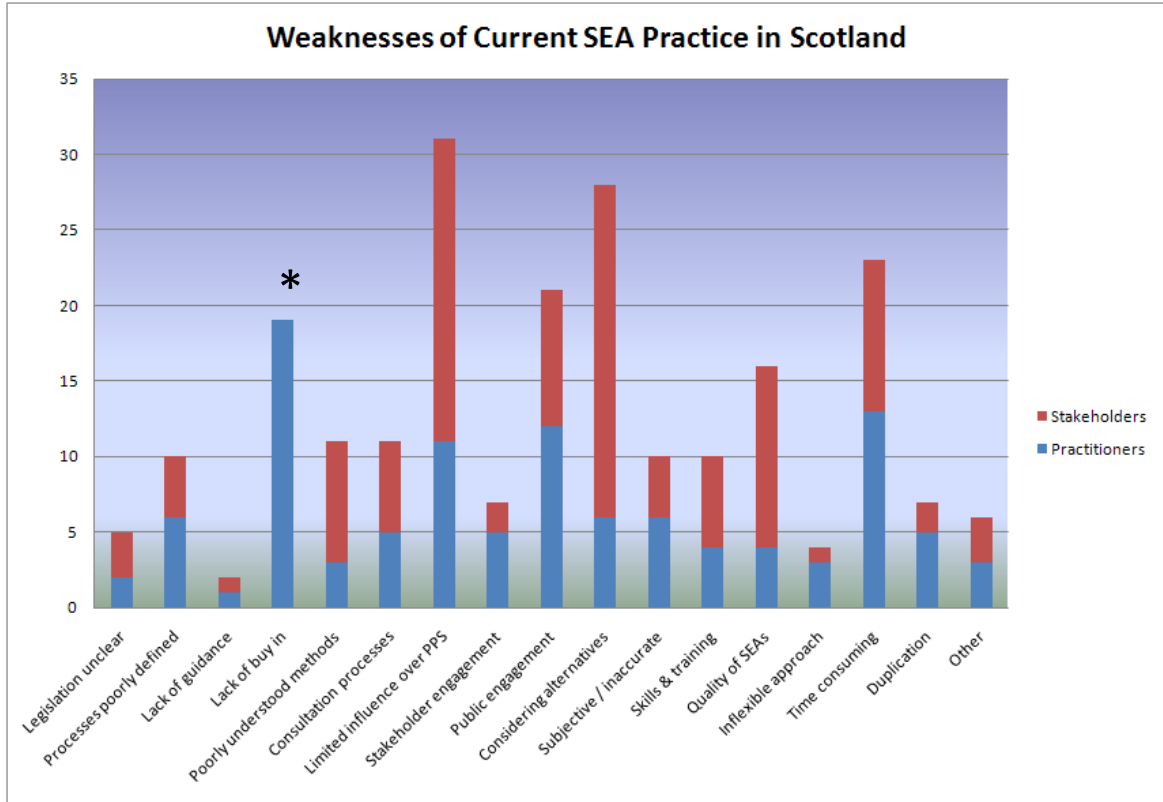
The lack of a positive image of SEA and the consequent lack of buy in to the process by senior managers/elected members was seen as a considerable frustration and one that is “holding back” the potential of SEA. For example, one practitioner said that *“because it is strategic, the benefits are not always clear or immediate....this means that people don’t take it seriously and therefore do not*

<sup>14</sup> 83 respondents answered this question and a small number identified more than one aspect and these are also included in the figures.

think it is important". Another respondent spoke of the way in which the process is portrayed, which results in "negativity from plan makers who view it as an inconvenience rather than an opportunity". Several respondents made specific reference to the lack of awareness among Local Authority elected members. [Chapters 4.1](#) and [4.5](#) discuss this in more detail.

Survey respondents were also asked to identify up to four key weaknesses of current SEA practice.

Figure 5 – Survey responses – Weaknesses of current SEA practice [\*]<sup>15</sup>



The biggest weakness is perceived to be the limited influence of SEA. Again, this appears to be a much greater concern to stakeholders rather than practitioners, which raises issues as to how the influence of SEA is being communicated. Beyond this, the consideration and evaluation of effects on the environment of different alternatives was considered the most significant weakness. This is discussed in detail in [Chapter 4.7](#). Lack of public engagement also scores highly as a perceived weakness. Few consider lack of guidance as a weakness. More detailed evaluation most consider that existing guidance needs consolidation and improvement rather than adding to.

There are some perceived weaknesses which are more prevalent among stakeholders compared with practitioners. In particular, stakeholders are much more sceptical about the influence of SEA over PPS content and also see consideration of alternatives much more negatively than practitioners. For practitioners the main weaknesses are the lack of buy in; the process being time consuming and the lack of public engagement.

<sup>15</sup> \* Note: "lack of buy in" was inadvertently omitted from the general survey as a tick box, hence the data for this are not recorded.

Combining these, the top five weaknesses /frustrations of SEA in Scotland are perceived to be<sup>16</sup>:

- it does not influence the content of PPSs as much as it could do;
- the time and resources required to undertake SEA;
- the difficulty in effectively assessing the different options available when preparing PPSs;
- relatively poor involvement of stakeholders/the public in SEA processes;
- the poor image of SEA generally and the impact that this has on securing appropriate buy in from those making decisions on PPS objectives, direction and policy content.

Again, it is interesting to broadly compare these findings with those from the 2008 Strathclyde seminars. It found the top five weaknesses of SEA to be:

- SEA outputs difficult to understand;
- fear of challenge;
- public participation and engagement;
- lack of integration;
- lack of coherent framework to ensure mitigation happens.

Again, there is some commonality in these findings, most notably around public participation and engagement and also in terms of mitigation.

## 2.7 Perception of SEA – Sustainable development

In the 2004 consultation on the principles for the SEA Bill, the Scottish Executive cited one of the key benefits would be that SEA could “*contribute to the Executive's aim of improving the quality of Scotland's environment and making Scotland more sustainable*”<sup>17</sup>. Figure 6 below shows that there is reasonable support (50%) for the view that SEA in the long term will transform plan-making practices to promote sustainable development. This implies some confidence among practitioners, plan-makers and stakeholders that as SEA practice develops it will increasingly be able to influence PPS content and therefore contribute to sustainable development. However a minority (19%) are clearly of the view that, even over the long term, this will not occur. It is interesting to correlate this with practitioners’ actual experience (figure 7), where only 38% considered that the SEA for which they were responsible resulted in more environmentally sustainable options being taken forward.

<sup>16</sup> Drawn by combining the results from all four surveys on weaknesses and the single most frustrating aspect.

<sup>17</sup> Scottish Executive (2004) *Strategic Environmental Assessment: A Consultation on the Proposed Environmental Assessment (Scotland) Bill (Section 1)*.

Figure 6 – Survey responses - All respondents view on potential of SEA to promote sustainable development

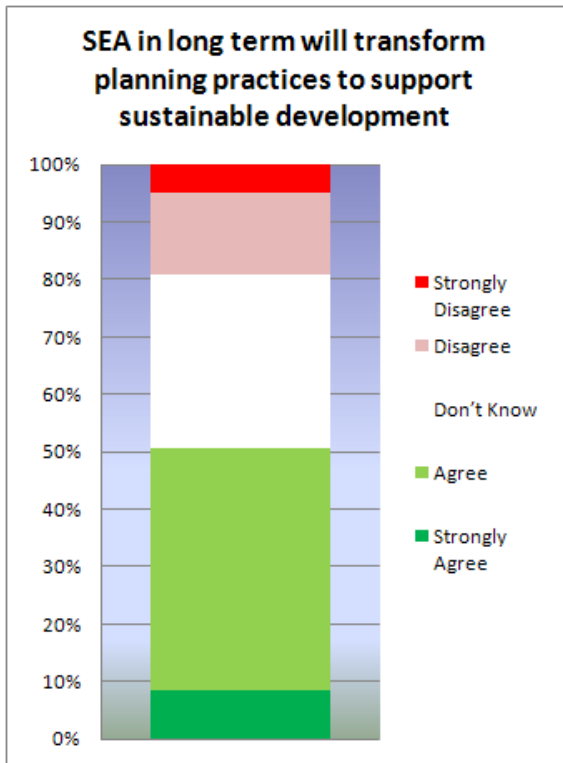
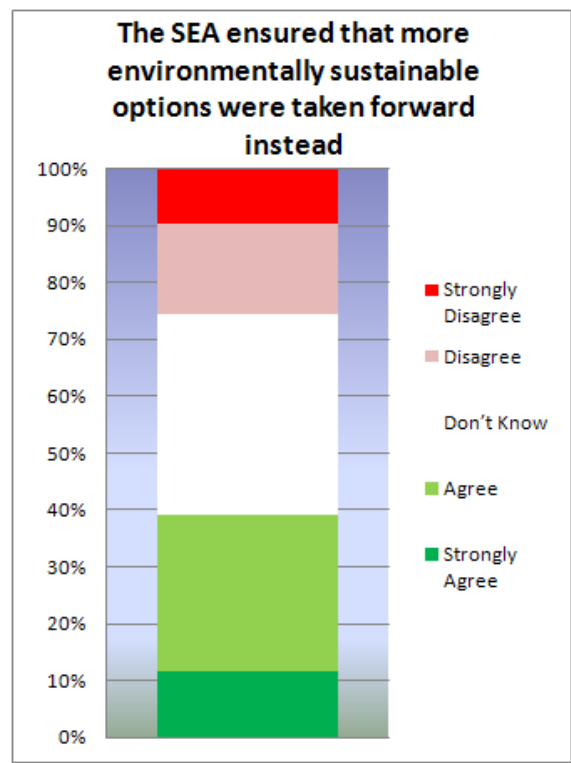


Figure 7 – Survey responses -Practitioners/plan-makers view on whether the most sustainable options taken forward



## 3. RESEARCH METHOD

### 3.1 About this chapter

This chapter describes the approach to the review, including details of the literature review and methods employed to collect evidence from SEA practitioners, plan-makers and stakeholders.

### 3.2 Literature review

A literature review was conducted which considered other studies which have evaluated SEA effectiveness and efficiency (see Appendix 3).

### 3.3 Practitioner and stakeholder workshops

Three workshops were held in October 2010 attended by 65 SEA practitioners and stakeholders. One of the workshops was tailored towards the statutory CAs. The workshops were run in parallel with Scottish Government SEA Toolkit review stakeholder sessions. The workshops consisted of three parts:

- (i) participants were split into small groups to undertake a SWOT analysis of six elements of SEA:
  - screening and scoping;
  - gathering and using baseline information;
  - preparing ERs;
  - considering alternatives and the plan hierarchy;
  - stakeholder engagement;
  - mitigation, enhancement and post adoption monitoring.
- (ii) a prioritisation exercise where participants identified their top weaknesses and opportunities to be taken within each of the six elements. From this, the top three weakness and opportunities were then identified;
- (iii) participants then identified five practical steps which would maximise the opportunities and address the weaknesses. A summary of the workshops is set out in Appendix 4.

### 3.4 Casework analysis

A comprehensive analysis of documentation associated with 32 SEA cases was undertaken. This secured evidence about the effectiveness of SEA as a tool to embed environmental considerations into plan-making by analysing how significant environmental effects were being identified and how they were being taken into account as a PPS is prepared and adopted.

The casework analysis considered that SEA was effective when the significant environmental effects identified through the assessment process were taken into account in some way by the RA. The SEA process is supported by the involvement at different stages of the CAs to provide advice on the SEA process from their respective areas of expertise. The extent to which the CAs comments are taken into account was also used as a measure of SEA effectiveness.

The casework analysis was based on a quantitative approach where a system of scores was developed and used to record what significant environmental effects were being identified, how they were being addressed and how CAs comments were taken into account by the RAs. The proportion of issues taken into account provided the basis for ‘measuring’ the effectiveness of SEA. The source of information and evidence for the scoring was taken from the written documentation including RA SEA documents and CAs responses to the consultations.

The casework sample was designed to broadly mirror the range of types and scales of PPSs that had been subject to SEA over the past five years. Accordingly, the casework portfolio comprised approximately 40% town and country planning PPSs and included a ratio of 45:55 spatial to non spatial PPSs and 20:80 high level (national) to low level (local) PPSs. The range of PPSs used is set out in figure 8 below.

Figure 8 – Casework analysis sample

Sector:	No.	Type:	No
Town and country planning or land use	14	Spatial	15
		Non Spatial	17
Tourism	5	National (high) level Local (low) level	7 25
Waste	1		
Transport	5		
Energy	3		
Forestry	1		
Miscellaneous	3		

The need for the plans to have reached the post adoption stage (in order to analyse how matters raised in the SEA have been taken into account) meant that some of the PPSs in the sample casework review are more representative of earlier SEA practice and may not be fully representative of current practice. A full description of the methods used in the casework analysis, including its limitations, is presented in Appendix 5.

### 3.5 Surveys

Four surveys were conducted between 4 October 2010 and 3 December 2010 to secure SEA practitioner and interest group views on the performance of SEA in Scotland. 111<sup>18</sup> respondents expressed their views in one of these surveys. Four separate surveys were conducted in recognition that different interest groups would be able to answer different sets of questions. It was necessary to distinguish those practitioners who had done an SEA (and could therefore for example answer questions about the process of preparing an ER for a nominated plan they were responsible for) and those who had engaged in the SEA process as a stakeholder (and who could answer questions as to how they viewed the process as a consultee).

<sup>18</sup> Not all respondents answered every question and some did not 100% complete the survey. Accordingly, the total number of respondents answering each question varies.

The four surveys covered the following groups:

- (a) in house practitioners;
- (b) consultant practitioners;
- (c) plan – owners and decision makers;
- (d) stakeholders (including CAs).

Many questions were, however, common across all four surveys, meaning that analysis of some question responses could cover all respondents. The four surveys and the profile of those completing each survey are set out in Appendices 6 to 10.

### **3.6 SEA activity analysis**

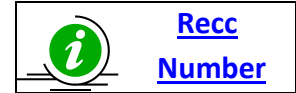
In order to generate data about levels of SEA activity across Scottish public bodies, a search was conducted of the Scottish Government SEA Database. The database provides up to date information about all formal SEA activity in Scotland. The search identified (from 20 July 2004 – 31 Dec 2010):

- the total volume of SEA activity;
- SEA activity by PPS sector;
- SEA activity by named RAs;
- SEA activity by RA type.

## 4. KEY FINDINGS AND ANALYSIS

### Introduction

The key findings and analysis are presented in 17 chapters each covering different aspects of SEA. A summary box highlighting the key evidence and findings is provided at the start of each chapter. The findings set out in these 17 chapters lead to 10 recommendations which are presented at the end. Many of the recommendations are applicable to a wide range of different issues covered across the 17 chapters. Rather than repeat a recommendation every time it may be relevant, an information box is located to the right of the text (see box right) highlighting which recommendations are relevant to address the issue being discussed. Clicking on the recommendation number will direct you to the full wording of the recommendation.



The 17 chapters are:

- 4.1 [SEA activity in Scotland](#)
- 4.2 [Pre-Screening and Screening](#)
- 4.3 [Scoping](#)
- 4.4 [Assessment – Using baseline data](#)
- 4.5 [Assessment – Preparing ERs](#)
- 4.6 [Assessment – Identifying significant effects](#)
- 4.7 [Assessment – Alternatives](#)
- 4.8 [Assessment – Plan hierarchy](#)
- 4.9 [Assessment – Mitigation and enhancement](#)
- 4.10 [Influencing plan content](#)
- 4.11 [Post adoption and monitoring](#)
- 4.12 [Achieving proportionality and efficiency](#)
- 4.13 [Consulting the statutory CAs](#)
- 4.14 [Stakeholder engagement](#)
- 4.15 [Sharing experiences, developing skills](#)
- 4.16 [Integration with other assessments](#)
- 4.17 [SEA and climate change](#)



## 4.1 SEA ACTIVITY IN SCOTLAND

### Key findings

- Nearly 400 Scottish PPSs have been subject to an assessment under SEA legislation between July 2004 and December 2010.
- 42% related to the town and country planning and land use sector.
- The telecommunications and industry sectors recorded no SEA activity between July 2004 and December 2010.
- Local Authorities act as RA for over 80% of all SEA casework.
- High rates of SEA activity in Scottish Government (11% of all SEA activity).
- No evidence of RAs using the pre-screening process inappropriately, although there are widely varying rates of usage.
- No evidence of RAs using screening inappropriately. RAs likely to adopt a precautionary approach and screen a PPS in where there is any doubt.
- Generally low rates of SEA activity among the rest of Scotland public bodies (6% of all SEA activity).
- Very wide variations in rates of SEA activity and in use of pre-screening across Scottish public bodies and Local Authorities.

### 4.1.1 About this chapter

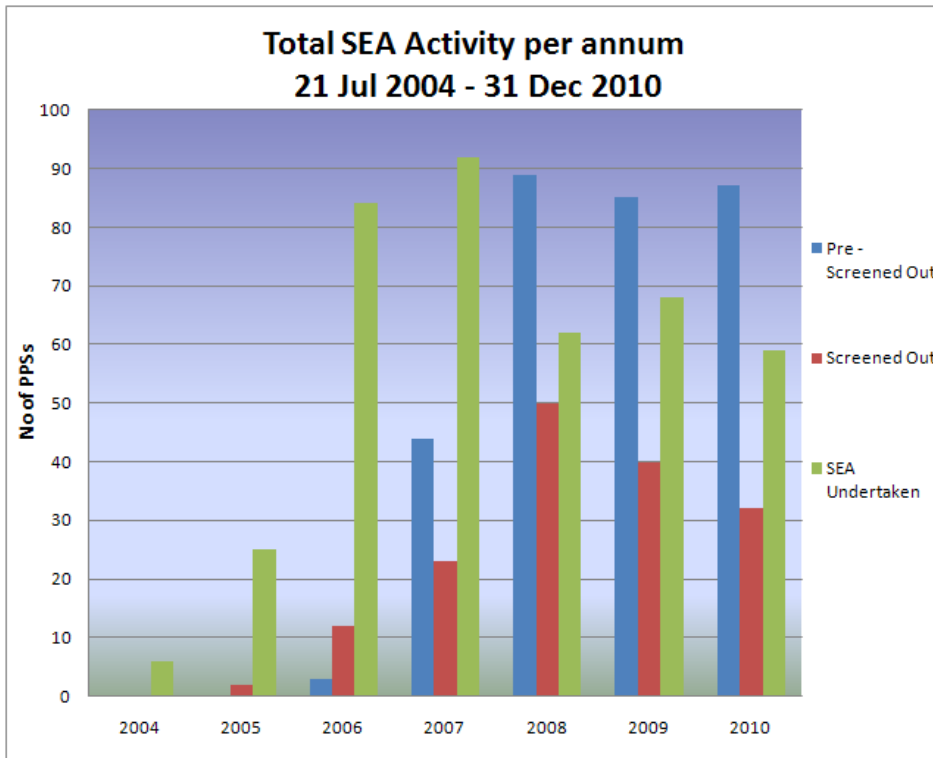
This chapter provides an overview of the scale and nature of SEA activity in Scotland since its introduction in July 2004. It outlines SEA activity across the different plan-making sectors and discusses SEA activity across Scottish public bodies. It also looks in more detail at SEA activity across Scotland's Local Authorities.

### 4.1.2 Total Scottish SEA activity July 2004 – December 2010

From 21 July 2004 to 31 December 2010, some 555<sup>19</sup> Scottish PPSs prepared by 80 different RAs have been subject to at least one formal stage of SEA. These have generated a total of 1,008 consultations with the statutory CAs. Of these, 159 were screened out on the basis that they were unlikely to lead to significant environmental effects, while 396 were subjected to a full SEA. Since the coming into force of the SEA Act in February 2006, a further 308 PPSs have been pre-screened out of SEA on the basis that they were likely to have no, or minimal, environmental effects. In addition to the 555 Scottish PPSs, a further 32 PPSs from UK or European authorities were also submitted to the Scottish Government SEA Gateway. These consultations are excluded from analysis in this review. Figures 9 to 13 summarise the overall levels of SEA activity *per annum*.

<sup>19</sup> As at 31 December 2010. Data supplied by Scottish Government from SEA database - [www.scotland.gov.uk/Topics/Environment/SustainableDevelopment/14587/Database](http://www.scotland.gov.uk/Topics/Environment/SustainableDevelopment/14587/Database)

Figure 9 – SEA database – Total PPSs per annum (21 July 2004 - 31 December 2010)



Within these overall figures, there are considerable differences in the levels of SEA activity across RAs and across plan types. While it is not the object of this review to consider issues of compliance, the level of SEA activity in Scotland is an important consideration when considering its effectiveness.

### 4.1.3 SEA activity by sector

The SEA Act highlights particular sectors to which certain parts of the Act apply<sup>20</sup>. These sectors are used by the Scottish Government to monitor SEA activity. Figure 10 shows total SEA activity by sector.

Figure 10 – SEA database – Total no of PPSs pre-screened out, screened out or where SEA undertaken, by sector<sup>21</sup> (21 July 2004 - 31 December 2010)

	Agriculture	Forestry	Fisheries	Energy	Industry	Transport	Waste Mgt	Water Mgt	Telecomms	Tourism	Planning & Land Use	Misc	TOTAL
PPSs Pre Screened Out	0 (0%)	0 (0%)	1 (0%)	3 (1%)	0 (0%)	2 (0%)	14 (5%)	1 (0%)	0 (0%)	6 (2%)	157 (51%)	124 (40%)	308

<sup>20</sup> SEA Act, Part 1 Section 5(3)

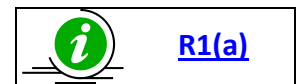
<sup>21</sup> Note: data for sectors taken direct from Scottish Government SEA database, 31 December 2010. It should be noted that there can be difficulties in assigning a PPS to a sector which may lead to some distortion of figures. For example, PPSs associated with carbon management or reduction are generally classified under “waste management”.

PPSs Screened Out	0 (0%)	0 (0%)	0 (0%)	1 (0%)	0 (0%)	3 (2%)	9 (6%)	2 (1%)	0 (0%)	13 (8%)	92 (58%)	39 (26%)	159
PPSs where SEA Undertaken	4 (1%)	5 (1%)	2 (0%)	13 (3%)	0 (0%)	39 (10%)	21 (5%)	7 (2%)	0 (0%)	76 (19%)	163 (41%)	66 (17%)	396
Total SEA Activity by Sector 2004 - 2010	<b>4 (0%)</b>	<b>5 (1%)</b>	<b>3 (0%)</b>	<b>17 (2%)</b>	<b>0 (0%)</b>	<b>44 (5%)</b>	<b>44 (5%)</b>	<b>10 (1%)</b>	<b>0 (0%)</b>	<b>95 (11%)</b>	<b>412 (48%)</b>	<b>229 (27%)</b>	<b>863</b>

PPSs associated with the spatial planning and land use sector in Scotland represent, by some margin, the most common type of plan subject to SEA in Scotland. Some 41% of PPSs where SEA was undertaken were in this sector of which 36% were statutory development plans<sup>22</sup>, 7% government planning policies<sup>23</sup>, 26% supplementary planning guidance and 21% development masterplans.

Beyond town and country planning and land use, tourism was the next highest sector where SEA was undertaken (19% of SEAs undertaken). This figure is heavily influenced by the preparation of core path plans<sup>24</sup> by all of Scotland’s Local Authorities, but also includes PPSs such as access strategies and tourism development strategies. The miscellaneous sector covers a wide range of PPSs outwith those sectors described in the SEA Act and account for 17% of SEAs undertaken. Typically, these include PPSs such as corporate plans, biodiversity action plans, climate change strategies and sustainability strategies. Future recording of SEA activity should disaggregate this sector to allow for more accurate reporting.

There has been no recorded SEA activity of any type in the telecommunications or industry sectors. Given the pace and scale of change in these sectors – for example planning and deployment of developments in mobile phone, broadband internet, fibre optic cabling and digital television technologies – this on the surface may appear surprising. However, in Scotland, the planning and development of telecommunications and industrial development predominantly rests with the private sector. This would exclude such PPSs from falling under section 5(4) of the SEA Act<sup>25</sup> and, given the various qualifying criteria attached to section 5(3) PPSs, means that most will fall outwith the scope of the 2005 Act. However, despite being prepared by the private sector, some telecommunications plans for example may meet the criteria set out in section 5(3) of the SEA Act, and therefore be required by the directive,<sup>26</sup> or may at least require screening. This review has not sought to identify particular examples where this may be the case but it is recommended that this sector is kept under review.



<sup>22</sup> Structure Plans, Local Plans, Strategic Development Plans and Local Development Plans.

<sup>23</sup> Scottish Planning Policies (now consolidated) and the National Planning Framework.

<sup>24</sup> A statutory requirement under the Land Reform (Scotland) Act 2003.

<sup>25</sup> Which only applies to PPSs prepared by the Scottish public sector.

<sup>26</sup> European Guidance on implementing the SEA Directive ([http://ec.europa.eu/environment/eia/pdf/030923\\_sea\\_guidance.pdf](http://ec.europa.eu/environment/eia/pdf/030923_sea_guidance.pdf)) states “For example privatised utility companies may be required to carry out some tasks or duties (such as preparing long-term plans for ensuring water resources) which in non-privatised regimes would be carried out by public authorities. In respect of those functions they would be treated as authorities for the purposes of the directive”.

While the telecommunications sector highlights this issue most clearly, it is possible that a similar situation exists in other sectors where plan-making is essentially the domain of the private sector.

The Scottish Government should continue to keep rates of SEA activity across sectors and across RAs under review and, where considered appropriate, raise awareness of SEA and its requirements through direct engagement of those sectors or authorities.

#### 4.1.4 Pre-screening rates

The SEA Act introduced a means of self exemption from SEA for those PPSs that are considered to have no or minimal environmental effects (see [Chapter 4.2](#)). This exemption is achieved through pre-screening the PPS via a simple notification process. Pre-screening rates have risen steadily since the coming into force of the SEA Act and have levelled out at approximately 80 to 90 PPSs per annum (see figure 9 above). Rates of pre-screening across sectors show some variation from the rates of undertaking SEA, although planning and land use remains the biggest sector by some considerable margin (51% of all pre-screened PPSs). The most significant variation is the higher number of PPSs under the miscellaneous heading (40% of all pre-screened PPSs). This can be accounted for by the wide range of small scale, very high level or “process orientated” PPSs that come forward for pre-screening. Examples are varied but include PPSs such as training strategies, procurement strategies, gender equality strategies and human resource strategies.

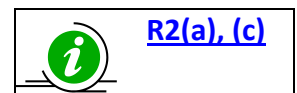
Of note is a pronounced variation in the use of pre-screening by RAs (see 4.1.7 below).

#### 4.1.5 Screening rates

RAs have formally determined through the screening procedure that a total of 159 PPSs are not likely to have significant environmental effects and therefore that SEA is not required. This means that 29% of all PPSs subject to SEA activity are screened out.

Rates of PPSs screened out across the different sectors show very little variation from those PPSs being subject to SEA, with planning and land use again dominating. The very high level of screening out of planning and land use PPSs (58% of all screen out PPSs) could be explained by the high number of PPSs covering a very small geographical area (e.g. development masterplans) where the environmental effects are not likely to be significant or where higher level PPSs (such as development plans) have already fully considered the effects thus making further assessment unnecessary. There is no evidence to suggest that PPSs are being screened out deliberately to avoid SEA and views expressed in the survey suggest that RAs will often err on the side of caution and screen in a PPS when in any doubt. This is reinforced by the requirement to consult the CAs.

Those PPSs qualifying under Section 5(3) of the SEA Act can proceed direct to scoping and may avoid the screening stage altogether. This is not possible for 5(4) PPSs where the screening stage is obligatory. To avoid unnecessary delays caused by this requirement for 5(4) PPSs, some RAs submit screening and scoping reports simultaneously. This approach appears to work well and should be encouraged.

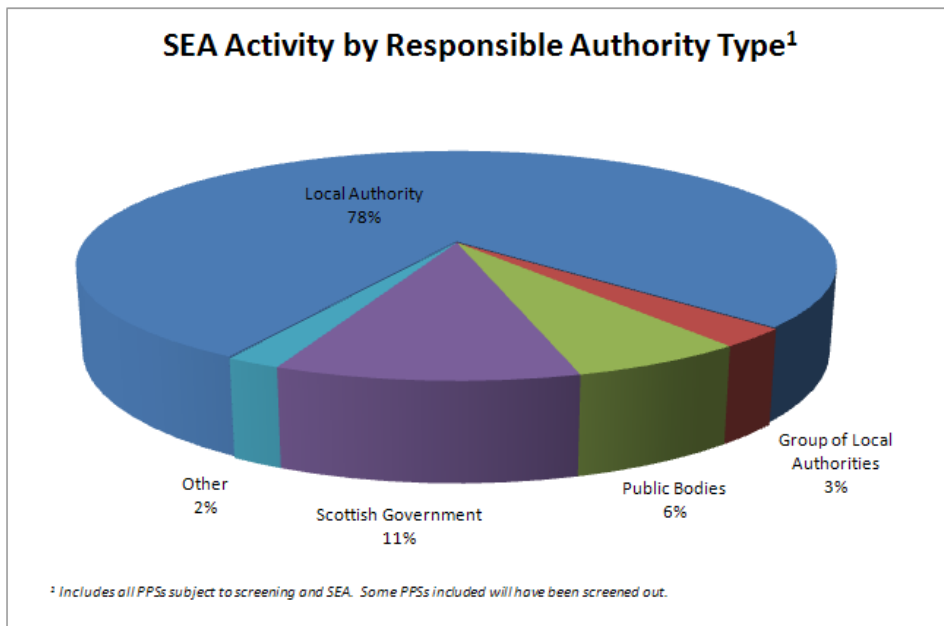


### 4.1.6 SEA activity by RA

*Note: This review has not gathered evidence as to whether or not there were PPSs prepared by Scottish public bodies which should have been subject to SEA but were not. Such compliance issues are for the Scottish Government to keep under review and to consider if action may be necessary. In the period 2004 – 2010, no RA was directed by Scottish Ministers to undertake a screening determination for a potentially qualifying PPS<sup>27</sup>.*

As is to be expected, there are big differences in the levels of SEA activity across different parts of the Scottish public sector. This reflects the different nature of the PPSs they bring forward. As figure 11 shows, by far the biggest group of RAs are Local Authorities<sup>28</sup> (78% of all cases or 81% if PPSs taken forward by groups of authorities are included). This again reflects the nature of the PPSs brought forward by Local Authorities, in particular PPSs in the land use planning sector which as noted above accounts for 41% of all PPSs subjected to SEA. Beyond Local Authorities, the Scottish Government is the next biggest contributor to SEA activity. This reflects the widened scope of the SEA Act which catches Scottish Government policies, plans and even consultations on bills in a way that the directive does not.

Figure 11 – SEA database – SEA activity by public body type (21 July 2004 - 31 December 2010)



It is important to note that beyond Local Authorities and the Scottish Government there are only 13 public bodies<sup>29</sup> which have subjected one or more of their PPSs to screening/full SEA and that this large part of the Scottish public sector accounts for only 6% of SEA activity (see figure 11 above).

<sup>27</sup> Section 11 of the SEA Act grants Scottish Ministers powers to direct a RA to send them details of a PPS in preparation or that has been adopted and where appropriate to direct that RA to enter into the screening procedure for that PPS where they are of the view that SEA may be required. Scottish Ministers also have powers under Section 9(6) to make a screening determination in the event the RA and CA could not agree at that stage. One such determination has been made.

<sup>28</sup> In this review, Local Authorities includes the National Park Authorities.

<sup>29</sup> The term public bodies in this review covers all those authorities, including NDPBs, in the Scottish public sector (see [www.scotland.gov.uk/Topics/Government/PublicServiceReform/simplifyingpublicservices/simplifannexeA](http://www.scotland.gov.uk/Topics/Government/PublicServiceReform/simplifyingpublicservices/simplifannexeA)) but excluding Local Authorities

As noted above, this review has not gathered evidence on compliance. However this would appear to be notably low and suggests that there is a need for far greater awareness raising among Scotland’s public sector beyond Local Authorities and Scottish Government as to the requirements of the SEA Act.

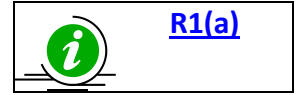
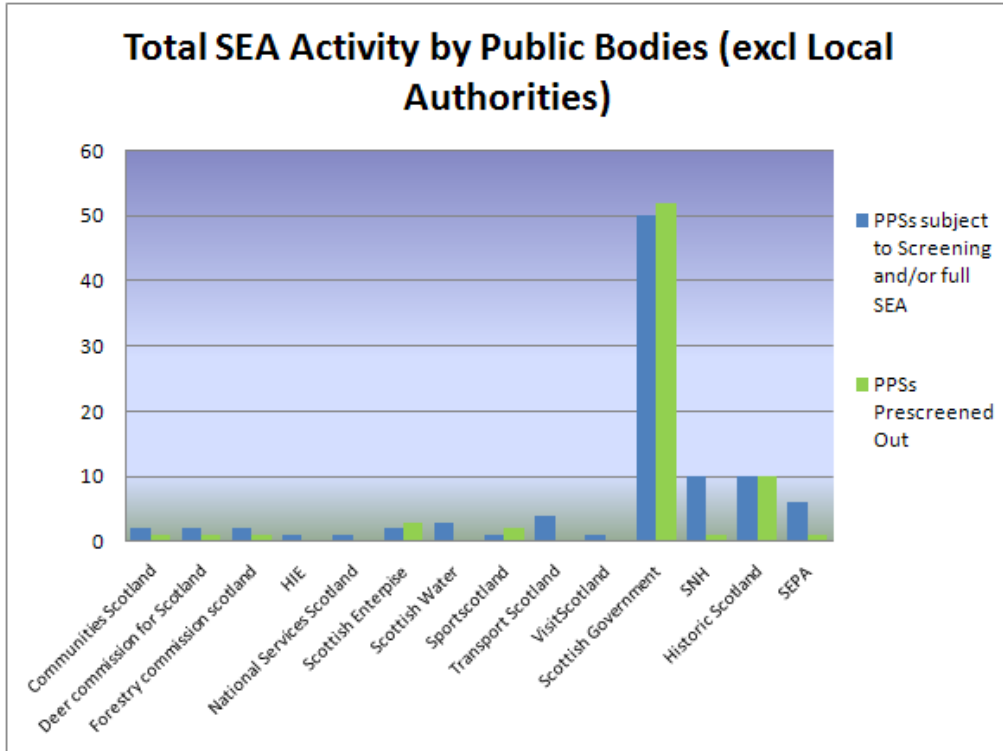


Figure 12 – SEA database – Total SEA activity among Scottish public bodies (21 July 2004 - 31 December 2010)



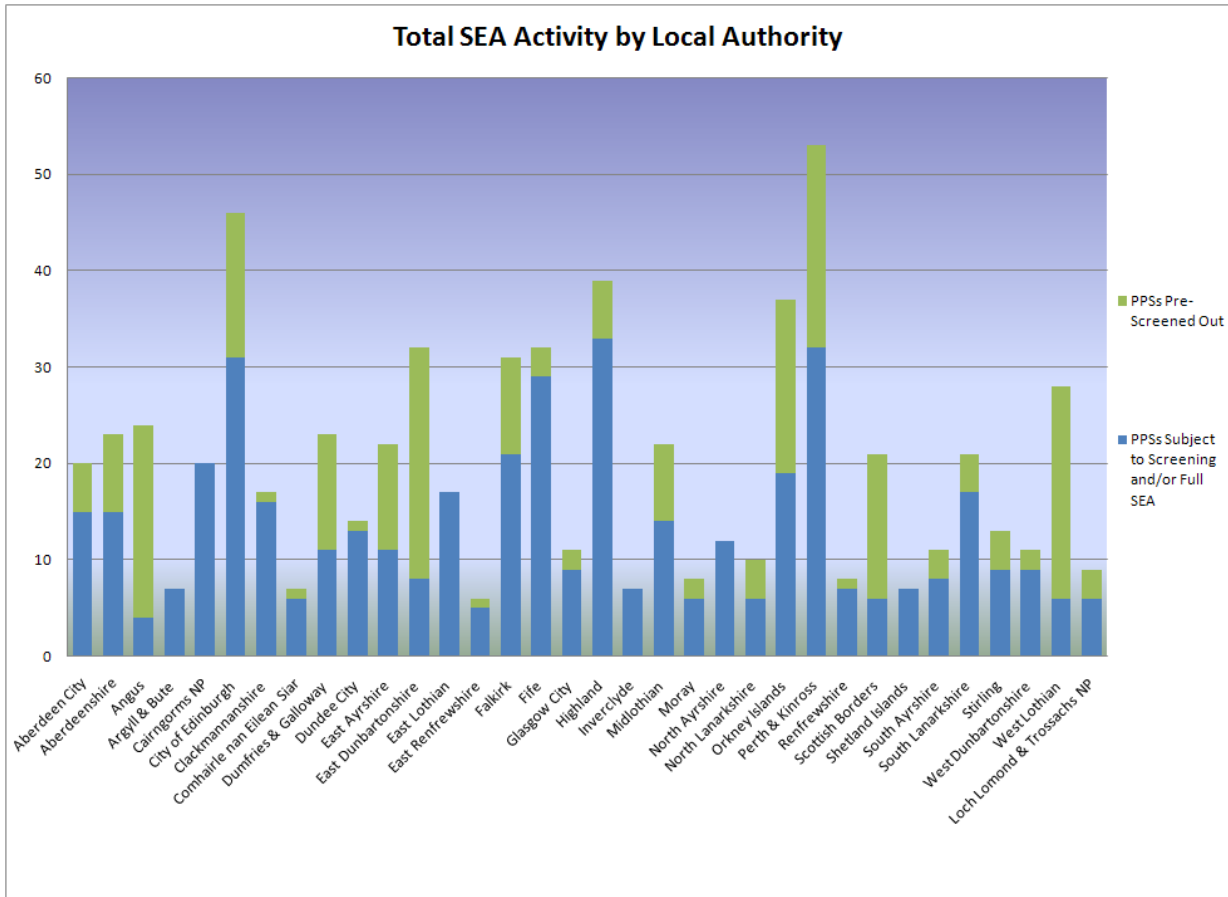
#### 4.1.7 Activity in Scottish Local Authorities

Within Scottish Local Authorities there is a remarkably wide range of SEA activity. From July 2004 to December 2010, the extent of total SEA activity<sup>30</sup> ranged from just four PPSs to 33. Given that Scottish Local Authorities will typically deliver similar types of PPSs (although some will produce more or less to reflect geographic or demographic differences), the reasons for such a wide range should be explored further. There is also a very wide variation in the levels of use of pre-screening, with four authorities pre-screening out over 75% of all their PPSs, while over half of all Local Authorities have used pre screening fewer than three times. Four authorities have not used pre-screening at all. Figure 13 shows the differing levels of activity across Scotland’s 32 Local Authorities and 2 National Park Authorities. It is likely that some Councils will screen or pre-screen out a PPS that another authority would deem requires an SEA. This results in inconsistency.


and Scottish Government Agencies. It includes some bodies that since conducting the SEA have become part of the Scottish Government (e.g. Transport Scotland) or other bodies (e.g. Deer Commission, now part of SNH).

<sup>30</sup> This includes PPSs that were screened/subjected to SEA.


Figure 13 – SEA database – SEA activity by Scottish Local Authorities (21 July 2004 - 31 December 2010)



It is not the purpose of this review to comment on the respect performance of individual authorities or to conduct any investigation of the reasons for the wide variation of SEA activity. Additionally, each Council will have its own programme for bringing forward PPSs and will therefore follow a different timeline for policy development or review. Accordingly no conclusions should be drawn from the above figures. It is however within the remit of this review to provide an overall gauge of SEA activity and to identify any significant variations. Identifying the exact reasons for such a wide variation in activity requires further research, but possible influencing factors may include the following:

 [R1\(a\)](#)

- *SEA focused in only one department* – Survey responses show that less than one-third of practitioners think that their SEA promoted greater integration of different parts of their organisation. Similarly, only 37% considered that the skills and experience learned from their SEA were transferred to other parts of the organisation. This suggests that awareness of SEA, and the skills required to conduct an assessment, are not being transferred and therefore awareness of SEA can be concentrated into one part of an organisation. In the case of Local Authorities, this tends to be the

 [R1\(b\)](#)  
[R2\(h\)](#)  
[R7 \(f\)](#)

planning department. The different rates of activity may therefore be partly explained by the extent to which SEA has been “mainstreamed” across an organisation.

- *Role of SEA co-ordinators* – Linked to the above, those authorities with a central or shared SEA resource may be better able to ensure that awareness of SEA requirements is spread across an organisation and that when SEA is required resources are made available through training, templates, standard methods or baselines etc.
- *Awareness of pre-screening* – The very wide variations in pre-screening activity suggest a greater awareness of this process in some organisations than in others.
- *Different types of authority* – There does not appear to be any particular differences in activity between predominantly urban or rural authorities or between large authorities and small ones. This would suggest that the differences are likely to be more down to the way SEA is understood and mainstreamed across an authority rather than its type, size and the area it covers.

#### 4.1.8 Applicable recommendations

The following recommendations are applicable with respect to this chapter:

- [Recommendation R1 – SEA activity and compliance.](#)
- [Recommendation R2 – Improving efficiency and proportionality.](#)
- [Recommendation R7 – Working together to provide guidance and support.](#)



## 4.2 PRE-SCREENING AND SCREENING

### Key findings

- No evidence that pre-screening is being used inappropriately to exempt PPSs.
- CAs regularly review pre-screening reports on an informal basis and will notify Scottish Government/RA where they have concerns or points for clarification.
- No evidence that screening is being used inappropriately to exempt PPSs, and evidence points to RAs adopting a precautionary approach and screening in when in any doubt.
- Scope to remove the formal need for screening where RAs are of the view that SEA is needed.
- Screening template and guidance is considered too complex and should be simplified and demonstrated through good practice.
- Determining significance is proving challenging for some PPSs and there is scope for providing improved support through the SEA Toolkit.
- Content of Screening Reports is felt about right with no need for change.
- View expressed by some RA respondents that “environmentally positive” PPSs should be exempted from SEA, but this was not considered appropriate or practical.
- Scope to amend advertising requirements at screening stage to reduce costs and promote better ways to communicate screening determinations.
- Twin tracking (and occasional integration) of screening and scoping becoming common.

### 4.2.1 About this chapter

This chapter considers how RAs are using pre-screening and screening processes to determine which PPSs should, or should not, be subjected to SEA. These are important stages in ensuring that SEA is proportionate by requiring only those PPSs with significant environmental effects to be subject to assessment.

### 4.2.2 Background

*Pre-screening* - The SEA Act enables certain PPSs that will have no or minimal effects on the environment to be pre-screened out from SEA via a notification process<sup>31</sup>. 308 PPSs have, to 31 Dec 2010, used the pre-screening process. The pre-screening process involves the RA notifying the Scottish Government SEA Gateway of the PPS title and a brief description of its content and the area or location to which it relates. Although not prescribed by the legislation, many pre-screening notifications will also contain a reasoned opinion from the RA of the reasons why no or minimal effects are considered likely. The Scottish Government maintains a register of pre-screened PPSs<sup>32</sup>.

<sup>31</sup> SEA Act, part 1, section 7.

<sup>32</sup> <http://www.scotland.gov.uk/Topics/Environment/SustainableDevelopment/14587/Register>

*Screening* – The SEA Act makes provision for those PPSs that are not likely to have significant environmental effects to be screened out. Sections 8, 9, 10 and 11 of the Act set out the procedures to be followed. RAs entering into the screening process are required to summarise their views as to whether or not the PPS is likely to have significant environmental effects and to send this to the CAs for their consideration. CAs must, within 28 days, respond with their view. The RA must then make a determination based upon its view and upon the views received from the CAs as to whether the PPS is likely to lead to significant environmental effects and therefore if an assessment is required. Determinations must be formally published within 28 days and sent to the CAs and advertised locally. Scottish Ministers have powers<sup>33</sup> to request details of a PPS that come to their attention in order to consider whether SEA may be required and where appropriate to direct a RA to carry out an assessment or to undertake a screening determination.

### 4.2.3 Pre-screening

As noted in [Chapter 4.1](#), there are significant variations in the use of pre-screening by Scottish public bodies, particularly Local Authorities. There is little evidence that the pre-screening process is not working effectively or that the process of pre-screening is resulting in unnecessary burdens.

While there is no statutory requirement to do so, it was found that CAs do review pre-screening notifications. For example, all pre-screening notifications are formally logged into the CAs' SEA consultation databases and when considered necessary assigned to an officer to review. The SEA Gateway provides an informal window of 10 days for CAs to feedback any concerns to the Scottish Government. There are a small number of examples where pre-screening reports have been questioned and further detail provided by the RA. No pre-screening determinations have been formally challenged. Some CA respondents to the survey indicated that in a few cases lack of detail about a PPS within pre-screening made review difficult.

Some stakeholders, particularly from the Non-Government Organisation (NGO) sector, consider that some PPSs are being pre-screened inappropriately and some formal review by the Scottish Government may be appropriate. Some felt that reviewing pre-screening notifications should be a statutory role for CAs. Given the informal arrangements in place, and a view that pre-screening is generally working effectively, it is not considered that a new statutory role is necessary.

Sometimes, pre-screening is used to exempt PPSs where any significant environmental effects have been fully considered through SEA of higher tier PPSs.

### 4.2.4 Screening

The screening stage is a key one in determining which PPSs should or should not be subjected to SEA. The importance of being able to determine what constitutes "significance" is therefore key to the success of screening.

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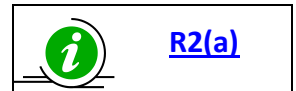
<sup>33</sup> SEA Act Section 11

### 4.2.5 Screening activity

There have been 370 screening consultations undertaken since the commencement of SEA in 2004. From these, 159 PPSs have been determined as having no significant environmental effects and were screened out of SEA. There do not appear to be concerns or evidence that the screening process is being used inappropriately to exempt PPSs from SEA. In fact it would seem that the opposite is true in that RAs are adopting a precautionary approach and screening in PPSs in the event of any doubt (see 4.2.9).

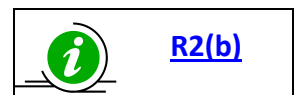
### 4.2.6 Screening for section 5(4) PPSs

PPSs qualifying under section 5(3) of the SEA Act are able to move straight to the scoping stage if it is determined to be a qualifying PPS. Section 5(4) PPSs however cannot directly proceed to scoping even if the RA is of the opinion that significant effects are likely and that SEA is required. This triggers the need for a screening consultation, a formal determination and a formal newspaper advertisement. Many practitioners see this as unnecessary, costly<sup>34</sup>, likely to result in delays<sup>35</sup> and potentially confusing. It can also make the process appear long and unnecessarily bureaucratic, particularly where formal approval to submit a screening report is needed<sup>36</sup>. From the commencement of the SEA Act in 2006, this has occurred in some 94 cases. Accordingly, there appears to be limited benefit in Section 5(4) PPSs undergoing screening where the RA intends to progress to SEA (although the determination statement does afford an early opportunity for awareness raising about the SEA) and it is considered that a similar approach to that used for Section 5(3) PPSs could be appropriate. Amending this would require a change to the SEA Act. Some RAs undertaking SEA of a 5(4) PPS are twin tracking the screening and scoping stages in order to reduce time delays.



### 4.2.7 Screening template

Almost all screening consultations use the Scottish Government's template which provides section headings and also incorporates Schedule 2 from the SEA Act which provides criteria for determining the likely significance of effects on the environment. Survey data reveal that only approximately half of the respondents found the template easy to use whilst many considered that the template, particularly Schedule 2, was difficult to use. Typical views were that the template is "too complicated", "not clear", its language is "technical and difficult to decipher". In particular the questions included in Schedule 2 were not considered to be helpful by many and some suggested that further advice and guidance to help interpret them was needed. It could also benefit by being tailored better to the wider types of PPSs covered by the SEA Act. Schedule 2 is taken from the SEA Directive and accordingly the language used cannot be amended. There may be scope however to reconsider other aspects of the template, to better explain the meaning of the criteria and also to provide some case study examples of significance to guide RAs through the screening process.



<sup>34</sup> See Chapter 4.14 for details of newspaper costs.

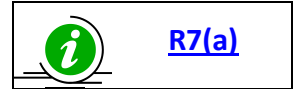
<sup>35</sup> As screening triggers a 28 day consultation period.

<sup>36</sup> Some practitioners advise that Council approval is required prior to submitting such documents.

#### 4.2.8 Screening reports

Generally – despite some of the views about the template – the content of screening reports was considered appropriate. Some CA workshop attendees/survey respondents considered that more information about PPS content should be included in screening reports as it was sometimes difficult to ascertain the proposed PPS content and what effects it may therefore have. Some RAs pointed out that screening is undertaken so early in the PPS preparation process that it can be very difficult to ascertain at that point what the effects may be. One practitioner stated that their PPS screening “*happened in the very early stages before the content was known*” and therefore that “*it did not help focus the SEA on the key issues....(this) developed as the PPS itself developed*”.

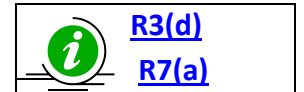
Accordingly, there may be issues around the timing and content of screening consultations that good practice guidance could usefully cover. Generally however screening reports were not considered to be problematic.



#### 4.2.9 Determining significance

Around 70% of survey respondents indicated that determining whether a PPS was likely to lead to significant environmental effects was straightforward. However, data from the workshops and text comments in the surveys reveal that some RAs do find difficulties and that some RAs are so unclear on significance that they err on the side of caution and decide to undertake SEA. This may result in some PPSs without significant effects being subject to SEA. The issue of determining significance is one that occurs not just in screening, but is prevalent across scoping and the assessment process.

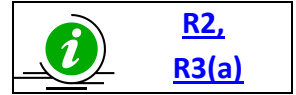
Some consider that CAs should do more to help RAs screen out plans where it is not clear whether significant effects are likely, although there is only limited evidence to suggest that the CAs are not helpful in this regard with only 18% of practitioners surveyed stating that CA screening responses were not helpful. Determining significance is discussed in detail in [Chapter 4.6](#).



#### 4.2.10 Screening out PPSs designed to protect and improve the environment

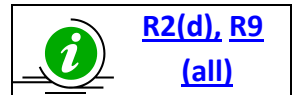
Many survey respondents questioned the need for PPSs that have a specific remit to protect and improve the environment should be subjected to SEA. Subjecting such PPSs to SEA is deemed by some practitioners to be disproportionate to the value added. One called this “*clearly pointless*”, another said that it does not “*add value to PPS making*” whilst another noted that “*putting Local Biodiversity Action Plans (LBAPs) through SEA for example seems to be disproportionate*”. Many PPSs do have specific objectives – some of them written in statute - that are focused on protecting and improving the environment. Examples include LBAPs, River Basin Management Plans (RBMPs) and Conservation Area Plans (CAPs). It may be the case however that such PPSs can have unintended consequences on wider aspects of the environment which may not be part of their core focus. For example, in its consideration of the Scotland and Solway Tweed RBMPs, SEPA found that while the plans were likely to lead to significant positive effects in relation to water, soil, biodiversity and human health, they also had potential adverse effects on climatic factors as striving to improve water emissions standards will require significantly more energy through increased treatment prior to discharge.

Accordingly, while it is likely that such PPSs will benefit less from the application of SEA than others, it is difficult to identify how legislation or guidance could be amended to identify every possible circumstance where a “positive PPS” is brought forward. It is not always apparent what PPSs may lead to what effects, therefore it is potentially very difficult to alter the screening process to reflect this and could result in greater confusion. More robust screening so that only those PPSs with truly significant effects are subjected to SEA may assist in this regard. Similarly, more robust scoping that focuses assessments on the significant effects may enable much more proportionate and streamlined assessment of these types of PPS). This is discussed in more detail in [Chapter 4.12](#).



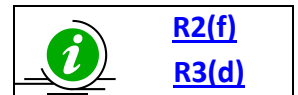
#### 4.2.11 Costs associated with screening

All screening determinations require to be publicised through an advertisement in at least one newspaper circulating in the area to which the PPS relates<sup>37</sup>. It also requires to be published at the RA’s principal office and on its website. The CAs must also be notified. In some cases this is required even where a PPS is to progress to SEA. Many RAs consider that the requirement to publish in a newspaper is both costly and an ineffective means of communicating the determination to the public. We do not recommend that this provision is removed as it represents one of the few ways in which the public and stakeholders can be informed about a decision to screen a PPS from SEA; however it is recommended that the Scottish Government consider if alternative ways of advertising screening determinations can be developed.



#### 4.2.12 CA role at screening

45% of practitioners found the CA screening response to be helpful or very helpful. This contrasts markedly with the higher scores for the CA scoping responses. This is likely to be because in many cases the CA response at screening will merely affirm the determination made by the RA and provide no further information. No specific criticisms of CA roles and performance at the screening stage were made. As part of the proposal for greater front loading of CA advice, there may be scope for CAs to provide more information in screening responses about the key issues likely to be of significance. This will help RAs to consider the scope and focus of the SEA at the earliest possible stage.



#### 4.2.13 Applicable recommendations

The following recommendations are applicable with respect to this chapter

- [Recommendation R1 – Promoting the value of SEA.](#)
- [Recommendation R2 – Improving efficiency and proportionality.](#)
- [Recommendation R3 – Focusing assessments: improving scoping and the evidence base.](#)
- [Recommendation R7 – Working together to provide guidance and support.](#)
- [Recommendation R9 – A more engaging process.](#)

<sup>37</sup> SEA Act Section 10

## 4.3 SCOPING

### Key findings

- Effective scoping is absolutely fundamental to delivering an effective, proportionate and focused SEA.
- A good scoping process normally leads to an easier and proportionate SEA and early discussion on key issues.
- Most practitioners feel the benefits of a good scoping process outweigh the time it takes to prepare scoping reports, which generally were found to be working well as a consultation device (albeit some are overly long and contain superfluous information).
- Scope for RAs to augment formal scoping reports with other methods such as stakeholder workshops.
- Scope for RAs to engage stakeholders more proactively at scoping stage.
- Timing of scoping is critical – too early and the PPS may not be developed enough to know what scoping may be appropriate, too late and substantive decisions may have already been made.
- RAs adopt a precautionary approach and tend to “scope in” topics when in doubt.
- Air is the most commonly “scoped out” topic.
- There is considerable scope to improve the focus of assessments on to the key issues of importance. This can be achieved through robust scoping and through improved use of baseline data to inform RAs about the key issues.
- Scope to refocus CA effort to the scoping stage as part of early engagement and “front loading” information and identification of key issues. CA responses also more influential at scoping stage.

### 4.3.1 About this chapter

This chapter analyses the following aspects of the scoping process: the preparation and content of scoping reports, the process of scoping SEA topics into or out of the assessment, establishing the level of detail for the assessment and stakeholder engagement in scoping.

### 4.3.2 Background

Scoping is a statutory SEA stage under the SEA Act<sup>38</sup>. Its purpose, as prescribed by the Act, is to establish in consultation with the statutory CAs the “*scope and level of detail of the information to be included in the ER*” and “*the consultation period (a RA) intends to specify (for the ER)*”. In Scottish practice, however, the scoping process tends to involve much more, including discussion of assessment methods and techniques, early baseline data collation, reporting on other relevant plans and programmes, early stakeholder engagement and early consideration of key issues that could be included in the assessment.

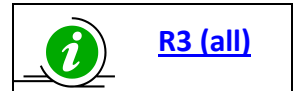
<sup>38</sup> SEA Act Section 15

The scoping stage is almost universally undertaken through preparation of a scoping report which forms the basis for consultation with the CAs. This is not prescribed by the SEA Act but is established practice, reinforced by guidance.

### 4.3.3 Importance of scoping stage

Scoping is seen by almost all practitioners as one of the most important stages of SEA, providing an agreed framework for undertaking the assessment. Many practitioners considered that a good scoping process normally leads to an easier and more proportionate assessment process, not least as it raises issues early and therefore enables them to be communicated and discussed earlier.

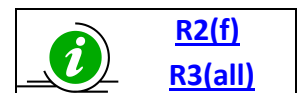
One practitioner stated that scoping was vital in communicating key issues to the plan-maker early: *“scoping was undertaken early in the strategy’s development and was very beneficial in...raising awareness of potential environmental challenges and embedding the environment within decision making”*. Accordingly, scoping is a key plank of both efficiency and effectiveness and getting it right plays an important role in the influence of SEA and its proportionality.



### 4.3.4 Scoping reports and processes

Generally, the process of preparing and consulting upon scoping reports appears to be working well. 83% of practitioners<sup>39</sup> said that they thought the scoping report provided a good basis upon which to prepare the ER. Many practitioners spoke of the benefits of having an “agreed” approach at the scoping stage and that this made it easier to prepare ERs. Some also identified the benefit of scoping in helping raise environmental issues very early in PPS preparation.

It is apparent from casework assessment and from workshop and survey data that scoping reports can be lengthy – some consider unduly lengthy given that their purpose is to ascertain the scope and level of detail of information to be included in the assessment. However, many - particularly practitioners and those within CAs - find the additional information useful in coming to a view as to what the significant environmental effects are likely to be. One practitioner also noted that *“providing a comprehensive scoping report ...ensured we, the CAs and interested parties were able to check data and identify potential issues. It also allows CAs to make us aware of additional data we might need”*. Another practitioner stated that while the scoping report *“may have been a longer document...we take the view that the more that can be agreed at this stage, the easier the writing of the ER will be. It ensures that everyone can concentrate on the analysis in the ER when it is published rather than spending time checking it”*. Many therefore see benefit in the comprehensive nature of the scoping process that has evolved in Scottish practice. Accordingly, there is potential for greater front loading of some of the information to the scoping stage in order to allow for greater concentration on analysis of the assessment in the ER (discussed further in [Chapter 4.12](#)).

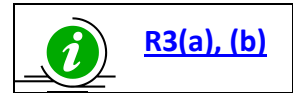


To enable CAs to play a more active role in helping RAs to scope, it would appear sensible for CAs to be able to see well developed baseline information at the scoping stage. This would allow them to be clearer about what the key environmental issues are likely to be based on the information presented. For CAs, not being able to comment on the appropriateness of baseline information

<sup>39</sup> Combined practitioners in house and consultants (46 respondents) Part 2A scoping question 5a



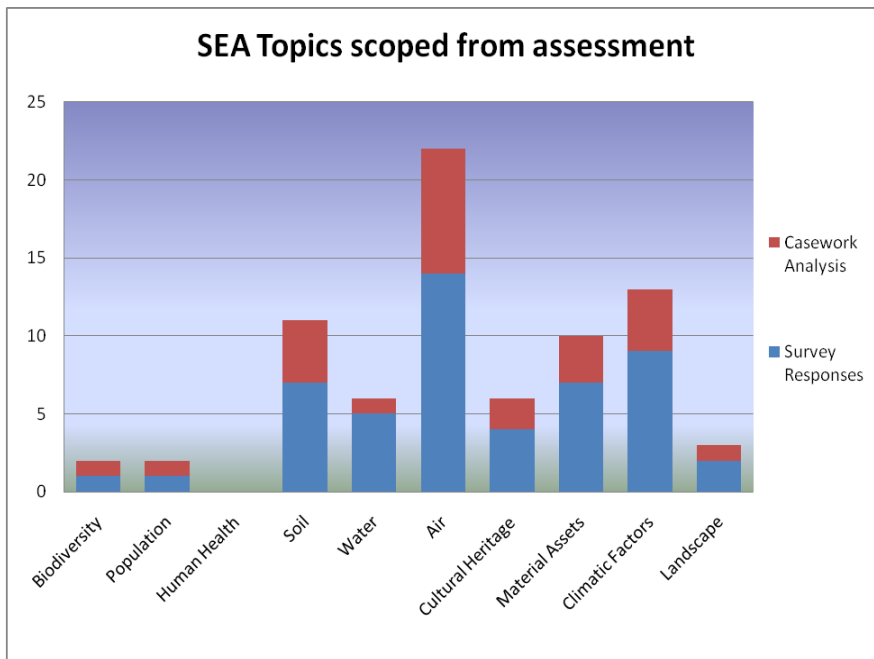
until the ER stage is often too late as by then it is more difficult for the RA to take into account any issues raised. Accordingly, RAs should include well developed environmental baselines in scoping reports to enable CAs and other stakeholders to consider and advise on their appropriate use in the ER.



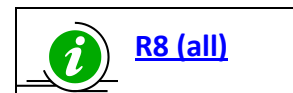
### 4.3.5 Scoping SEA topics

When questioned, 39% of practitioners stated that they had scoped some SEA topics out of the assessment at the scoping stage for the nominated PPS<sup>40</sup> they answered questions on. Further, the casework analysis noted where topics had been scoped out of the assessment. Figure 14 below brings these data together and shows that for these PPSs at least, air was the most commonly scoped out SEA topic, followed by climatic factors, soils and material assets.

Figure 14 – Survey responses - Frequency of SEA topics scoped from assessment



It is interesting to note that climatic factors were scoped out in many cases. Given that Scotland has world leading climate change legislation<sup>41</sup> and a strong supporting policy framework<sup>42</sup> including SEA and climate change guidance<sup>43</sup>, it is surprising that so many RAs saw the impact of their PPSs as insignificant. However the Climate Change (Scotland) Act only came into force in 2010 and the Public Bodies Duties it prescribes<sup>44</sup> have only applied since 1 January 2011, so the statutory drivers for considering climate change have only recently fallen into place and the cases identified pre-date this. Nevertheless, if climate change mitigation and adaptation are to be effective in Scotland, all public sector PPS will need to consider how they can contribute to climate change policy objectives and targets.



<sup>40</sup> See para 3.5

<sup>41</sup> [www.legislation.gov.uk/asp/2009/12/contents](http://www.legislation.gov.uk/asp/2009/12/contents)

<sup>42</sup> [www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/adaptation/AdaptationFramework](http://www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/adaptation/AdaptationFramework)

<sup>43</sup> [www.scotland.gov.uk/Publications/2010/03/18102927/0](http://www.scotland.gov.uk/Publications/2010/03/18102927/0)

<sup>44</sup> Detailed in Chapter 4.17.

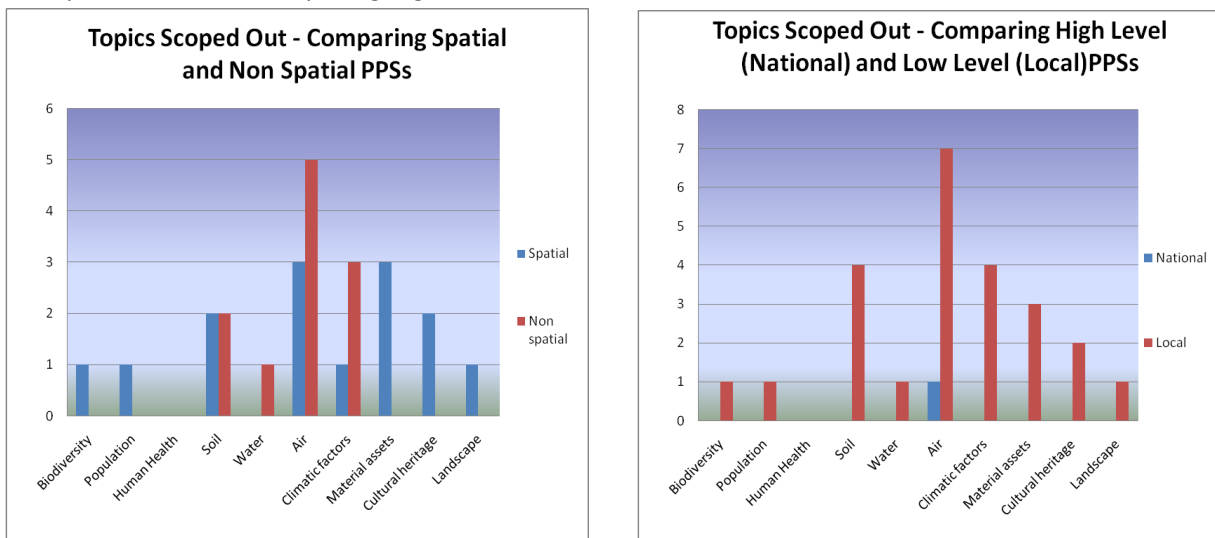


It is also interesting to note the very low level of scoping out of human health. This may reflect a precautionary approach being adopted by RAs when impacts on this SEA topic are not clear due to lack of data or uncertainty about significance.

### 4.3.6 Scoping – Sectoral issues

As figures 15 and 16 below show, the casework analysis noted only minor variations in the rate of scoping out of different topics between spatial and non spatial PPSs, but shows very considerable variation between high and low level PPSs. This shows that high level PPSs are much less likely to scope SEA topics from the assessment, with only one PPS in the casework sample scoping out one SEA topic. By contrast, practitioners undertaking SEA of low level PPSs are more confident in scoping out a range of SEA topics. As discussed in [Chapter 4.6](#), this is likely to be as a result of greater clarity about the nature and location of potential impacts of a policy decision when considered in a local context.

Figures 15 and 16 – Casework analysis – Frequency of SEA topics scoped out – Comparing spatial and non spatial PPSs and comparing high level and low level PPSs



### 4.3.7 Reasons for scoping out

The most common reason given for scoping out an SEA topic was that the PPS was determined not to have any significant effects on that topic. This finding is perhaps obvious given that the scoping process is designed to scope in only those issues likely to be significant. The other main determining factor was a smaller number of practitioners (around 20%) who stated that the CA response was one of the main reasons. The workshop evidence however suggested that RAs considered that CAs could do more to help them identify significant effects to scope the assessment more effectively. Often a CA scoping response will just agree or, in some cases, disagree with a RAs view about whether a topic should be scoped in or out. While it should always remain for a RA to determine what is significant in the context of its PPS, there is potential scope for CAs to play a more active role in helping RAs to identify the most significant issues and to help scope the assessment focus and its level of detail. In [Chapter 4.13](#) we recommend the development of a continuous dialogue approach by CAs,

[R2\(f\)](#),  
[R3\(b\), \(d\)](#),  
[R4\(d\)](#)

a reprioritisation of focus towards the scoping stage and the development of key environmental issues documents to help Local Authorities in particular to scope more effectively. Taken together these may be constituent components of a more active scoping role for CAs.

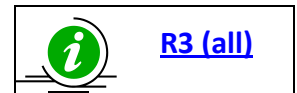
#### 4.3.8 Reasons for scoping in

61% of practitioners stated that they scoped all SEA topics into the assessment of their nominated PPS. The main reasons were that it was determined that the PPS would have significant effects on all topics or that this was following advice from the CAs. Around 30% of practitioner respondents stated that they had scoped all SEA topics in on the basis of a precautionary approach. This indicates that there is some uncertainty as to significance, but that RAs in such cases tend to err on the side of caution and scope in. One practitioner indicated that fear of challenge was a key determining factor for scoping in all topics. This contrasts with evidence from the workshops where the fear of challenge as a result of scoping out a topic was cited as a concern.

#### 4.3.9 Using scoping more effectively

In two-thirds of assessments all SEA topics are scoped in. In many cases this is entirely appropriate and where there is reasonable doubt the adoption of such a precautionary approach is necessary. In some cases, however, there is evidence from both RAs and CAs that the scoping process is not as rigorous as it might be in focusing on key issues and that this can drive assessment even where significant effects are not likely. One practitioner referred to the fact that *“too much scoping in probably goes on, which could be reduced through guidance or greater confidence on keeping this focused on key issues”*. Another commented that there is *“an aspiration/ expectation that every conceivable effect should be identified rather than the truly significant few”*.

Giving RAs greater confidence to scope out issues other than the “truly significant few” is key to being able to scope more effectively. What these issues are will vary from PPS to PPS and area to area, but some will often apply across many PPSs due to their importance.



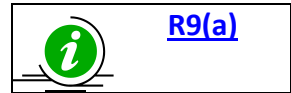
A number of RAs have adopted a practice of keeping some SEA topics “under review” during the assessment. In this way, the topics are not scoped out at the scoping stage, but CAs are alerted that they may not lead to significant effects and may, pending further investigation, fall out of the assessment. CAs have the opportunity in the scoping consultation to raise any concerns about this approach. This can ultimately reduce the size and complexity of ERs and can also contribute to achieving a greater focus on the key issues. Documenting which issues were kept under review, and the reasoning for their subsequent exclusion, is important when this practice is followed.

Accordingly, RAs should undertake rigorous scoping processes that ensure that ERs focus just on the significant environmental issues. This should be supported with case study examples of types of PPSs where topics have typically been scoped out.

#### 4.3.10 Stakeholder engagement in scoping

Approximately half of the practitioners stated that they had invited stakeholders beyond the statutory CAs to provide their views at the scoping stage to promote greater awareness and

understanding of key issues. There is scope to enhance the availability of scoping reports to stakeholders beyond the statutory CAs. 89% of respondents to the general survey said that they normally try to get involved at the scoping stage. Interestingly, this figure is higher than those stakeholders that said they normally get involved at the ER stage.



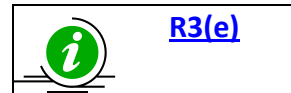
**4.3.11 CA role at scoping**

Generally, the service provided by the CAs at scoping was well received and considered to be helpful. 72% of practitioners consider the CA scoping responses to be helpful or very helpful. Only 11% of practitioners considered them to be unhelpful. In many of these cases this may be explained by the fact that where no significant issues are raised for consideration by a CA, then a “no comment” response may be returned. It may also be because some practitioners find a small number of CA comments unreasonable in that they request levels of detail from the assessment that RAs do not consider appropriate (see [Chapter 4.13](#)).

The casework analysis has documented the types of comments made by the three CAs at the scoping stage. This is set out in figure 17 overleaf. It is worth noting that virtually all CA scoping responses are bespoke, with very little use of standing guidance, although some responses do point to a CAs policy on a particular issue.

*Overall* - Historic Scotland generally provide slightly more comments at the scoping stage than SEPA and significantly more than SNH. This contrasts with the number of comments at the ER stage, when Historic Scotland makes fewest comments and SEPA the most (see figure 23, p56).

*Other PPSs* - The third most common area for comment is with respect to other relevant PPSs. In many cases, scoping reports will contain a long list of other relevant PPSs and CA responses will make suggestions to add others to that long list.



*Baseline comments* - In all cases, the most common CA comment relates to the environmental baseline. In many cases, this will be in the form of advising RAs of the availability of information that may be useful in the assessment and in most cases, a link to information sources will be provided. Occasionally, baseline comments will relate to inaccuracies or omissions in baselines that are presented in the scoping report. [Recommendation R3](#) suggests the development of tailored “key issues” documents by the CAs. This would significantly reduce the need for CAs to provide comments on matters concerning the environmental baseline, existing environmental problems and, to a certain degree, other relevant PPSs.

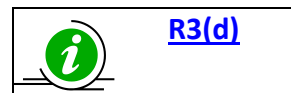


Figure 17 – Casework analysis – Breakdown of issues raised by CAs at scoping stage

Consultation Authority Issues Raised in Scoping Response	SEPA		SNH		HS		TOTAL ALL CAs
	No.	%	No.	%	No.	%	
General	108	17%	65	13%	101	16%	274
Other Relevant PPSs	67	11%	46	10%	73	11%	186
Baseline	127	20%	124	26%	150	23%	401
Environmental problems	41	7%	52	11%	29	4%	122
Scope of Env. Ass'ment	49	8%	38	8%	45	7%	132
SEA objectives	60	10%	61	13%	50	8%	171
Assessment method	83	13%	33	7%	97	15%	213
Assessment findings	3	0%	1	0%	5	1%	9
Environmental effects	-	0%	-	0%	-	0%	-
Cumulative effects	3	0%	5	1%	5	1%	13
Alternatives	24	4%	27	6%	35	5%	86
Mitigation	35	6%	9	2%	33	5%	77
Monitoring	29	5%	21	4%	23	4%	73
<b>Total</b>	<b>629</b>	<b>100%</b>	<b>482</b>	<b>100%</b>	<b>646</b>	<b>100%</b>	<b>1,757</b>

*Assessment methods* - Taken together, comments on assessment methods and environmental objectives (which form part of the methods) account for over 20% of CA responses. This emphasis on providing support to RAs on defining methods and objectives may result from the leadership role that the CAs played in the early years of SEA and the assistance provided to RAs in this regard. Given the wider breadth of SEA experience across many RAs, it is questionable whether CAs still need to provide as much support on method development, although a role in shaping the assessment objectives is still desirable.

#### 4.3.12 Applicable recommendations

The following recommendations are applicable with respect to this chapter:

- [Recommendation R2 – Improving efficiency and proportionality.](#)
- [Recommendation R3 – Focusing assessments: improving scoping and the evidence base.](#)
- [Recommendation R4 – Ensuring SEA has a voice in decision making.](#)
- [Recommendation R7 – Working together to provide guidance and support.](#)
- [Recommendation R8 – Assisting delivery of climate change targets.](#)
- [Recommendation R9 – A more engaging process.](#)

## 4.4 ASSESSMENT – USING BASELINE DATA

### Key findings

- Generally, gathering baseline information was considered relatively straightforward, although difficulties noted included: time and cost, disaggregated datasets and lack of trends data.
- Those RAs with access to an up to date State of the Environment (SoE) report for their area found this significantly advantageous.
- Cultural heritage and biodiversity were considered the most straightforward topics to secure data for. Soil, material assets and human health were considered the most difficult topics to secure data for.
- Interpretation of data was a difficult issue for many topics.
- Trends data often difficult to secure.
- Some data not available due to cost.
- Baseline information in ERs can be long and not focused on the key issues. This can hamper effective scoping and drives RAs to “over collect” data that may not be needed.
- There is often a poor alignment between baseline information and the scope of the assessment which can make assessments disproportionate.
- CAs spend a considerable effort in scoping and ER responses advising on baseline data. This may be better achieved through standing advice.
- To make data easier to secure and interpret, and to help scope the key environmental issues in an area, there is scope for the CAs to develop “key issues and trends” documents to assist RAs develop concise and focused baselines.
- The proposal for a “Scotland’s Environment” website is an opportunity to improve access to data and proportionality in baseline preparation.

### 4.4.1 About this chapter

This chapter considers how practitioners are accessing, interpreting and using environmental information to support their assessment processes. It discusses the availability of data for each SEA topic and explores the issues they are experiencing.

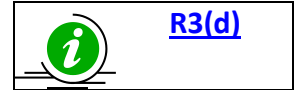
### 4.4.2 Background

Schedule 3 of the SEA Act (points 2, 3 and 4) require that ERs contain information about “*the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme*” (point 2), “*the environmental characteristics of areas likely to be significantly affected*” (point 3) and “*any existing environmental problems which are relevant to the plan or programme*” (point 4). These requirements are in most cases met through the preparation of an environmental baseline that is set out in the ER.

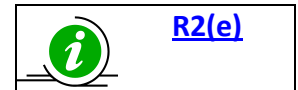
### 4.4.3 Gathering baseline data – General

Generally most practitioners found gathering baseline information relatively straightforward, though a significant minority (24% of respondents) did report that they found this more challenging<sup>45</sup>. The main reasons given by those who found gathering baseline information more difficult were:

- **Time**—gathering and interpreting baseline information could be time consuming, particularly where an RA did not have established SoE reports or similar data for their area.
- **Cost**—the cost of some datasets is a barrier, particularly soils data.
- **Disaggregated data**—Many datasets are presented at different scales and cover different geographical boundaries. This can make it difficult to bring together an appropriate environmental baseline across all SEA topics. Examples given were those bodies that cover several Local Authority areas (or parts thereof) such as National Park Authorities or where data were available on a national basis and were difficult to apply to a local area. This also applied to some Strategic Development Plan (SDP) SEAs.
- **Trends data**—Data about changes over time or that explain environmental trends are considered more difficult to obtain, but also potentially some of the most useful data—particularly for identifying whether environmental problems (a key requirement for identification in ERs) are getting better or worse.



Those authorities that have access to SoE reports, or similar data for their authorities' area or who have the benefit of a designated SEA officer, appear to find baseline data collation much easier. In particular, availability of SoE reports appears to be very helpful in reducing the time required to prepare baselines and in focusing the information to the PPS and area. They are also contributing to more proportionate assessments by quickly highlighting the key issues to plan-makers. There are, however, costs associated with the initial preparation and ongoing updating of such reports. The potential availability of a central portal for Scottish environmental data (4.4.8) may significantly help RAs with baseline collation.



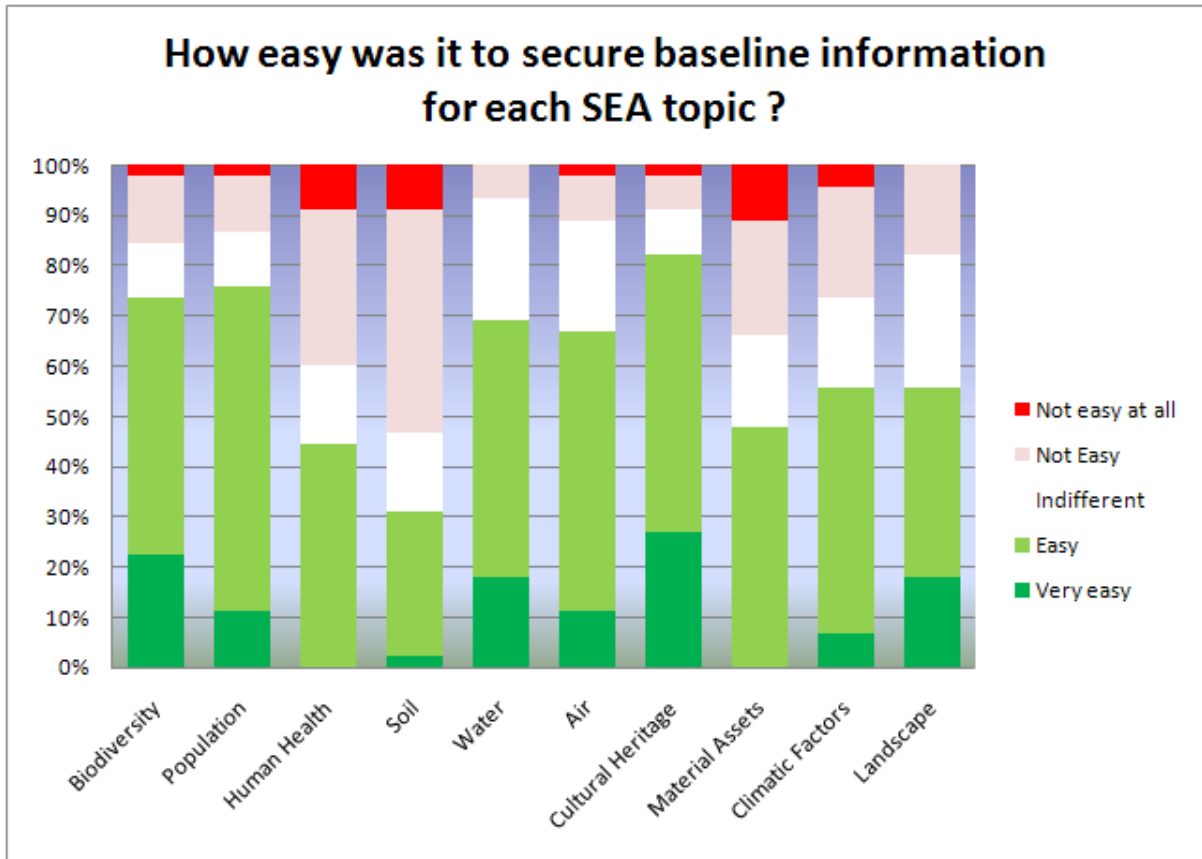
### 4.4.4 Gathering baseline information – SEA topics

Practitioners answering the survey were specifically asked to provide a view on securing baseline data for each SEA topic. The results are set out in figure 18.

Overall, the survey found that there was a high level of variability in terms of ease of accessing data across the SEA topics. Biodiversity, population, cultural heritage and water proved reasonably easy to secure for most practitioners, whilst soil, human health and material assets appeared to be more difficult. Specific issues within each topic area are described below.

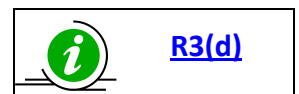
<sup>45</sup> Answers to Part 2A on baseline data, questions 1a and 1b.

Figure 18 – Survey responses – Ease of securing baseline data



**Biodiversity**

Generally, nationally designated site information (e.g. Sites of Special Scientific Interest (SSSI)) was found to be easily accessed and was in a consistent format. Many of these data are also available in GIS formats for ease of reference and spatial representation. Many respondents did, however, find securing information about “wider biodiversity” outwith designated sites much more challenging. In particular, data about protected species and their distribution or presence in a certain area was considered difficult to secure. Further, many found it difficult to secure wider biodiversity information across local authority areas. For example, whilst many local authorities have undertaken habitat surveys at different scales and covering different parts of their area, these are difficult to bring together at a regional level to highlight the key issues. Trends data were also considered to be difficult to secure and apply at a local level. Some respondents indicated that downloading biodiversity data in a format that could be used in ERs was sometimes problematic.



**Population**

No particular issues of concern were expressed about this topic and only a small percentage of respondents felt accessing data on population was difficult. 2001 census derived data are now considered to be out of date for some assessments but general use of other datasets such as those published by the General Register Office for Scotland<sup>46</sup> is commonplace and no problems in using

<sup>46</sup> See: [www.gro-scotland.gov.uk/statistics/index.html](http://www.gro-scotland.gov.uk/statistics/index.html)

these data are reported. Accessibility data (e.g. access to open space, access to services etc.) were more difficult to secure.

### **Human health**

Only approximately 40% of survey respondents stated they found this topic easy to secure data for. Evidence from analysis of comments and from the workshops suggests that finding data is not the most challenging issue. What is important is deciding which data are significant and relevant for a particular SEA. One of the biggest challenges is trying to establish which aspects of human health should be included as it can prove very difficult – and in some cases undesirable - to separate out the environmental aspects of human health from social factors. This has led some RAs to include a greater coverage of social issues within ERs in order to ensure that health aspects are fully covered. Whether, and how, to consider mental health in SEAs is also an issue that some respondents highlighted.

Research currently in preparation<sup>47</sup> evaluates the consideration of human health in Scottish SEAs. This work evaluates use of baseline health information and indicates that while many health related problems are being identified, the evidence base for informing judgements on a PPS's impact on health is often unclear. The research also highlights the difficulties RAs face in determining what to consider under the human health topic, when the SEA Toolkit advises RAs to focus on impacts related directly to the physical environment.

### **Soil**

Generally, many practitioners stated that soil was the most difficult SEA topic to secure data for – over half of all respondents stated they found this “*not easy*” or “*not easy at all*”. Agriculture and forestry capability data were generally found to be easy to access and use – particularly by those undertaking SEA of spatial PPSs. Similarly, levels and general locations of derelict land<sup>48</sup> were also considered easy to find and use. Beyond this, however, data were more difficult to source.

For example, contaminated land information tends to be site based and can be difficult to aggregate and apply across a PPS area. Further, data on soil quality, soil carbon content, soil or coastal erosion and soil function can be very difficult to obtain. Some soil datasets are also not available free of charge, which can increase the costs associated with conducting an SEA where such data are considered important for a robust assessment<sup>49</sup>.

Over and above availability of data, many practitioners commented that soils data are technical and require more specialist knowledge to interpret them.

The recently published State of Scotland's Soil Report<sup>50</sup> provides significant data about Scotland's soil resource which may go a significant way to addressing these concerns, particularly at the national level.

<sup>47</sup> Douglas M, Carver H and Vittal Katikireddi s (in prep) *How Well do Strategic Environmental Assessments in Scotland Consider Human Health?*

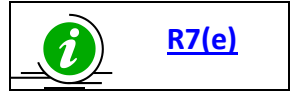
<sup>48</sup> Such as the Scottish Government's Scottish Vacant and Derelict Land Survey (SVDLS) [ [www.scotland.gov.uk/Topics/Built-Environment/regeneration/land-issues/vacant](http://www.scotland.gov.uk/Topics/Built-Environment/regeneration/land-issues/vacant) ]

<sup>49</sup> This can also prove difficult for CAs where they may need to access such data to assist preparation of SEA responses.

<sup>50</sup> Link here: [The State of Scotland's Soil](#) published March 2011.



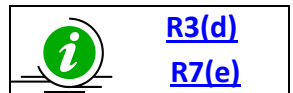
SEA guidance on how to consider soil ([www.seaguidance.org.uk](http://www.seaguidance.org.uk)) has been prepared. There is scope to raise awareness about this resource and also consider whether it could be augmented to address data gaps and interpretation issues. There is also scope to provide specific training to practitioners on some of the more technical aspects of soil.



**Water**

Generally, most practitioners found this topic easy to secure information on. Only 7% of practitioners indicated that they found this topic “not easy” to secure data for, and none said that they found it “not easy at all”. This is likely to be due to the nature and availability of water data which has improved considerably over recent years following the publication of Scotland’s first RBMPs<sup>51</sup> and their information on individual water bodies. This is supported by a searchable database<sup>52</sup> that can provide information on the pressures upon, and ecological status of, specific stretches of rivers, lochs, coastal waters and groundwater across the whole of the country. Specific SEA guidance on how to consider water<sup>53</sup> ([www.seaguidance.org.uk](http://www.seaguidance.org.uk)) has also been prepared.

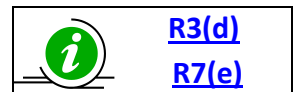
While accessing the data is seen as generally being easy, interpretation appears to be more difficult, in part due to the significant amount of information available and the technical nature of much of the data.



**Air**

Generally, practitioners made few comments about this topic, perhaps reflecting the fact that air is more often scoped out of assessments (see figure 14). It may also reflect the ease of accessibility of information for Scotland’s designated Air Quality Management Areas<sup>54</sup>. Around 10% of respondents indicated difficulties in securing baseline data for air. One respondent highlighted difficulties in using national air quality datasets for local level assessments<sup>55</sup>. Another commented that air quality data tend to be modelled for a particular purpose and are therefore not helpful more generally. Data interpretation was also a problem for those who expressed difficulties on this issue.

SEA guidance on how to consider air ([www.seaguidance.org.uk](http://www.seaguidance.org.uk)) has been prepared and it would appear that there is some scope to raise awareness about this resource and also consider whether it could be augmented to address data gaps and interpretation issues.



**Cultural heritage**

Practitioners generally indicated no problems with accessing and using cultural heritage data, with over 80% finding this “easy” or “very easy”. Protected sites data appear well used, although it is less clear to what extent these become simply a “list” for inclusion in the ER rather than part of an

<sup>51</sup> [http://www.sepa.org.uk/water/river\\_basin\\_planning.aspx](http://www.sepa.org.uk/water/river_basin_planning.aspx)

<sup>52</sup> <http://gis.sepa.org.uk/rbmp/>

<sup>53</sup> Including a section on data sources.

<sup>54</sup> <http://www.scottishairquality.co.uk/>

<sup>55</sup> For example, one respondent noted difficulties in using the Scottish Pollutants Release Inventory (SPRI) for local level assessments. This is not surprising due to the technical – pollutant focused – nature of this site and the lack of any summary information at any spatial scale.

evaluation of the key heritage issues in a PPS. This is discussed in 4.4.6. The only problematic issue raised was that historic landscape data tend to be more difficult to access and use. Whilst the Historic Landuse Assessment (HLA) project<sup>56</sup> is designed to address this data gap and assist with the consideration of wider/cumulative effects, its application within SEA to date has been relatively limited.

Historic Scotland note some concerns about RAs assuming designated sites as constituting ‘the cultural heritage’ and that finding data on, and considering effects on, non-designated sites, is more difficult and tends to be less well done. This is similar to the issue of ‘wider biodiversity’ referred to above.

### **Material assets**

Securing data on this topic was not considered easy by many practitioners, with over a third indicating that they found it “*not easy*” or “*not easy at all*”. The prime reason for this was the difficulty of understanding exactly what the material assets topic covers and therefore the difficulty of identifying relevant datasets. This is discussed in more detail in [Chapter 4.6](#).

Datasets that were identified as being difficult to find or use include: non municipal waste data by area, recycling rates by area, levels of aggregate extraction by area, renewable energy generation by area and the number, location and capacity of landfill sites by area. Data on transport trends are also considered to be relatively difficult to source, particularly data relevant to a particular area and journey patterns within that area and between it and other areas<sup>57</sup>.

There are few reliable and consistent datasets on economic assets and infrastructure and on their relationship with environmental issues. There is scope to provide enhanced guidance on information sources for material assets.



### **Climatic factors**

Data with respect to climatic factors tends to fall within two broad areas: data relating to climate change adaptation (such as flood risk and future projected climate trends) and data relating to climate change mitigation (reducing greenhouse gas emissions). Answers in the survey suggest that practitioners find that flooding data are relatively easy to secure but that mitigation data are difficult to secure for specific PPSs. Climate change adaptation data can also be difficult to secure, particularly in relation to coastal and soil erosion, sea level rise and landslip vulnerability.

Many in the spatial planning sector are familiar with using SEPA’s Indicative River & Coastal Flood Map (Scotland) data<sup>58</sup>, however other sectors may not be and there may be scope for increased awareness raising about its availability for SEA use. Similarly, the UK Climate Projections 09<sup>59</sup>

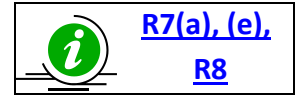
<sup>56</sup> HLAmap is an interactive digital map that shows changing patterns of land-use throughout Scotland. Users can select specific areas of the country to research, view land-use trends by ‘Category’, ‘Type’, ‘Period’ and ‘Relict Period’, and identify individual sites by their land-use. Information can be viewed online, downloaded as reports or GIS shapefiles. The Historic Land-use Assessment (HLA) Project is a partnership initiative between RCAHMS and Historic Scotland to analyse and record land-use throughout the country

<sup>57</sup> The Scottish Government publishes national travel statistics regularly (<http://www.scotland.gov.uk/Topics/Statistics/Browse/Transport/Travel/Datasets>) but local travel statistics tend to be more variable in nature and format.

<sup>58</sup> [http://www.sepa.org.uk/flooding/flood\\_risk\\_maps.aspx](http://www.sepa.org.uk/flooding/flood_risk_maps.aspx)

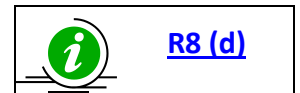
<sup>59</sup> <http://ukclimateprojections.defra.gov.uk/>

(UKCP09) are familiar to some sectors, but less so to others. The UKCP09 projections also require significant interpretation and practitioners have expressed the view that they find them difficult to use at the local level and can be time consuming. Some indicated that they simply could not easily interpret the data for use in an SEA. The UKCP09 projections are key to planning for a future changed climate and their integration into plan-making and SEA is key to delivering the Government's adaptation targets. There is scope therefore to significantly increase awareness of the potential for UKCP09 use in SEAs.



In November 2009 and January 2010, training events were held to try and promote use of the UKCP09 projections among plan-makers<sup>60</sup>. This included SEA practitioners. The SEA Forum may wish to consider whether practitioners would find it helpful to run further UKCP09 training sessions specifically for SEA application. The Scottish Climate Change Impacts Partnership (SCCIP) could play a key role in delivery along with other partners such as SEPA.

Many consider that determining the level of greenhouse gas emissions from a particular PPS was very difficult. Emissions models do exist and there are some examples of their use in SEA<sup>61</sup>, but these can be complex, time consuming to use and expensive. Where these models have been used, practitioners indicate that they find them useful, particularly in the comparative assessment of the greenhouse gas impacts of PPS options. The Scottish Government and SEPA have commissioned a project to develop a simple greenhouse gas emissions model for use by planning authorities which can also be used in SEA<sup>62</sup>. On completion, this may be able to assist assessments in the spatial planning sector.



### **Landscape**

The survey responses indicate that most practitioners found landscape data relatively straightforward to access and use. Responses also indicate that most practitioners understand the data and how they can be used to inform consideration of landscape impacts. The key issue identified is that local landscape data (outwith designations of a national scale) are often at different scales and levels of detail which can make assessment of regional PPSs more difficult.

### **4.4.5 Gathering baseline data – Role of CAs**

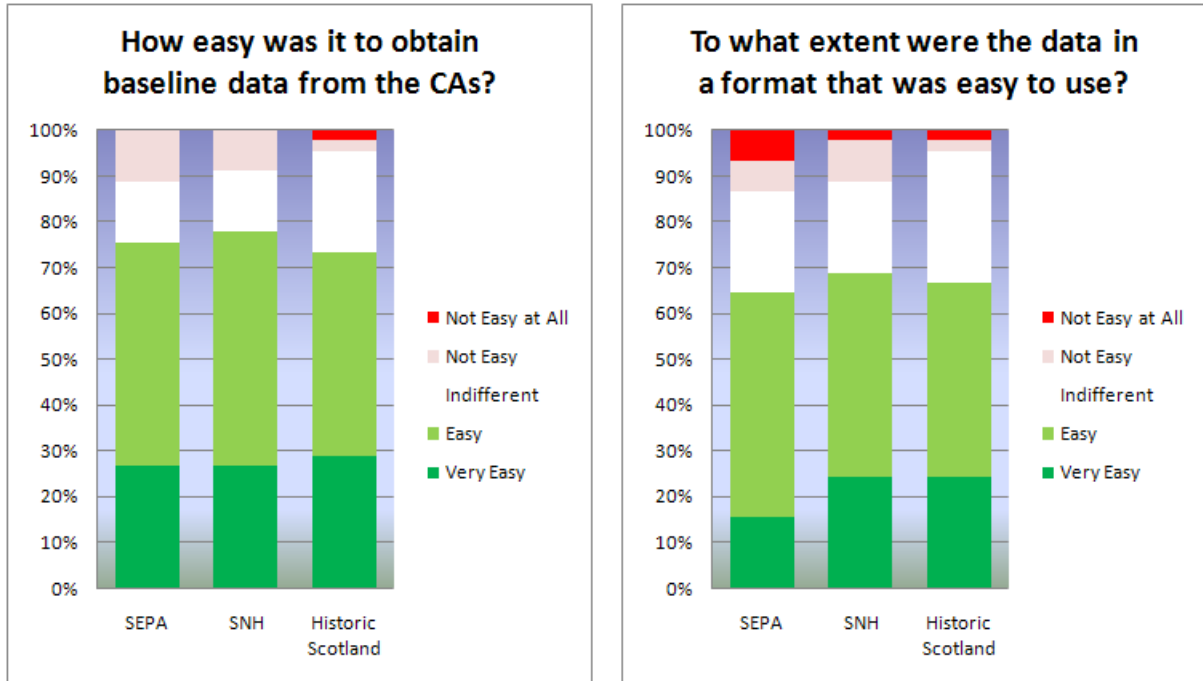
The statutory CAs play an important role in identifying and in many cases providing baseline information to RAs for use in the ER. Figure 19 overleaf shows that practitioners generally found CA data easy to obtain, but there were slightly more concerns expressed by RAs about how they interpret the data (figure 20). All CAs performed similarly in this regard.

<sup>60</sup> <http://www.sccip.org.uk/7/47/165/Scotland--Projections-in-Practice-Week-November-2009.aspx>

<sup>61</sup> For example, TAYplan used the GRIP model to assist consideration of greenhouse gas emissions in the SEA.

<sup>62</sup> Phase 1 of this report has been completed: [www.scotland.gov.uk/Publications/2011/02/09142227/0](http://www.scotland.gov.uk/Publications/2011/02/09142227/0). Phase 2 will be published in 2011.

Figures 19 and 20 – Survey responses – How easy was it to obtain baseline data from the CAs and were the data easy to use



The casework analysis (figure 21) showed that CAs provide a considerable number of comments on baseline information. Comments on baseline information, other relevant PPSs and existing environmental problems account for up to 44% of the content of scoping responses and 24% of ER responses. Much of this information could be provided in other ways and use of methods such as standing advice might significantly reduce the length of content of CA scoping consultation responses and the time taken to compile them.

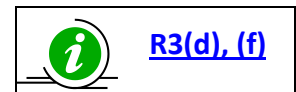
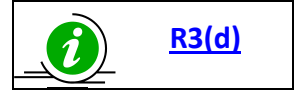


Figure 21 – Casework analysis – Comments from CAs on baseline issues

Consultation Authority	% of response taken up by environmental information/PPS					
	SEPA		SNH		HS	
	Scoping	ER	Scoping	ER	Scoping	ER
Issues Raised in Scoping Response						
Other relevant PPSs	20%	11%	26%	19%	23%	11%
Env. Baseline	7%	2%	11%	4%	4%	1%
Environmental problems	8%	1%	8%	1%	7%	0%
<b>Total</b>	<b>34%</b>	<b>14%</b>	<b>44%</b>	<b>24%</b>	<b>35%</b>	<b>13%</b>

Some RAs indicated that CAs could play a stronger role in helping RAs to interpret data in the context of a particular PPS. CA consultation responses routinely request RAs to use or refer to certain data, but rarely is advice given on how to use or interpret those data. RAs can find this difficult, particularly where the data are technical in nature. This is reflected in some of the concerns cited above with respect to particular topics (e.g. climatic factors, material assets and soil).

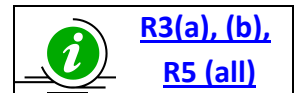
Interpreting data on a case by case basis would represent a very significant resource impact for CAs. However, it is felt that more could be done by CAs to work proactively to highlight the key environmental issues for a public body in their area. It is therefore recommended that CAs, with RAs, consider preparation of documents summarising the key issues in a particular area and the data sources that support them. While this would not replace the need for case by case analysis of the key issues by RAs via the scoping process, it may help RAs to focus SEAs and the baseline data that they collect. It would also greatly assist RAs to identify the most significant issues.



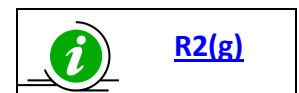
#### 4.4.6 Level of detail of information

Many practitioners expressed difficulties in establishing what level of detail of baseline information was required for ERs. This appears to be particularly difficult for high level PPSs. These are often strategic statements of intent that do not contain specific proposals or policies that may have identifiable impacts in known locations. They may also include a large number of strategic alternatives. This can force practitioners to “over-collect” data in order to cover all eventualities. One respondent stated that *“it was...difficult to decide what information to include within the environmental baseline given the strategic nature of the reasonable alternatives...the temptation was to stuff the ER with loads of baseline data just in case it was useful rather than sieving it down to only that which was likely to be significantly affected”*. This is likely to be a contributory factor to the size and complex nature of some SEA documents. This issue is also exacerbated by the tendency to “scope in” topics where there is any doubt.

CAs have highlighted this can hinder their consideration of scoping reports and ERs. Many CA workshop attendees pointed to overly large and complex baselines that could in fact obscure the key environmental issues for that PPS. In addition, there is concern from CAs that too many baselines include long lists of data (e.g. lists of designated sites, listed buildings etc) that have not been evaluated for their significance to the PPS, but are included because they happen to be available. As one CA respondent stated, *“sometimes there is too much time spent describing the baseline and not enough analysis of how the baseline may be impacted by the plan”*. The preparation of shorter, better focused environmental baselines based on the most relevant data was a key recommendation emerging from the workshops. Plan-makers also identified the provision of poorly focused and overly detailed baseline data in SEAs as a barrier to their consideration of environmental issues during preparation of PPSs.



A small number of practitioners said that the CAs occasionally drive overly detailed environmental baselines through demands they make at the scoping stage. One survey respondent stated that *“SEPA and SNH both seem to want more and more detail in the baseline and you end up gathering more information than you could possibly monitor against”*. Some practitioners highlighted difficulties in establishing the right level of detail when a PPS sits within a hierarchy of other PPSs also subject to SEA.

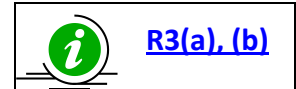


The scoping stage is vital in determining the level of detail of the assessment and therefore plays an important role in establishing what data are used in the assessment. Accordingly, many of the recommendations to improve scoping may help to address some baseline issues.

#### 4.4.7 Interaction between baseline data and assessment objectives

Many report a disconnection between the environmental baseline and the environmental objectives set in the SEA. It was noted that these can often be seen as separate parts of the ER resulting in two separate pieces of work. It is the case that relatively few ERs explicitly integrate these two aspects of the report and experience suggests the objectives set are high level generic ones that do not necessarily relate to the most important aspects of the baseline. A suggested approach was that environmental objectives should be more “baseline driven”, so that the objectives used to undertake the assessment were much more firmly focused on the key issues in the PPS area. This would help to focus the objectives and therefore the assessment as a whole. Further research to highlight good practice examples of how to better integrate baseline would be helpful.

RAs should use baseline data to scope and focus the environmental or SEA objectives where these are used in the assessment. This could also be carried through to linking baseline data to monitoring programmes.

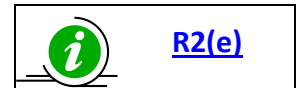


#### 4.4.8 National database – Scotland’s Environment Website

Some practitioners called for the development of a national database of SEA information that brings together all environmental datasets into a single portal that can be interrogated, for example, on a Local Authority basis. While there are some concerns that the availability of such a facility may encourage RAs to simply download data without proper analysis of the key issues of importance, it is likely it would help to improve access to data on some topics. At the time of this review, the Scotland’s Environment Website project is being developed, and this should provide a portal for SEA practitioners.

The Scotland’s Environment Website project will bring together and, where appropriate, interpret a number of organisations’ data and information on the condition of Scotland’s environment.

Information and data will be provided in a consistent format so that a coherent view of the environment can be presented. Integrating information and data from a range of sources will offer new ways of understanding environmental



problems. A Geographical Information System (GIS) capability will be one of the main mechanisms for presenting and exploring data at a range of geographical scales (site, local and national).

The Scottish Government and other partners should seek to maximise the potential of the planned Scotland’s Environment Website to ensure that datasets are easily accessible in forms that are useable by SEA practitioners and include some degree of interpretation to enable datasets to be interrogated and key themes identified.

#### 4.4.9 Applicable recommendations

The following recommendations are applicable with respect to this chapter.

- [Recommendation R2 – Improving efficiency and proportionality.](#)
- [Recommendation R3 – Focusing assessments: improving scoping and the evidence base.](#)
- [Recommendation R5 – Greater clarity.](#)
- [Recommendation R7 – Working together to provide guidance and support.](#)
- [Recommendation R8 – Assisting delivery of climate change targets.](#)

## 4.5 ASSESSMENT – PREPARING ENVIRONMENTAL REPORTS

### Key findings

#### *SEA practitioner’s perspective*

- The most common approach to assessment in the case study sample was adoption of environmental or SEA objectives against which the PPS was tested via an assessment matrix.
- This approach has many benefits, including its relative simplicity of use, its systematic nature and its transparency.
- Practitioners cite concerns that it can lead to long reports, involves duplication and reduces the focused analysis needed to identify and address key issues of significance;
- Other issues crucial to successful preparation of ERs include timing and integration between assessor and plan-maker. Practitioners felt ERs generally took too much time and resource.
- Some practitioners report difficulties in securing access to the PPS preparation process, which reduces effectiveness of SEA.

#### *Plan-maker’s perspective*

- Close integration between plan-maker and SEA assessor absolutely crucial to produce a focused and proportionate ER that is likely to be influential on PPS content.
- Form and content of ERs can make it difficult for plan-makers to be clear about the key issues and what to do about them – there is scope to significantly improve ER clarity.
- When planned effectively, SEA does not add time to plan preparation process.
- Some awareness raising among plan-makers vital to improve SEA as “buy in” from key decision makers seen as an important feature of effective SEA.

#### *Stakeholders and/ or CA perspective*

- Find ER form and content difficult to identify the key issues and how they have been considered and addressed – Scope for much greater clarity in ERs.
- Scope for more integration of SEA findings into PPSs to help improve clarity.
- Some concerns from stakeholders about ER quality. Scope for further investigation and for periodic quality auditing of SEA process and outputs.
- Significant scope for CAs to reprioritise focus of responses to scoping stage and to limit ER responses to comments on significant effects and how they have been addressed.

### 4.5.1 About this chapter

This chapter covers the process of preparing ERs. It covers the practical issues being experienced by practitioners in preparing ERs, but also considers how plan-makers and stakeholders use ERs to fulfil their roles in the plan-making process. It also describes how the CAs respond to ER consultations. This chapter is in four parts, and considers the perspective of these players.



### 4.5.2 Background

For qualifying PPSs, the SEA Act<sup>63</sup> requires the preparation of an ER. The purpose of the ER is to identify, describe and evaluate the likely significant effects on the environment of implementing the PPS and consider reasonable alternatives. ERs must include information specified in Schedule 3 of the SEA Act as may be reasonably required, taking into account (a) current knowledge and methods of assessment on environmental matters, (b) the contents of and level of detail in the PPS, (c) the stage of the PPS in the decision making process and (d) the extent to which matters to which the ER relates would be more appropriately assessed at different levels in order to avoid duplication.

### 4.5.3 Preparing Environmental Reports – RA Perspective

#### Assessment methods used

The casework analysis considered the various techniques employed by practitioners to undertake assessments. By far the most common approach (see figure 22) was the adoption of a suite of environmental or SEA objectives against which each part of the PPS was tested via an assessment matrix.

Figure 22 – Casework analysis – Assessment methods used

Assessment method	Total (% of all cases)
SEA objectives	94%
Compatibility assessment	34%
Matrix- based approach	94%
Thematic (scenarios) approach	9%
Map-based constraints	6%
Policy gap analysis	3%
Cumulative effects	88%
Allocation maps	3%

A small number of cases used – sometimes supported by a matrix – a narrative based approach where the combined impacts of the PPS are described as scenarios. Such a narrative approach is more common in higher level plans where the spatial impact of specific policies and proposals are less evident and may cover different scenarios or describe in turn the impacts upon each of the SEA topics.

#### Perceived benefits of a matrix approach

Practitioners were asked in the survey of their experiences in preparing ERs and mixed views were expressed about using a matrix based approach. Those advocating the benefits of this approach considered that it:

- improved transparency by clearly setting out which parts of the PPS were likely to lead to specific effects;
- was comprehensive in coverage and allowed for direct comparison between various parts of the PPS;

<sup>63</sup> SEA Act, Part 2, Section 14 and Schedule 3



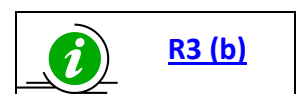
- provided a consistent framework for consideration of alternatives;
- can, where used innovatively, be directly linked to environmental baseline information;
- ensured that all SEA topics were considered fully;
- enabled positive effects and enhancement opportunities to be picked up consistently;
- enabled mitigation measures to be targeted to specific impacts;
- was an effective means of testing the compatibility of different parts of a PPS (sometimes referred to as compatibility assessment);
- was simple – although time consuming - to undertake and could be completed in many cases by non specialists;
- is easy to use in assessment workshops, where specialists from across a RA are brought together to participate in the assessment process;
- it can be cost effective if a standard set of assessment templates is developed across an organisation;
- could be linked directly to monitoring indicators – although there is little evidence that this is practiced;
- can be used to drive continual environmental improvements in plan-making through identification of enhancement opportunities;
- can assist consideration of cumulative effects by consistently evaluating effects across policy areas.

CAs also find this approach helpful as it is transparent and allows them to consider the accuracy of the assessments and there are many examples of CAs challenging the scores allocated.

### Concerns with a matrix approach

Practitioners however, highlighted some concerns in using this approach so it is important to consider them.

- **Using environmental and SEA objectives** - This method is driven by the identification of a suite of objectives (sometimes posed as questions) against which the PPS is tested. Many practitioners state that there are often too many objectives, which makes assessment processes longer, resulting in lengthy and complex outputs. Objectives are not always linked to the environmental baseline and therefore in some cases the objectives used are not particularly relevant to the PPS being subjected to assessment. This can mask the identification of true significant environmental effects.

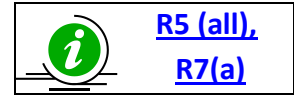


Some also highlighted that objectives can be difficult to translate into findings that plan-makers find easy to embed into their policymaking. Finding ways to address these issues are therefore important. In one example, a practitioner noted an approach where an assessment framework of 20 questions was translated into five key areas of direct relevance to the PPS. In this way it put the assessment objectives into *“a language more communicable to the policy team, therefore embedding environmental gains was more readily achievable”*.

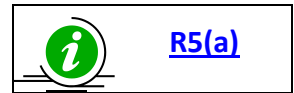
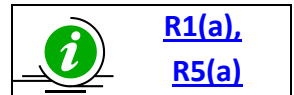
- **Length and complexity of outputs** – Many practitioners are frustrated that the matrix approach results in large and in some cases very complex outputs that were very difficult to interpret and

within which the key environmental effects of a PPS could be lost. Many noted the fact that ERs, as a result of including the assessment matrices, are far longer than the PPS being assessed.

Complexity of SEA outputs is seen as a key barrier to influencing PPS content and is also seen as a major reason why engagement on SEA is proving difficult. This problem is exacerbated by a number of other factors already described such as scoping in topics which are unlikely to result in significant effects, setting too many environmental objectives and not focusing the assessments on the key issues.

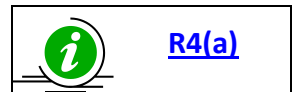


- Duplication** - Many practitioners referred to the considerable duplication that the matrix approach tends to require – for example where impacts on a particular SEA topic are likely to be similar across all parts of the PPS and are therefore described in the same way. This “cut and paste” or “checkbox” approach to assessment can limit the credibility of SEA in the eyes of plan-makers. This in turn may reduce the potential of an ER to influence decisions the plan-maker may take.
- Reduced analysis** - Some practitioners feel that using a matrix can, despite its comprehensive nature, reduce the amount of analysis in an assessment. One practitioner noted that “*where a tick box grid approach is used, there is a danger that the complexity of impacts can be oversimplified*”. This may be a contributory factor to the finding (see 4.5.4 below) that plan-makers are not always clear as to what the key environmental effects of a PPS are and how they should be addressed.



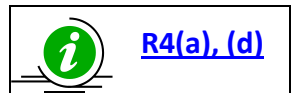
**Timing of SEA**

A significant number of practitioners highlighted the vital importance of the timing of the SEA in the PPS preparation process. Many noted the benefits of commencing the SEA in the early stages of development of the PPS. Many also cited the importance of starting the SEA early and fully integrating it with the PPS preparation process. The advantages of this approach are discussed in more detail in 4.5.4 below. Some practitioners spoke of lessons learned by stating that “*the main problem comes when an SEA has been “bolted on” ...as (by that time) there can only be one way to take forward a particular plan in the eye of the policy officer*”.



**Integrated approaches**

There are clear benefits in adopting integrated approaches to SEA and PPS preparation where assessor and plan-maker work collaboratively. This is described in detail in 4.5.4 below. Two consultants responding to the survey referred to difficulties in securing information about the nature and content of the PPS they were commissioned to assess, which led to difficulties in determining the scope of the assessment and in identifying what environmental effects might result.

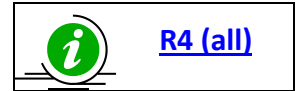


#### 4.5.4 Preparing Environmental Reports – Plan-Makers’ perspective

Ultimately, ERs have a fundamental role to play in informing plan-makers about the environmental effects of their PPS in order that PPS can, where necessary, be amended to prevent, reduce or offset any adverse effects. It is therefore important to consider the plan-makers perspective when undertaking an assessment alongside the development of the PPS and to understand what changes to practice might help plan-makers better integrate SEAs into PPS preparation. Issues concerning the influence of SEA on policy and PPS making are briefly considered in this section, with more detailed analysis presented in [Chapter 4.10](#).

##### Integration between plan-maker and SEA authors

Many plan-makers consider that close working between those preparing the PPS and those undertaking the SEA is an essential ingredient of a successful process. Those authorities with dedicated SEA officers or teams appear able to secure better integration between PPS preparation and SEA processes. This may be due to the enhanced levels of SEA experience and advice that SEA co-ordinators can provide to a plan-maker and also the well established process such authorities may have for undertaking SEA. For example, one plan-maker stated that *“our experience of working closely with the SEA team as the plan has developed has been very beneficial”* and that *“some means of promoting close working throughout the plan preparation stage would be helpful”*. Another spoke of the SEA co-ordinator providing a *“vital role...in guiding plan makers through the process”*.



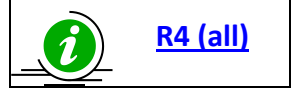
Many of those indicating a close integration between PPS preparation and SEA also stated that they began the SEA process at the start of PPS preparation. This ensures that the various processes and stages of SEA are fully integrated into decision making throughout the process and not bolted on once PPS preparation has been substantially completed.

One of the key benefits of close integration is the potential to develop an iterative approach whereby SEA and PPS challenge each other and are continually evolving as new policy ideas are developed and the findings of the assessment factored in. When questioned, 60% of plan-makers said that their SEA/PPS preparation processes were iterative. The result in many cases can be seen as a single process rather than two separate activities, where SEA operates as a policy development tool rather than merely an assessment tool. For example, one plan-maker stated that *“The SEA...felt like an extension of our own policy discussions (on the content of the PPS)”*, while another said that *“Working through the SEA process internally allowed (us) to think through the different options and the impact on the environment. This...subsequently informed the plan”*. Another commented that their approach led to the SEA and PPS being edited in parallel so that the two could easily be read together.

Such integrated approaches are consistent with the overarching principles for undertaking SEA set out in the Scottish Government’s SEA Toolkit which states that:

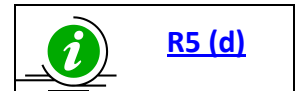
- *SEA should be undertaken as an integral component of PPS preparation and not as a parallel or bolt-on process;*
- *SEA should be undertaken during PPS preparation and not after substantial decisions about PPS direction and content have already been taken.*

The important benefit of such an integrated approach is a key finding of this review. Accordingly, RAs should be encouraged to adopt integrated approaches where the PPS preparation and SEA processes take place early and together and where plan-makers and assessors work closely together to ensure that the SEA findings are effectively considered and integrated into the PPS. Early consideration of how SEA fits into the PPS preparation schedule is important for effective integration and to minimise delays.



Despite this iterative approach being a positive feature for plan-makers, many commented that the fruits of this process were not necessarily captured in the ER as the changes made during the PPS preparation process were not documented or reported. Rather the ER represented an assessment of the consultation draft PPS, which could serve to reduce the transparency of the process.

It is therefore recommended that ERs should include a record of the iterative process that has gone on between the plan-maker and those undertaking the SEA and should include a section on what changes have been made to the PPS as a result. As one plan-maker stated, the ER “*should more outwardly demonstrate the SEA’s impact*” and a record of the way a PPS has evolved and changed as a result of SEA would be a significant way to achieve this.

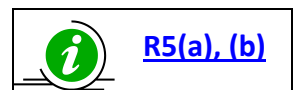


### Form and content of ERs

Generally, most plan-makers find ERs too long, too detailed and lacking clarity on the key environmental issues of relevance to a PPS. One, for example, said that the production of “*numerous reports does not necessarily make it (the findings of SEA) more accessible or understandable*”. Plan-makers indicated that they did not have the technical knowledge to understand the nature of a PPSs impacts on the environment, particularly in relation to soil, water, health and material assets. This should be set out in simple and easy to understand terms in the ER in order for plan-makers to be able to refocus PPS content to address issues of concern.

Plan-makers called for “*simpler language*”, “*punchier messages*” and “*greater clarity on the key issues*” within ERs. Similar messages emerged from the stakeholder community who have a similar need to understand technical issues simply and quickly in order to inform them how they should respond to a PPS consultation.

Some plan-makers preparing very high level PPSs found the form, structure and content of ERs incompatible with the strategic documents they were preparing. They were concerned that the requirements of Schedule 3 makes ERs too long, rigidly structured and wholly different in nature to high level PPSs that may be aspirational in nature and very brief in content. One respondent said that the “*detail required is totally out of synch with the size or potential impact of the PPS*”. Plan-makers preparing these types of PPSs were key among those calling for simpler, shorter ERs prepared and edited in parallel with the PPS.



### Non Technical Summaries (NTS)

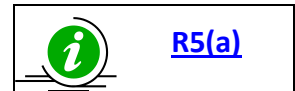
NTSs have the potential to play a more significant role highlighting the key environmental issues and how they have been taken into account. Currently, NTSs are often seen as a separate section at the

start of an ER and can be an assembly of cut and pasted sections from the main text. This can, as expressed by some plan-makers, make them excessively long and also dilute the key messages. Accordingly, it is recommended that NTSs are made clearer and punchier, with absolute clarity on the key findings and key matters that have been or need to be addressed and where appropriate, incorporated into the draft PPS.

### **Making information available to decision makers**

There were mixed views from plan-makers about the extent to which SEA made new information available to them. 47% of plan-makers agreed that undertaking SEA provided new information, while 33% stated they did not<sup>64</sup>. Those stating that they did not were predominantly from the spatial planning sector. This contrasts with the views of practitioners, where a clear majority (65%) agreed that the SEA made new information available, compared with those that said they did not (19%)<sup>65</sup>.

When asked if SEA had made the RA consider issues that it would not normally have done in preparing the plan, there were equally mixed views<sup>66</sup>. Only 40% of plan makers said they agreed that it made them consider new issues, which contrasts with 68% of practitioners. Similarly, 27% of plan-makers said that the SEA did not agree that it made them consider any new issues, compared with only 13% of practitioners.



This may be partially explained by the natural inclination for those authoring SEAs to consider that the information and issues they identify in SEAs are useful and valuable. Similarly, there may be an inclination for plan-makers to maintain that they were actively considering all of the key environmental issues regardless of the SEA.

Practitioners consistently pointed out that getting appropriate information into the decision making processes of senior decision takers can be difficult and that this is a key barrier to the influence of SEA.

It is interesting to note that when asked if SEA promoted more evidence based policy making<sup>67</sup>, there was greater consensus between plan-makers and practitioners, with 54% and 55% respectively saying they agreed that it did and 20% and 16% saying that they considered it did not.

### **Time impacts on PPS preparation**

There were polarised views from plan makers about whether undertaking an SEA of their PPSs had resulted in any delays. An equal number of respondents (42% respectively) agreed and disagreed with a statement that SEA does not delay preparation and implementation of a PPS<sup>68</sup>. This polarity was also reflected in the comments made by plan-makers. One respondent stated that SEA “*can and does have an impact on timescales for delivering that plan*” and that, in respect of spatial planning, SEA “*has resulted in some plans being significantly delayed or abandoned*” (although no evidence as

<sup>64</sup> Plan-makers survey – Part 2 question 2c

<sup>65</sup> Practitioners (in house) survey Part 2E question 2c

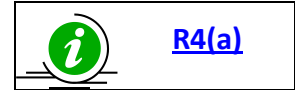
<sup>66</sup> Taken from respective answers to plan makers survey Part 2 question 2e and practitioners (in house) survey Part 2E question 2e

<sup>67</sup> Taken from respective answers to plan makers survey Part 2 question 2k and practitioners (in house) survey Part 2E question 2i

<sup>68</sup> Plan-makers survey

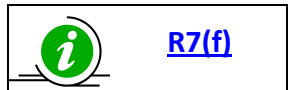
to what these plans were was provided). By contrast, another plan-maker stated that “*competent project management means that SEA need not delay PPS preparation or implementation*”, while another stated that the SEA may add some time but that any delays were “*not fundamental and the benefits outweigh the additional time*”.

If SEA is planned into the preparation process from the outset and takes place in an integrated way then this reduces the likelihood of delays. However, where SEA is not considered until a later stage, experience suggests this can delay PPSs preparation. In particular, for some PPSs, the preparation can take a very short time and in such cases timing the SEA is crucial in order to minimise delays. Equally, for such PPSs, finding the right scope and level of detail for the assessment is crucial.



**Training of PPS makers**

Some plan makers suggested that greater training for those preparing PPSs was required to help them to understand the SEA process and, more importantly, how to interpret and incorporate the technical outputs from SEA into decisions on policy and PPS content. Some evidence from the workshops and the practitioners’ surveys suggest that some RAs run training or awareness raising sessions internally to assist plan makers through the SEA process, but this is not universal. Consultants have also had a role in building capacity in RAs, including for plan-makers.

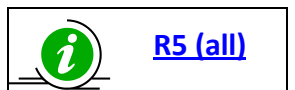


**4.5.5 Understanding Environmental Reports – Stakeholder perspective**

It is also useful to consider how ERs are used and understood by stakeholders to inform how they respond to a consultation. The wider process of stakeholder engagement is considered in some detail in [Chapters 4.13](#) and [4.14](#), however, the following points are pertinent more specifically to the form and content of ERs.

**ER form and content**

In common with the views of practitioners and plan makers, stakeholders think ERs to be too long, too complex and using too much technical or legal language.



**Assessing all aspects of PPS**

Some stakeholders are concerned that assessments do not always cover all parts of a PPS and that RAs can “pick and choose” which aspects are assessed. This has the potential to disguise potential effects from certain parts of a PPS. This is a key issue in the scoping stage where the scope of the assessment and its level of detail are set out and consulted upon. However, there is often some development of the PPS content from scoping to draft PPS stage and therefore the potential for some of this development to be missed in the assessment. This can be minimised where there is close integration between the plan-maker and the assessor.

**Making information accessible**

When asked if SEAs promote more evidence based policy making, 53% of stakeholders agreed, with only 17% disagreeing. This is almost identical to the figures recorded for in house practitioners and for plan-makers. This suggests that stakeholders are reasonably content that SEA is generating information to make policymaking more robust, but they appear to be much less convinced that this

is influencing final PPS content or that the information generated is itself robust or accurate (see [Chapter 4.10](#)).


**Separate documents**

Some stakeholders find the separation of draft PPS and ER documents difficult, particularly when they are presented as separate consultation packages. This is discussed in [Chapter 4.14](#).

**Quality of Environmental Reports**

Perceived or actual inaccuracy or quality issues in ERs are very widely reported in stakeholder survey responses. This is, however, not something that is significantly reported by other groups of respondents. Further research would be required to establish the validity of these concerns and it is important to consider these points with caution as a result, but is still useful to set out the nature of the quality issues they describe. They include the following:

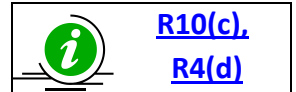
- Underestimation of potential for impact** – Some respondents suggest that RAs can be overly positive in their consideration of the nature and extent of impacts. For example, one respondent claimed that effects are *“often classed as “uncertain” when they should probably be classed as negative”*. CAs in their ER responses will often request RAs to amend assessment details such as this. Where appropriate this should be reported by RAs in Post Adoption Statements (PAS) but this is not common. Evidence from the casework analysis suggests that in some cases RAs tend to respond to such comments at PAS stage with the justification that there is no requirement to revise the ER. A small number of practitioners also referred to erring on the side of a positive view where there was no clear identifiable effect. Some CA responses are known to be critical of those assessments that present a “positive spin” and which “defend the PPS” rather than providing an objective evaluation. Some underestimation may also be down to not clearly identifying data gaps or uncertainties.
- Biased reporting** – Others claim that ERs are not always objective and that they can be biased towards the (often) socio-economic aims of the PPS. A common complaint of stakeholders is that ERs are being used to justify a PPS and not to challenge it from an environmental perspective or to see SEA as an opportunity for plan-makers to ask *“how can I achieve the objectives aspired to in this PPS in the most environmentally beneficial way”*.
- Subjective** – Due to the nature of many of the PPSs subject to SEA, it is more difficult to predict specific effects in specific areas. As a result, an “objectives-led” approach that enables SEA practitioners to debate whether an aspect of a PPS is likely to move towards or away from a desired environmental outcome has become a common approach. To do this, a degree of professional judgement as to the likelihood that the PPS would lead to certain outcomes is needed. This has been a common criticism of SEA since its commencement. Whilst this is not something that this review can, in isolation, address it is useful to note that many Scottish stakeholders find this difficult to accept. For example, one respondent said that *“a lot of SEAs carry large amounts of information, but then don’t base their assessment on it, so they are not really evidence based”*. It is important to note, however, that professional judgement is a key part of SEA and is in fact encouraged by guidance as an appropriate approach. As long as the evidence and assumptions used to support judgements made in the assessment are clear then it

	<a href="#">R3(b)</a> ,
	<a href="#">R4(d)</a> ,
	<a href="#">R5(a)</a> ,
	<a href="#">R6(b)</a>

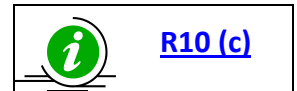


will remain a key method for undertaking assessments. Recommendations made elsewhere in this review may help reduce any perceived subjectivity.

- **Missing data** – Some stakeholders consider that ERs miss certain data. It is not possible to validate this but it is worth noting that CAs do raise issues regarding data omissions or reliability in their responses as evidenced by the large number of baseline related comments in CA responses (see figure 21, p44). Clear identification of data gaps is required by the SEA Act.
- **Lack of ER audit** – Several respondents identified that it was difficult, as stakeholders, to know the validity of some of the claims made in ERs and that a greater degree of auditing should occur to ensure that ERs are robust, accurate and evidence based. The UK Government’s guidance<sup>69</sup> contains a helpful quality assurance checklist which could be used. The CAs will often identify issues in ERs and alert RAs as to their concerns as part of the normal process of consultation on an ER.
- **Wide variations in quality** – Some stakeholders engage in a number of SEAs across Scotland and some of these – including some CA respondents – remarked on the wide variation in quality of ERs. To a certain degree, the wide variety of PPSs being subjected to SEA will be reflected in the nature and content of ERs, even within the context of the requirements of Schedule 3.



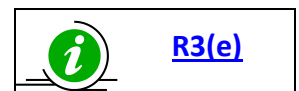
As these concerns are mainly perceptions that are not evidence based, no definitive conclusions have been drawn and no specific recommendations made. It is considered however that there are sufficient quality related issues to suggest that there may be a need for an auditing process to maintain and improve quality. A regular sample audit may represent a proportionate but effective approach.



#### 4.5.6 CA role at ER stage

Generally, CA comments on significant environmental effects at the ER consultation were well received and RAs are generally very supportive of the services provided by the CAs at this stage. One or two practitioners identified that CAs did not always, in their view, have a good grasp of significance in the context of the PPS being prepared and that this led to unreasonable requests for a level of detail that was “disproportionate to the scale which the plan would be operating at”. These complaints were however very small in number. Figure 23 overleaf provides a breakdown of the issues raised in the casework sample by CAs in ER consultations and these are discussed further below.

**Other relevant PPSs** – At the ER stage, most CAs devote only a small amount of effort to further identification of other relevant plans and programmes. This is understandable given the limited influence of this information at this stage. There is scope for this to be reduced considerably further by reprioritising efforts at the scoping stage.



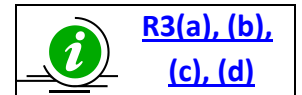
<sup>69</sup> [www.communities.gov.uk/documents/planningandbuilding/pdf/practicalguidesea.pdf](http://www.communities.gov.uk/documents/planningandbuilding/pdf/practicalguidesea.pdf) (Appendix 9)



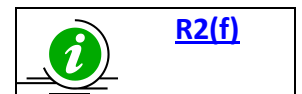
Figure 23 – Casework analysis – Breakdown of issues raised by CAs at ER stage

Consultation Authority	SEPA		SNH		HS		TOTAL L ALL CAs
	No.	%	No.	%	No.	%	
Issues Raised in ER Response							
General	85	16%	52	10%	76	21%	213
Other Relevant PPSs	23	4%	16	3%	21	6%	60
Baseline	58	11%	102	19%	41	11%	201
Environmental problems	9	2%	19	4%	4	1%	32
Scope of Env. Ass'ment	7	1%	7	1%	1	0%	15
SEA objectives	18	3%	7	1%	15	4%	40
Assessment method	48	9%	26	5%	34	9%	108
Assessment findings	82	15%	88	17%	64	18%	234
Environmental effects	47	9%	89	17%	19	5%	155
Cumulative effects	9	2%	7	1%	4	1%	20
Alternatives	20	4%	17	3%	12	3%	49
Mitigation	102	19%	57	11%	43	12%	202
Monitoring	39	7%	39	7%	30	8%	108
<b>Total</b>	<b>547</b>	<b>100%</b>	<b>526</b>	<b>100%</b>	<b>364</b>	<b>100%</b>	<b>1,437</b>

**Baseline and Environmental Problems** – A relatively high percentage of CA comments at the ER stage are devoted to baseline information and environmental problems. This is particularly the case for SNH responses. This is surprising given that the assessment has been completed by this stage, although it does reflect the situation in many cases where the ER is the first time the CA will have seen the baseline used for the assessment and therefore will have been the first opportunity to comment. This is both ineffective and inefficient. Ineffective as by the ER stage there is less scope to address changes to the baseline data upon which the assessment was based and inefficient as CAs spend time at the ER consultation stage raising concerns about baseline when there may be less scope for redress. Ensuring that the baseline is appropriate for the assessment is something that should be addressed at the scoping rather than ER stage and accordingly, there is scope for RAs and CAs to address this issue.



**Scope and SEA Objectives** - At the ER stage, most of the CAs devote only a small amount of effort to comments on scope and the SEA objectives. This is understandable given the limited influence of this information at this stage. There is, however, scope for this to be reduced considerably further by reprioritising effort to the scoping stage.



**Assessment method** – There is a surprisingly high percentage of comments – notably from SEPA and HS – on the assessment method used by the RA. Given the limited influence of such comments at this stage, there is considerable scope for this to be reduced through reprioritising effort to the scoping stage.

**Assessment findings, significant and cumulative effects** – Comments on the assessment findings and environmental effects should ideally represent the bulk of CA comments at the ER stage. However, the casework analysis shows that this makes up only 25% of ER responses (34% in SNH). While there may be very good reasons for this (e.g. where CAs are generally satisfied with an assessment), there is scope for this to be addressed through reprioritisation. Most CAs provide very few comments on cumulative and other effects although in many cases these may be covered through comments on significant effects.



**Mitigation and monitoring** – These should represent a considerable element of CAs ER responses and generally these issues are given high profile within responses. SEPA in particular provides significant comments on the identification and implementation of mitigation measures.

#### 4.5.7 Recommendations applicable to this chapter

The following recommendations are applicable with respect to this chapter.

- [Recommendation R1 – Promoting the value of SEA.](#)
- [Recommendation R2 – Improving efficiency and proportionality.](#)
- [Recommendation R3 – Focusing assessments: improving scoping and the evidence base.](#)
- [Recommendation R4 – Ensuring SEA has a voice in decision making.](#)
- [Recommendation R5 – Greater clarity.](#)
- [Recommendation R6 – Addressing environmental challenges through mitigation and enhancement.](#)
- [Recommendation R7 – Working together to provide guidance and support.](#)
- [Recommendation R10 – Continuing to reflect on experience.](#)

## 4.6 ASSESSMENT – IDENTIFYING SIGNIFICANT EFFECTS

### Key findings

- Determining significance is the biggest single “process” issue identified by practitioners in SEA.
- Generally, less than 50% of practitioners found identifying significant effects straightforward. Particularly difficult were topics such as soil, material assets and climatic factors. Cultural heritage and biodiversity considered easier.
- Identifying cumulative effects even more difficult for all topics (only 34% consider this straightforward).
- Reasons given for difficulties include: data availability and interpretation, lack of case study examples to learn from, specialist skills needed to identify and interpret effects for some topics, timing of the SEA, lack of clarity about PPS content when undertaking assessment and distinguishing effects from one PPS when many other drivers may be the cause of an effect.
- Generally those SEA topics that have some sort of hierarchical designation system linked to spatial expression of where those designations apply appear much easier for practitioners to identify what is significant.
- Difficulties in determining significance appear to result in more detailed assessments that “cover all the bases” rather than focusing on the key issues of importance. This can lead to disproportionate processes and outputs.
- Casework analysis showed most significant adverse effects identified on biodiversity (28%) and landscape (15%) and least on material assets (3%), air (6%) and soil (6%).
- Key difficulties with identification of cumulative effects include: lack of clarity about what constitutes a cumulative effect, need to develop a suitable method and distinguishing cumulative effects arising from a particular PPS from effects arising from other drivers.

### 4.6.1 About this chapter

This chapter reviews how RAs identify significant environmental effects that may arise from their PPSs. It discusses practitioner’s views on how easy this is and explores some of the difficulties being experienced. It also explains how significant environmental effects were considered in the casework assessment and discusses the consideration of cumulative effects.

### 4.6.2 Background

The SEA Act requires ERs to identify, describe and evaluate the likely significant effects on the environment of implementing the PPS and reasonable alternatives to it<sup>70</sup>. Schedule 3 sets out the issues that ERs should consider. These include: (i) biodiversity, (ii) population, (iii) human health, (iv) fauna, (v) flora<sup>71</sup>, (vi) soil<sup>72</sup>, (vii) water, (viii) air, (ix) climatic factors, (x) material assets, (xi) cultural

<sup>70</sup> Part 2 Section 14(2)

<sup>71</sup> In this review, fauna and flora are integrated into the wider heading of biodiversity. This is a common approach in most Scottish SEAs.

heritage including architectural and archaeological heritage, (xii) landscape and (xiii) the interaction between these issues.

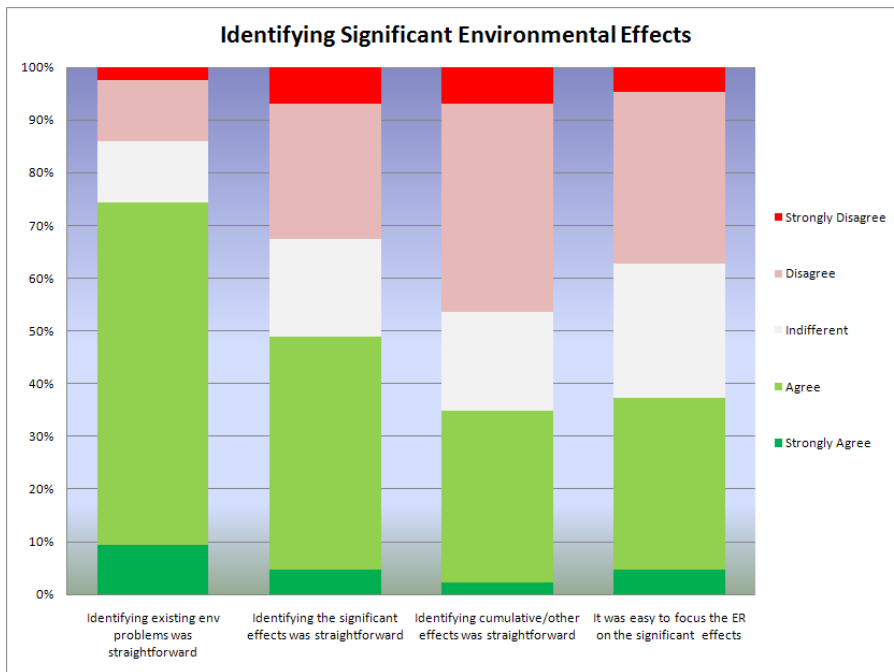
Schedule 3(4) of the SEA Act also requires RAs to include in ERs information about any existing environmental problems which are relevant to the PPS, in particular those relating to any areas of particular environmental importance or vulnerability.

The SEA Toolkit also provides specific guidance on how to determine significance<sup>73</sup>. This part of the Toolkit is largely derived from the UK Government’s Practical Guide to the SEA Directive<sup>74</sup>. The toolkit does not establish a method for determining significance, but rather sets out principles that offer direction.

### 4.6.3 General findings

There appears to be a clear message from one third of practitioners that they find the process of identifying significant environmental effects quite difficult, particularly in relation to the identification and consideration of cumulative effects and in the consideration of certain SEA topics. Figure 24 shows practitioners responses when asked how straightforward they find activities connected with determining significance. This chapter explores some of the reasons provided by practitioners for the difficulties.

Figure 24 – Survey responses – Views on ease of identifying significant effects



### 4.6.4 Identifying environmental problems

Figure 24 shows that in general practitioners find identifying existing environmental problems relatively straightforward. Some did note in their text responses that identifying environmental

<sup>72</sup> Includes geological effects and archaeology

<sup>73</sup> Chapter 9 Part 5 Annex - Significance

<sup>74</sup> [www.communities.gov.uk/publications/planningandbuilding/practicalguidesea](http://www.communities.gov.uk/publications/planningandbuilding/practicalguidesea)

problems was more difficult to do when considering their relationship with a particular PPS. Most ERs include a summary of the most significant environmental problems in the area to which the PPS relates. Some respondents highlighted that it is difficult to be clear whether a particular PPS is likely to make an established environmental problem better or worse, or whether it will have any effect. Accordingly, issues with identifying environmental problems may be more prevalent than is suggested by figure 24.

This is related to the discussion in [Chapter 4.4](#) regarding the availability of trends data to support identification of environmental problems. It is also linked to the finding in figure 24 that only a third of practitioners find focusing the ER on significant effects straightforward.

### 4.6.5 Determining significance

Determining significance was, along with considering cumulative effects, the most common “process” issue of concern among practitioners. Determining significance is crucial to so many other aspects of SEA<sup>75</sup>. Before considering this further, it is useful to note that practitioners appear to find determining significance straightforward for some SEA topics (figure 25) and for some types of PPS.

Figure 25 – Survey responses – Ease of identifying significant effects by SEA topic

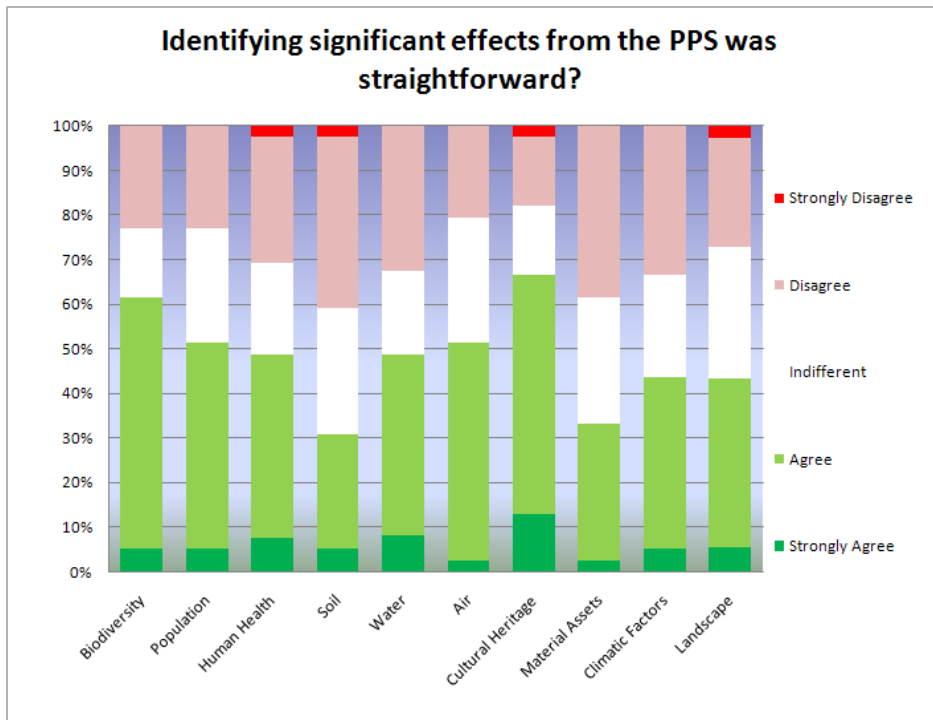


Figure 25, which is discussed in more detail in 4.6.8, shows those topics which are of greater or less concern. Generally it appears much easier for practitioners to identify what is significant for SEA topics that have some sort of hierarchical designation system linked to spatial expressions of where those designations apply. Accordingly, cultural heritage issues, which tend to focus around protection of spatially fixed objects according to a well established hierarchy of protection (from

<sup>75</sup> For example, effectively focusing the ER is reliant upon a RAs ability to clearly identify those effects of implementing a PPS that are likely to be the most significant.


World Heritage Sites through Scheduled Monuments and to the different grades of Listed Buildings for example) are generally found to be straightforward when considering significance. To a certain degree this also applies to biodiversity and to aspects of some other topics (e.g. flood risk).

Practitioners generally find determining significance more difficult where the PPS being assessed does not have a spatial expression. For example, one practitioner stated that *“the elements of the plan where it was difficult to identify impacts were generally situations where infrastructure would result from policies but no further details were available ( re: location). This made it difficult to determine significance of effect on specific receptors”*.

Similarly, practitioners appear to find it more straightforward to identify significant effects when considering more local level PPSs, as there is more likely to be a closer relationship between a policy decision and its impact on the environment than may be the case for higher level PPSs. However, some practitioners involved in SEA of higher level PPSs note that the development of alternative scenario based assessments enables simple and clear identification of potential significant effects at the strategic level.

From views expressed by practitioners and from the experience of this review’s authors, it is possible to build up a picture of the likely determinants of significance at different levels in PPS making and the nature of the assessment and baseline information that this may involve (figure 26). This general picture could be developed into more specific guidance about determining significance in the hierarchy.

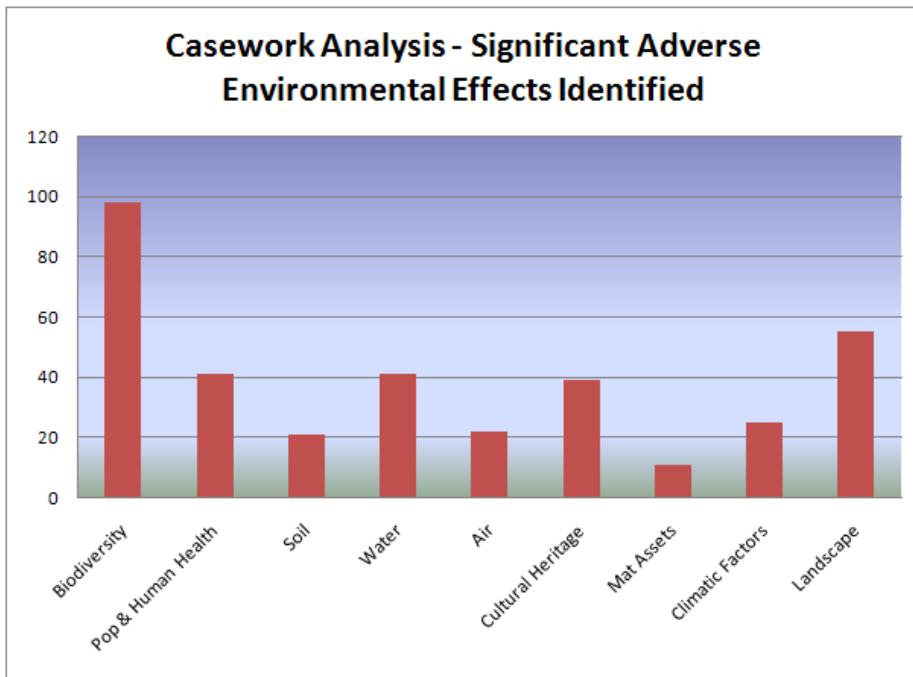
Figure 26 – Potential determinants of significance

Plan Level	Likely Determinants of Significance	Nature of Assessment	Baseline to Support
 <p>Strategic</p>	<ul style="list-style-type: none"> <li>National or international environmental policy or agreements – not site specific</li> <li>Environmental commitments set out in UK or Scottish legislation (eg Climate Change (Scotland) Act targets)</li> <li>Key sites of national or international importance where PPS may have specific impacts</li> </ul>	<ul style="list-style-type: none"> <li>Generalised summary of the potential for the PPS to contradict key national and international environmental objectives</li> <li>Likely to identify if PPS is “working towards environmental objectives” rather than specific impacts</li> <li>May be scenario based</li> </ul>	<ul style="list-style-type: none"> <li>Summary of key national environmental indicators</li> <li>Summary of national environmental trends</li> <li>Summary of key environmental commitments and progress towards them</li> </ul>
<p>Detailed</p>	<ul style="list-style-type: none"> <li>Designated sites of national or international importance in PPS area</li> <li>Some designated sites of regional or local importance in PPS area</li> <li>National policy issues applicable at the local level / in PPS area (eg flood risk prevention)</li> <li>National or international policy or agreements not site specific</li> <li>Environmental commitments set out in UK or Scottish legislation (eg Climate Change (Scotland) Act targets)</li> </ul>	<ul style="list-style-type: none"> <li>Likely to include site based assessment of those proposals and policies with a spatial context</li> <li>More generalised assessment of potential impacts of non site specific policies on SEA topics, which may include site based assessment – this may be scenario based and identify if PPS is “working towards environmental objectives” rather than specific impacts</li> </ul>	<ul style="list-style-type: none"> <li>GIS based “environmental constraints” data to support local level analysis and identify relationship with PPS proposals and policies</li> <li>Summary of key national and, where appropriate, regional or local environmental indicators</li> <li>Summary of national and, where appropriate, regional or local environmental trends</li> <li>Summary of key environmental commitments and progress towards them</li> </ul>

The casework analysis also considered how RAs identify significant environmental effects. This involved recording the significant effects detailed in the ER and determining whether those effects have been addressed by the RA. The casework analysis has shown that for the 32 plans assessed,

353 significant adverse effects were identified either by RAs or by CAs in their consultation responses. The SEA topics to which these relate are shown in figure 27, revealing that more significant adverse effects are identified on biodiversity, followed by landscape. This is consistent with practitioners’ views that these topics are easier to identify effects for. There is some correlation between those topics considered more difficult to identify effects for (e.g. soil and material assets) and the numbers of effects actually identified.

Figure 27 – Casework analysis – Significant adverse environmental effects identified by SEA topic



#### 4.6.6 Reasons given for difficulties in determining significance

Many reasons were put forward by RAs as to why determining significance was so difficult. These include:

**Data availability** – This was cited as a key reason by many practitioners. Access to and interpretation of baseline data is covered in detail in [Chapter 4.5](#).

**Support and guidance** – Many practitioners felt that the guidance provided in the toolkit on significance is not particularly helpful and that case study examples of what other RAs and CAs have considered to be significant in the context of particular types of PPSs would be more helpful. In addition, some practitioners considered that the CAs could provide greater clarity on significance when consulted at the scoping stage.

The SEA Toolkit sets out principles to offer direction to RAs in determining significance. These include:

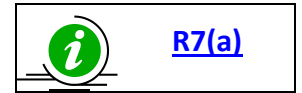
- *“impact evaluation involves a systematic and transparent approach covering all SEA issues, and both positive and negative effects;*
- *it is not appropriate to offset negative and positive effects in order to determine likely significance;*



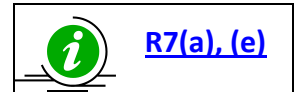
- where significance is uncertain, more rather than less significance should be assumed for negative effects, and less rather than more significance should be assumed for positive effects;
- expert judgement is acceptable. Where expert judgement is key to a determination of significance the source and nature of that expert judgement must be made clear;
- if established criteria or quantitative standards are in place then they should be used if they can be properly applied in the context of the PPS. Often, however, a qualitative statement will be needed.”

These principles are supported by diagrams explaining the need, when determining significance, to both predict and evaluate a potential impact and, as part of the evaluation process, to consider significance in the context of the potential magnitude of the impact and the sensitivity of the receiving environment.

RAs do not find these principles and supporting diagrams helpful. There is now a sufficient body of good practice to be able to support this with examples of methods for determining significance that have been successfully deployed. Dissemination of good practice and the utilisation of appropriate methods could be achieved by specific training/capacity building sessions (for example via the SEA Forum).



**SEA topics** – A large number of practitioners stated that the specialist skills needed to consider some of the SEA topics hindered identification of significant effects. Particularly noted were effects on soils and material assets. Many felt that the lack of clarity about what is included in some SEA topics also hindered consideration of significance. Material assets and environmental aspects of human health were particularly noted as a problem. Practitioners also noted that SEA topics which have a fixed spatial dimension much easier to consider significance for than those that do not.



**Lack of clarity** – Some practitioners argued that determining significance is made more difficult by the lack of data or assessment tools. For example, some practitioners mentioned the difficulties in being able to identify the significance or otherwise of carbon impacts in the absence of a simple tool.

Another difficulty expressed was the number of assumptions that have to be built into the assessment, thereby increasing subjectivity and reducing clarity. For example, many spoke of uncertainties about how policies will be implemented or how projects may be brought forward and that this led them to make assumptions which reduced clarity. Uncertainty of implementation is, however, an inherent part of the plan-making process (there being so many other external factors at play). Using and explaining the assumptions made is an integral part of policy-option appraisal. Any uncertainties can and should be described in the ER<sup>76</sup>.

**Nature of the PPS** – Many practitioners reported that the ease of determining significance varied depending on the nature of the PPS. In general it was reported to be easier to identify effects for PPSs with a relatively local, geographically identifiable footprint. In such cases, there is often a clearer idea of the types of impacts that may occur and, crucially, where they will occur. This allows

<sup>76</sup> SEA Act Schedule 3 (point 8) requires RAs to describe how the assessment was undertaken, “including any difficulties (such as technical deficiencies or lack of expertise) encountered in compiling the required information”.



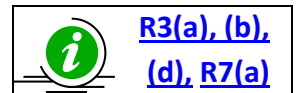
easier identification of significant effects on those SEA topics with a clear spatial dimension (e.g. cultural heritage, designated biodiversity sites, designated landscape sites, water bodies) but in contrast are more difficult to consider in the context of cross cutting issues such as climatic factors. Many practitioners noted the difficulties in pinpointing what impact their PPS would have when there are multiple factors – including other PPSs - influencing the environment. In this case greater clarity on environmental trends may be helpful.

#### 4.6.7 Focusing on the key issues

Figure 24 (p60) reveals that almost 40% of practitioners express difficulties in being able to focus the ER on the significant environmental effects<sup>77</sup>. This is supported by the casework analysis which found that in addition to significant environmental effects, ERs contained a large number of other, minor effects. This can result in overly long and complex reporting and lack of clarity about the most significant environmental effects of PPSs.

The reasons given by practitioners for not being able to focus the ER are ones discussed elsewhere in this review but in summary are:

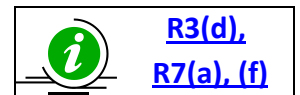
- poor scoping;
- difficulties in determining significance in the context of the PPS hierarchy;
- some fear of being challenged unless all environmental issues are covered;
- difficulties in securing baseline and, in particular, trends data for some topics which can increase uncertainty.



#### 4.6.8 Considering SEA topics

Figure 25 (p61) shows how easy practitioners found identifying significant effects in relation to different SEA topics. Soil and material assets are clearly the topics with which practitioners appear to be having most difficulties. Climatic factors and landscape were considered to be the next most difficult. There is a fairly strong correlation between this and practitioners' ability to source baseline data (see figure 18), [Chapter 4.4](#), which suggests that data availability is key to determining significance.

Another factor may be the technical nature of some of the issues that require specific skills or expertise that may not have been available to the RA.

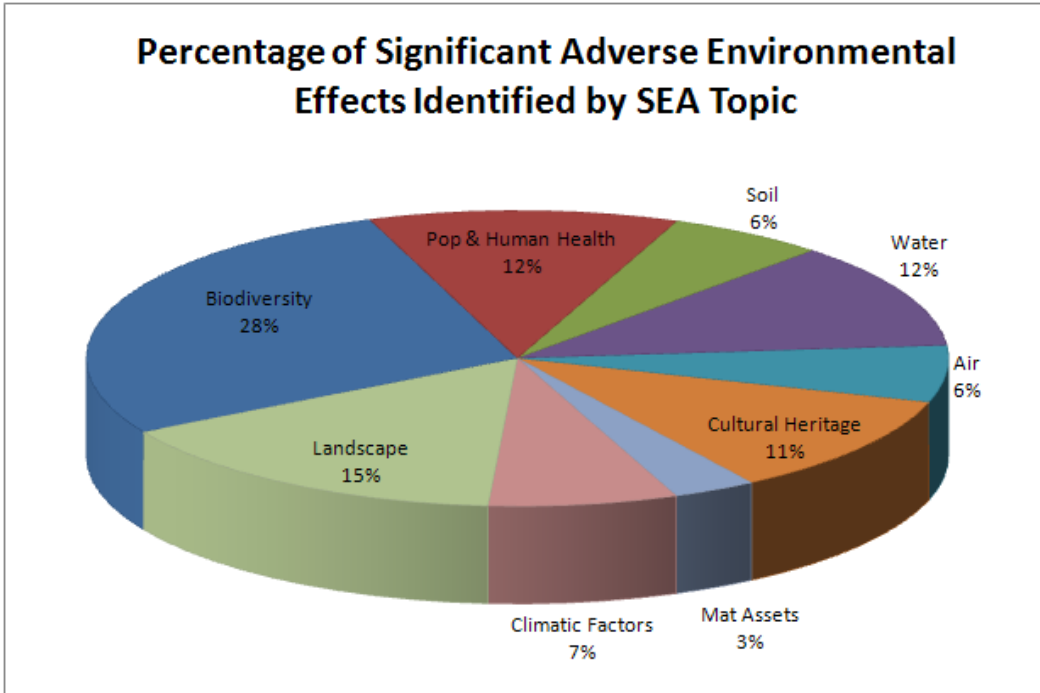


A general observation made by practitioners is that some topics are more “tangible” (this word was used by many respondents) than others and that this makes a big difference in the ease of identifying effects. One consultant for example said that “*with topics such as biodiversity and water, gathering information from dedicated organisations (SNH/SEPA) is straightforward and the issues are more tangible. With population, human health, material assets and climate change, the issues are more abstract and not so clear cut. In addition, there are many different organisations and data sources making information gathering and therefore assessment more difficult and quite arbitrary*”.

<sup>77</sup> Part 2A Environmental Report question 1f

Figure 28 below shows the SEA topics where significant adverse effects have been identified in ERs evaluated in the casework analysis. The highest number of effects was recorded on biodiversity. Each SEA topic is discussed in more detail below.

Figure 28 – Casework analysis – Percentage of significant adverse environmental effects identified by SEA topic

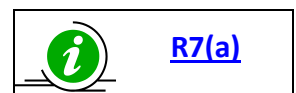


**Biodiversity**

In the casework assessment, many more significant adverse environmental effects were identified on biodiversity than any other topic (28% of all effects). Practitioners in the survey responses indicated that this topic was also one of the easiest to find information for. In addition, biodiversity is only rarely scoped out of an assessment (only one case in the casework assessment). Taken together, these factors may explain the high proportion of significant effects identified.

**Population and human health**

These topics, particularly human health, generally prove more difficult for practitioners. In many cases, this is due to a combination of uncertainty about what aspects of health to include in the assessment and uncertainty about how to use datasets. For example, one consultant described health impacts as “*abstract and not so clear cut*” when trying to associate impacts to particular parts of a PPS. Another practitioner stated difficulties in defining health impacts related to the environment and the result that it was “*difficult to keep (the assessment) focused*”. Many expressed particular difficulties in considering cumulative impacts on human health. One practitioner cited that integrating Health Impact Assessment (HIA) into the SEA was a useful way to effectively and comprehensively cover health issues, while another (Local Authority) respondent expressed the benefits of using internal environmental health/health improvement expertise to assist the assessment process. While some time savings may be made by integrating SEA and HIA where a voluntary HIA is pursued, it is not considered that any formal integration between these processes is needed.

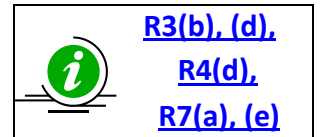


Research currently in preparation has reviewed 62 ERs to consider the coverage of human health issues. Preliminary results indicate that ERs identify many health related issues but are inconsistent in assessing impacts. It also finds that it is often unclear what health evidence is used to support or inform judgements. Key aspects missing from assessments are considered to be mental health and differential impacts (how impacts may be distributed among different populations). This, it is argued, means that SEAs are missing opportunities to address health inequalities and environmental justice.

### Soil

Identifying significant effects on soil was considered by practitioners to be the least straightforward. The two key reasons given for this were the difficulties of accessing soil data and the specialist nature of this topic. Despite the availability of specific guidance on SEA and soil since 2009, there appears to be more work required in this area to enhance the ability and confidence of practitioners to effectively consider soil. The casework analysis found that relatively few impacts were identified for soil, which may be attributable to the difficulties practitioners expressed in determining significance for soil. Specific points made by practitioners include:

- a) lack of understanding of the issues with, and locations of, carbon rich soils and, in particular, the lack of a robust method for calculating impacts;
- b) the cost of accessing certain datasets;
- c) large data gaps, particularly around soil functionality, soil erosion, soil sealing and carbon soils;
- d) difficulties in interpreting data even where they are available.



The State of Scotland's Soils report<sup>78</sup>, published in March 2011 should help resolve data problems, particularly at the national level.

### Water

Most practitioners did not express any particular difficulties in determining significant effects on water, although only 50% of survey respondents said that they found this topic "*straightforward*". Many practitioners referred to the extensive information relating to pressures on, and risks to, the water environment generally and waterbodies specifically that is now available as a result of SEPA's work on the Water Framework Directive and River Basin Management Planning.

### Air

Air quality is scoped out most frequently from the samples gathered from the surveys and from the 32 cases studied in the casework analysis. Few reported any specific problems in identifying significant effects (perhaps due to the geographic expression available in designated Air Quality Management Areas and the fact that emissions to air from industrial process are tightly regulated through other legislation). Many noted difficulties in considering whether there are likely to be cumulative impacts on air quality (the most commonly cited example being from PPSs that may generate trips or change travel patterns). This may result in cumulative air quality effects being under-reported or uncertain.

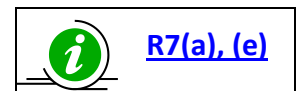
<sup>78</sup> [www.sepa.org.uk/land/soil.aspx](http://www.sepa.org.uk/land/soil.aspx)

### Cultural heritage

This was found to be the most straightforward topic to identify significant effects for. This is likely to be as a result of most aspects of the cultural heritage being spatially defined. It is possible that the relative ease of identifying effects is a contributing factor to the high number of effects identified in the casework sample (11% of all adverse effects).

### Material assets

This was found to be the second most problematic to identify significant effects for (fig 25, p61) and also was, by some margin, the topic with the fewest number of identified effects among the casework sample (3% of all adverse effects). Again, availability of datasets and uncertainty as to what the topic covers were cited as key reasons for this. Accordingly, it is possible that the difficulty in determining significance is resulting in fewer effects being identified. This is also the case for cumulative effects on material assets. One practitioner stated that *“this can mean different things to different practitioners and may vary depending on the subject matter of the PPS. If it is not easy to identify these in the first place then it is difficult to consider any cumulative effect”*.



### Climatic factors

Many practitioners raised specific issues in relation to climatic factors. This is, therefore, considered in more detail in [Chapter 4.17](#).

### Landscape

Few practitioners reported specific problems with this topic, although some practitioners referred to the “specialist nature” of this topic and the difference in scale and nature of data. Landscape was identified as the second most likely topic to have significant adverse effects from the casework sample analysed (15% of all adverse effects).

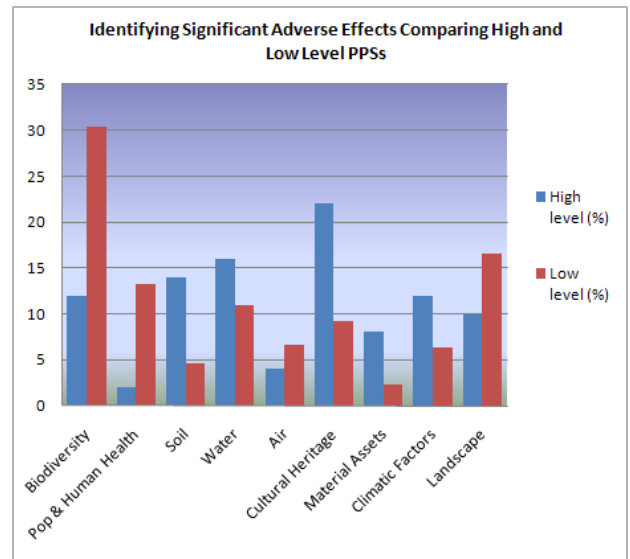
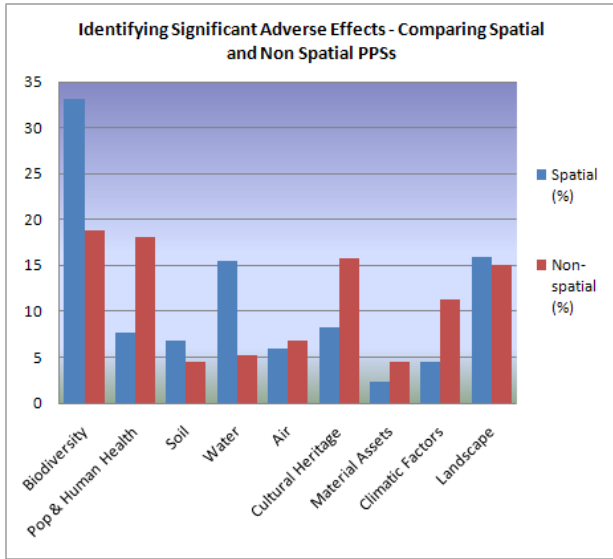
### Interaction between SEA topics

In addition to consideration of SEA topics individually, the SEA Act requires RAs to consider the interaction between topics. This review did not seek specific evidence on how this has been handled, but some practitioners expressed views on this issue. Further work to investigate the way interaction between topics is undertaken may be useful. Some of the discussion and findings in relation to consideration of cumulative effects is relevant to this point.

## 4.6.9 Sectoral differences

There appear to be differences in the SEA topics likely to be affected when different types of PPS are compared. Figures 29 and 30 overleaf show the respective differences for spatial and non spatial PPSs and for high and low level PPSs. Spatial PPSs have a higher percentage for biodiversity and water and non spatial PPSs have a higher percentage for human health and cultural heritage. High level plans have a higher percentage for cultural heritage, water, soil and climatic factors, while low level plans have a high percentage for biodiversity, human health and landscape.

Figures 29 and 30 – Casework analysis – Identifying significant adverse environmental effects – Comparing spatial and non spatial PPSs and high and low level PPSs



**4.6.10 Role of the CAs**

Generally, CA comments on significant environmental effects at the ER consultation were well received and RAs are generally very supportive of the services provided by the CAs at this stage. The role and performance of CAs at the ER consultation stage is discussed in detail in [Chapter 4.5](#).

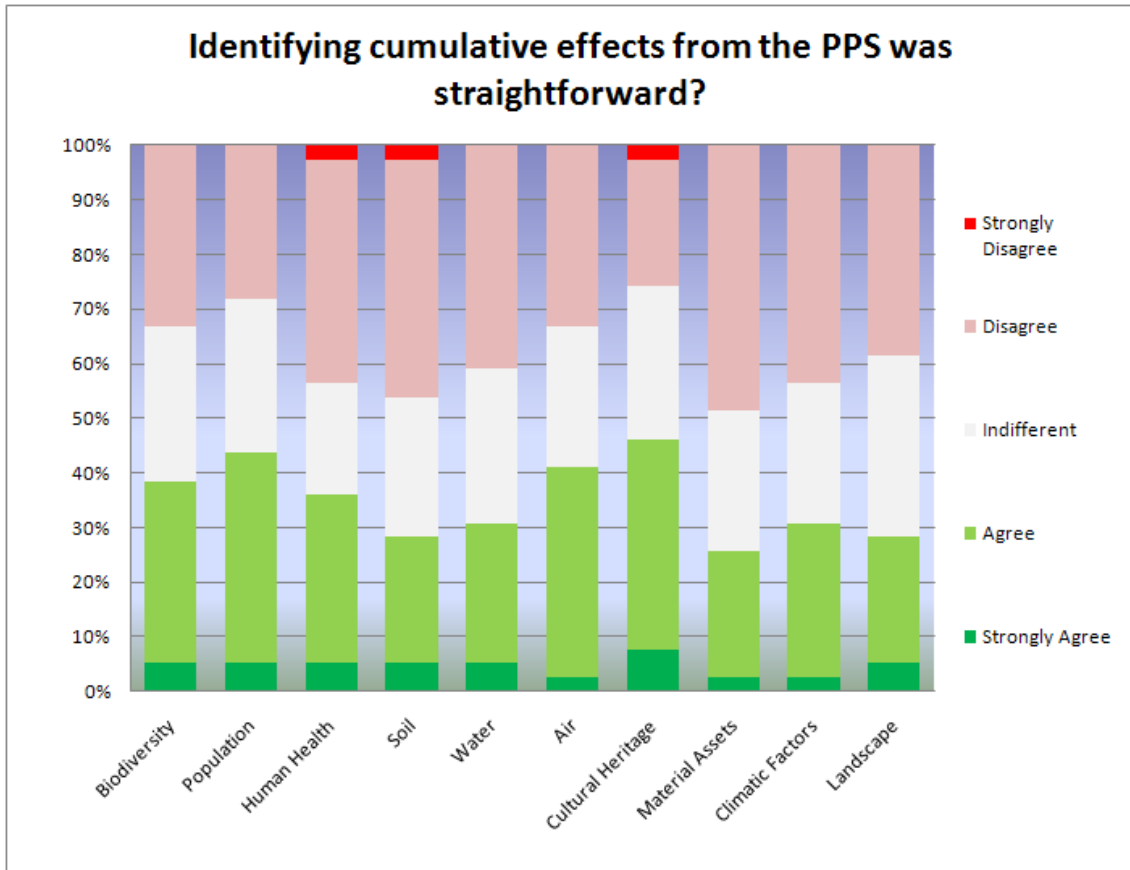
**4.6.11 Cumulative and other effects**

The SEA Act requires RAs not just to consider direct significant effects, but also short, medium and long term effects; permanent and temporary effects; positive and negative effects; and secondary, cumulative and synergistic effects. It is clear from workshops and survey responses that considering these types of effects proves extremely difficult. Mention is most often made of difficulties in considering cumulative effects, however it is clear that difficulties also extend to other types of effects, notably secondary and synergistic.

Figure 24 shows that only 34% of practitioners generally considered the identification of cumulative effects to be straightforward (compared with almost 50% for direct effects). Figure 31 overleaf shows the responses from practitioners<sup>79</sup> with respect to considering cumulative effects on each of the SEA topics. For every SEA topic, practitioners found it more difficult to predict cumulative effects than direct effects, although the pattern of which topics are the most difficult to consider (soil and material assets) and which are easiest (cultural heritage) remains similar.

<sup>79</sup> In house and consultants practitioners responses combined.

Figure 31 – Survey responses – Practitioners’ views on ease of identifying cumulative effects by SEA topic



While most practitioners merely expressed difficulties with considering cumulative effects in general, closer evaluation revealed a number of underlying themes, which are discussed in the following paragraphs.

**What is a cumulative effect?**

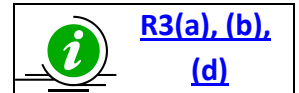
Some practitioners were unclear about what actually constituted a cumulative effect and the extent to which RAs have to consider just the cumulative effects arising from their PPS being assessed or whether this should include effects arising from interaction with other PPSs and environmental trends that were outwith their control. The workshops highlighted “*limited understanding of cumulative effects*” as a key weakness of the assessment process.

The SEA Toolkit provides some discussion on this although a more precise wording would be helpful. It states that “*cumulative effects can arise from the combined effects of more than one PPS. They can also result from the interaction of individual policies within one PPS, e.g. a policy designed to improve transport flow and a housing policy may, when taken together, result in significant effects on noise levels and on landscape. Cumulative effects can result from a combination of past, present or (foreseeable) future actions which, although not necessarily significant in themselves, may together result in significant environmental effects.*”

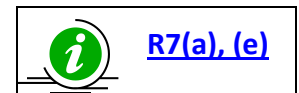
One respondent referred to this, stating that “*true cumulative assessments could consider “the world around”...What else helps to limit effects? What other PPSs could exacerbate the effects?*”. Another

practitioner that had adopted such an approach however said that “it was difficult to decide which (other) PPSs should be considered for cumulative effects” and that due to the different nature, content and influence of those other PPSs “it was difficult to come to any conclusions or recommendations, especially where there is overlap with national policy”.

Given the number of external factors and other PPSs that may influence the environment and unavailability of data for some topics, it is understandable why RAs should find consideration of wider cumulative effects so difficult. Consideration of cumulative effects is intrinsically linked to the baseline and evaluating potential changes to the baseline resulting from the PPS. In the analysis of baseline information, the difficulties in securing trends data for some topics were noted. If more or better trends data were available (based upon factors and PPSs already at play), this may help RAs to focus their evaluation of the cumulative impact of their PPS upon the short, medium and long term environmental trends in their areas. The recommended CA key environmental issues documents may also help.



Guidance is one way to address this issue, but tellingly one survey respondent stated that looking at previous ERs to get ideas on how to consider cumulative effects was more helpful. There is scope therefore for producing Scottish guidance that shares good practice which better describes the nature of cumulative effects and how they should be considered.



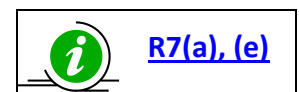
**Developing a suitable method**

Some respondents noted that they were not able to develop a method that they felt was suitable and robust for cumulative assessments. The SEA Toolkit includes a chapter on considering cumulative effects. It does not prescribe a method, but sets out some principles to help guide RAs:

- consider cumulative effects as an integral part of the SEA and PPS preparation process;
- focus on identifying the total effect of both direct and indirect effects on receptors;
- consider the nature, extent and sensitivity of the receptors;
- consider effects resulting from the interaction of proposals in a PPS as well as those in other PPSs;
- take account of whether any effects will bring receptors close to their carrying capacity;
- be aware of uncertainties and document them.

These principles are supported with some examples of cumulative assessment methods, including a summary of the different types. Beyond this, however, there is little discussion about the practical application of such methods or examples. This is not surprising given the limited availability of examples at the time of publishing the SEA Toolkit.

Cooper (2004)<sup>80</sup> provides some initial guidance on consideration of cumulative effects in SEA, some of which is cited in the SEA Toolkit. The Irish Environmental



<sup>80</sup> Cooper (2004) Guidelines for Cumulative Effects Assessment in SEA of Plans, EPMG Occasional Paper 04/LMC/CEA, Imperial College London - <http://www3.imperial.ac.uk/pls/portallive/docs/1/21559696.PDF>

Protection Agency is also preparing guidance on cumulative effects which may well be helpful. Accordingly, it is suggested that this is an area where further work could be undertaken as part of the SEA Toolkit review.

#### **Uncertainty in assessment**

Some respondents also stated that considering cumulative effects was made particularly difficult when there was already uncertainty about the direct effects of the PPS.

#### **4.6.12 Recommendations applicable to this chapter**

The following recommendations are applicable with respect to this chapter:

- [Recommendation R3 – Focusing assessments: improving scoping and the evidence base.](#)
- [Recommendation R4 – Ensuring SEA has a voice in decision making.](#)
- [Recommendation R7 – Working together to provide guidance and support.](#)



## 4.7 ASSESSMENT – ALTERNATIVES

### Key findings

- Some evidence that SEA is driving more effective evaluation of alternatives that would not normally have occurred.
- Many practitioners however find it difficult to identify alternatives in the PPS as these may vary greatly in scale and nature.
- Key difficulties include:
  - determining the alternatives to be assessed;
  - determining the level of detail to assess each alternative;
  - wide range and number of potential alternatives for high level PPSs;
  - some PPSs driven by legislation that tightly prescribe form, content and objectives of a PPS, which dramatically reduces alternatives.
- Timing the evaluation of alternatives is crucial as if considered too late then some alternatives will be precluded.
- SEA provides a significant opportunity to drive the development (as opposed to just evaluation) of environmentally sustainable alternatives.

### 4.7.1 About this chapter

This chapter explores practitioners' experiences in considering reasonable alternatives. It considers how alternatives are identified and assessed, the timing of their assessment and the roles of the assessor and stakeholders in generating and evaluating alternatives.

### 4.7.2 Background

Section 14 and Schedule 3 of the SEA Act require that ERs identify, describe and evaluate the likely significant effects on the environment of implementing reasonable alternatives to a qualifying PPS. In practice, however, consideration of alternatives may take many forms, with RAs considering a wide range of alternatives ranging from very high level strategic alternatives (e.g. low growth plan versus high growth plan), through to evaluation of different policy options and, in the case of some spatial PPSs, evaluation of different site allocation options.

SEA case law to date<sup>81</sup> has included considerable discussion about alternatives and provides some helpful information that may help RAs to undertake robust assessment of alternatives.

### 4.7.3 General findings

Consideration of alternatives is an issue that many practitioners find one of the more difficult aspects of SEA. It appears that practitioners find the process of actually assessing alternatives

<sup>81</sup> For example: *The Forest Heath Core Strategy SEA* - [www.bailii.org/ew/cases/EWHC/Admin/2011/606.html](http://www.bailii.org/ew/cases/EWHC/Admin/2011/606.html)

reasonably straightforward, it is the identification of what alternatives to assess and when and in what detail that presents greater challenges. Stakeholders are also unconvinced that the assessment of alternatives is as robust as it could or should be.

#### 4.7.4 Identifying alternatives – What is a reasonable alternative?

A priority issue that emerged from the workshops was the difficulty some practitioners find in identifying alternatives. The nature of this issue varies depending on the nature and level of the PPS, but essentially this question is about giving confidence to practitioners about how to identify real and reasonable alternatives.

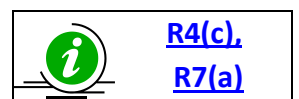
For lower level, spatially orientated PPSs, the range of possible alternatives is potentially great and may include alternatives around the PPS vision or objectives, the PPS policy framework or the land allocations made. In many cases it will be all three. Some of these alternatives may be constrained by decisions made in higher level PPSs, but even in these cases, there may still be reasonable alternatives about how a policy made at the higher level is implemented in a local context. Thus the dilemma for local level, spatially orientated PPSs is often about determining what level to pitch the alternatives at and then to identify the ones that are reasonable.

For some higher level PPSs, the difficulty can be that the range of alternatives that could be assessed is generally much smaller and in some cases (e.g. where a PPS is largely driven by requirements laid down in European law) there may be no alternatives at all. Practitioners assessing PPSs at this level are more concerned that they are driven to “invent” or “exaggerate” alternatives to enable some form of comparative assessment to take place.

The SEA Toolkit provides some advice on this issue and it is worth repeating some of it in the context of this review. It states that *“it is not the purpose of SEA to decide the alternative to be chosen for the PPS. This is the role of the Responsible Authority preparing the PPS or the decision-makers who have to make choices on the PPS to be adopted. The SEA simply provides information on the relative environmental performance of alternatives, and can make the decision-making process more transparent”*.

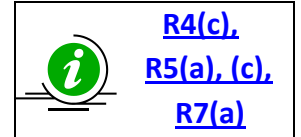
While this guidance is logical in that it advocates the SEA “following” the decision making processes about policy options, now is a useful time to challenge this advice and to suggest that SEA is well placed to provide a greater steer in the identification of PPS alternatives and helping to stimulate further and earlier thinking by plan-makers on more environmentally sustainable alternatives.

For example in [Chapter 4.10](#) it is noted that there is a need for a change in mindset to one where plan-makers continually ask *“how can my PPS be made better by using SEA to understand how it can achieve its aims with minimal adverse effects?”*. One way of achieving this is to allow the SEA process to more actively drive alternatives rather than react to them. One practitioner involved in assessing a high level PPS stated that their approach to considering alternatives was for the SEA to drive the identification of PPS alternatives that had the best environmental outcomes. Another consultant practitioner stated that *“assessment of alternatives should ideally be done by PPS author with power to amend the plan*



accordingly”. Such approaches could help both in the identification of alternatives but also enable SEA to be more influential on PPS content.

The SEA Toolkit provides some useful advice on determining reasonableness. For example, it states that “*the alternatives identified should be appropriate to the remit of the PPS*” and that “*some alternatives may not be practical, or within a Responsible Authority’s powers, while others may not be appropriate to a particular stage or level of the PPS. A wider range of alternatives will be available at a regional level than at a local level, and decisions made at the “higher” level will close off some alternatives*”. This should help to guide RAs in their consideration of alternatives, but it could be supported with practical examples.



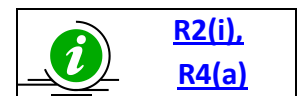
Importantly, the toolkit is very clear about how decisions made on the alternatives assessed should be transparent in the ER and post adoption processes when it states that “*the alternatives considered throughout the process should be documented and reasons given to why they are or are not taken forward*”.

There is scope for the toolkit to provide more advice on reasonableness of alternatives. For example, the following questions may help RAs to determine what alternatives are reasonable and which ones may not be:

- Will the alternative fulfil the PPS objectives?
- Is the alternative within the legal or geographical competence of the RA?
- Is the alternative sufficiently detailed for meaningful engagement?
- Is the alternative constrained by policies set by higher level PPSs?
- Will the necessary time and resources be available to implement the alternative?
- Is there an unacceptable risk that the alternative will not be fully implemented?
- Is the alternative genuine or just included for the sake of comparison?

**4.7.5 Timing of assessment of alternatives**

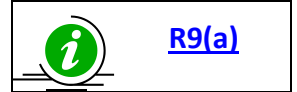
An important aspect in the consideration of alternatives is when the SEA assesses them. This is directly linked to the discussion about whether SEA should “help drive” or “react to” alternatives. One consultant practitioner stated that assessment of alternatives can be “*hindered by late involvement of SEA in the plan development process and (consequential) lack of influence on the decision making*”. This is reflected in the views of many other practitioners who advise that it is most effective to catch the assessment of alternatives early. As one survey respondent stated, “*if SEA doesn’t start to identify alternatives until later on then some have already been rejected*”. This requires a more integrated approach towards the assessment where plan-maker and assessor work together and iteratively to develop and assess policy.



**4.7.6 Alternatives – What role for stakeholders?**

Stakeholders have expressed concerns that they are sometimes involved too late in the SEA process and that their views are not taken into account. It has also already been discussed that stakeholders are generally excluded from the scoping process. To address these issues, there may be scope for

greater involvement of stakeholders in identifying alternatives. The SEA Toolkit already advocates this by stating that “*stakeholders may usefully be involved in the generation and assessment of both strategic and more detailed alternatives through consultation. Demonstrating that there are choices to be made is a way of engaging stakeholders in the process*”. Facilitating such an approach however requires plan-makers and decision makers to open up the PPS preparation process to stakeholders.



#### 4.7.7 Recommendations applicable to this chapter

The following recommendations are applicable with respect to this chapter.

- [Recommendation R2 – Improving efficiency and proportionality.](#)
- [Recommendation R4 – Ensuring SEA has a voice in decision making.](#)
- [Recommendation R5 – Greater clarity.](#)
- [Recommendation R7 – Working together to provide guidance and support.](#)
- [Recommendation R9 – A more engaging process.](#)

## 4.8 ASSESSMENT – PLAN HIERARCHY

### Key findings

- Most practitioners see clear benefits in considering other relevant PPSs.
- Identifying other relevant PPSs considered reasonably straightforward, but analysing how they may influence the PPS being subject to SEA much more challenging.
- Considering the plan hierarchy is important in effectively scoping the SEA, particularly where certain elements of the PPS are set by a higher tier that has already been subjected to SEA.
- Levels of analysis of other PPSs are low and most ERs simply contain a list of other PPSs without identification of the most significant and their potential influence.
- A “plan-mapping” process which clearly identifies the most important and influential PPSs is often helpful.

### 4.8.1 About this chapter

This chapter evaluates how RAs are handling the requirement in SEA to consider other relevant PPSs in the decision making process. It covers some of the methods employed and seeks to address concerns and issues raised by practitioners.

### 4.8.2 Background

Section 14 of the SEA Act states that ERs should take into account the stage of the PPS in the decision making process and the extent to which any matters would be more appropriately assessed at different levels in the decision making process in order to avoid duplication.

Schedule 3 requires that ERs outline the relationship of a PPS subject to SEA with any other qualifying PPSs. It also states that ERs should include information on environmental protection objectives established at international, Community or Member State level which are relevant to the PPS and the way these have been taken into account during its preparation.

These requirements of the SEA Act are often referred to under the generic heading of the “plan hierarchy”.

### 4.8.3 General findings

RAs do not report any particular problems in being able to identify other PPSs or environmental objectives that may be relevant to the PPS being subjected to SEA. When asked if it was straightforward to gather information about other relevant PPSs, 67% of respondents agreed, or strongly agreed, while only 14% disagreed or strongly disagreed<sup>82</sup>. However, there are issues about how this information informs the SEA.

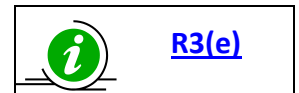
<sup>82</sup> Combined In-house practitioners and consultants surveys figures Part 2A, Environmental Report, question 1.

Many RAs recognise four benefits of the requirement to consider the policy context in which a particular PPS sits:

- Using the findings of SEA of higher level PPSs can help an RA undertaking SEA of a lower tier PPS inform the scope and level of detail of that assessment. This can reduce duplication and focus the SEA on the key issues of importance.
- It enables RAs to consider in a systematic way what policies may have influence on their PPS and this subsequently helps establish both PPS and SEA content. Many found “plan-mapping” at a very early stage of SEA useful in helping them to focus the assessment.
- It enables RAs to “park” those issues that may be better assessed at a lower tier of planning and to make this fact clear to those preparing lower tier PPSs that such issues are expected to be appropriately assessed at that time.
- It enables a “green thread” to run through the hierarchy of PPSs dealing with a particular issue, which ensures that environmental issues can be factored into all tiers of decision making.

#### 4.8.4 Lists of PPSs

There is considerable concern among practitioners and stakeholders alike that in many cases the hierarchy is expressed simply through the preparation of a long list of potentially relevant PPS with very little analysis of their relevance to the PPS in question. Many questioned this “*tickbox*” approach as serving no useful purpose and CAs acknowledged that in many cases long lists of PPSs are often not reviewed on the basis that no analysis of their significance is made. It also should be noted that some RAs stated that CAs can exacerbate this by indicating (for example in scoping responses) further PPSs for consideration without an explanation as to why. Creating such long lists of PPSs may also be driven by a fear of being challenged in the event that a PPS or objective is missed, although this was not cited as a particular reason by RAs. The best examples of identifying other relevant PPSs often occur when a “*plan-mapping*” process has been conducted. This process tries to place and analyse the PPS being assessed in terms of its relationship with the network of PPSs that influence it. In this way, clear identification of the *most direct and most significant* policy drivers from above and of those PPSs that are responsible for implementation below can be made. This is a much more focused approach and RAs that use it report benefits.



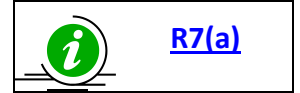
It is recommended that RAs are encouraged to provide considerably more focused consideration of other relevant PPSs within ERs by identifying those of direct or most significant influence over the PPS being subjected to SEA. This should be accompanied with an appropriate analysis of the key environmental issues of relevance in these PPSs and their influence over the PPS and SEA in question. This is likely to result in much shorter, but better considered, descriptions of other relevant PPSs within ERs.

#### 4.8.5 Targeting SEA at the right level

Some RAs reported difficulties in being able to target the SEA at the right level, especially where both higher level and lower level PPSs come into play. The reason given for this was lack of clarity

about (a) what has been assessed at the higher level and (b) what and how PPSs at the lower level may implement the PPS being assessed. This is particularly the case where higher level PPSs have not been subject to SEA themselves. This can reduce the range of reasonable alternatives available to a RA and can also constrain the mitigation measures available. Timing was also seen as a key reason for uncertainty as PPSs across the hierarchy are not always brought forward in a chronological way which therefore means some SEAs are being conducted without the ability to consider how other PPSs might have influence.

Some RAs admitted that this difficulty in being able to identify what aspects of the assessment were conducted at a higher level and what aspects could be conducted at a lower level leads to duplication with some matters being assessed in more than one SEA.

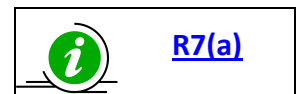


The Scottish Government already provides advice on this issue to spatial planners<sup>83</sup> which states:

*“The broad coverage of the legislation in Scotland provides an opportunity to better link SEAs and thus reduce potential duplication....Greater integration may be horizontal or vertical....Hierarchical awareness could allow for:*

- *transferring information, such as relevant baseline, between assessments;*
- *scoping specific issues out on the grounds that they have been adequately covered in the SEA of another plan at the same level or in a higher-tier plan or policy document;*
- *scoping some issues out on the grounds that they can be more meaningfully assessed in the SEA of a lower-tier plan, programme or strategy;*
- *being clear about the limitations of the assessment for higher-level plans. Whilst problems should not be simply passed from higher to lower-level plans, it is important that SDP SEAs in particular do not over-anticipate LDPs and their SEAs by embarking on a detailed assessment which is dependent on numerous assumptions;*
- *positioning the assessment of supplementary guidance within the broader SEA of the plan can minimise duplication of efforts. This could streamline the SEA by reducing the need for supplementary assessments at a later stage”.*

Accordingly, it is felt that, for spatial planners at least, there is a clear message that it is acceptable for SEAs to not cover issues that have already been covered elsewhere and to “park” some issues for a more appropriate level of assessment. This message could be reinforced in the revised toolkit for the non spatial planning sectors.



#### 4.8.6 SEA and Environmental Impact Assessment (EIA)

A particular issue that the workshops explored and which was referenced in some of the practitioner survey responses was the interface between SEA and EIA. This was explored in two main areas:

- Some, particularly those in the spatial planning sector, expressed concerns that in undertaking assessments of individual land allocations, the SEA was beginning to cover issues that would

<sup>83</sup> Planning Advice Note 1/2010 Strategic Environmental Assessment of Development Plans

normally be within the domain of EIA. While further evaluation of cases would be required to prove this one way or another, from experience and from limited evaluation of the casework sample, it is not considered that this concern is particularly valid. Most land allocation assessments are relatively generic and do not consider sites in the level of detail that an EIA would. This is consistent with the SEA Toolkit advice that states “*where a PPS includes proposals for individual projects, these need to be assessed at a sufficient level of detail to enable significant environmental effects to be broadly predicted*”<sup>84</sup>. The use of the term “*broadly predicted*” is key, offering a clear distinction between the level of detail required for SEA compared with the more specific impact identification in EIAs.

- More RAs were concerned about how to make sure that SEAs effectively influence the scope of EIAs as and when qualifying projects are brought forward, which in many cases will be some considerable time later. The SEA Toolkit covers the SEA/EIA interface, however it provides only limited advice on this issue – for example “*where EIA is needed later for a project, it is likely to be informed by the findings of the SEA*”. It is felt that there is considerable scope to improve advice on how SEAs should influence EIA.
- There are some examples where EIA projects are brought together to form option appraisals / plans and therefore require SEA. For example, the draft Forth Replacement Crossing (FRC) Strategy, comprising four potential options for a replacement crossing across the Forth was subject to the SEA process. The SEA of the options was focussed on the strategic impacts of the route corridors rather than precise locations and also identified potential cumulative impacts. Detailed site-specific impacts, as required by EIA were not identified. However, through the SEA process, opportunities were identified for mitigating environmental effects. There was a clear commitment in the SEA post adoption statement that mitigation objectives would be progressed at the EIA stage.

#### 4.8.7 “Green Thread”

A key benefit that some RAs identified was the ability, through embedding SEA across PPSs in a hierarchy, to set a green thread of key environmental considerations for that sector or geographic area running through all relevant PPSs. This was a key aim of the founding principles of the Environmental Assessment (Scotland) Bill I, that of achieving better policymaking by ensuring that environmental effects are fully considered at an early stage in policy formulation. By building SEA into decision making across the hierarchy, this enables environmental considerations to be factored into the earliest policymaking (e.g. at government level) and then successively factored into subsequent PPSs that implement that policy.

#### 4.8.8 Recommendations applicable to this chapter

The following recommendations are applicable with respect to this chapter:

- [Recommendation R3 – Focusing assessments: improving scoping and the evidence base.](#)
- [Recommendation R7 – Working together to provide guidance and support.](#)

<sup>84</sup> SEA Toolkit Paragraph 9.6.2. Further advice on this issue is set out in paragraphs 9.6.1 to 9.6.3 and figure 9.7.



## 4.9 ASSESSMENT – MITIGATION AND ENHANCEMENT

### Key findings

- Most practitioners consider that effective identification and implementation of mitigation measures in SEA is vital.
- Most practitioners found identifying mitigation measures to be straightforward. However, many are also of the view that the mitigation aspect of SEA is currently poorly undertaken.
- A key reason given for this is that there is no strong mechanism to ensure that mitigation measures actually take place.
- In many cases, mitigation and enhancement measures are identified, but a clear framework for their delivery is not put in place.
- In some cases, mitigation measures are lost in the detail of the ER and can be traded off against other measures designed to address more minor effects.
- Accordingly, there is considerable scope to improve consideration of mitigation, particularly through the inclusion of required measures within the PPS.
- The most common mitigation measures identified to address significant adverse environmental effects are: changes to the PPS being subject to SEA (34% of all measures); project level mitigation (20%), and mitigation to be delivered by lower tier PPSs (18%).
- Strengthening adoption processes may be required to give SEA greater weight at the end of the PPS preparation process and to ensure mitigation measures are implemented.
- Enhancement opportunities are being identified (particularly in relation to biodiversity), however these tend to be reasonably limited.

### 4.9.1 About this chapter

This chapter considers the requirement that RAs should address significant adverse effects identified in the assessment. It looks at the methods and measures employed by RAs to address such effects and their likely effectiveness.

### 4.9.2 Background

The SEA Act does not refer specifically to the term “mitigation” although this is commonly accepted to cover the requirement in Schedule 3 to identify measures to “*prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing a plan or programme*”.

Mitigation measures are commonly understood to be those which a RA puts in place to prevent, reduce and as far as possible offset those significant adverse effects that have been identified in the assessment and which may arise from implementing a PPS. Enhancement measures are those that have been put into place by an RA not to address an adverse effect, but to generally or specifically add value to a PPS by improving its environmental outcomes.

Mitigation and enhancement measures may take several forms, including<sup>85</sup>:

- changes to the wording of a PPS prior to its adoption, including inclusion of new policy content or removal of policy content or certain plan alternatives;
- measures to be adopted as part of the PPS's implementation;
- measures to be adopted by other relevant PPSs in the hierarchy;
- using established procedures, policies and regulations aimed at protecting the environment to provide “assumed mitigation” –for example through other legislation such as the Controlled Activities (Scotland) Regulations (CAR) for protecting the water environment;
- requiring more detailed assessment to take place in SEA lower tier PPSs as detailed proposals are brought forward;
- compensation measures such as replacement habitat creation.

Application of the mitigation hierarchy is an essential component of SEA and is the context within which much of the discussion on mitigation effectiveness sits. The mitigation hierarchy sets out a framework for identifying mitigation measures. It includes (in order of desirability) (a) avoidance/prevention, (b) reduction, (c) offsetting /compensation and (d) remediation.

This chapter focuses on mitigation measures which address adverse effects as this is a requirement of the SEA Act. Some commentary on enhancement is also provided.

### 4.9.3 General findings

Most practitioners consider that effective consideration and implementation of mitigation measures in SEA is vital. Many see this as an area of SEA where an RA can be innovative in terms of the measures it identifies and how and when they should be implemented. Most agree that an effective approach to mitigation leads to better environmental outcomes and better PPSs. In particular, enhancement proposals can lead to significant win-win results. 52% of practitioners and 34% of plan-makers considered that their SEA identified mitigation or enhancement measures which will provide significant environmental protection over and above what the plan would have delivered anyway.

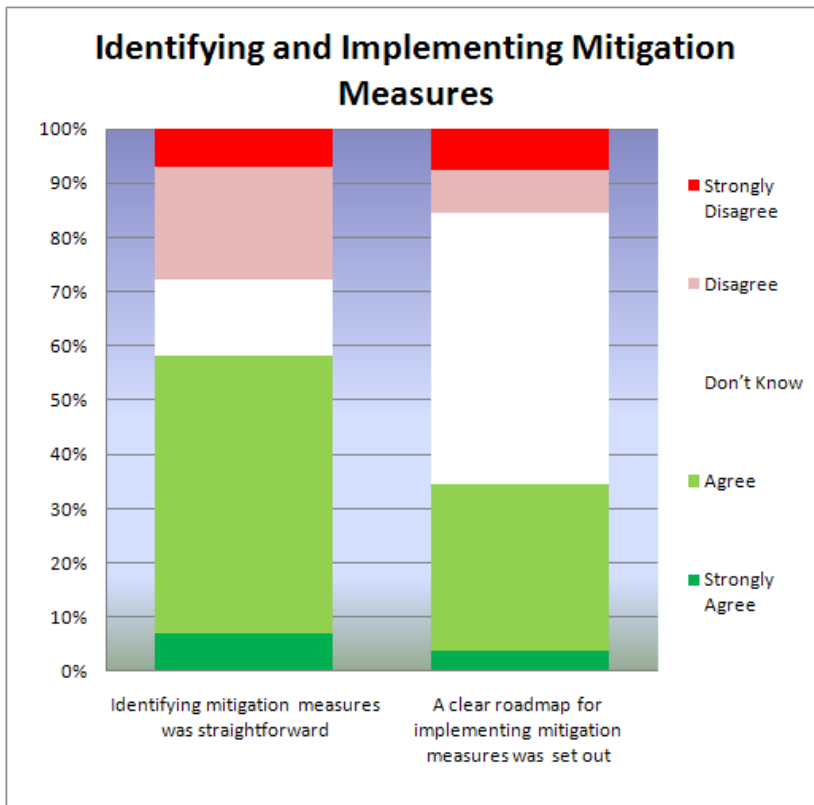
Generally, most practitioners found identifying mitigation measures to be straightforward. 58% stated that this was the case, while 28% said that it was not straightforward.

However, many practitioners and stakeholders are also of the view that the mitigation and enhancement aspects of SEA are currently not delivering their potential benefits. A key reason is that there are no mechanisms to ensure that mitigation measures actually take place. Many, as a result, consider that little mitigation – beyond that required by other legislative means such as environmental licensing or EIA - is actually occurring even when such measures are cited in ERs.

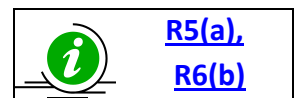
<sup>85</sup> Further description and some other examples can be found in Treleven and Simmons (2004) SEA of Local Implementation Plans: Mitigation - [www.sea-info.net/files/general/SEA\\_of\\_LIPs%20Task3.9\\_Mitigation\\_041214Final.pdf](http://www.sea-info.net/files/general/SEA_of_LIPs%20Task3.9_Mitigation_041214Final.pdf)

Only a third of practitioners felt that their SEA provided a clear roadmap for implementing the mitigation measures. This provides little confidence that measures would actually be put into effect. Similarly, a plan-maker commented that “it is easy to write mitigation measures, but how often do RAs or CAs systematically check whether they are being implemented in subsequent stages?”

Figure 32 – Survey responses – Practitioners views on ease of identifying and implementing mitigation measures



Mitigation measures are most commonly reported in ERs<sup>86</sup> and sometimes are re-iterated in PASs. There is no specific requirement under the SEA Act to put in place a programme for implementation of these measures, but clearly the intention of the SEA Act is to ensure that appropriate measures are identified so that they may be put in place to address the adverse effect in question.



#### 4.9.4 Types of mitigation

The casework analysis<sup>87</sup> (figure 33) shows that for all environmental effects the most common mitigation measures are: (a) those to be implemented as projects are brought forward (29% of cases), (b) through direct changes to the PPS (22%) and (c) through assumed mitigation (20%). However, when significant adverse effects are isolated (figure 34), this pattern changes and direct amendment to the PPS becomes the most common mitigation measure.

<sup>86</sup> As required by Schedule 3 (7) of the SEA Act.

<sup>87</sup> These data show how significant adverse environmental effects that were identified by the RA or by the CA at ER consultation stage and that were categorised by the casework analysis as being fully taken into account by RAs have been mitigated.

Figure 33 – Casework analysis – Types of mitigation (all environmental effects)

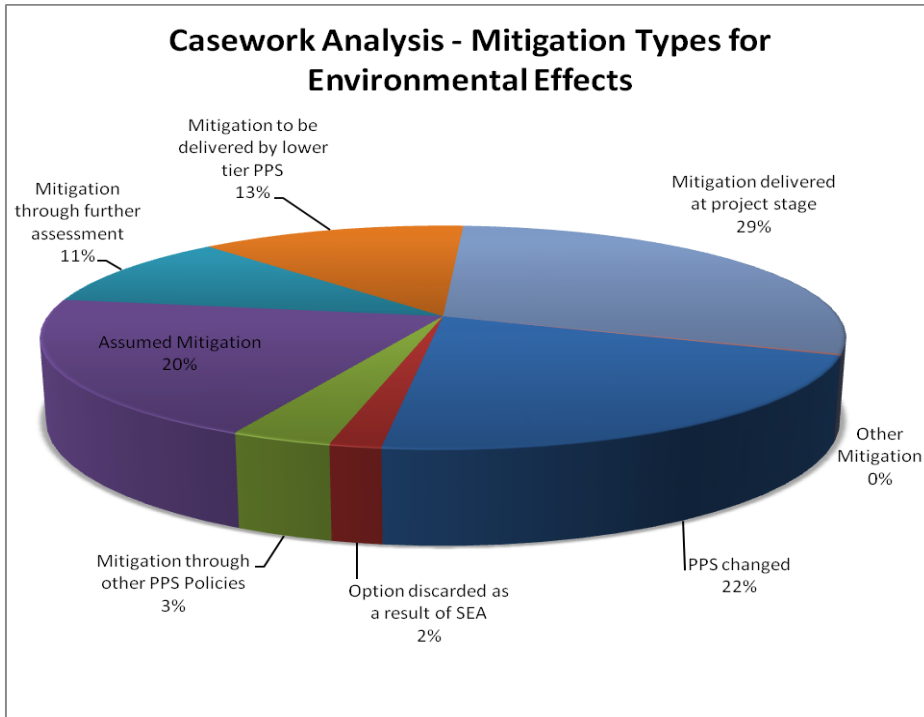
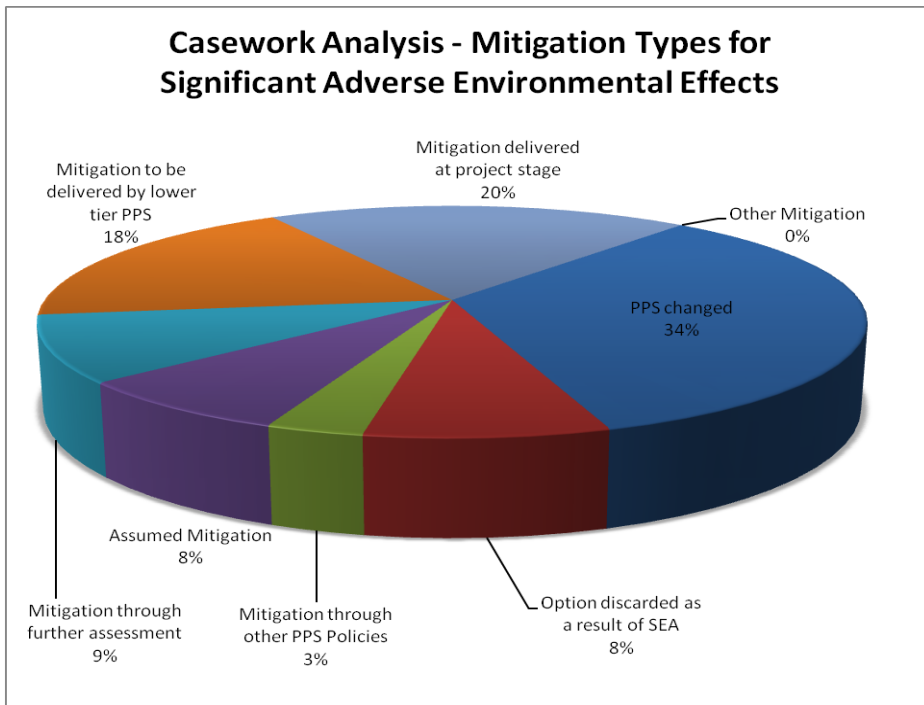
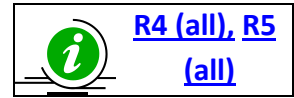


Figure 34 - Casework analysis - Types of mitigation (significant adverse environmental effects)



Of particular note is the significant increase in changes to the PPS and the rates of options being discarded when significant adverse effects are isolated. This appears to show that RAs are more likely to take such direct and immediate action when dealing with significant adverse effects.

Similarly, for significant adverse effects, there is noticeably less application of project level or assumed mitigation, which again points to RAs preferring to address these issues through routes which they have greater control of. These data are explored in respect of specific SEA topics later in this chapter.



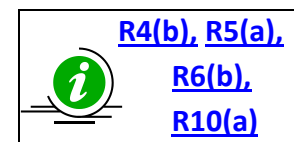
It is considered desirable to have as many mitigation measures as possible falling into the category of direct changes to the PPS or for options to be discarded. In this way, the mitigation measure is intrinsically linked to PPS content and implementation.

It is inevitable that there will always be measures that will need to be implemented as projects are brought forward. In most cases, it is only when the detail of specific proposals come forward that the exact nature and location of effects will be known. Accordingly, it is appropriate that this type of mitigation measure is often cited by RAs. However, it is important that such measures are always accompanied with clear direction in the SEA about when and how they will be implemented. This is not always the case.

Assumed mitigation refers to those effects that may be addressed by established measures such as environmental licensing regimes. This is a legitimate approach where the regime can demonstrably address a significant adverse effect identified in the SEA, although this should always be accompanied with clear direction about the key issues and a roadmap for implementation.

#### 4.9.5 Implementing mitigation measures

There does not appear to be any evidence that RAs are actively avoiding the identification of mitigation measures, but there is seldom a clear route set out for their implementation. As a result, some practitioners and stakeholders report that mitigation measures get lost in the documentation or are forgotten as a PPS moves from preparation to adoption and thereafter into implementation. Further, as RAs are identifying mitigation to address other, minor, effects, there is a risk that measures to address truly significant adverse effects are lost or traded off. As noted in figure 32, only 29% of practitioners felt that their SEA provided a clear roadmap for implementing mitigation measures.



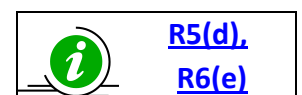
To substantiate this, further study about what mitigation measures are being identified and how and if they are being implemented would be very useful.

The SEA Toolkit already recognises the importance of providing an implementation route for mitigation measures.

There are a number of approaches to provide a clearer context for the implementation of mitigation measures that should be encouraged:

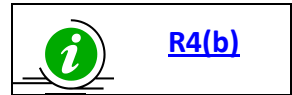
- **Clear indication in ERs and PASs of mitigation through PPS change**

Many mitigation measures are implemented through amendment to the wording or content of a PPS as part of its preparation. As discussed in [Chapter 4.6](#), in many cases these changes are not documented, which reduces transparency. Greater clarity of changes made to a PPS as a result of SEA would improve transparency.



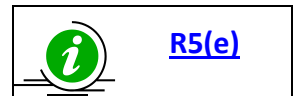
- **Integrate mitigation measures into the PPS itself**

In a small number of examples, RAs have chosen to embed the mitigation measures into the PPS itself, effectively ensuring that the measures are integral to the policy framework and therefore implemented alongside the policies in the PPS. This is particularly useful for those mitigation and enhancement measures which relate to a particular policy or proposal coming forward (for example a land use allocation in a development plan). Integrating measures with the PPS or associated implementation document (such as the Action Programmes required for Strategic and Local Development Plans<sup>88</sup>), provides a significantly stronger framework and authority for ensuring that they are implemented. Regular reporting of progress can also be made through normal PPS monitoring processes.



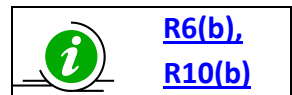
- **Hierarchy**

Some mitigation measures identified in high level PPSs will involve making sure that more detailed level assessments are conducted in lower tier PPSs once details about how a particular policy area may be implemented becomes apparent. Unless there is very clear direction to the RA responsible for the lower tier PPS(s), then this may be missed. RA's adopting mitigation of this type should make the requirements on other authorities very clear and should work proactively to ensure that these measures are implemented by other RAs where and when appropriate.



- **Establish reporting mechanisms**

A recommendation emerging from the workshops was to introduce a formal “follow up stage” to report on mitigation implementation. There is no strong evidence that a new formal stage is required but it is considered that responsibility for, and progress towards, implementing mitigation measures should feature strongly within monitoring reports prepared by RAs following adoption of a PPS. Where appropriate, separate implementation plans that set out what measures are required, which authority is responsible for their implementation and when each measure is expected to be implemented could be used. Where measures are expected to be undertaken by another authority, negotiation with that authority may be required to ensure that such measures are practicable and reasonable given the resources and skills of that authority and the nature of the PPS.

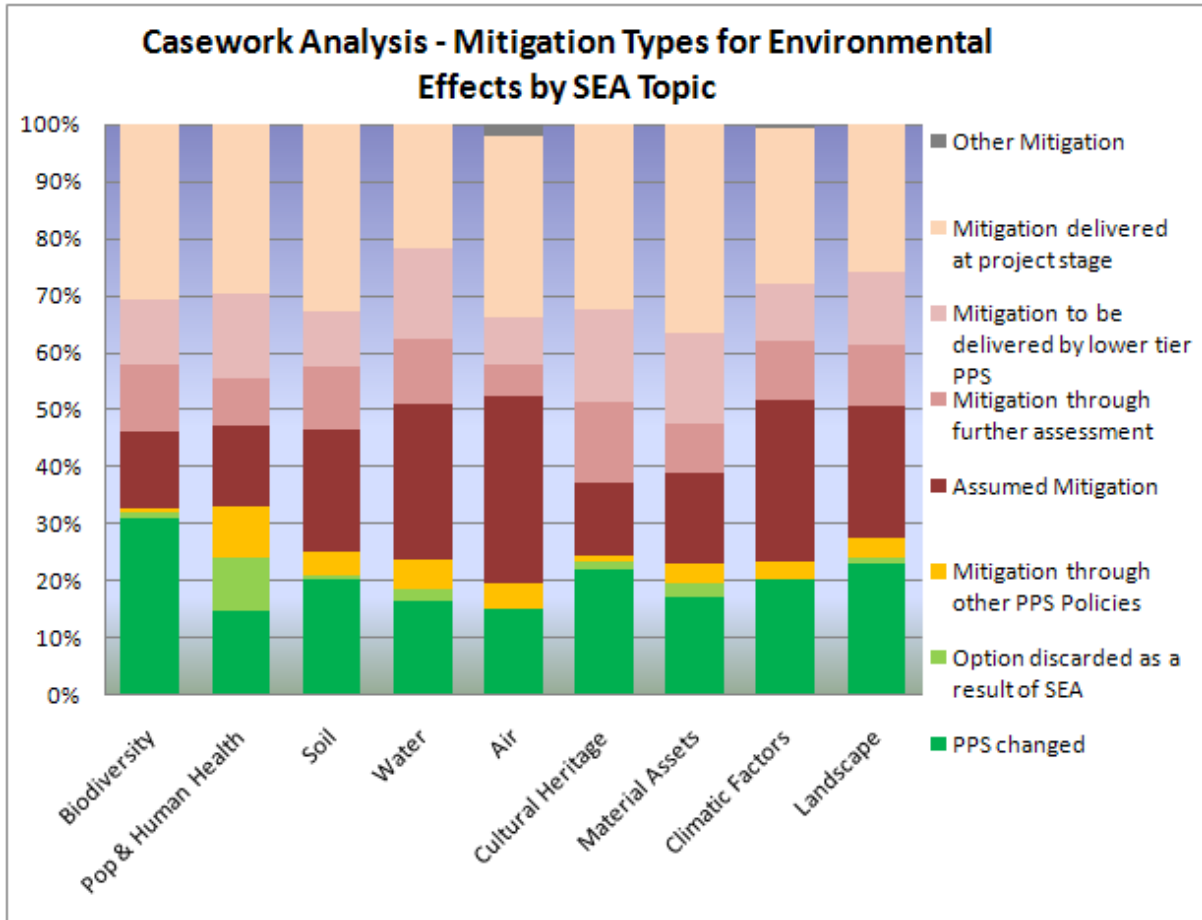


#### 4.9.6 Types of mitigation by SEA topic

The casework analysis identified mitigation measures by SEA topic and these data are set out in figure 35.

<sup>88</sup> <http://www.legislation.gov.uk/ssi/2008/426/regulation/26/made>

Figure 35 – Casework analysis – Types of mitigation by SEA topic – All environmental effects<sup>89</sup>



These data reveal that direct amendments to the PPS are more likely for biodiversity impacts and used least for population, human health and air impacts.

When the significant adverse effects are broken into topics, the sample number becomes too small for direct comparison. However, in general terms, across most topics there is greater use of PPS change as a mitigation measure (e.g. 50% of all mitigation for significant adverse cultural heritage effects).

Some topics are more likely to have project based mitigation (e.g. soil, where in some cases the nature of the impact will not be known until the project stage), whereas with others it is easier to build in PPS level changes as it is clear what direction a PPS needs to travel and there is much more that can be done at the policy level and less at the site level (e.g. climatic factors, for example PPSs should be designed so that policies work together to reduce emissions wherever possible).

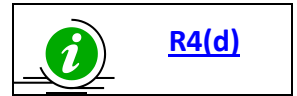
Similarly, some topics such as air and water are likely to see a high level of assumed mitigation as these have strong regulatory frameworks in place to provide site level protection.

<sup>89</sup> Note: These data show mitigation types for all environmental effects. Isolating significant adverse effects makes the data sample too small for meaningful comparison between topics.

### 4.9.7 Role for CAs

At the workshops, a greater role for the CAs in identifying mitigation measures was identified as a priority. CAs will often comment on the potential effectiveness of proposed mitigation measures, however it is less common for them to suggest new or alternative measures.

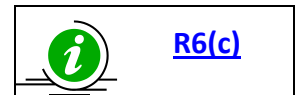
There may be scope for CAs to adopt a more proactive approach in helping RAs to identify potential mitigation options, although this would rely upon RAs clearly setting out mitigation proposals in ERs. Such advice would be consistent with a process of continual engagement that is recommended.



### 4.9.8 Maximising enhancement opportunities

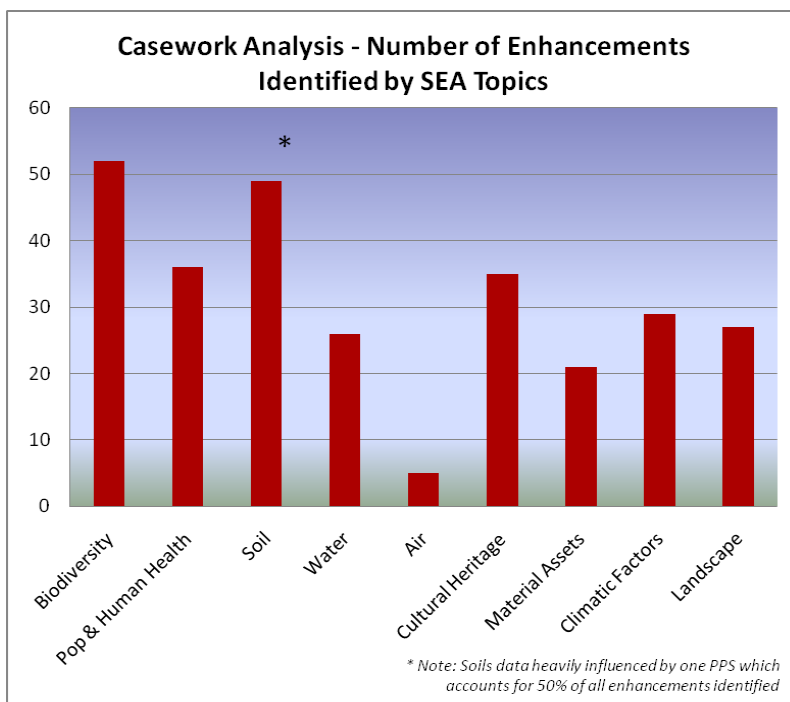
A key feature of the workshops and to a certain degree some of the stakeholder answers to the survey was the need to consider mitigation measures not just as a means of addressing adverse effects, but also as a way of making PPS even better. The SEA Act is clear in its reference to addressing “significant adverse effects”, however many consider that SEA is very well placed to identify and implement significant enhancement opportunities.

Accordingly it is considered that RAs should be encouraged, through guidance and through sharing examples of good practice, to consider, document and implement enhancement opportunities in the same way as mitigation measures.



From the assessment of the 32 case studies, a total of 284 enhancements were identified. Enhancements in relation to air are noticeably limited, although this may be accounted for by the fact it was scoped out of more assessments. Figure 36 shows the SEA topics covered by these enhancements.

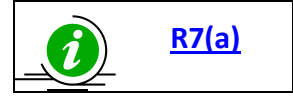
Figure 36 – Casework analysis – Number of enhancements identified by SEA topic





#### 4.9.9 Guidance on mitigation and enhancement

The SEA Toolkit makes only very brief reference to the role and importance of mitigation and says even less on enhancement. Given the very significant role this part of SEA plays in making sure that adverse environmental effects are prevented, reduced or offset, it is considered that further guidance would be helpful. This could include practical examples of successful mitigation methods or actions and examples of implementation plans to ensure that mitigation measures are put in place.



#### 4.9.10 Recommendations applicable to this chapter

The following recommendations are applicable with respect to this chapter.

- [Recommendation R4 – Ensuring SEA has a voice in decision making.](#)
- [Recommendation R5 – Greater clarity.](#)
- [Recommendation R6 – Addressing environmental challenges through mitigation and enhancement.](#)
- [Recommendation R7 – Working together to provide guidance and support.](#)
- [Recommendation R10 – Continuing to reflect on experience.](#)

## 4.10 INFLUENCING PLAN CONTENT

### Key findings

- Perception, particularly among stakeholders, that SEA is not significantly influencing PPS content (e.g. only 30% of stakeholders think that SEA improves plans).
- Casework analysis suggests that two thirds of significant adverse environmental effects are fully taken into account and only 11% are not taken into account in any way.
- There appears a disconnection between the perception of SEAs influence and the experiences of casework which suggest that SEA findings are generally being considered as PPSs are prepared.
- Some of the SEA's influence is not documented (e.g. where there is an iterative approach of development of policy → testing by SEA → refinement of policy → re-testing by SEA etc.).
- Reasons given for lack of influence include:
  - outputs too complex;
  - nature of SEA methods (often seen as a cut and paste or tickbox exercise);
  - separate plan-making and SEA processes;
  - influence of other, often political, drivers more powerful than the SEA;
  - weak post adoption processes;
  - lack of buy in from key decision makers.
- SEA is most influential where:
  - there is high integration between plan-making and SEA processes;
  - the key findings are clear and plan-makers are fully aware of how to address them;
  - the PPS and SEA are undertaken iteratively where PPS is continually tested by the SEA;
  - SEA commences early in the PPS preparation process;
  - an SEA co-ordinator or team can provide continuous support or undertake the SEA;
  - plan-makers / senior decision makers are bought into the requirements and benefits of SEA.
- Significant effects appear more likely to be taken fully into account in very high level PPSs, while more local level PPS appear to be more constrained.

### 4.10.1 About this chapter

SEA is intended to be an aid to decision making on the content of PPSs. Its role is to ensure environmental information is made available to plan-makers so that this can be fully considered as the PPS is prepared. This role requires SEA to effectively communicate key issues to plan-makers. This chapter discusses how influential SEA is being.

### 4.10.2 Background

One of the (then) Scottish Executive's key objectives when bringing forward plans for extending the requirement for SEA in Scotland was to help public authorities "*make better policy decisions based on a clear understanding of the environmental consequences*"<sup>90</sup>. This far reaching objective requires

<sup>90</sup> [www.scotland.gov.uk/Publications/2003/12/18691/31035](http://www.scotland.gov.uk/Publications/2003/12/18691/31035)

that for SEA to be considered successful it must be seen to influence PPS preparation and the decisions that are made in relation to them.

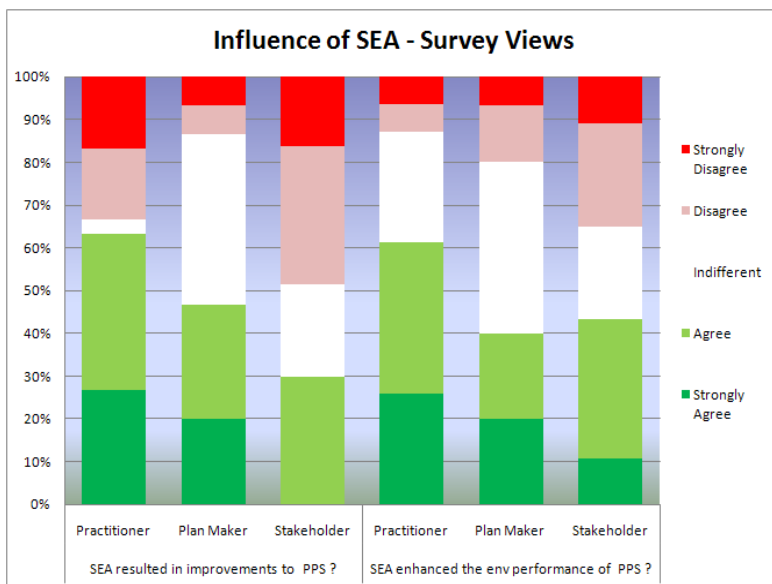
The SEA Act largely translates this objective through Section 17, which requires that RAs take account of the ER and every opinion expressed on the ER and the PPS during the consultation stage. How such account has been taken is set out in the PAS required by Section 18 of the Act. Post adoption issues are considered in [Chapter 4.11](#).

### 4.10.3 General

Practitioners, stakeholders and plan-makers were generally sceptical as to the extent of influence SEA has over a PPS. Stakeholders answering the general survey are particularly pessimistic with less than 30% of respondents thinking that SEA results in better PPSs. Only 40% of plan-makers considered that the SEA enhanced the environmental performance of their PPS. Only the practitioners, those undertaking the SEA, felt that their work was actively influencing PPS content, with over 60% considering that their SEA resulted in demonstrable improvements to the PPS and enhanced its environmental performance. It is though significant that 33% of practitioners did not think that the SEA resulted in demonstrable improvements to the PPS. Figure 37 below shows the full results. As discussed in [Chapter 2](#) (see Figures 4 and 5), the perceived lack of influence of SEA is considered to be the most significant weakness of SEA and the third biggest frustration.

While the casework analysis did not appraise whether a PPS could be considered “better” as a result of SEA, it did analyse how matters raised in the ERs had been taken into account by RAs<sup>91</sup>. How such matters are taken into account gives a pointer as to the influence of the SEA on plan-makers as the PPS was finalised.

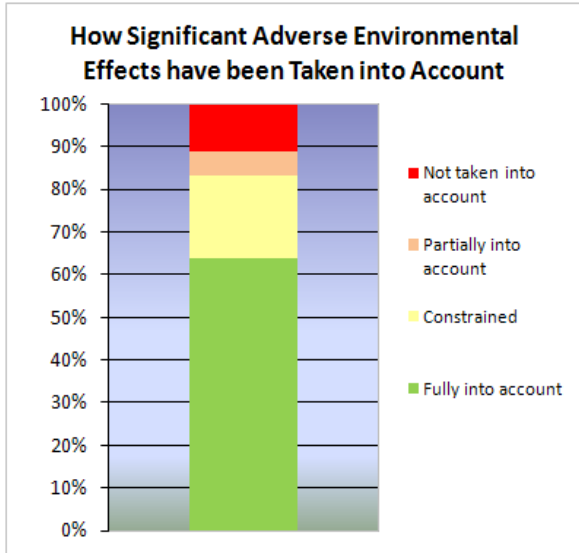
Figure 37 – Survey responses – Views expressed about the influence of SEA over PPS content



<sup>91</sup> A key assumption of the analysis was that the PAS accurately recorded how effects had been taken into account. No verification was undertaken unless there was ambiguity or lack of clarity in the PAS, in which case, the adopted plan was reviewed.

The casework analysis identified the extent to which likely significant effects and associated mitigation measures had been (a) taken fully into account<sup>92</sup>, (b) taken partially into account<sup>93</sup>, (c) not been taken into account as constrained by other factors<sup>94</sup> or (d) had not been taken into account<sup>95</sup>. Full definitions with examples are available in Appendix 6. In addition it captures those issues that were taken into account as enhancements to the PPS. Figure 38 below shows how significant adverse environmental effects identified in ERs have been taken into account.

Figure 38 – Casework analysis – How significant adverse environmental effects have been taken into account



This shows that 63% of all significant adverse environmental effects identified in the ERs reviewed were fully taken into account by the RA as the PPS was finalised and adopted. By contrast, only 11% of significant adverse environmental effects identified in the ERs were not taken into account at all.

While the two datasets described above are not directly comparable (perception of SEA’s influence is different from how significant effects were taken into account) and therefore some caution is required, it appears that plan-makers and stakeholders in particular underestimate the influence that SEA has over a PPS and that in reality where an SEA identifies an issue of significance it is generally taken into account by the RA in some way as a PPS is progressed from draft stage to adoption.

The casework analysis established the various ways in which these matters were taken into account by RAs (i.e. a breakdown of the 60% of issues that were considered to have been taken fully into account). The results are set out in figures 33 and 34 in [Chapter 4.9](#).

<sup>92</sup> Fully into account - Effects/comment have been taken into account and resulted either in changes to the plan, the option being discarded due to environmental effects or mitigation measures being proposed.

<sup>93</sup> Partially into account)- The RA has taken into account only part of the comment or has not fully addressed the issue

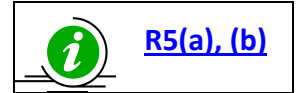
<sup>94</sup> Constrained -Effects/comment have not been taken into account because the action is constrained by different factors (i.e. the proposed action is constrained by a higher level plan, or has the least adverse effects on other SEA topics, etc.). Full definitions and examples are available in Appendix 5.

<sup>95</sup> Not taken into account)-Effects/comment have not been taken into account.

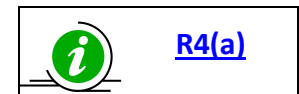
#### 4.10.4 Reasons for perceived limited influence<sup>96</sup>

It would appear therefore that there is some difference between the perception of influence and the actual level of influence that SEA appears to be having. It is useful to explore some of the reasons for the perceived lack of influence of SEA and the barriers to influence. This will help in the formulation of recommendations later in this chapter that aim to remove barriers so as to generally improve levels of SEA influence.

**Complex outputs** – As noted previously, the complexity of some SEA outputs make it difficult for plan-makers to identify the most important effects.

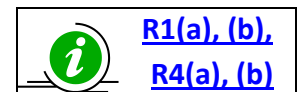


**Nature of SEA methods** – Linked to this, the “repetitive” and “cut and paste” nature of some SEA methods (for example where exact or similar wording is used to describe the likely effects of numerous parts of the PPS on a number of SEA topics) is seen by some as limiting the credibility of the SEA in the eyes of the plan-makers. This in turn has the potential to reduce the influence an ER may have on decisions the plan-maker may take.



**Separate processes** – As discussed in [Chapter 4.6](#), the closer the integration between assessor and plan-maker, the more likely it is that the SEA will continually influence the PPS as it is developed.

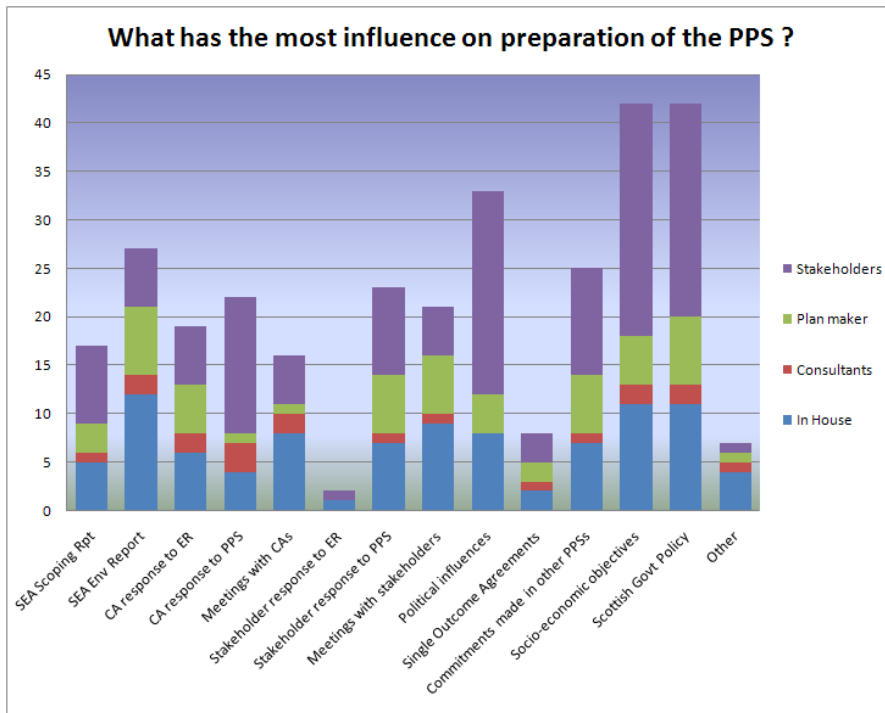
Many saw the distance between an assessor and the policy makers and the often even further distance between the assessor and the ultimate decision makers as being a key determinant of how influential a SEA is and therefore how environmental considerations will be integrated into a PPS.



**Other drivers** – As figure 39, overleaf, reveals, many feel that other drivers - such as socio-economic objectives or political drivers - are more influential than environmental information contained within ERs. This is a perception and only further detailed study of plan-making processes would be able to confirm or refute this, but certainly many stakeholders in particular feel that the environment remains a lower priority than other drivers. This is not reflected in the views of practitioners or plan-makers, who see the influence of the ER as approximately the same as that of other drivers. It is also worth noting that the most commonly cited “other driver” is Scottish Government policy, the vast majority of which is subject to SEA and therefore the environmental implications of that policy have already been tested (although not necessarily using the same methods or objectives). It is encouraging to note that the SEA ER is regarded overall as having the fourth largest influence (which contrasts with views expressed elsewhere in the surveys (see [Chapter 2](#))) and, when practitioners are isolated, it becomes the highest. This lack of influence of stakeholder responses to the ER is of considerable concern and supports the views expressed by stakeholders that their views are not taken fully into account (see [Chapter 4.14](#)).

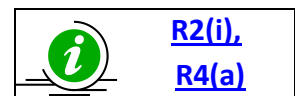
<sup>96</sup> These are amalgamated from survey responses and from weaknesses identified at the workshops.

Figure 39 – Survey responses – Views on influencing factors on PPS preparation

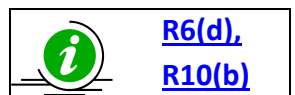


**Timing** – The timing of the SEA was considered by many, particularly practitioners and plan-makers, to be fundamental to its level of influence. Where an SEA is undertaken later in the PPS preparation process, its ability to influence key policy decisions is understandably less as a RA has already begun to make decisions – some fundamental and some small but incremental – that set the framework for the PPS. As one stakeholder survey respondent noted, “the timing of SEA is crucial if it is to have the desired influence, it needs to be done as policies/options are being developed”. The cyclical nature of PPS preparation and review is also important.

The timing of CA and stakeholder responses is also critical. If issues are raised at the ER stage, then in many instances this may be too late to influence the SEA process effectively.

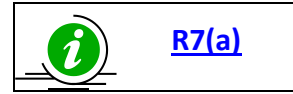


**No follow up post adoption** – Many stakeholders, particularly from the NGO sector, saw the lack of any real follow up at the PPS adoption stage (see [Chapter 4.11](#) for further discussion) as a reason why RAs were not allowing the SEA to effectively influence their PPS preparation. The lack of any real involvement of the CAs or stakeholders as a PPS moves to adoption reduces the incentive for a RA to fully demonstrate how it has taken the SEA, and the views expressed, into account. This review has found some evidence that the post adoption process is not as robust as it could be which provides some support to this common perception.



**Non rational decision making** – A number of survey and workshop respondents pointed out that the SEA process suggests a “perfect or rational decision making process” when in fact “plans often

emerge iteratively with ideas and suggestions being formulated through a mix of opportunities that present themselves and economic realities of the moment”<sup>97</sup>. A common view was that SEA may not be flexible enough to deal with dynamic decision making processes and that this affects the level of influence of an SEA. Also prevalent however was the view that SEA provides “a more structured process than plan-making traditionally accommodates”<sup>98</sup>. In these cases, it is the PPS preparation process that benefits from the structure and logic of SEA.



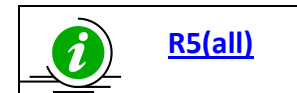
**Perceived reputation of SEA usefulness and relevance** – Linked to all of the above points is the perception among some practitioners and plan-makers, but particularly among decision takers such as senior managers and elected representatives, that SEA is just a bureaucratic hurdle rather than a useful aid to decision making. This point was strongly made by practitioners and stakeholders. One practitioner described their experience of SEA and its rationale and benefits not being properly understood and that it was generally viewed by the plan makers and decision takers as “another hoop to be gone through with little understanding of the benefits and legal risks (of not taking account of the SEA)”. This is potentially due to a lack of awareness of the role of SEA and the benefits it brings as a decision making too. However some hold the more critical view that RAs actively “avoid having to apply SEA in a way that challenges their preconceptions about what they would prefer to do”. Whatever the reasons, there is clearly the potential for SEA to be less influential if it is not considered by those using it to be a relevant or reputable decision making aid.



**4.10.5 Influence – Improving confidence, removing barriers**

There are opportunities to enhance the influence that SEA has over PPS preparation. A range of factors that limit influence have been summarised and suggestions for improvement are now presented. It is important to note that many recommendations from other parts of this review are relevant and could contribute to improving the influence of SEA in the long term.

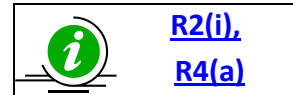
**Providing clarity for plan-makers and decision makers** – In order for plan-makers and decision takers to be clear as to the impacts of their PPS, SEA authors need to be very clear about the potential effects of the PPS and, crucially, what plan-makers need to do in order to address these effects. Improving that clarity – either in the ER or through other communication processes between SEA authors and plan-makers – will provide a framework for each effect to be appropriately considered and taken into account. In many cases, plan-makers and decision takers will not have the specialist knowledge as to the environmental impacts of a PPS and therefore it is imperative that this is effectively and clearly communicated by those who do.



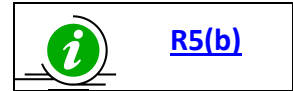
The SEA Toolkit already provides very clear guidance on this issue when it states: “The findings of the assessment should be clearly set out in a concise and easy to understand way. In particular, any adverse environmental effects that have been identified should be clearly stated.”

<sup>97</sup> One respondent’s view from plan owners and decision makers’ survey.  
<sup>98</sup> One respondent’s view from the stakeholders’ survey.

**Improved integration and timing** – As noted in [Chapter 4.7](#), improved integration of SEA and PPS preparation from the very start of the process increases the likelihood of an iterative or continuous assessment style approach which is more conducive to ensuring plan-makers understand the environmental consequences of their PPS.

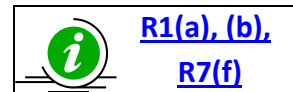


**Formally integrate SEA into PPS** – In some RAs, the integration between SEA and PPS is such that the key findings and mitigation measures are formally integrated into PPSs. In this way, the significant environmental issues raised by the SEA and the measures identified to address them are built into the implementation of the PPS. It is considered that this approach could be much more widely adopted and could result in greater influence of SEA on PPS content and implementation.

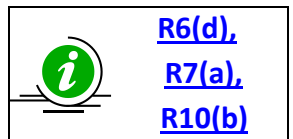


**Improving Buy In From Plan Makers and Decision Takers** – Lack of “buy in” from RA senior managers and, in the case of Local Authorities, elected members can reduce the influence of SEA on PPSs. This can be improved through:

- awareness raising internally in RAs to explain SEA requirements, benefits and RA responsibilities;
- awareness raising nationally by Scottish Government / CAs of SEA; requirements, benefits and RA responsibilities;
- greater clarity of SEA findings in PPS decision making documents such as board or committee papers;
- formal integration of SEA findings/actions into PPS content and associated implementation programmes.



**Stronger PPS adoption scrutiny** – More rigorous scrutiny of how PPSs have taken ERs and views expressed during consultation into account could lead to improved consideration of the SEA process by plan-makers. Presently, no formal process for reviewing post adoption statements exists, and it is here that RAs must demonstrate how they have taken SEA into account. Accordingly, more rigorous scrutiny at this stage would appear useful to ensure that this is being undertaken satisfactorily.



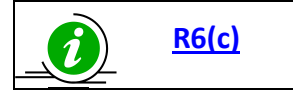
Presently, the CAs are given the opportunity to raise concerns, but scrutiny appears ad hoc and the basis for raising concerns unclear. Guidance and good examples of how to produce post adoption statements that clearly set out how the SEA has been taken into account would also be helpful.

**CAs responses** – Currently, the CAs largely provide separate responses to the PPS consultation and the SEA consultation. This is because the two responses cover different things: one sets out a CAs views on the policy content of the PPS, the other provides the CAs views on the accuracy of the ER. There may, however, be merit in CA responses being more integrated. A CAs view on a PPS may be reinforced by findings in an ER or by their identification of inaccuracies or inadequacies in the ER.

**Changing mindsets** – An interesting observation that was made by several survey respondents and was a feature of the CA workshop was the perception that not enough RAs were approaching PPS preparation from a perspective of “how can my PPS be made better through using SEA to understand how it can achieve its aims with minimal adverse effects?”. Many noted the significant



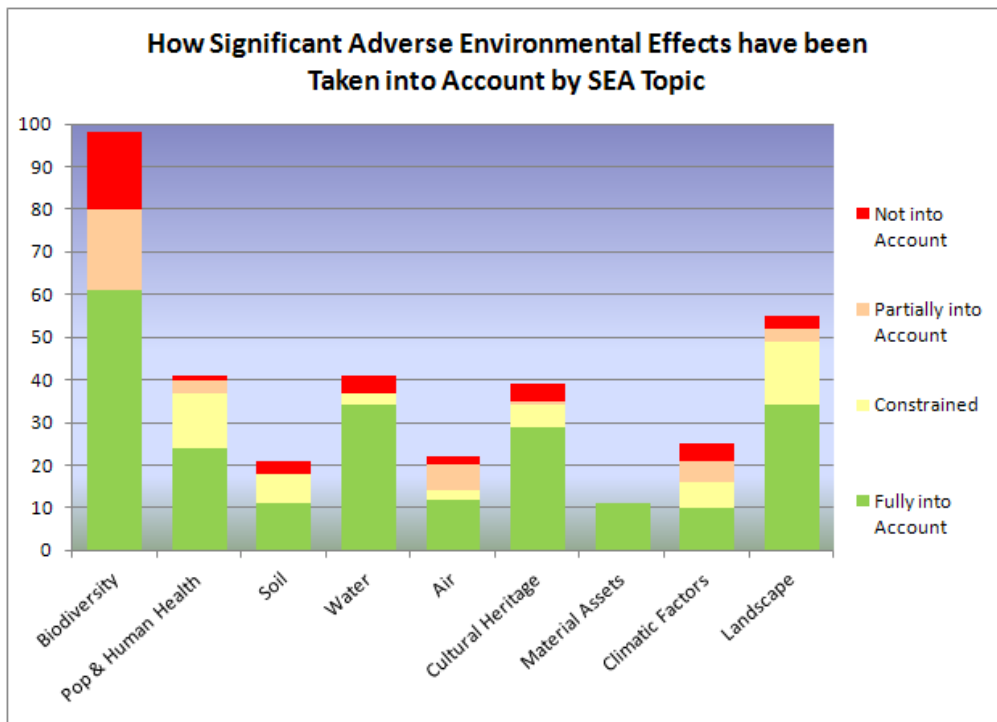
opportunities afforded by SEA if, instead of viewing it as an “*additional task*”, it is seen as a way of making a PPS and the policy contained within it more robust, transparent and defensible. Greater use of SEA to “challenge and refine the PPS content” has the potential to greatly improve the influence of SEA.



#### 4.10.6 Influence – Considering SEA topics

The casework analysis evaluated whether there were any significant differences in the way that individual SEA topics were taken into account. These results are set out in figure 40 and reveal that there are considerable variations.

Figure 40 – Casework analysis – How significant adverse environmental effects have been taken into account, by SEA topic



In particular, there appears to be a greater percentage of biodiversity effects not taken into account compared with other topics. Further, significant adverse environmental effects on climatic factors, human health, soil and air are only taken fully into account in half of the cases. For climatic factors this is particularly worrying given the targets and challenges set in the Climate Change (Scotland) Act.

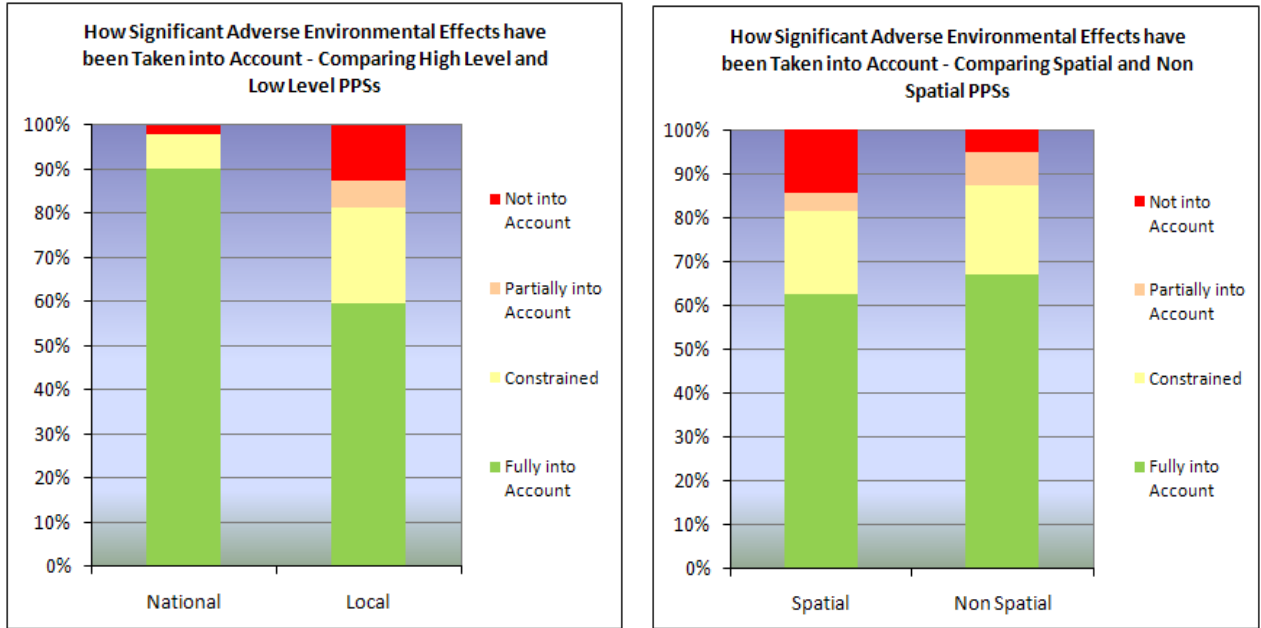
Determining the reasons for this requires further research, but it may be the case for climatic factors in particular, that the very strategic nature of the issue makes it difficult for RAs assessing individual PPSs to see how one small PPS can make a difference.

There appears to be no significant correlation between how a topic has been taken into account in an assessment and how difficult it was for RAs to identify significant environmental effects for that topic.

### 4.10.7 Influence – Sectoral issues

It is useful to consider whether there are any significant differences in the way in which significant adverse effects have been taken into account in different types of PPS. Accordingly, figures 41 and 42 set out differences in PPS of a spatial and non spatial nature (figure 41) and PPSs of a high or low level (figure 42).

Figures 41 and 42 – Casework analysis – Comparing how significant adverse environmental effects have been taken into account – High and low level PPSs and spatial and non spatial PPSs



There is a distinct trend for high level PPS to be able to take significant effects into account much more readily than lower level PPSs. This may be explained by constraints on PPSs lower in the plan hierarchy. There is also a trend that indicates that there is greater scope for enhancement measures to be identified in higher level PPSs.

There appears to be a greater likelihood of significant adverse environmental effects not being taken into account for spatial PPSs (15% of adverse effects identified).

### 4.10.8 Recommendations applicable to this chapter

The following recommendations are applicable with respect to this chapter.

- [Recommendation R1 – Promoting the value of SEA.](#)
- [Recommendation R2 – Improving efficiency and proportionality.](#)
- [Recommendation R4 – Ensuring SEA has a voice in decision making.](#)
- [Recommendation R5 – Greater clarity.](#)
- [Recommendation R6 –Addressing environmental challenges through mitigation and enhancement.](#)
- [Recommendation R7 – Working together to provide guidance and support.](#)
- [Recommendation R10 – Continuing to reflect on experience.](#)

## 4.11 POST ADOPTION AND MONITORING

### Key findings

- Historically, there have been considerable time delays between adoption of a PPS and publication of the associated post adoption statement (PAS).
- The post adoption stage is key to transparency in SEA and decision making. This relatively poor performance in publishing PASs reduces transparency.
- Clarity of PASs varies and required mitigation measures are often omitted or poorly set out.
- There is scope for improvement in post adoption processes to ensure SEA findings are properly taken into account and how they have been taken into account is made clear.
- It is still too early to draw conclusions on the effectiveness of SEA monitoring regimes put into place.
- The most common monitoring issue was identifying what to monitor, particularly where the SEA had ultimately found there to be no significant environment effects (once mitigation and PPS changes had been factored in) or for high level PPSs covering a wide area.
- Many stakeholders considered that there was scope in SEA monitoring for a greater connection with established environmental performance indicators.
- Some concerns that monitoring reporting is not occurring.
- Considerable scope for improving both adoption and monitoring process through greater integration of SEA findings and recommendations into the content of PPSs.

### 4.11.1 About this chapter

This chapter looks at the processes to be followed as a PPS moves from the draft stage to the adoption stage. Early practice in monitoring the effects a PPS is having on the environment as it is implemented is also reviewed. Many PPSs that have been subject to SEA have yet to progress to the monitoring stage and even those that have are in the very early stages of monitoring reporting. This review provides a very early snapshot of monitoring experiences and as a result, the findings should be treated with a degree of caution.

### 4.11.2 Background

Part 3 of the SEA Act sets out the required procedures following formal adoption of a PPS that has been subject to SEA. A specific requirement is the preparation of a statement regarding:

- a) how environmental considerations have been integrated into the PPS;
- b) how the environmental report has been taken into account;
- c) how opinions expressed on the SEA and the PPS have been taken into account;
- d) how any transboundary consultations have been taken into account;
- e) the reasons for choosing the PPS as adopted in the light of other reasonable alternatives considered;

- f) the measures to be taken to monitor the significant environmental effects of the PPS as it is implemented.

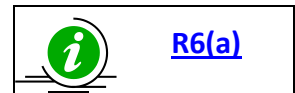
Such statements are commonly referred to as “*Post Adoption Statements*” (PASs) or “*SEA statements*” and need to be made available by RAs as soon as reasonably practicable after the adoption of a PPS.

The SEA Act requires RAs to monitor the significant environmental effects of implementing a PPS for which it has carried out an assessment. It states that RAs must do this in a way that enables it to identify any unforeseen adverse effects at an early stage and to undertake appropriate remedial action. The SEA Act does not appear to require the establishment of an entirely bespoke monitoring regime as it refers to monitoring being able to “include arrangements established otherwise than for the express purpose of compliance (with the Act)”. However, the focus of monitoring on the significant environmental effects identified in the assessment, does point RAs in the direction of adopting monitoring regimes that are, to a certain degree, bespoke to the SEA.

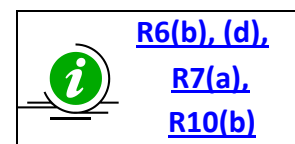
### 4.11.3 General findings

Generally, practitioners appear to find preparing PASs to be straightforward, with only one survey respondent indicating otherwise.

Despite this, there can be a considerable time delay between adoption of a PPS and publication of the associated PAS. This can stretch to weeks and months after a PPS has been adopted. In some cases, no PAS has been published and this prompted the Scottish Government in 2010 to request these from the relevant RAs. Until 2010, PASs had been received very infrequently, yet they are a very important insight into the health of SEA. This initiative will be continued in future years.



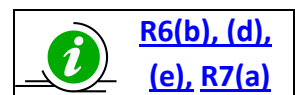
The post adoption stage is very important in demonstrating how an SEA has been taken into account – it is key to transparency in decision making. This relatively poor performance in publishing PASs reduces transparency and reduces the opportunities for stakeholders to see how environmental factors have been considered and how their views have been taken into account. It also provides weight to views expressed in the workshops and the surveys by stakeholders that SEA “*lacks teeth*” as post adoption processes lack the scrutiny of other stages and consequentially are paid less attention to by RAs.



### 4.11.4 Content of PASs

This review has not specifically analysed the content of PASs against the requirements laid out in the SEA Act. However the casework analysis broadly reviewed 32 PASs to secure information about the influence of SEA and from this a number of general, anecdotal, observations about PASs can be made.

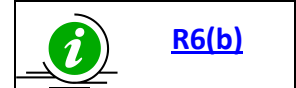
The clarity of PASs is varied. Some PASs included a high level of detail describing how environmental considerations have been integrated into the plan, and report all comments of CAs and stakeholders, and how they were



taken into account. Others provided very high level and brief statements and were less successful in clearly articulating the final outcomes of the SEA process to stakeholders and plan-makers. The majority of the PASs reviewed did not provide a clear summary of the potential significant environmental effects likely to result from the plan and how they were taken into account in the final plan.

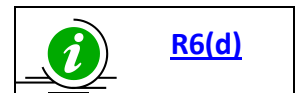
#### 4.11.5 Providing clarity on mitigation measures required

It has been shown from the observations above, but also from evidence about how mitigation measures are identified and implemented, that PASs are not always clear about the mitigation measures required and how they will be implemented. Similarly, [Chapter 4.10](#) shows how plan-makers can be unclear about the key matters the SEA has identified and how to address significant effects. These shortcomings could easily be addressed by improving clarity in PASs.



#### 4.11.6 Using PASs as a feedback loop in PPS finalisation

The SEA Act requires that post adoption processes occur as soon as reasonably practicable *after* the adoption of a qualifying PPS. This implies that all of the work takes place after the PPS has been adopted. This does not necessarily have to be the case and there is potentially great merit in early preparation of PASs as a working document so as to provide a further opportunity to feedback into the latter stages of decision making on the PPS as it moves to adoption.



The particulars required for inclusion in SEA statements require consideration of how environmental considerations have been integrated into the PPS and how the ER and views expressed have been taken into account. By considering how these issues will be reported as a PPS is progressed to adoption as opposed to after it has been adopted provides a further and potentially significant opportunity for the SEA to influence the PPS. Such an approach may also address concerns about the clarity of PASs and additionally would ensure that they are more likely to be published on time.

#### 4.11.7 Improving scrutiny at post adoption stage

As discussed in [Chapter 4.10](#), more rigorous scrutiny of how PPSs have taken ERs and views expressed into account could make this part of the process more robust and lead to improved consideration of the SEA process by plan-makers. Stakeholders in particular feel that this stage is presently poorly undertaken. Some felt that a formal audit of PASs would greatly tighten the influence of SEA, while others said that the current situation provided “*no incentive*” for RAs to clearly set out how the SEA had been taken into account.

Presently, no formal process for reviewing PASs exists, however the Act requires that RAs must demonstrate how they have taken SEA into account. More rigorous scrutiny at this stage would appear useful to ensure that it is being undertaken satisfactorily and to ensure that the way in which SEA has influenced the outcome of policymaking is made transparent. Presently, the CAs are given the informal opportunity to raise concerns via the SEA Gateway, but scrutiny appears ad hoc and the basis for raising concerns unclear and lacking robust procedures.

Further research on whether there is a need for more focus on adoption procedures should be considered. Depending on the findings, there may be consideration of the scope for the CAs as part of the “continuous engagement” concept to be afforded an enhanced scrutiny role to ensure that SEA findings are properly taken into account. This would have resource implications and depending on the recommendations may require legislative change.



**4.11.8 Monitoring – General findings**

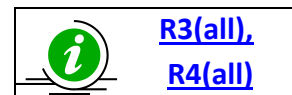
Practitioners have mixed views about monitoring, with 43% saying that they found it to be straightforward, while 27% said that they did not find it straightforward. The comments made in the surveys and at the workshops identify some of the issues. These are summarised below.

**4.11.9 What to monitor – Identifying and using monitoring indicators**

The most common issue cited was that of identifying what to monitor, particularly where the SEA had ultimately found there to be no significant environment effects (once mitigation and PPS changes had been factored in) or for high level PPSs covering a wide area. One respondent said, *“the problem is not identifying indicators; the difficulty is identifying relevant indicators that can be influenced by the plan”*. The final part of this sentence summarised where most practitioners appear to have most difficulty: determining those things to monitor that can be most influenced by the PPS when there are myriad factors that may influence a particular indicator. This is compounded by the very long timescales for implementation of some PPSs (25 – 30 years in some cases). RAs with very high level PPSs also appear to have particular difficulty in identifying indicators that are meaningful. One respondent stated that *“as (the PPS) is such a high level plan...the indicators which could be used would not necessarily measure the performance of the strategy itself, but instead action in certain areas”*. State of the Environment (SoE) reports are known to help with establishing robust monitoring processes.

The SEA Toolkit does provide RAs with some pertinent advice in this regard. In particular, it advises RAs to clearly focus monitoring on significant effects identified in the assessment<sup>99</sup> and also highlights the potential need to monitor indirectly for changes to the environment that a PPS may be contributing to<sup>100</sup>. There is, though, scope for further advice and good practice examples to assist RAs in establishing monitoring indicators and processes.

[Recommendations R3](#) (scoping) and [R4](#) (integration) may also be helpful in encouraging RAs to focus monitoring on the important environmental challenges in a particular area and the effects their PPS may be having.



[Recommendation R3\(c\)](#) in particular suggests that assessment methods should be much more clearly linked to baseline data. This could be carried forward into monitoring processes to ensure that monitoring has a much clearer relationship with the key environmental issues prevalent in the area and with the effects identified in the assessment.

<sup>99</sup> SEA Toolkit Para 14.3.4 – 14.3.6

<sup>100</sup> SEA Toolkit Para 14.3.8

#### 4.11.10 Monitoring – Connecting with national indicator sets

Many considered that there was scope in SEA monitoring for a greater connection with environmental performance indicators set at the national level (for example the Scotland Performs<sup>101</sup> indicators used by the Scottish Government) or with established local indicators such as those contained in SoE Reports.

#### 4.11.11 Monitoring – Data needs

Chapter 4.4 deals with data needs for assessment but some of the issues (such as data gaps) are also relevant to monitoring. For example, one respondent spoke of “difficulties in accessing and collecting monitoring data”, another stated that “lack of appropriate data will hamper monitoring” and that “substitute indicators have had to be selected which will not necessarily provide the best measures”. To try and avoid this problem, some RAs are linking SEA monitoring to wider data collation initiatives such as SoE reporting to ensure that they have consistent datasets for baseline reporting, assessment and monitoring. One authority adopting such an approach stated that this helped them to consider through monitoring whether “the whole environment is significantly benefiting from the Council’s policies”.

#### 4.11.12 Types of monitoring

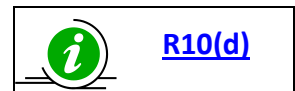
The casework analysis identified the basic types of monitoring which are being established by RAs. In the majority of cases, RAs are relying to a degree on existing data sources or a combination of existing and primary sources.

Figure 43 – Casework analysis – Types of monitoring

Monitoring in PASs	% of cases				
	All Plans	Spatial	Non Spatial	High Level (National)	Low Level (Local)
Mostly primary data	10%	21%	0%	0%	13%
Mostly existing data	48%	36%	59%	43%	52%
Combination of primary and existing data	42%	43%	41%	57%	39%

#### 4.11.13 Reporting monitoring results

Some respondents – both practitioners and stakeholders - were of the opinion that monitoring is “largely ignored” and often unreported “until the PPS is revised”. Resources for monitoring are also highlighted as a barrier. This lack of reporting is difficult to substantiate due to the relatively low number of PPSs that are actively monitoring post SEA. Most of those that are, are from early SEA practice and may therefore not be representative. It is suggested that future research on monitoring activity is conducted when more cases are available.



<sup>101</sup> [www.scotland.gov.uk/About/scotPerforms](http://www.scotland.gov.uk/About/scotPerforms)

#### 4.11.14 Recommendations applicable to this chapter

The following recommendations are applicable with respect to this chapter.

- [Recommendation R3 – Focusing assessments: improving scoping and the evidence base.](#)
- [Recommendation R4 – Ensuring SEA has a voice in decision making.](#)
- [Recommendation R6 – Addressing environmental challenges through mitigation and enhancement.](#)
- [Recommendation R7 – Working together to provide guidance and support.](#)
- [Recommendation R10 – Continuing to reflect on experience.](#)



## 4.12 IMPROVING EFFICIENCY AND PROPORTIONALITY

### Key findings

- Improving proportionality is an important issue for all participants in SEA, although there were split views as to whether SEA is currently proportionate to its contribution to plan-making.
- The cost of undertaking SEA varies considerably depending on the PPS.
- Use of SEA officers or teams to co-ordinate SEA activities across authorities is reasonably common and has advantages in resource efficiency and adoption of consistent and proportionate approaches.
- The effectiveness of scoping has a large influence on proportionality. Focusing on key issues of significance enables more targeted and resource efficient SEAs.
- There is scope to promote flexible approaches within the context of Schedule 3 of the SEA Act to enable simpler, more proportionate processes and outputs.
- Timing has a key influence on proportionality. Late application of SEA often requires more effort and duplication of activities. This can cause time delays and reduces the influence of the SEA.
- There is scope for many specific process improvements across all stages of SEA that will together improve efficiency of SEA application.
- RAs should consider sharing SEA resources (officers or teams) across authority departments or between different authorities.
- There is scope for CA activities to be streamlined, reprioritised and refocused to improve both efficiency and the influence over PPSs.
- Better use of standing advice by CAs can help RAs to secure information quicker and without the need for bespoke interpretation by CAs.
- Improved clarity of SEA documents will help plan-makers to quickly understand the key issues of relevance that they need to address.

### 4.12.1 About this chapter

A crucial part of a successful and effective SEA regime is ensuring that it takes place in a way that is as efficient as possible. This chapter considers the resources that are being deployed by Scotland's public bodies to meet the duties set in the SEA Act.

Many contributors to the workshops and surveys indicated barriers to efficiency and suggested ways of "doing things better with less". Many efficiency savings are inherent within the recommendations in other chapters, however there are also more structural changes that could be made that may result in savings. Accordingly, this chapter identifies areas where savings could be made through greater efficiency and improved proportionality.

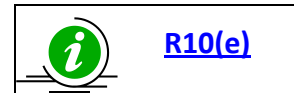
### 4.12.2 Background

The SEA Act does not make reference to the ways in which RAs should resource implementation of its provisions. It does though prescribe requirements to advertise “in at least one newspaper circulating in the area to which the plan or programme relates” at key stages in the process (Section 10 – Screening: publicity for determinations; Section 16 – ER Consultation procedures; and Section 18 – Information as to adoption of a qualifying plan or programme) and this has cost implications.

The SEA Toolkit is silent on how RAs should consider resourcing their SEA activities.

### 4.12.3 Resources for RAs duties

In the survey, practitioners were asked to indicate the approximate resources required to undertake the SEA that they nominated and answered questions on. However, the data returned on this were not robust, with only 16 responses indicating an approximate cost and with very wide variations. This makes it difficult to ascribe any clear indication of average costs for undertaking SEA. Accordingly, it is recommended that further, more focused, work is undertaken to better understand the average cost of undertaking SEA to feed into wider work to better understand the relative costs and benefits of SEA.



In 2003, when the Environmental Assessment (Scotland) Bill was introduced to the Scottish Parliament, the accompanying Financial Memorandum<sup>102</sup> made an attempt to quantify likely costs of each assessment, which it put at £20k to £60k<sup>103</sup> depending on the nature of the PPS being assessed, with most costing an average of £30k.

From the limited data collected, it would appear that actual costs are, on average, somewhat lower than this £30k estimate. Where RAs use in-house resources, this figure appears to reduce further. Due to the wide range of PPSs qualifying under the SEA Act, there is likely to be a very wide range of costs, with some small scale PPSs costing very little while some large or complex PPSs will require significant resources. There are also several notable examples where the costs have been far in excess of the estimated average costs.

### 4.12.4 Resources for CAs duties

The three CAs must also resource the duties falling to them under the SEA Act (noting they will also act in the capacity of a RA for their own qualifying PPSs). At the start of 2011, the CAs employed a total of 10 FTE on SEA work. Figure 44 details how SEA resources are deployed within each CA.

Figure 44 – CA Resources

CA	How resources are deployed as at January 2011
SEPA	One central SEA policy lead with responsibility for national casework, SEA policy and review and undertaking and co-ordinating SEA of SEPA’s own PPSs
Total resources deployed	One short term contract (to July 2011) to assist undertaking this review and provide casework support.

<sup>102</sup> [www.scottish.parliament.uk/business/bills/38-environmentalAssessment/b38s2-introd-en.pdf](http://www.scottish.parliament.uk/business/bills/38-environmentalAssessment/b38s2-introd-en.pdf)

<sup>103</sup> This was based on research undertaken by Babbie Group on behalf of SEPA and has wide margin of error (+/- 25%).

3.5 FTE (2.7 permanent)	Three regionally based SEA co-ordinators with responsibility for local and regional SEA casework. These co-ordinators are located within local offices of SEPA’s planning service and also undertake planning casework. Small resource to administer SEPA’s SEA Gateway and casework database
<b>SNH</b>	One central SEA adviser (0.5 FTE) with responsibility for SNH SEA policy, guidance and training and responsibility for certain national SEA casework based in SNH Headquarters.
Total resources deployed	One SEA Gateway Manager (0.6 FTE) plus support (0.2 FTE). The handling of individual SEA casework in SNH is devolved to the respective Area Officer or Policy and Advice Officer depending on the location or subject matter of the case involved. SNH Area officers and Policy and Advice Advisers are located in SNH offices throughout Scotland.
3.75 FTE	
<b>Historic Scotland</b>	One centrally based SEA team consisting of:
Total resources deployed	<ul style="list-style-type: none"> <li>• One SEA Team Leader with responsibility for managing all SEA casework, leading on SEA policy and review, and co-ordinating SEA of Historic Scotland’s PPS.</li> <li>• 2.5 Senior Development Assessment (SEA) Officers with responsibility for reviewing SEA casework and providing advice and support to SEA practitioners, as well as some other planning casework, particularly development planning and their associated SEAs. These staff are also responsible for undertaking and advising on SEAs of Historic Scotland’s own PPS.</li> </ul>
3.5 FTE	Work is allocated depending upon available resources and does not follow an area or regional division. All staff are located in Historic Scotland’s headquarters.

**4.12.5 Other costs**

In addition to the above costs associated with undertaking the assessment, RAs also incur other costs associated with printing and, in particular, advertising. Advertisements are a statutory requirement at three stages: following a screening determination, at the beginning of the consultation on the ER and PPS and following adoption of the PPS. Typically a single advertisement in a national newspaper will cost several hundred pounds<sup>104</sup>, with local newspapers generally costing slightly less. Accordingly, advertising all three stages can cost well over £1,000, particularly where an RA wishes to use more than one outlet. Some RAs use the Edinburgh Gazette to advertise, which is substantially cheaper<sup>105</sup>, but reaches a very limited audience given this publication’s focus on statutory and public notices.

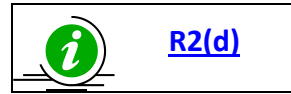
For many PPSs, there will be formal advertising requirements that are already prescribed in other legislation (e.g. under the planning legislation), in which case relevant SEA information can often be added at relatively limited additional cost.

Despite the costs incurred, [Chapter 4.14](#) reveals that advertisements do not significantly increase the level of public or stakeholder engagement in SEA and therefore it is questionable whether this is effective use of resources. Many RAs certainly consider that the requirement to publish in a

<sup>104</sup> E.g. The Scotsman has a public notice rate of around £50 per column centimetre : <http://media.scotsman.com/info.cfm?section=23>

<sup>105</sup> Prices range from around £50 to £75 per advertisement - [www.edinburgh-gazette.co.uk/place-notice/price](http://www.edinburgh-gazette.co.uk/place-notice/price)

newspaper is both costly and ineffective as a way of communicating the determination to the public. As noted in [Chapter 4.2](#), it is not recommended that this provision is removed as it presently represents one of the few ways in which the public and stakeholders can be informed about a decision to screen a PPS out of the need for SEA, however it is recommended that the Scottish Government consider if alternative means of advertising screening determinations can be developed prior to considering if the currently costly, but legal requirement can be removed or reduced.

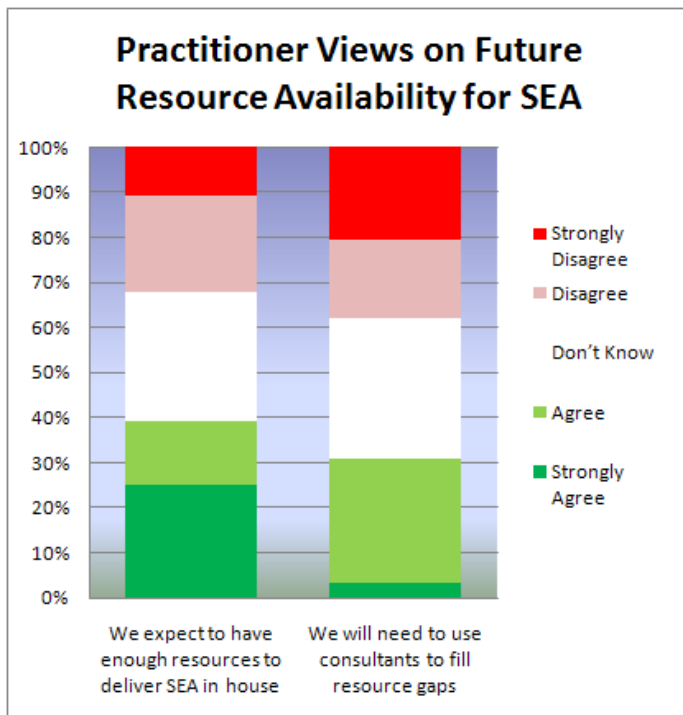


### 4.12.6 Ways RAs have deployed resources

Some RAs have recruited SEA specialists to co-ordinate SEA activity across the whole organisation and, in many cases, to undertake many of the assessments. This approach has a number of benefits in terms of embedding SEA in policymaking across an organisation and making sure that it has the specialist skills available to consider whether SEA is required and where appropriate to co-ordinate or conduct the assessment. In resource terms, it may also reduce the need for an authority to appoint external consultants to undertake SEAs and allow for capacity to be built across the organisation that will allow more SEA work to be conducted in house in the future. Where such an approach has been adopted, RAs report greater efficiency savings which have been achieved through better co-ordination, reduced duplication, greater organisational learning and streamlined processes.

There is a split view from RAs that sufficient resources will be available in the future. Given the severe resource constraints currently being faced by Scotland’s public sector, a great deal of pessimism might have been expected. 40% of public bodies however expect to have enough resources to deliver future SEAs in house, while around 30% consider that they will not and will therefore need to engage external consultants to fill that resource gap.

Figure 45 – Survey responses – Views on future resources for SEA

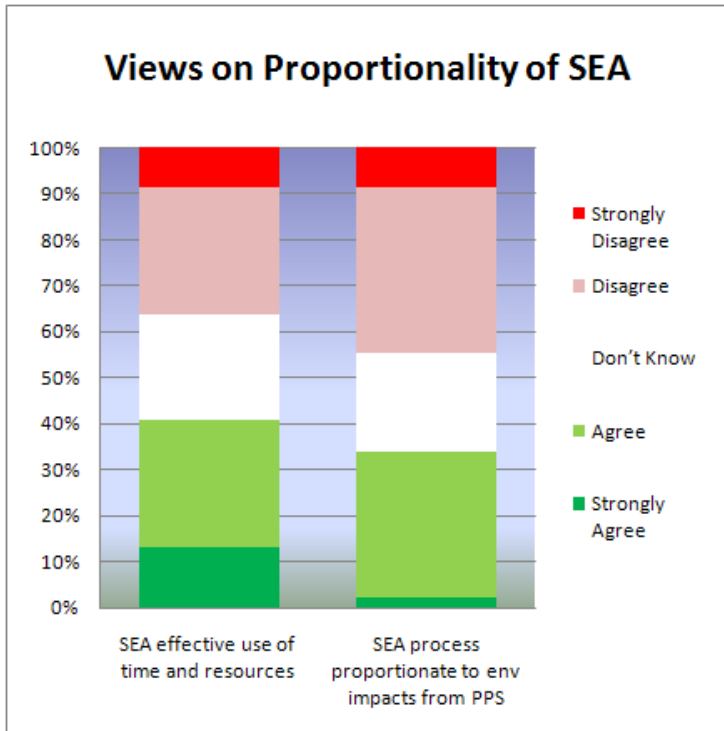


### 4.12.7 Proportionate use of resources

It is likely that resources available to Scotland’s public bodies will continue to reduce over the coming years and it is likely that SEA resources will be similarly reduced. This will drive the need to significantly improve the proportionality of SEA through better and smarter deployment of resources and flexible methods.

This review sought views about whether the resources allocated to SEA are currently considered to be proportionate. On this, there is a clear split, with 40% of all survey respondents indicating that SEA is an effective use of time and resources, while 36% state the opposite. When asked if the resources devoted to SEA were proportionate to the environmental effects likely to arise from a PPS, the results are slightly clearer – nearly 50% argue that the resources needed were disproportionate, while only 33% argue that they are proportionate.

Figure 46 – Survey responses – Views on proportionality of SEA

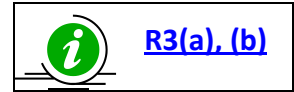


Accordingly, improving the proportionality is an important issue for all participants in the process. The following sections explore ways to improve proportionality and efficiency in SEA practice.

### 4.12.8 Achieving proportionality in “positive” PPSs

There was a strong message from some practitioners that the effort of undertaking SEA has much less of a return for those PPSs that are specifically prepared to protect and enhance the environment. Many found application of SEA in these circumstances to be disproportionate and had the potential to steer resources away from other environmental work. Some expressed the view that such PPSs should be automatically screened or pre-screened out (see [Chapter 4.2](#)). While there is not necessarily a clear case to automatically screening out such PPSs, there are opportunities to be

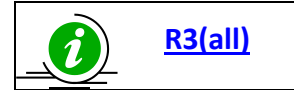
more efficient with such PPSs by undertaking much simpler and less resource intensive assessment by clearly focusing on the one or two significant issues. While the SEA Act requires consideration of significant “positive” effects, in many cases these can be dealt with through a simple narrative of the positive outcomes that are likely to be generated by the PPS and a simple assessment to act as a “check” that such positive outcomes will be generated by the form and content of the proposed PPS. Doing so would enable much greater focus on those areas where there may be adverse effects or, where adverse effects are not anticipated, this would dramatically reduce the length and complexity of the ER.



#### 4.12.9 Using scoping more effectively

In two thirds of assessments all SEA topics are scoped in. In many cases this is entirely appropriate and where there is reasonable doubt the adoption of such a precautionary approach is welcomed. In some cases, however, there is evidence that the scoping process is not as rigorous as it might be in focusing on key issues. This is discussed in [Chapter 4.3](#).

Giving RAs greater confidence to scope out issues that may not be significant is key to being able to scope effectively. Doing so will, it is considered, lead to other benefits such as reducing the amounts of baseline information needed in ERs, focusing the analysis of other relevant PPSs, reducing the complexity and time required for the assessment process, and providing greater clarity on key findings. It may also drive the use of alternative assessment methods that are more suited to communicating with stakeholders and the public.



#### 4.12.10 Promoting flexible approaches

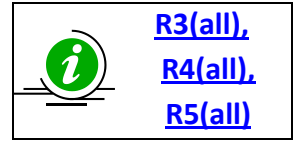
Several practitioners described their frustrations with having to apply what they see as the fairly rigid requirements of Schedule 3 to PPSs qualifying under Section 5(4). One respondent put this very clearly:

*“outwith of 5(3), PPS development follows a different order, one that is not as robust, methodical or as open as town planning. Is SEA too rigid a process for many higher level policies? There may be opportunities for a more “light” version of SEA to be applied to this type of PPS, which supports environmental decision making but allows more of a fluid process which could be moulded to fit with plan making”.*

Another proposed that *“more flexibly applying SEA for 5(4) plans would greatly assist proportionality”* and that applying the directive derived Schedule 3 for such plans was in some cases a *“sledgehammer to crack a nut”*.

It is certainly the case that Schedule 3 is identical to that used in the directive, despite the directive applying to a rather different, and smaller, range of PPSs. Accordingly, it may be argued that widening the scope of SEA to cover much higher level PPSs (where the nature, scale and location of impacts are less clearly able to be defined) but not reflecting this in Schedule 3, has led to disproportionate requirements for SEAs of these types of PPSs. In some cases, particularly where a PPS is largely positive in nature, this view may have credence.

Schedule 3 is, however, in essence a list of contents for the ER and does not prescribe in any detail what is required under each heading. There appears no reason why flexible approaches to ERs within the framework set by Schedule 3 cannot be adopted. Equally, there is no reason why (if scoping is focused on significant effects, if baseline information is focused and if assessment methods are clear and concise) ERs prepared in accordance with Schedule 3 cannot be short and easy to understand. It is considered that there is no need to revise Schedule 3 in its application to 5(4) PPSs, but instead promote good practice and demonstrate possible approaches. It is also about adopting a culture among RAs of how to better focus on key issues and providing the confidence to do so – even if future ERs may look different from the current norm.



#### 4.12.11 Reducing duplication

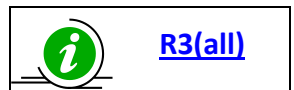
Throughout this review, cases of duplication have become apparent, for example in assessment methods, baseline reporting, monitoring and in the application of the hierarchy. Many recommendations made elsewhere to cover these areas of duplication will make a significant contribution to proportionality.

#### 4.12.12 Sharing experiences

In [Chapter 4.15](#) better systems for sharing experiences and good practice among practitioners are proposed. This review has found a strong desire on behalf of practitioners to learn from each others' innovative practices and that delivering ways to do this effectively would have positive benefits on improving proportionality in SEA. Many of the recommendations made in [Chapter 4.15](#) will make a significant contribution.

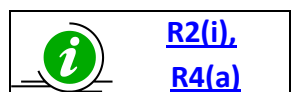
#### 4.12.13 Focusing the ER

In [Chapters 4.2](#) and [4.5](#) the challenges facing practitioners in focusing the ER on the significant effects are discussed. This has impacts on the proportionality of SEA as a poorly focused assessment can lead to significant additional work that adds little or no value to the findings of the ER. Promoting stronger focus on significant effects, will improve SEA proportionality.



#### 4.12.14 Timing

There is clear evidence that the earlier SEA is considered and is embedded into the PPS preparation process, the less impact it has on PPS preparation timescales. If planned from the outset of PPS preparation, SEA is unlikely to result in any delays. Conversely, if it is considered late in PPS preparation it has the potential to cause significant delays as well as have very little influence on the PPS content. Timing the SEA correctly therefore can make a very large difference to the proportionality of the process.





#### 4.12.15 Process improvements

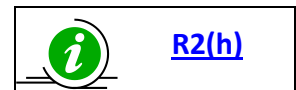
In all chapters of this review, many relatively small process improvements are suggested which are aimed at reducing time and cost burdens for both RAs and CAs. When taken together these should result in relatively significant efficiency savings that reduce the time taken to undertake SEA.

Particular areas where significant efficiency saving is likely to occur includes:

- **improved focus on the most significant issues** reduces the time taken to undertake assessments and reduce the size and complexity of outputs;
- **greater use of standing advice** by CAs;
- **development of Key Issues Documents** by CAs will also help RAs to secure key information quicker and without the need for bespoke interpretation by CAs;
- **prioritisation of earlier stages of SEA** by CAs reduces the time required to be spent at later stages;
- **good practice guidance** will help practitioners to quickly identify solutions to particular issues without need to “reinvent” solutions;
- **integrated approaches** where the assessment and PPS preparation processes are “as one” significantly reduces the likelihood of any programme delays;
- **improved clarity of SEA documents** will help plan-makers to quickly understand the key issues of relevance that they need to address and help the CAs easily understand the important areas to focus on;
- **targeting training** will enable practitioners to be more confident about issues currently causing concern and allow them to manage these issues more effectively ;
- **simplified procedures and templates** will help RAs to produce documents more quickly and more concisely;
- **a continuous dialogue approach** in engaging with the CAs will enable many issues to be resolved quickly;
- **removing unnecessary steps** such as screening 5(4) PPSs even when RA intends to undertake SEA.

#### 4.12.16 Shared services – Internal

Views expressed by RAs in the workshops and in survey answers suggest that some authorities are duplicating their SEA processes by not sharing experiences or skills across the organisation. In some cases individual departments “do their own thing” and the skills, capacity and information resources are not shared across the organisation. This results in inefficiency and duplication, particularly where practice is reinvented rather than using methods and templates developed for other SEA work. Greater co-ordination of SEA activity across organisations and greater use of single or at least better aligned processes can help drive efficiency savings within an organisation whilst also improving consistency and quality.



A very good example of this approach is that taken by the Scottish Government in establishing the SEA Unit. Prior to its establishment in 2009, SEA activity was spread across many departments with some SEAs undertaken in house, others contracted out and little sharing of experience across the organisation. This led to inefficiencies as staff new to SEA learned the same lessons as colleagues in other departments. The SEA Unit now co-ordinates most Scottish Government SEAs and benefits from a core body of expertise, common processes and procedures, well established reporting

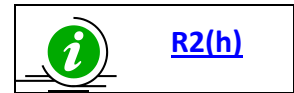


methods and templates and a close relationship with the CAs. It is estimated to have saved over £170,000 in consultancy costs in 2010/11 alone.

Complete centralisation of SEA services such as this may not be helpful or practical for all authorities, particularly those that handle a small number of SEAs per year. However, there are opportunities to improve the co-ordination and sharing of SEA activity in many public bodies and these opportunities should be exploited. The use of SEA co-ordinators to provide a central resource for advice, support and for undertaking SEAs is a proven way to do this.

**4.12.17 Shared services – Across public bodies**

There is little evidence of SEA activity being co-ordinated or shared across public bodies, but there are opportunities to do this. Currently Aberdeen City and Aberdeenshire Councils share an SEA co-ordinator who acts as a central source of SEA expertise and guidance for both authorities. It may be possible that such approaches could be considered where a group of authorities come together to support a centralised SEA resource or team to co-ordinate and where appropriate undertake SEA work similar to the Scottish Government SEA Unit model. This might have particular merit where, for example, authorities already share some services or work together on important areas of policymaking (e.g. Strategic Development Planning Authorities).



The benefits that such an approach might lead to in sharing authorities could include efficiency savings generated by:

- shared processes and approaches to SEA;
- collaborative baseline data gathering and analysis;
- common reporting and consultation procedures;
- collaborative training and capacity building initiatives;
- development of shared templates and assessment methods;
- greater co-ordination of plan-making processes across participating authorities.

**4.12.18 Understanding the costs and benefits of SEA**

This review has not conducted an analysis of the relative costs and benefits of SEA, but focused on identifying issues arising from practice and mechanisms to address them. While the costs of undertaking SEAs can be identified through analysis of resources spent by RAs, it is more difficult to assess in financial terms what benefits SEA brings to Scotland’s public authorities and to the environment. Improving our understanding of this will help RAs, CAs and the Scottish Government to make informed choices about how SEA should evolve. Accordingly, it is recommended that the Scottish Government, in association with partners, undertake a focused assessment of the relative costs and benefits of SEA to Scotland’s environment and economy. Figure 47 sets out some of the costs and benefits that might be incorporated into such an assessment.

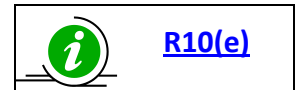


Figure 47 – Costs and benefits of SEA

Understanding the costs	Making tangible the benefits
<ul style="list-style-type: none"> <li>• Direct RA staffing / consultancy costs to undertake SEAs.</li> <li>• CA staffing costs to provide</li> </ul>	<ul style="list-style-type: none"> <li>• Costs saved by taking early avoiding actions and removing/reducing need for future work.</li> <li>• Protection of ecosystem services afforded through</li> </ul>

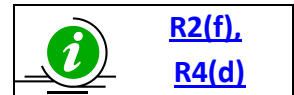
<p>engagement and consultation services.</p> <ul style="list-style-type: none"> <li>• RA costs associated with advertising and public consultation processes.</li> <li>• Stakeholder costs in engaging with SEA processes.</li> </ul>	<p>early identification of potential effects.</p> <ul style="list-style-type: none"> <li>• Costs saved through early identification of potential impacts on economic generators such as tourism.</li> <li>• Savings to RAs derived through SEA promoting improved plan-making and decision making processes.</li> <li>• Economic opportunities generated through mitigation measures (e.g. low carbon developments).</li> <li>• Costs saved through reputational protection.</li> <li>• Value added through enhancement.</li> </ul>
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#### 4.12.19 Technology

There may be scope to improve efficiency through greater use of technology. In particular, there is scope for better use of GIS to develop and analyse the baseline and to help in determining significance. As noted in [Chapter 4.7](#), only a small percentage of cases in the casework analysis used constraints mapping as an approach. Other areas that may benefit from technological improvement includes potential development of online good practice guidance and development of templates that automatically provide a structure and format within which RAs can populate information.

#### 4.12.20 CA roles

As discussed in [Chapter 4.13](#), the CAs could make significant efficiency savings through increased use of standing advice, front loading advice to the scoping stage, prioritisation of casework and through collaboration (e.g. on data). This will enable them to dramatically reduce the need for bespoke responses to casework whilst at the same time – through adoption of a continuous dialogue approach – provide a consistent and ongoing service to RAs.



This review considers that encouraging CAs to adopt an approach where much of the information and advice is front loaded will enable gains in both efficiency and also in the level of influence that CAs have on the PPS preparation process.

#### 4.12.21 Enabling innovation and flexibility

As discussed in [Chapter 4.5](#), SEA outputs can be complex, lengthy and time consuming to prepare. While many of the recommendations in this review will enable greater efficiency in the process, there is also a need for RAs to recognise opportunities for innovation and flexibility. Such approaches may enable shorter, more focused and easier to understand outputs.

#### 4.12.22 Recommendations applicable to this chapter

The following recommendations are applicable with respect to this chapter.

- [Recommendation R2 – Improving efficiency and proportionality.](#)
- [Recommendation R3 – Focusing assessments: improving scoping and the evidence base.](#)
- [Recommendation R4 – Ensuring SEA has a voice in decision making.](#)
- [Recommendation R5 – Greater clarity.](#)
- [Recommendation R7 – Working together to provide guidance and support.](#)
- [Recommendation R10 – Continuing to reflect on experience.](#)

## 4.13 CONSULTING THE STATUTORY CONSULTATION AUTHORITIES

### Key findings

- The CAs have consistently met very high “on time” performance standards (average for 2009 and 2010 was 99%).
- Over 80% of practitioners consider the CAs provide useful or very useful SEA consultation services.
- There is no evidence of any significant duplication of work across the CAs.
- There is scope for CAs to provide more information through standing advice.
- CA comments are more influential at the scoping stage and there is scope for CAs to re-prioritise activities to focus more heavily on the scoping stage, restricting ER responses to comments on the assessment of effects on the environment.
- There is scope for CAs to develop a “continuous dialogue” approach to engaging with RAs whereby there is greater frontloading of discussions and issue resolution.
- Most CA responses were considered to be reasonable, however a small number were not and there is scope to address the issues raised by these examples.
- Development of key issues and trends documents by CAs could help RAs to secure key information quicker and without the need for bespoke interpretation by CAs.
- There is no strong evidence to support the identification of additional statutory CAs to be identified.
- Consultation process via Scottish Government SEA Gateway very well regarded by all that use it.

### 4.13.1 About this chapter

This chapter summarises the statutory consultation requirements with the three CAs. It analyses their performance in responding to consultations and evaluates issues raised in the consultation process.

### 4.13.2 Background

Section 3 of the SEA Act identifies the CAs as the Scottish Ministers (a role performed by Historic Scotland, SEPA and SNH). The CAs must be consulted at key stages and in return they are obliged to respond within prescribed timescales<sup>106</sup>. In addition to these statutory roles, the CAs also provide support and advice to RAs on a request basis. They also have the opportunity – informally – to raise any concerns associated with pre-screening statements and post adoption statements. All consultations are administered via the Scottish Government SEA Gateway (see [Chapter 2](#)).

<sup>106</sup> Screening – CAs must respond to screening consultations and have 28 days to do so.

Scoping – CAs must respond to scoping consultations and have 5 weeks to do so.

ER – CAs must be consulted, but they are not obliged to respond – although in practice CAs do. Timescales are set at the scoping stage.

### 4.13.3 SEA Gateway

The SEA Gateway was universally seen as either “effective” or “very effective” by practitioners answering this survey question, with almost 70% of in house practitioners scoring it “very effective”. There is no evidence to suggest that the fundamental role of the gateway in facilitating consultations needs to change. A number of additional tasks that could be performed by the Gateway were suggested by some respondents including: acting as a central point for data and or data enquiries and providing an “alert service” for recently received consultations.

### 4.13.4 CA performance standards

The SEA Act lays down statutory time periods for CAs to respond to screening and scoping consultations, while ER consultation periods are formally agreed between RAs and CAs at the scoping stage. From 19 February 2006 to 31 December 2010, the CAs have achieved the following “on time” standards<sup>107</sup> across all casework:

Figure 48 – Percentage of CA responses within statutory or agreed timescales

	2006	2007	2008	2009	2010
Screening (statutory)	100%	99%	100%	100%	100%
Scoping (statutory)	100%	99%	100%	100%	99%
ER (non-stat)	98%	86%	74% <sup>108</sup>	98%	98%

As these results show, the CAs have consistently met very high “on time” performance standards. This reflects both the considerable effort of all the CAs to achieve such a high performance and also the important role of the SEA gateway in tracking consultation progress. In many cases, responses are not only on time, but considerably earlier than the statutory or agreed deadlines.

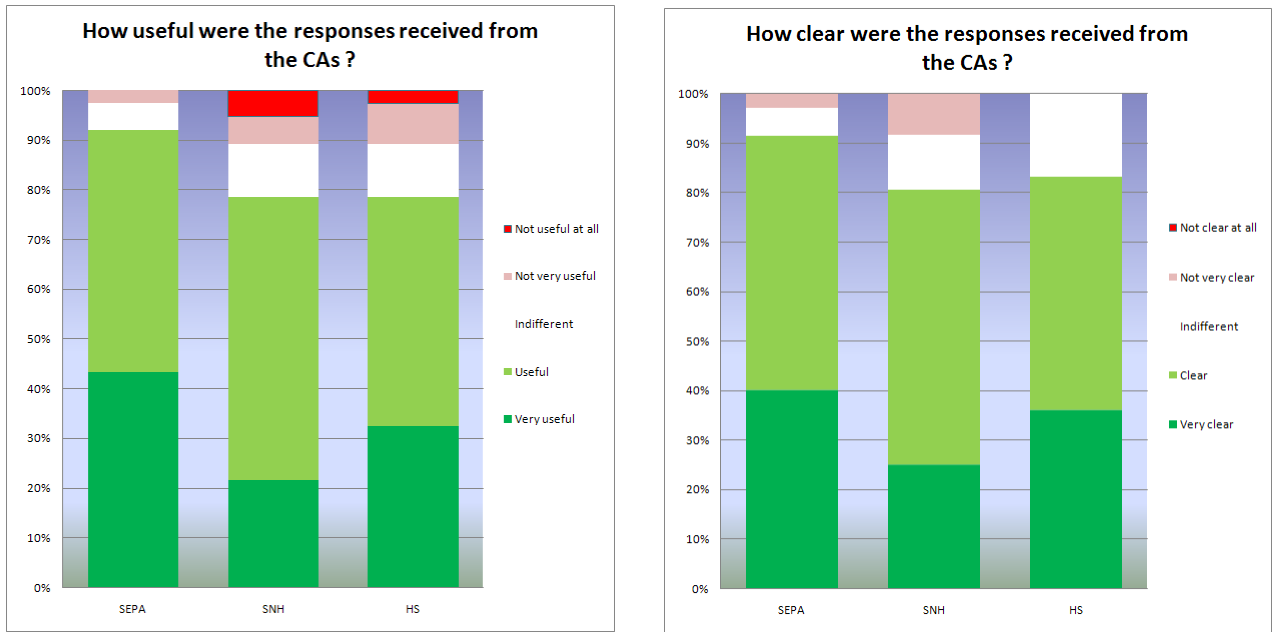
### 4.13.5 Usefulness of CA responses – General

Overall, the CA responses are seen by practitioners as predominantly “useful” or “very useful” (over 80% for all CAs) and that the content of the responses was clear or very clear (again over 80% for all CAs).

<sup>107</sup> From 2006 – 2009 Annual Reports to the Scottish Parliament - [www.scotland.gov.uk/Topics/Environment/SustainableDevelopment/14587/annualreports](http://www.scotland.gov.uk/Topics/Environment/SustainableDevelopment/14587/annualreports) and from analysis of 2010 performance (currently unpublished)

<sup>108</sup> This figure is linked in part to staff shortages within Historic Scotland, which affected their ability to respond to non statutory requests in this reporting period.

Figures 49 and 50 – Survey responses – Usefulness and clarity of CA responses

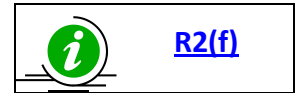


#### 4.13.6 CA responses at screening, scoping and ER stages

The CAs have statutory duties to engage at these key stages. A detailed analysis of the nature and content of the responses provided at these stages are provided in the relevant chapters (screening – [Chapter 4.2](#); scoping – [Chapter 4.3](#); ER – [Chapter 4.5](#)).

#### 4.13.7 Refocusing CA effort

The discussion on the content of CA responses at scoping and ER stages has shown that there is considerable scope for refocusing effort to ensure that comments are made to RAs at the most appropriate time and in the most accessible way. This can be achieved using a combination of standing advice, scoping responses, ER responses and a process of continuous dialogue with RAs throughout the SEA process. Figure 51 overleaf sets out those areas that could be covered. The following approaches are suggested:






**Standing advice** – General information and advice on other relevant PPSs, baseline information and environmental problems could be provided through standing advice to RAs. General advice about SEA objectives, assessment methods and methods for mitigation and monitoring could also be provided through standing advice. This could have a number of benefits:

- reduce length and complexity of CA responses;
- reduce time required to prepare CA responses;
- allow CAs to focus on key issues in their responses which in turn may help RAs focus their assessments more tightly;
- allows RAs to obtain information throughout SEA process and not just in response to consultations.

Figure 51 – Casework analysis – Potential methods for CA provision of advice

Method for Providing Advice	Standing Advice	Scoping Response	Env Report Response
Issue Covered in Response			
General	Green	Yellow	Yellow
List of PPS	Green	Red	Red
Baseline	Green	Red	Red
Environmental problems	Green	Red	Red
Scope of env. ass	Red	Green	Red
SEA objectives	Yellow	Green	Red
Assessment Method	Yellow	Green	Red
Assessment findings (incl significant effects)	Red	Red	Green
Cumulative effects	Red	Yellow	Green
Alternatives	Red	Yellow	Green
Mitigation	Yellow	Yellow	Green
Monitoring	Yellow	Yellow	Green

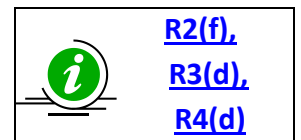
  

	This issue can normally be covered by this method
	This issue may sometimes be covered by this method
	This issue will not normally be covered by this method

**Scoping responses** – With standing advice in place, scoping responses should focus on providing advice on the scope and level of detail of the proposed assessment and on supporting any standing advice with any additional PPS/area specific comments that may be of relevance. The casework analysis showed that many CA responses provided advice on issues such as method of assessment, SEA objectives and general comments about SEA processes followed by a RA. While many of these comments may be useful to an RA, it is the CAs role as an expert advisor that is most important.

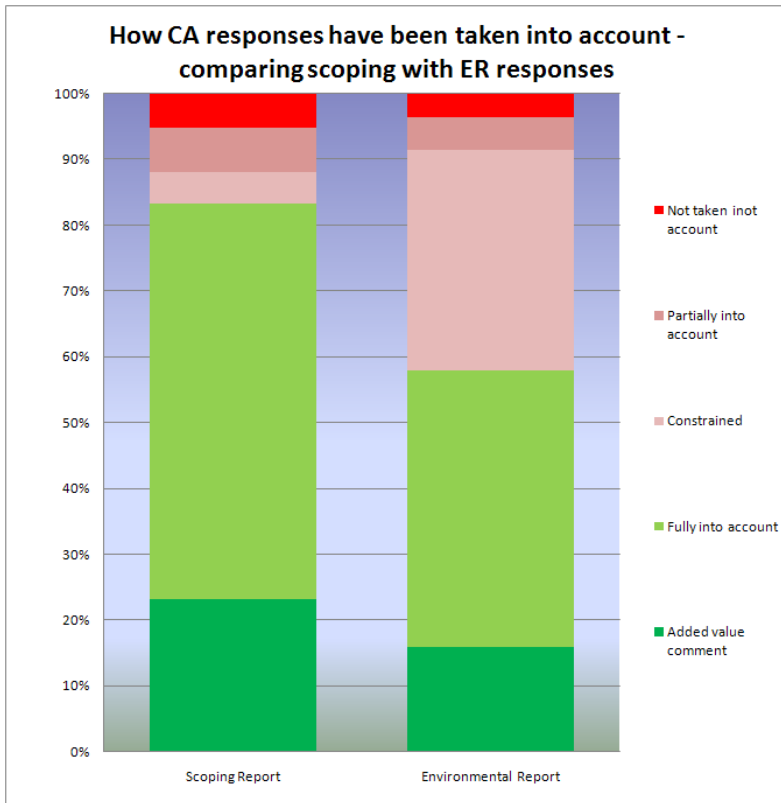
**ER responses** – Although there is no statutory requirement for CAs to respond to ER consultations, in practice they routinely do and they have a key role in advising on the accuracy of the assessment findings and of how significant environmental effects should be addressed. CA responses should therefore be tightly focused on these roles.

The casework analysis shows that CA scoping comments are likely to be taken into account (see figure 52 below), due to the early stage in the process that this occurs. By contrast, comments on ERs can come too late in the process, particularly where the comments focus on issues that would have been better considered at scoping. There is scope therefore for CAs to reduce the level of detail in ER responses and to focus more resources on the scoping stage in association with a “continuous engagement” approach. The key role CAs play in providing expert opinion on how significant environmental effects have been identified and addressed in ERs should not however be diluted and should remain an important feature of CA liaison.



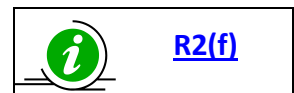
It is also important to note that this requires changes by both CAs and RAs. In order to refocus efforts on earlier stages, the CAs need the RAs to work towards the same objective.

Figure 52 – Casework analysis - How CA responses have been taken into account



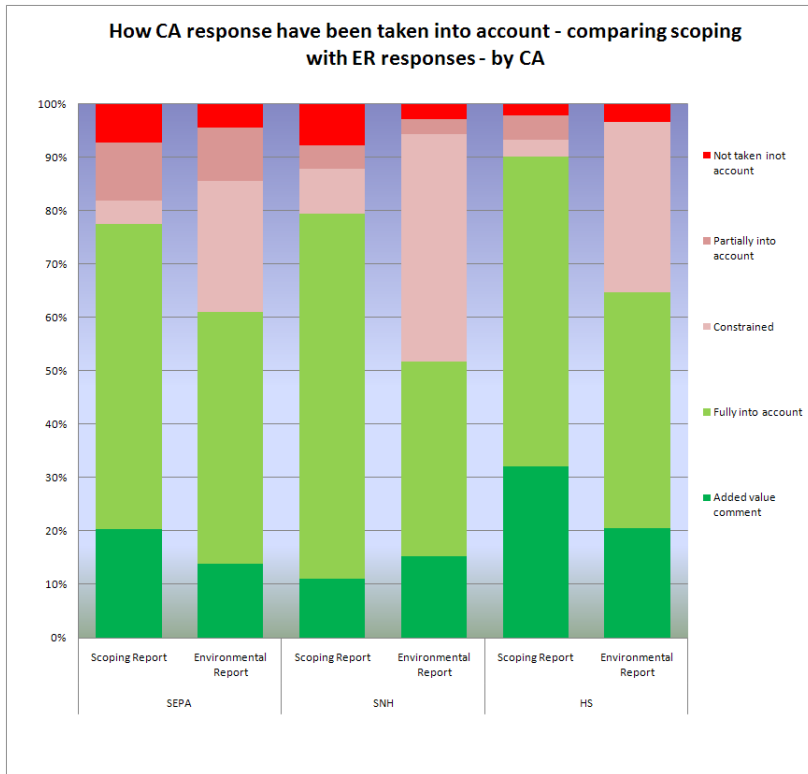
### 4.13.8 Influence of CA responses

The influence of SEA on PPS preparation is covered in [Chapter 4.10](#) and includes discussion on the influence of the CAs. It is useful to specifically consider in this chapter the way in which CA responses have been taken into account by RAs. In particular, it is worth noting the very different way in which scoping responses and ER responses are taken into account. Figure 52 shows this for the combined comments of the three CAs. At the scoping stage, it is far more likely for matters raised by the CAs to be taken into account, whereas at the ER stage this is sharply reduced. While it is preferable for CAs to comment on issues at earlier stages, this will only be possible if RAs provide appropriate information.



There are no significant differences when the three CAs are compared (figure 53), with all experiencing significant reductions in the way their comments are taken into account.

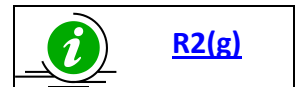
Figure 53 – Casework analysis – Comparing the influence of CA responses



#### 4.13.9 Reasonableness of CA responses

Overall, RAs were very positive about the usefulness of CA responses. However, a relatively small number of cases were reported where it was considered that requests from the CAs were unreasonable. While the overall numbers were very small and it can be concluded that CAs are generally pragmatic and prudent in their responses, it is worth noting the issues raised<sup>109</sup>:

- requests for information about, or requiring assessment of, factors RAs consider outwith the scope of the PPS;
- requests for levels of detail (baseline data) which RAs consider disproportionate;
- requests for in depth assessment and monitoring that RAs find unrealistic;
- requests for further assessment or information at the ER stage, even though there is no requirement to prepare a further report;
- commenting that something is wrong or needs to be considered but not explaining why or what needs to be done to address the issue;
- some anecdotal statements of inconsistency in advice from CAs from one PPS to another.



<sup>109</sup> It has not been possible in this review to look at each of these instances in detail and to ascertain whether the unreasonableness cited is real or perceived or whether some of the requests for further detail were valid concerns about potential significant effect. This requires further investigation by the CAs.

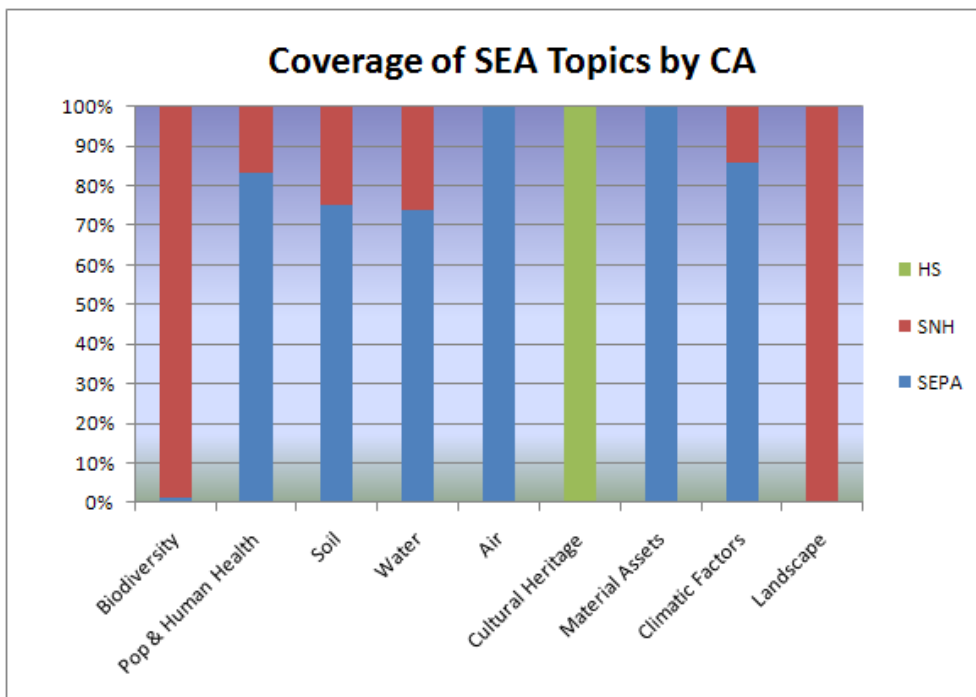


Although these are issues for all three CAs to consider, evidence from RAs suggests that SNH responses generate more unreasonable requests. This appears to be linked primarily to some SNH requests for levels of detail that are perceived by a small number of RAs to be unreasonable.

**4.13.10 SEA topics**

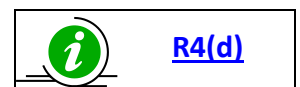
There is no evidence from the casework analysis to suggest that there is any great duplication of effort across the three CAs in terms of topic coverage. Figure 54 shows the ratio of comments from each CA by topic. This shows that with the slight exception of water and soil there is no significant overlap. For water, some overlap is likely as a result of shared interests in the ecological status of waterbodies and impacts on wetland habitats and species, while for soil SEPA’s interests relate to soil quality, while SNH’s relate to soil biodiversity. There is also some shared interest in climatic factors which is also reflected in the content of responses.

Figure 54 – Casework analysis – Coverage of SEA topics by CA



**5.13.11 Continuous engagement**

Many practitioners find continuous CA engagement helpful and that this leads to a better understanding of the issues by both sides. There is evidence that a number of RAs choose this “continuous engagement” route, with approximately half of respondents stating that they had had contact with the CAs over and above the statutory stages. Workshops and CA liaison meetings are the most common form of additional engagement, although it is unclear whether these are generally restricted to the RA and CAs or are more open and include others such as the plan preparer, stakeholder groups, elected members etc. Engagement in other ways, such as seeking informal views on early assessment findings, is also seen as useful.



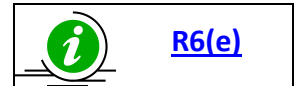
A typical view (from a practitioner) was that such engagement “helped to clarify areas of difficulty, including keeping the ER proportionate, considering cumulative impacts and mitigation”. Similarly, a consultant practitioner reported that “this has proved incredibly useful, mainly through the provision of early and informal advice....that has helped shape the SEA process. Using informal engagement with CA staff can be key to SEA success/getting as much out of the process as possible”.

Many respondents also pointed to “more frequent contact over and above the statutory consultation periods” as an area of suggested improvement to the CA’s service.

Many from within the CA community that responded to the general survey also feel such an approach is beneficial, albeit with resource implications. A typical comment from a CA respondent encouraged “full use of the CA’s expertise to be made throughout the iterative SEA process rather than waiting for formal comments on the ER”.

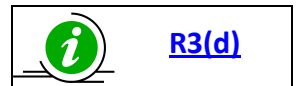
Such continuous engagement does, however, have resource implications for CAs and must be balanced against the need to meet statutory response times. There are potential time-saving benefits of continuous informal advice as issues can be resolved through dialogue rather than through the formal written response.

Continuous informal engagement does have the potential to reduce transparency as the outcome of such continuous dialogue is rarely captured in the same level of detail as a formal written response.



#### 4.13.12 Interpreting data

In the workshops and the surveys, a number of RAs indicated that CAs should play a stronger role in helping RAs to interpret data in the context of a particular PPS. CA consultation responses routinely request RAs to use or refer to certain data, but rarely is advice given on how to use or interpret data. RAs can find this difficult, particularly when the data are technical in nature.



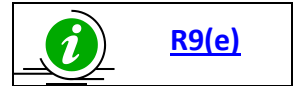
Doing this on a bespoke basis may represent a very significant resource impact for CAs. It is felt however that more could be done by CAs to work proactively to highlight the key environmental issues for a public body in their area.

#### 4.13.13 Need for additional CAs

During the passage of the SEA Bill through the Scottish Parliament, there was considerable discussion about whether additional statutory CAs should be identified, most notable to cover health issues.

There has been no evidence from this review that additional CAs are necessary and there is no strong call from RAs that this is needed. It has been shown (Chapter 4.4) that there are some difficulties encountered in obtaining and in particular, interpreting, human health data. There may therefore be some scope to encourage greater informal involvement of health bodies to assist RAs in the consideration of health effects. It is also shown (Chapter 4.14) that beyond the statutory authorities very few public bodies are engaging in the SEA process.

It is therefore recommended that there is no need for additional statutory CAs, but the Scottish Government should consider raising awareness of the opportunities and potential benefits to public bodies – including the health sector and NGOs - of engaging in SEAs and encourage their early participation in the SEA process.



#### **4.13.14 Recommendations applicable to this chapter**

The following recommendations are applicable with respect to this chapter.

- [Recommendation R2 – Improving efficiency and proportionality.](#)
- [Recommendation R3 – Focusing assessments: improving scoping and the evidence base.](#)
- [Recommendation R4 – Ensuring SEA has a voice in decision making.](#)
- [Recommendation R6 – Addressing environmental challenges through mitigation and enhancement.](#)
- [Recommendation R9 – A more engaging process.](#)

## 4.14 STAKEHOLDER ENGAGEMENT

### Key findings

- SEA can drive enhanced stakeholder engagement particularly in those PPSs where this would not normally happen.
- Overall, stakeholder engagement levels in Scottish SEA are very low.
- Stakeholders are generally sceptical about the influence their views can have on SEA and on decision making.
- NGOs were the biggest group of stakeholders engaging, followed by individuals.
- Beyond the statutory CAs, there appears to be very low levels of engagement in SEA by public bodies – despite these agencies having relevant information and expertise about the environment that could be helpful to RAs in identifying significant environmental effects.
- Spatial PPSs and national PPSs attract the most stakeholder engagement.
- Biodiversity is the most common topic (25%) referred to by stakeholders.
- Scope for improving the way stakeholders are informed about consultations – e.g. by email alert.
- Barriers to stakeholder engagement in SEA are seen as:
  - the lengthy and complex nature of SEA documentation;
  - separately publishing the PPS and the SEA;
  - stakeholders understanding of the SEA process;
  - the perception that time spent on responding is disproportionate to the level of influence it may have;
  - lack of awareness that an SEA is being consulted upon.

### 4.14.1 About this chapter

This chapter explores how stakeholders other than the statutory CAs are engaging in SEA. It sets out the levels of engagement and explores the various barriers to engagement that stakeholders are experiencing.

### 4.14.2 Background

One of key objectives of SEA is to improve transparency of decision making with respect to environmental issues and to increase access to decision making by stakeholders.

The SEA Act requires formal public consultation on the draft PPS and the ER<sup>110</sup>. This is the key stage and vehicle for wider engagement in the SEA process and RAs must take account of the views expressed by the public during this consultation phase<sup>111</sup>. In addition, the SEA Act prescribes a

<sup>110</sup> SEA Act Section 16

<sup>111</sup> SEA Act Section 17

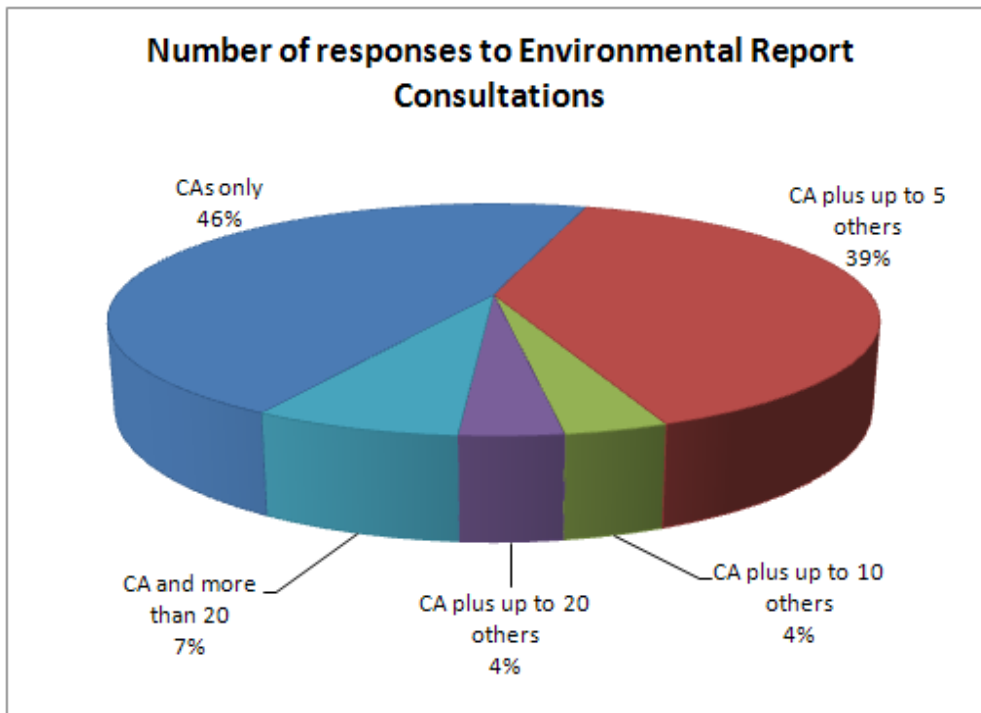
number of publicity / notification requirements that notify stakeholders as to the commencement or completion of stages in the SEA process<sup>112</sup>.

### 4.14.3 Levels of engagement

Overall, the level of stakeholder engagement in SEA beyond the statutory CAs is very low. As figure 55 shows, in almost half of the cases only the CAs provide any response to ERs, while 85% of cases attract views from just the CAs or from the CAs and up to five others. The casework analysis also captured information on stakeholders engaging in the ER consultation process. It found that:

- on average around five stakeholders per PPS were providing comments on the SEA ER;
- statutory development plans and those PPSs concerning national policy attracted the most stakeholder engagement;
- NGOs were the biggest group of stakeholders engaging in SEA and these were almost exclusively from the environmental sector (figure 56);
- public bodies (outwith the statutory CAs) accounted for only 4% of all stakeholder engagement in SEA;
- biodiversity was the most common SEA topic that stakeholders commented upon in their SEA responses, followed by climatic factors and population/human health (figure 57);
- air was the least common SEA topic that stakeholders commented upon in their SEA responses, followed by soil and water.

Figure 55 – Survey responses - Number of responses to ER



<sup>112</sup> Pre-screening – Requirement for public register of notifications (SEA Act Section 7(5), (6) and (7))  
 Screening – Publicity for determinations (SEA Act Section 10)  
 Post adoption – Publicity for adopted plan and post adoption statement (SEA Act Section 18)

Figure 56 – Casework analysis – Types of stakeholders engaging in SEA

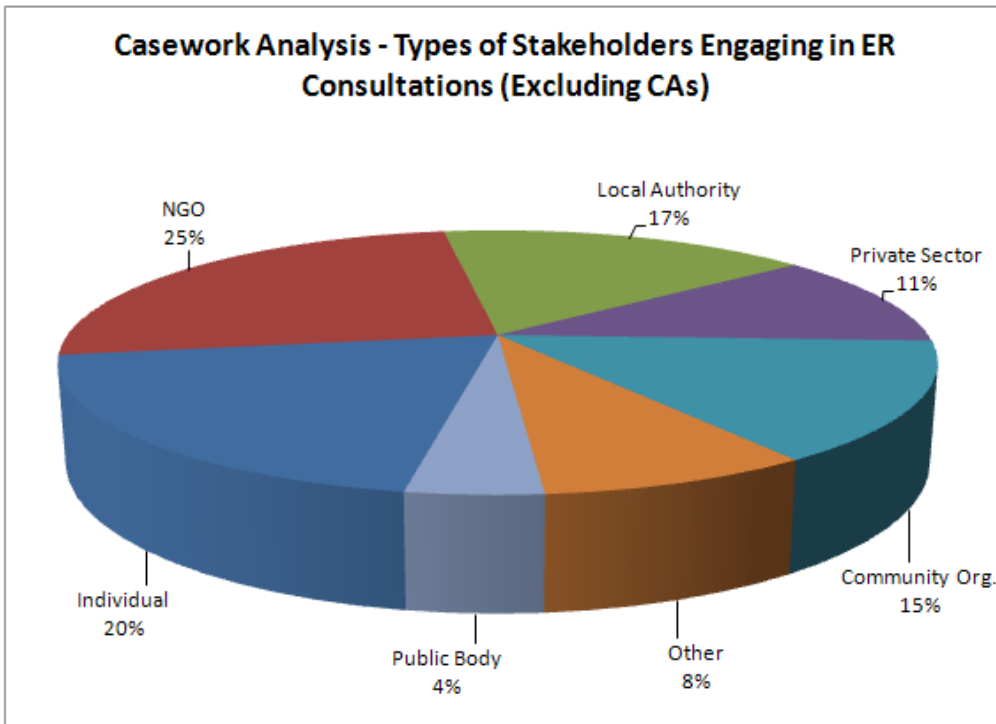
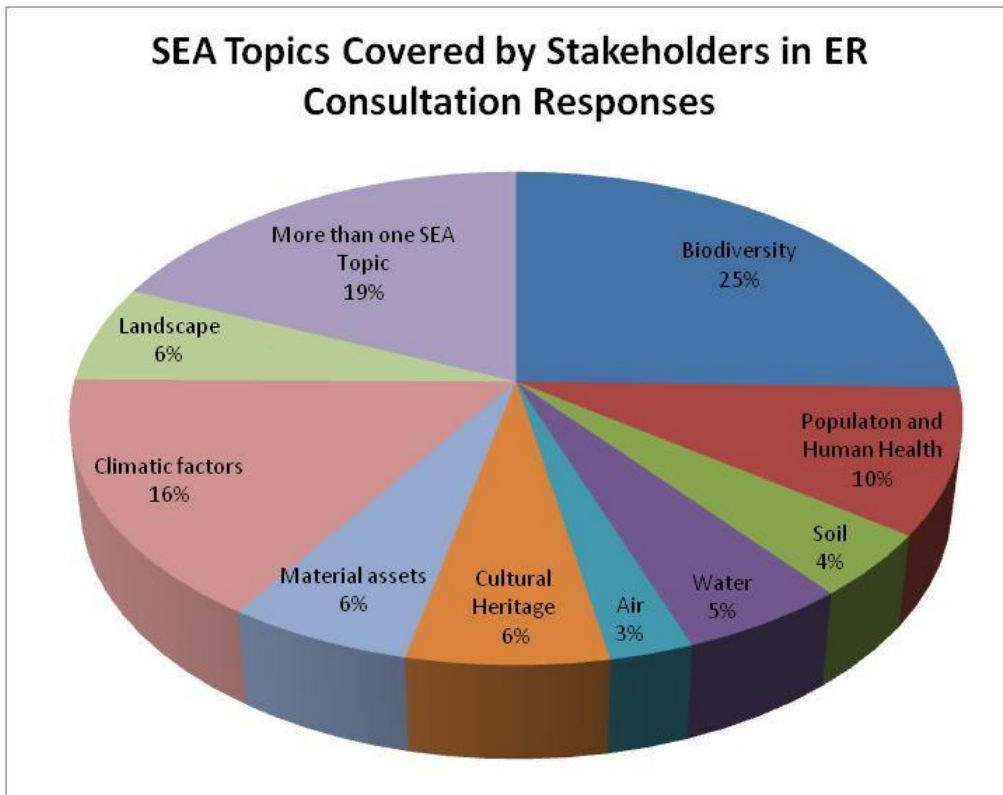


Figure 57 – Casework analysis - Issues covered by stakeholders

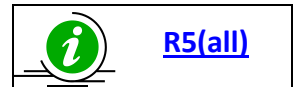


#### 4.14.4 Barriers to engagement

Very many barriers to effective engagement with those outwith the SEA community were identified by respondents to the surveys and participants at the workshops. A summary of these is set out below but it is worth stating that stakeholder engagement has been an issue for many areas of public policymaking for many years and resolving some of the issues requires cultural and organisational changes well beyond the remit of this review. It is also worth noting that survey and workshop evidence suggests there is a clear appetite and enthusiasm among SEA practitioners and stakeholders alike to work to improve stakeholder engagement in SEA.

#### 4.14.5 Nature of SEA documentation

The most significant barrier was seen as the nature of SEA documentation, in particular ERs which are generally considered to be too technical, too detailed and too long to serve a useful consultation purpose, particularly with the public. Many questioned the usefulness of proactively consulting the public at all on ERs and to focus more time and resource into consulting on scoping and on non technical summaries or combined SEA/PPS summaries (see below). There was a general consensus that *“the ER is not a good vehicle for engaging the public”*.



#### 4.14.6 Separate SEA and PPS reporting

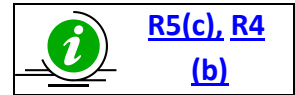
Separate consultation on the PPS and the ER – driven in part by the SEA Act<sup>113</sup> – is seen by many as a barrier. Many pointed out that the processes are too often seen as separate (see [Chapter 4.7](#)) and that the documents forming the consultation are not integrated and appear to require separate engagement from stakeholders and the public. One contributor summarised this describing a key barrier as *“seeing the consultation on the ER as a consultation in its own right”* and that *“the ER is...a supporting document which underpins the plan. Environmental information needs to become more embedded in the plan itself”*. Another stated that by being separate *“(the) SEA is often overlooked as opposed to being a key part of the plan engagement process.....(it) needs to be embedded within the whole engagement process”*. Many expressed concerns that separate consultation led to confusion in getting key environmental messages across and also contributed to *“consultation fatigue”*.

Some also said that where environmental information is separated to the ER and not embedded in the PPS that due to the complex or large nature of SEA documents, most stakeholders and the public do not actually look at environmental issues at all – because they only look at the PPS.

SEA engagement, and the consultation processes it includes, needs to be seen as an integral part of the whole process of plan making rather than separate. While the SEA Act appears to require publication of separate documents and there are clear and desirable requirements to make the full ER publicly available, there are a number of ways that more integrated PPS/SEA consultation could be achieved:

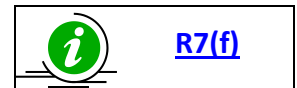
<sup>113</sup> The SEA Act (section 16) requires the publication of both the ER and the qualifying PPS to which it relates (“the relevant documents”). It also requires RAs to send a copy of the relevant documents to the CAs and to invite expressions of opinion on them in a published notice.

- including the ER non technical summary – or at least a summary of its key findings – in a prominent place in the consultation draft PPS;
- summarise the key environmental effects of each chapter or section of a PPS at the start of that section or chapter;
- for assessment of sites, a traffic light system of (for example) green (no significant impacts), amber (significant effects but can be mitigated) and red (significant effects that cannot be mitigated) so that those expressing a view on PPS site allocations can see at a glance their potential environmental effects and can use this information to inform their response;
- embed SEA consultation questions within the PPS content rather than listing them separately in the ER;
- include SEA consultation questions within PPS consultation feedback forms.



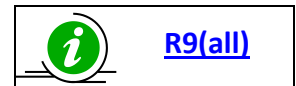
#### 4.14.7 Understanding the SEA process

Another clear barrier identified was the lack of understanding among stakeholders and the public of the SEA process and what it is designed to deliver. Part of this is relates to the nature of SEA outputs but it is likely that there is also a more fundamental issue about understanding what SEA can and cannot do outwith the small community of SEA practitioners and interests. Around 40% of RAs stated that they provided some awareness raising to stakeholders about SEA, but in less than 10% of cases did this extend to formalised training/workshop events. Thus, it is perhaps not surprising that lack of awareness and understanding of SEA is considered a barrier.



#### 4.14.8 Costs and benefits

RAs and stakeholders both expressed concerns about their capacity to respectively undertake and contribute to extensive engagement programmes. RAs are concerned that significant additional SEA engagement effort is likely to result in a marginal increase in the number of responses. On the other hand, stakeholders such as NGOs expressed concerns that resource constraints require them to prioritise the most significant consultations (e.g. high level, high profile plans such as the National Planning Framework) or to focus on the PPS itself rather than the SEA. They also noted that significant additional SEA engagement effort is likely to result in only a marginal increase in the influence over PPS content. A typical comment came from a respondent to the general survey who described a key barrier for stakeholders as *“the over-riding perception that making an input to SEA will not change that nature of the proposal, nor the outcome of the decision, but at best might lead to a small amount of additional mitigation”*. As discussed later in this chapter, this appears to be an accurate perception. As a result, both RAs and stakeholders are reluctant to put considerable resources into undertaking or contributing to SEA consultations as the benefits for both are perceived not to be worth the extra effort. This circle needs to be broken in order to encourage RAs to be more proactive (see below) and to encourage more involvement of stakeholders.



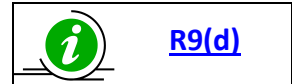
#### 4.14.9 Alerting stakeholders to consultation

There appear to be some problems in the way stakeholders and the public are alerted to SEA consultations and that some consultations are “slipping under the radar” of stakeholders. The statutory CAs receive all documentation on the day of publication direct from the SEA Gateway,



however for other stakeholders and the public it is more difficult as they are more reliant on the pro-activeness of the RA or their own tracking systems . Many RAs are concerned that the requirement for a public notice to be placed in newspapers is not only expensive, but also ineffective in that they are read by very few people or an unrepresentative sample of the local community. Equally, placing advertisements or publicity material on websites was also seen by stakeholders as ineffective as these can be difficult to find on what are generally large public body websites. There are a number of potentially straightforward solutions to this issue, such as:

- an alerting service could be provided by the SEA Gateway as part of its consultation co-ordination role. This need not be complex, but a simple daily email alert that advises of the previous day’s consultations to those who wish to register their email contact details. This is a common approach used by news media;
- greater use of social media to inform of a consultation;
- embedding a summary of the SEA in the draft PPS (see above);
- clearly locating SEA documents on the same webpage as PPS documents;
- holding consultation meetings in public places – as one respondent stated: *“go where the public are, don’t ask the public to come to you”*.



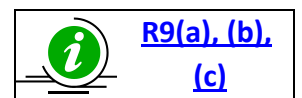
**4.14.10 Role of RAs in encouraging stakeholder engagement**

There is only limited evidence of RAs being particularly proactive in their approaches to SEA engagement. Nearly 40% of practitioners admitted to doing the statutory minimum required by the SEA Act while 60% said that they provided no additional support or awareness raising for stakeholders to help them engage with the process. This can be partly explained by the discussion above on relative costs and benefits. It may also explain the difficulties experienced in alerting stakeholders of a consultation.

In terms of efforts to enhance engagement, approximately 60% of RAs put scoping reports out to consultation beyond the statutory CAs, while 22% said they included SEA within consultation roadshows. Some RAs also include SEA information within consultation newsletters or bulletins.

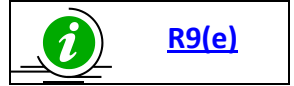
There were several examples identified where RAs consider SEA engagement worked well. These included:

- facilitated workshops with stakeholders was the most common way to promote better engagement on the environmental issues raised by the SEA and many suggested this as a resource effective way to secure involvement. Workshops during the assessment stages are considered helpful in that they *“provide a quick way of identifying issues, opportunities and baseline data....and encourage input at an early stage in the process”*;
- use of Survey Monkey to simplify the consultation process;
- greater use of maps and diagrams, particularly for spatial PPSs;
- embedding SEA and associated questions into PPS consultations.



#### 4.14.11 Securing public body input

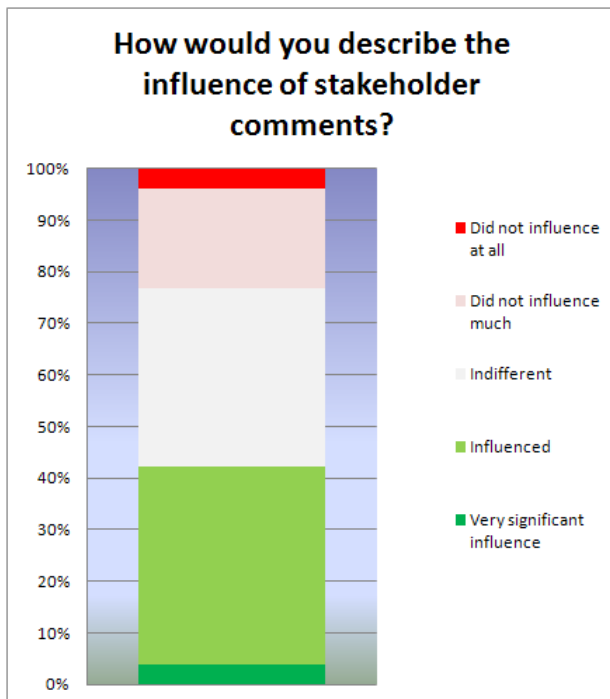
Over and above the CAs, there appears to be very little evidence of significant engagement in SEA by large public bodies (for example health boards and public utilities) which are likely to have an interest in the PPS and its environmental effects and may hold relevant data. As noted in figure 56, the casework analysis revealed that public bodies accounted for only 4% of stakeholders engaging in the SEA process. Such bodies could however play a role in helping RAs to consider issues in those areas where the statutory CAs have no or a limited remit.



#### 4.14.12 Influence of stakeholder views

Apparent in the discussion on barriers was a general feeling among stakeholders that views expressed on the SEA are unlikely to significantly influence the outcome of policy decisions on the PPS. This was one of the key reasons given as to why stakeholders do not to engage in the process. RAs were asked the extent to which stakeholder views influenced the PPS and, as figure 58 shows, less than 50% stated that the views were influential or very influential. This gives some credence to such fears. Figure 39 (chapter 4.10) identifies the influences on the preparation of a PPS. Stakeholder views on the ER were, by far, the least influential factor, again giving credence to stakeholders’ views that engaging with SEA is unlikely to have any significant influence<sup>114</sup>. This is also reflected in views of NGOs in particular that when faced with resource constraints they will always focus on the PPS and not the SEA.

Figure 58 – Survey responses – How influential were stakeholder comments on SEA



<sup>114</sup> This may be down to the fact that stakeholder engagement is very low and therefore it could not exert a significant influence and therefore maybe the large proportion of indifference is related to the fact that there were no or few stakeholder responses to take into account.

#### 4.14.13 Demonstrating good practice in stakeholder engagement

Despite the largely negative findings, there are many good examples of RAs using SEA to positively promote better engagement in the PPS preparation and decision making processes. For many PPSs, particularly 5(4) PPSs that often do not have as structured or transparent preparation process (compared with statutory development plans for example), the SEA drives significantly enhanced consultation processes. This is a very significant benefit of SEA that practitioners and stakeholders recognise (see figures 2 and 3 – [Chapter 2](#)).

For example, Marine Scotland published a Draft Plan for Offshore Wind and SEA ER in 2009. The public consultation generated more than 800 responses, from individuals and organisations throughout Scotland and beyond. Most of those who engaged in the process focused on both the Plan and its accompanying SEA, with many referring to environmental challenges arising from offshore renewable energy development which were referred to in the ER. The high level of response was achieved through an extensive programme of consultation which went well beyond publication of the documents online, and included regional and sectoral workshops, direct liaison with local and national stakeholder groups, a feedback loop and widespread national and local publicity.

#### 4.14.14 Recommendations applicable to this chapter

The following recommendations are applicable with respect to this chapter.

- [Recommendation R4 – Ensuring SEA has a voice in decision making.](#)
- [Recommendation R5 – Greater clarity.](#)
- [Recommendation R7 – Working together to provide guidance and support.](#)
- [Recommendation R9 – A more engaging process.](#)

## 4.15 SHARING EXPERIENCE, DEVELOPING SKILLS

### Key findings

- Considerable topic based and generic SEA guidance already exists which is generally well used and found in the vast majority of cases to be helpful.
- SEA Toolkit in particular is well used and generally well regarded.
- Priority areas for new guidance (top 3) seen as cumulative effects, determining significance and monitoring.
- Strong feeling that new or revised guidance should be based on “sharing good practice”.
- Skills and experience in SEA often not transferred across an organisation, which can result in SEA being pigeonholed to one department rather than mainstreamed across an organisation. This can have subsequent impacts on SEA activity across an organisation and the time and resources required to undertake SEA.
- Scope for developing better informal avenues for sharing experiences and views on SEA issues and problem areas.
- Training needs identified for the following areas:
  - some of the specialist SEA topics – notably soil, human health and climate change;
  - for plan-makers and senior decision takers;
  - for stakeholders.

### 4.15.1 About this chapter

This chapter considers the use and effectiveness of SEA guidance available to SEA practitioners in Scotland. It provides an overview of how well guidance is used, how helpful practitioners and stakeholders consider it to be and provides some views about whether and where additional guidance may be necessary. This chapter also evaluates whether SEA practitioners and stakeholders have the right skills and experience to allow them to meet the requirements set out in the SEA Act and also looks at some of the informal “practice sharing” arrangements that have occurred.

### 4.15.2 Background

There is a wide range of guidance that has been developed since the introduction of SEA. Some of this is process orientated guidance that helps practitioners to understand SEA requirements, while some is topic based. Current Scottish SEA guidance<sup>115</sup> includes:

- SEA Toolkit;
- Basic Introduction to SEA;
- Planning Advice Note 1/2010 SEA of Development Plans;

<sup>115</sup> <http://www.scotland.gov.uk/Topics/Environment/SustainableDevelopment/14587/Guidance>

- Consideration of Climatic Factors within SEA;
- SNIFFER guidance on air, soil and water in SEA.

In addition, the Practical Guide to the SEA Directive published by the UK Department for Communities and Local Government also provides guidance of interest to Scottish practitioners.

Unsurprisingly, the SEA Act makes no particular reference to guidance and support. It does though require an annual report to be laid before Parliament (Section 20) summarising SEA activities in any one calendar year<sup>116</sup>.

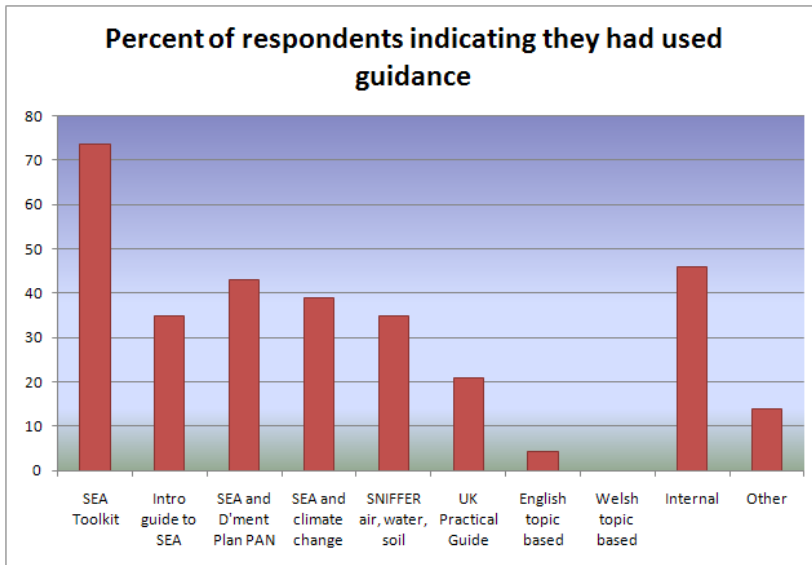
Since 2009, an informal national SEA Forum<sup>117</sup> has been established which meets twice annually to enable discussion between practitioners. The forum has approximately 80 members. This is administered by the Scottish Government SEA Unit, but the concept of the Forum is that its form and content should be decided by its members.

Many RAs have established internal training and awareness raising programmes to ensure that SEA skills and information are made available across the organisation.

### 4.15.3 Use of SEA guidance

Figure 59 shows the use of guidance by those completing the survey.

Figure 59 – Survey responses – Use of SEA guidance



### 4.15.4 SEA Toolkit

The Scottish Government’s 2006 SEA Toolkit is the primary source of detailed guidance on SEA in Scotland. Survey evidence reveals that it is the most well used of all the guidance by both practitioners (69% in house and 80% consultants said they had used it) and stakeholders (77% said

<sup>116</sup> Published Annual Reports are available on the Scottish Government SEA website: [www.scotland.gov.uk/Topics/Environment/SustainableDevelopment/14587/annualreports](http://www.scotland.gov.uk/Topics/Environment/SustainableDevelopment/14587/annualreports)  
<sup>117</sup> For details, see: [www.scotland.gov.uk/Topics/Environment/SustainableDevelopment/14587/Forum](http://www.scotland.gov.uk/Topics/Environment/SustainableDevelopment/14587/Forum)

they had used it). It is also clear that those who used the toolkit generally found it “helpful” or “very helpful” (83% in house, 100% consultants, 81% general). These findings contrast with the image sometimes portrayed that the toolkit is rarely used, too prescriptive and not helpful.

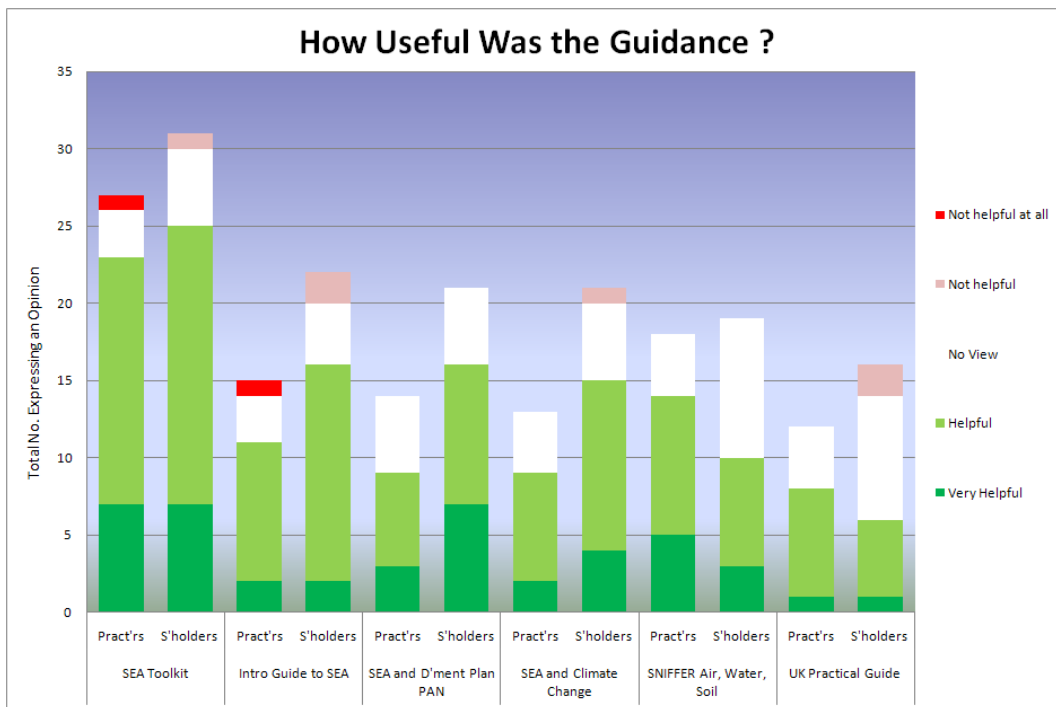
The Scottish Government is currently reviewing the toolkit and, while many of the recommendations in this review may be taken forward through amendments to the toolkit, it is recommended that care is taken to retain elements of the toolkit that are proving well used and helpful to practitioners.

#### 4.15.5 Other Scottish guidance

The range of other Scottish guidance is also reasonably well used by practitioners and stakeholders. Some use is also made of internal guidance prepared by RAs or CAs.

Unsurprisingly given the high proportion of casework generated by the land use planning sector and the recent introduction of a revised planning system, the Planning Advice Note on SEA and Development Planning was the most utilised after the toolkit. Given some of the issues cited in considering water and soil in SEAs it is surprising that more use was not made of the SNIFFER guidance on air, soil and water and there may be scope to increase awareness of this resource. All Scottish SEA guidance was considered helpful or very helpful by the vast majority of survey respondents who had used it (see figure 60).

Figure 60 – Survey responses – Usefulness of guidance



The UK Government Practical Guide continues to be used by some Scottish practitioners despite its age and the publication of the toolkit. The SNIFFER guidance website on air, soil and water attracts a consistent hit rate of around 100 visits per month with each visitor viewing an average of between

four and five pages<sup>118</sup>. Baseline information is the most frequented part of the site. Considering the guidance offers advice that is relevant to a relatively small community of SEA practitioners in Scotland and Northern Ireland, this represents a reasonable usage, although further awareness raising about the site and the advice it offers would be helpful.

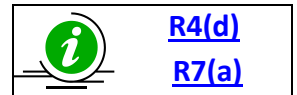
The use of RA/CA developed internal guidance is common and therefore there is a significant opportunity to share internal guidance across RAs. This could help build capacity in SEA among RAs as well as reducing the resources needed to develop in house guidance and procedures.

#### 4.15.6 Gaps in guidance

Although many suggestions were made for new areas of guidance most considered that future work in this area should focus on the dissemination of illustrated case studies/good practice. Such an approach could begin to explore issues such as significance where it is very difficult to prepare guidance that is useful on a case by case basis. A typical comment made was that “a better approach is to focus on sharing good practice events, workshops and fora”.

The list of suggested areas for new guidance is presented in figure 61.

Considering cumulative and other effects and determining significance are clearly seen as primary topics, although many noted the difficulties in being able to prepare anything that would be useful on a case by case basis. Some respondents suggested that the need for guidance in such areas would be reduced if CAs adopted a “continuous engagement” role where their advice and support was available informally to consider these issues in the context of a particular plan.



Other suggestions saw a benefit in bringing all Scottish guidance together into a single website that could be easily interrogated and updated. The current approach of bespoke guidance to deal with specific issues has resulted in a degree of duplication and makes cross referencing between guidance documents challenging. Adopting a portal approach would avoid duplication and minimise inconsistency across different guidance documents.

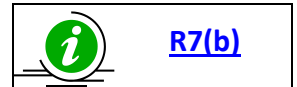


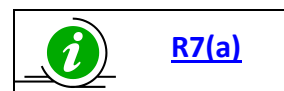
Figure 61 – Survey responses – Suggested areas for additional guidance<sup>119</sup>

Topic	No	Topic	No
Cumulative and other effects	51	Landscape	15
Determining significance	40	Public participation	13
Monitoring	32	Biodiversity	8
Mitigation and enhancement	26	Cultural heritage	7
Health and population	25	Appraisal of sustainability	3
Material assets	24	Alternatives	3
Organisational aspects/proportionality	21	Soil	3
Post adoption	17	Aquaculture, links to EIA, geodiversity, supply chain impacts, recreation	1

<sup>118</sup> Taken from Google Analytics analysis of use of [www.seaguidance.org.uk](http://www.seaguidance.org.uk) website from May 2010 to January 2011. Data supplied by SNIFFER.

<sup>119</sup> Combined in house, consultants and stakeholders survey derived information – sourced from direct question and from text answers.

There is a clear correlation between the SEA topics that practitioners had most difficulties with (material assets and health and those expressing a need for topic based guidance in these areas. There is scope to consider improving the coverage of these issues in the toolkit.



From workshop and survey comments, there was a clear preference that any new guidance to be in the form of real life examples rather than “prescriptive” approaches. Equally, many respondents made it clear that guidance alone was not the answer and that it needs to be backed up with capacity building programmes such as workshops, personal training and sharing good practice for all agents in the process.

The clear majority of respondents saw preparation of guidance as a role for Scottish Government, supported by the statutory CAs.

#### 4.15.7 Developing and transferring skills

Survey responses show that only 37% of practitioners considered that the skills and experience learned from their SEA were transferred to other parts of the organisation (see [Chapter 4.10](#)). The result of this is that when faced with having to undertake SEA for a PPS in another part of a RA, the process of building the necessary capacity and skills commences from a lower starting point than if such skills had been transferred across an organisation. This results in inefficiencies.

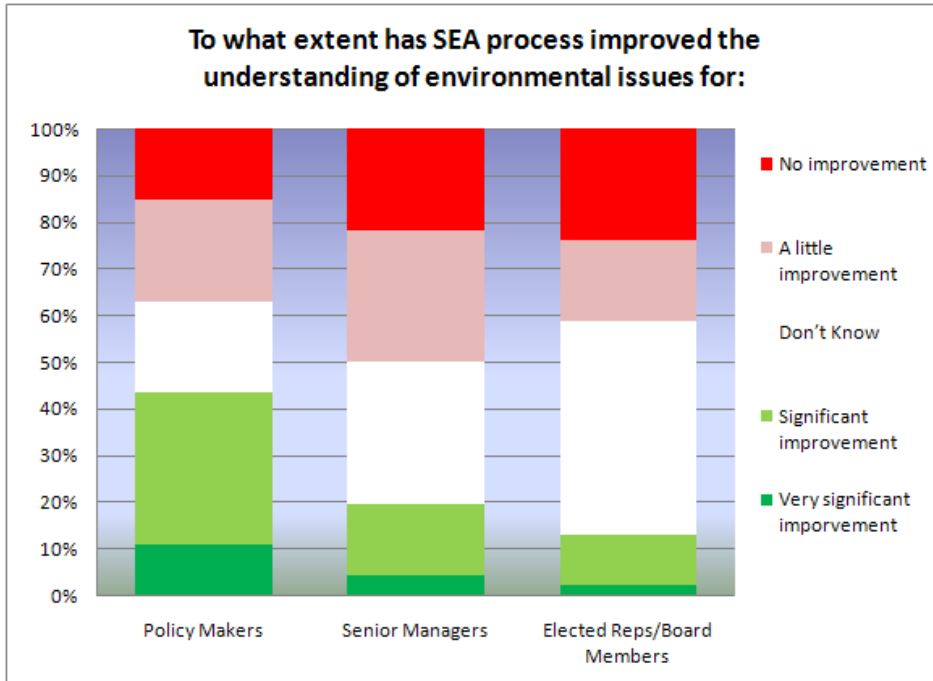
This issue is not constrained to skill sharing across an organisation, but also seems to apply to improving the understanding of environmental issues among those who are active in preparing, or making substantive decisions on, PPSs. Figure 62 (overleaf) shows practitioners and plan-makers views on the extent to which the SEA process has improved the understanding of environmental issues for plan-makers, senior managers and elected representatives/board members. This figure clearly demonstrates that SEA processes are not substantially improving the understanding of senior decision makers. Encouragingly, it would appear that there is more success in improving the understanding of environmental issues among plan-makers, with over 40% of respondents indicating they thought there was some improvement.

These figures are supported by the views expressed in [Chapter 4.10](#) that “buy in” to the SEA process and to the recommendations it makes on PPS content from senior decision makers is poor.

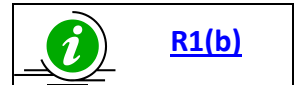
In [Chapter 4.10](#) the barriers that prevent or restrict an SEA from influencing a PPS were discussed. Some of these relate to plan-makers and decision takers being unfamiliar with SEA requirements and being unclear as to how the findings should be interpreted and taken into account in the context of their PPS.



Figure 62 – Survey responses – Views on how SEA has improved understanding of environmental issues



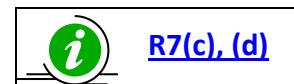
Taken together therefore, there appears to be a case for improving the awareness, through training, of plan makers and decision takers about the role and requirements of SEA. In many cases this will need to be at an RA level and would probably be most effective when conducted in conjunction with the commencement of an SEA for a PPS. There may also be merit, however, in wider awareness raising.



#### 4.15.8 Sharing practice and experience

It is clear from some of the survey comments that many practitioners are frustrated by the lack of case study examples of what is considered to be best practice. There is also some aspiration to develop a means of discussing issues with fellow practitioners i to help them resolve problems. For example, many practitioners who stated that they found determining significance to be a problem also stated that if they could establish how other RAs with similar types of PPSs dealt with a similar issue. This would help them to be clearer, and to have a greater degree of confidence, in their determination of the most significant issues.

Such practical sharing of experiences can be relatively easily facilitated for example, through establishing an electronic network of SEA practitioners that encourages informal discussion and information sharing among members. The Royal Town Planning Institute (RTPI) operates similar networks for aspects of spatial planning<sup>120</sup>.



#### 4.15.9 SEA Forum

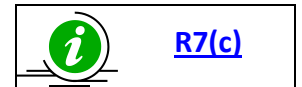
Establishment of the national SEA Forum in 2009 was a development of the SEA Working Group, an informal network of SEA practitioners that started in the west of Scotland but expanded to include

<sup>120</sup> For details: [www.rtpi.org.uk/events awards and networking/networks and associations/](http://www.rtpi.org.uk/events_awards_and_networking/networks_and_associations/)

practitioners from across the country. While the Forum is still in its infancy, it offers an opportunity for practitioners to come together and discuss aspects of SEA practice. Forum days tend to be themed and include workshop sessions as well as plenary discussion. Early participation levels were high, however this has reduced through 2010. The most recent event in May 2011 was well attended.

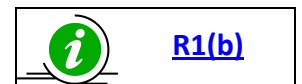
There is real scope to make the forum a vehicle for considering SEA issues that practitioners find most challenging and in implementing some of the wide ranging recommendations in this review. Some suggested development opportunities for the forum are:

- The Scottish Government SEA Unit currently administers and organises the forum. To encourage greater ownership, this role could be rotated among different members, with administrative support from the SEA Unit. This would also encourage a more diverse geographic footprint for the forum. To allow resource planning among those RAs volunteering to organise the forum, a two year rolling programme, reviewed annually, could be established. This was the system operated by the SEA Working Group.
- The forum could adopt a more “*work orientated*” role, where specific workstreams – for example developing good practice case studies – become the responsibility of the forum to deliver. Again this would encourage greater ownership. This may require a small group of members coming together to deliver such projects outwith forum events.
- Some forum events could be used to generate specific pieces of work. Having Scotland’s SEA community together at the same time is a large pool of talent and experience from which consensus about the way forward on a particular issue might be drawn.



#### 4.15.10 Training

There are few formal training opportunities available to SEA practitioners in Scotland. The Scottish Government publishes a list of courses<sup>121</sup> available and this reveals that while one or two consultancy/academic institutions offer “bespoke” courses for groups of officers within RAs or stakeholders, formal training opportunities predominantly only exist outwith Scotland. Occasionally events organised by IEMA will include Scottish locations.



There is very little evidence from the workshops or the surveys that practitioners in Scotland find this a particular problem, perhaps a consequence of the significant number of SEAs conducted in Scotland compared with other parts of the UK. However, Scottish events targeted at those who have expressed more difficulty in understanding SEA and its outputs (e.g. plan-makers and stakeholders) would prove useful.

#### 4.15.11 Role of the CAs

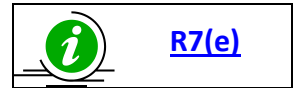
At the commencement of SEA in 2004, the statutory CAs played a significant role in awareness raising among RAs on SEA and its requirements. This even extended to the provision of formal training for some RAs. This role has dropped off as expertise and experience among practitioners has developed, although it is still common for CAs individually or jointly to assist RAs in capacity building within their organisation. For example, in March 2011 the CAs and the Scottish

<sup>121</sup> Most recent list here: [www.scotland.gov.uk/Resource/Doc/921/0099368.pdf](http://www.scotland.gov.uk/Resource/Doc/921/0099368.pdf)

Government SEA Unit held an SEA Information Day in Shetland. SNH continues its “sharing good practice” series<sup>122</sup>, which periodically includes SEA events. To a certain degree, the SEA Forum has assumed some of the strategic awareness raising roles that CAs performed in the early years of SEA. CAs will continue to play an important role in contributing to training and awareness raising events.

#### 4.15.12 SEA topics

At many points in this review, it has been noted that the specialist nature of some of the SEA topics makes identification of significant effects more challenging. This can be exacerbated by the complex nature of some datasets and the difficulties described by RAs in interpreting some data. The particular challenges around the consideration of climate change are discussed in [Chapter 4.17](#). Accordingly, there may well be a greater need among established practitioners for topic specific training rather than “SEA process” orientated training. Initially, training focussing on soil, climatic factors, material assets and human health are likely to be the most useful.



#### 4.15.13 Recommendations applicable to this chapter

The following recommendations are applicable with respect to this chapter.

- [Recommendation R1 – Promoting the value of SEA.](#)
- [Recommendation R4 – Ensuring SEA has a voice in decision making.](#)
- [Recommendation R7 – Working together to provide guidance and support.](#)

<sup>122</sup> [www.snh.gov.uk/policy-and-guidance/sharing-good-practice/](http://www.snh.gov.uk/policy-and-guidance/sharing-good-practice/)

## 4.16 INTEGRATION WITH OTHER ASSESSMENTS

### 4.16.1 About this chapter

In addition to SEA, there is a wide range of other assessment tools that are employed by plan-makers when preparing PPSs. Some of these may be statutory, such as Habitats Regulations Appraisals (HRAs)<sup>123</sup> and Environmental Impact Assessment (EIA)<sup>124</sup>, while others may be voluntary such as Health Impact Assessment (HIA)<sup>125</sup>, Carbon Impact Assessment (CIA)<sup>126</sup> and Sustainability Appraisals (SA)<sup>127</sup>. Given the breadth of issues covered by SEA, it has the potential to interface with many of these. The scope of this review does not consider the interface of SEA with these assessment tools, but some data were collected regarding practical experience of integrating SEA with HRA.

### 4.16.2 Background

The Habitats Regulations require competent authorities to undertake appropriate assessments in certain circumstances where a plan or project affects a Natura site. HRA refers to the whole process, including the appropriate assessment steps. Appropriate assessment is required when a plan or project affecting a Natura site:

- is not connected with management of the site for nature conservation;
- is likely to have a significant effect on the site (either alone or in combination with other plans or projects).

This applies to any plan or project which has the potential to affect a Natura site, no matter how far away from that site. Accordingly, some PPSs that qualify for SEA will also require an HRA where that PPS may affect a Natura site.

The SEA Act makes no specific mention of integrating its requirements with other assessments, although it does specifically refer to the potential effect of a PPS on Natura sites as a qualifying factor<sup>128</sup>.

The Scottish Government's development planning advice<sup>129</sup> states that full integration of SEA and HRA is not realistic as it *"can be difficult to achieve and may cause confusion"*. It goes on to state that *"authorities (should) continue to differentiate between the requirements of, and outcomes from, the two processes and reflect this in relevant reports"*. However, it also goes on to note that *"some of the data gathered to inform the assessments might be combined or integrated, and there may be a requirement to consider further alternatives in both processes"*.

<sup>123</sup> For further information about HRA in Scotland go to: [www.snh.gov.uk/protecting-scotlands-nature/protected-areas/international-designations/natura-sites/habitats-regulations/](http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/international-designations/natura-sites/habitats-regulations/)

<sup>124</sup> For further information about EIA in Scotland go to: [www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/themes/enviro-assessment/eia/Q/editmode/on/forceupdate/on](http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/themes/enviro-assessment/eia/Q/editmode/on/forceupdate/on)

<sup>125</sup> For further information about HIA in Scotland go to [www.healthscotland.com/resources/networks/abouthia.asp](http://www.healthscotland.com/resources/networks/abouthia.asp)

<sup>126</sup> E.g. the Scottish Carbon Impact Assessment Pilots: [www.scotland.gov.uk/Publications/2009/09/17100851/0](http://www.scotland.gov.uk/Publications/2009/09/17100851/0)

<sup>127</sup> SA is a statutory requirements for some plans in England and Wales, but is rare in Scotland and when undertaken is typically fully integrated with SEA.

<sup>128</sup> For PPSs qualifying under Section 5(3) of the SEA Act.

<sup>129</sup> Planning Advice Note 1/2010 Strategic Environmental Assessment of Development Plans.

### 4.16.3 Survey information

In the survey, 42% of those PPSs cited by practitioner respondents required a HRA in addition to SEA. Of these around 60% integrated all or part of the HRA with the SEA.

Of the 60% of cases that integrated parts of the process, the benefits were considered to be:

- avoids duplication of effort, particularly in relation to gathering and interpreting baseline information which could be used for both SEA and HRA;
- it added more detail to the SEA, particularly for biodiversity and water topics and in identifying mitigation measures that may be necessary for both processes to protect Natura sites from potential negative effects;
- integrating SEA and HRA work helped to commence work on the HRA at an earlier stage than would normally be the case
- Integrating SEA and HRA also helped to scope the HRA content and to consult upon it. This was beneficial groundwork for when the HRA was required at the point of adopting the PPS;
- it enables early contact with SNH which encourages discussion on the scope of HRA;
- in one case cited, the HRA screening process was fully integrated with SEA scoping and adopted a common environmental baseline.

Of the 40% of cases where HRA and SEA were not integrated, the main reasons for this were considered to be:

- the need to keep a separate audit trail of both activities as they are working towards different objectives and outcomes;
- the stages of the SEA and those of the HRA are not aligned and therefore integrating them was not a practical option;
- due to the differences in timing of the two assessments, some RAs prioritised resources to the PPS/SEA rather than trying to bring forward HRA work that was not required until later in the PPS preparation process;
- that the RA was following the Scottish Government's 2010 advice.

## 4.17 SEA AND CLIMATE CHANGE

### Key findings

- SEA has the potential to play a significant role in promoting consideration of climate change within Scottish public sector plan-making.
- In particular, it can play an important role in helping public authorities to demonstrate how a PPS meets the public bodies' duties under the Climate Change (Scotland) Act 2009.
- Scope for aligning SEA reporting on climate change with national indicators to promote consistency in approaches and reporting.
- There is some support for use of carbon accounting methods within SEA, although tools are varied and often complex.
- Scope for improving accessibility and use of the UK Climate Projections (UKCP09) within SEAs.
- Due to scale of challenge to meet Scotland's climate change targets, there are benefits in "scoping in" climatic factors in even where effects are likely to be less significant.

### 4.17.1 About this chapter

During the course of this review, many highlighted the important role that SEA can play in implementing Scotland's climate change legislation and policy. In particular, there was a strong view from some stakeholder groups that SEA should include detailed carbon assessments in order to identify greenhouse gas emissions from PPSs. While it is not the intention to focus this review on individual SEA topics, it is felt - given the high profile nature of the issue and the views emerging from stakeholders - that some discussion of the relationship between SEA and the consideration of climate change in policymaking is useful.

### 4.17.2 Background

In the Climate Change (Scotland) Act 2009<sup>130</sup>, Scotland has world leading climate change legislation and targets. This act sets ambitious targets to reduce greenhouse gas emissions by 42% by 2020 and by 80% by 2050 against the 1990 baseline<sup>131</sup>. It also places new duties on Scotland's public bodies. The SEA Act requires that the significant effects of implementing a PPS on climatic factors must be identified, evaluated and where necessary mitigated. In recognition of the importance of considering climate change issues in SEA, the Scottish Government has published specific guidance to help SEA practitioners<sup>132</sup>.

### 4.17.3 Integrating carbon assessments

Many stakeholders - and a few practitioners – called for greater use of more formalised and detailed carbon assessments within SEA. This was due to the nature and scale of the targets set in the

<sup>130</sup> [www.legislation.gov.uk/asp/2009/12/contents](http://www.legislation.gov.uk/asp/2009/12/contents)

<sup>131</sup> Baseline dates vary for some greenhouse gases. 1990 is the baseline year for net Scottish emissions of carbon dioxide.

<sup>132</sup> [www.scotland.gov.uk/Publications/2010/03/18102927/0](http://www.scotland.gov.uk/Publications/2010/03/18102927/0)

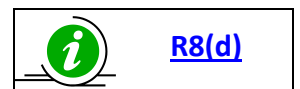
Climate Change (Scotland) Act. Many felt that SEA could and should be playing a much stronger role in helping Scotland’s public bodies to align their policymaking to a low carbon future.

Over recent years, methods for assessing the carbon impact of different types of projects, policies and programmes have emerged. In many cases these are bespoke to particular sectors or sources of greenhouse gas emissions (e.g. transport), although more generic assessment methods applicable to policymaking more generally are also beginning to emerge. For example, the Scottish Government in 2010 piloted the use of Individual (policy/programme) Level Assessments (ILA) to assess the carbon impacts of a selection of government policy areas<sup>133</sup>. The pilot study found that a key benefit of the ILA approach is that it provides data to enable the effectiveness of government policies to be appraised on a consistent basis ensuring that resources are allocated efficiently, that the contribution of government policies to emissions targets can be measured, and that targets can be delivered at least cost. It also found the approach to be resource intensive requiring data to be collected for each of the individual policies that are appraised.

The Climate Change (Scotland) Act includes a “public bodies’ duty” which requires Scottish public bodies to act in a way best calculated to contribute to the act’s emissions targets and using carbon assessments as part of SEA may enable this duty to be met effectively. The Scottish Government published guidance to public bodies on meeting the duties in February 2011<sup>134</sup>. This guidance suggests that “carbon impact assessments are a useful tool to ensure that the decisions being made, and the way a public body is delivering its services, are contributing to Scotland’s move towards a low carbon economy” and that “assessing carbon can also be used to compare options and assist in the identification of ways of reducing/minimising the carbon impact of proposed activities or interventions.”

This implies some support for the use of carbon assessments within SEAs, particularly when considering reasonable alternatives. Integrating such assessments into SEA does though have the potential to “unbalance” the assessment by focussing on one SEA topic above others and as a result might mask effects on other topics. The use therefore of formalised carbon assessments within SEA needs careful consideration as to its potential utility. However, where carbon assessments are being undertaken, there is great merit in strong linkages being made to SEAs in order that the carbon impacts of a PPS are clear and the relative carbon impacts of different PPS alternatives can be compared so that low carbon options are chosen.

The Scottish Government and SEPA are currently developing a simple carbon assessment tool for use by the spatial planning sector<sup>135</sup>. This tool is being designed to work efficiently as part of an SEA process and, when completed, may prove particularly useful to planners as part of their development plan, Supplementary Planning Guidance and masterplan preparation processes.



<sup>133</sup> [www.scotland.gov.uk/Publications/2009/09/17100851/1](http://www.scotland.gov.uk/Publications/2009/09/17100851/1)

<sup>134</sup> <http://www.scotland.gov.uk/Publications/2011/02/04093254/0>

<sup>135</sup> [www.scotland.gov.uk/Publications/2011/02/09142227/0](http://www.scotland.gov.uk/Publications/2011/02/09142227/0)

#### 4.17.4 Using SEA to help implement the public bodies' duties

The Climate Change Act states that a public body must, in exercising its functions, act—

- (a) in the way best calculated to contribute to the delivery of the targets set in the Act;
- (b) in the way best calculated to help deliver any statutory adaptation programme laid before the Scottish Parliament;
- (c) in a way that it considers is most sustainable.

The way many public body functions are delivered is driven by the various policies and plans put in place by those bodies. In many cases, these are PPSs that qualify under the SEA Act. Similarly, the legislation or Scottish Government policy that underpins delivery of public body functions also qualifies under the SEA Act. There is therefore potentially a very important role that SEA can play in helping public bodies to meet these new duties by testing PPSs against the three criteria set out in the duty.

The guidance on the public bodies' duties makes specific reference to the role of SEA in helping to meet the new duties. It states that SEA can help to ensure positive climate change actions are integrated at the local level. It also advocates SEA as a way of integrating climate change into public sector business planning: *“Building a process whereby the 'climate change question' and 'sustainability question' is routinely asked as part of the decision making process around new and existing policies, plans and proposals, will ensure the impact of that decision on climate change is considered and public bodies are seeking to act sustainably”*.

More specifically, section 72 of the Climate Change (Scotland) Act requires planning authorities to include policies that require all developments in the local development plan area to be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use.

In addition to these public bodies' duties, all of Scotland's Local Authorities and a number of public bodies have signed up to Scotland's Climate Change Declaration<sup>136</sup>. Among the declaration's commitments is a pledge to *“ensure that greenhouse gas reduction and climate change adaptation measures are clearly incorporated into new and existing strategies, plans and programmes, in line with sustainability principles”*.

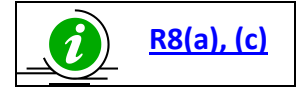
It is felt that there is great scope for ERs /PASs to clearly demonstrate how mitigation, adaptation and sustainability measures have been effectively integrated into the policies and proposals in a particular PPS. Doing so would provide a direct and tangible link between the Climate Change (Scotland) Act, the Climate Change declaration and the development and assessment of individual PPSs.

<sup>136</sup> <http://climatechange.sustainable-scotland.net/documents/declaration08.pdf>



#### 4.17.5 Reporting

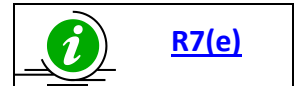
SEA monitoring reports could contribute to the various requirements on Scottish public bodies to report on progress. The Scottish Government’s guidance advises public bodies to undertake regular, transparent and open reporting on the delivery of the public bodies’ duties.



#### 4.17.6 Climate change data

As discussed in [Chapter 4.4](#), practitioners found that data on climate change adaptation was relatively easy to source (e.g. from UKCP09) but was difficult to interpret in the context of identifying effects from a particular PPS. Conversely, quantitative data on greenhouse gas emissions arising from a PPS were found difficult to secure (as they require a degree of modelling) but when such data are available assessment of emissions is easier.

Further training and awareness raising on how to use UKCP09 in the context of an SEA and encouraging use of the Scottish Government/SEPA greenhouse gas quantification tool are important in ensuring that climate data used and interpreted in SEAs are robust and accurate. Simplifying and demonstrating the projections for use in SEA would also be very helpful.

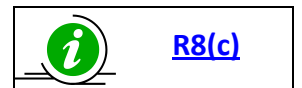


#### 4.17.7 Scoping in climatic factors

[Chapter 4.3](#) describes how climatic factors are scoped out from assessments more frequently than all other SEA topics except air<sup>137</sup>. In many instances this was because a PPS was considered unlikely to have significant effects as it covered only a small geographical area.

While this is consistent with the approach adopted to all other SEA topics (i.e. consider significance and then scope in or out of assessment), it can be argued that the nature of the challenges set by climate change and by the scale of the legislative and policy targets means that there should be more consistent consideration of climatic factors in all PPS preparation.

The vast majority of PPSs will have some impact on greenhouse gas emissions or will need to consider at least some aspects of adaptation. The challenge for RAs, however, is determining whether these impacts are significant in the context of the reduction targets set. If Scotland is to meet the challenging targets set in the Climate Change Act, it is imperative that all policymaking – whatever the scale or sector – is “climate friendly”. One way of enabling this would be to encourage the scoping in of climatic factors in all PPSs subjected to SEA.



<sup>137</sup> The survey responses indicated that climatic factors were scoped out in 23% of cases, the casework analysis found that climatic factors were scoped out in 16% of cases. In both the survey and casework analysis, climatic factors was the second most common SEA topic scoped out.

This is already proposed in the Climate Change and SE Guidance, which states that:

*“Although some PPS are unlikely to have a significant effect on climatic factors and could potentially 'scope out' this issue, some Responsible Authorities may wish to 'scope in' climatic factors where resources permit. Whilst the contribution to climatic factors of the individual PPS may be relatively small in scale when viewed from a global perspective, it can nevertheless contribute to important and challenging Scottish targets. Each contribution, however small, moves Scotland closer to achieving its greenhouse gas reduction goal and could therefore be viewed as significant. Including climatic factors in the assessment can enable comprehensive consideration of the issues and challenges across the public sector and in the future provide information that can be used to measure the overall reduction. It can also ensure that other measures, which are not directly linked to reducing emissions, such as adaptation driven actions, are explored.”*

#### **4.17.8 Recommendations applicable to this chapter**

The following recommendations are applicable with respect to this chapter.

- [Recommendation R7 – Working together to provide guidance and support.](#)
- [Recommendation R8 – Assisting delivery of climate change targets.](#)

## 5. LIST OF RECOMMENDATIONS

Set out below are the full recommendations of this review. An indication of the parties that are considered to be most appropriate to take them forward is also suggested. It should be noted that these recommendations are suggested ways forward and do not represent commitment by any party. It is anticipated that following this review a plan developed by a range of SEA interests may be formulated to implement the recommendations

<b>RECOMMENDATION R1</b> <b>Promoting the value of SEA</b>		
<p><i>Summary:</i> There is a need to significantly improve the buy in to SEA beyond the immediate SEA community. In particular, improving awareness of, and commitment to, the practical benefits of SEA for robust policy development among senior decision-makers is a fundamental pre-requisite to improve effectiveness and proportionality.</p>		
<b>Recommendation</b>	<b>Lead</b>	<b>Chapter</b>
<p>(a) Rates of SEA activity across all public bodies and sectors should be kept under review. The Scottish Government should engage with underperforming sectors or authorities to raise awareness and promote compliance.</p> <p>This should include scrutiny of pre-screening statements to consider if there are issues of inappropriate or inconsistent use and if cumulative effects are being adequately considered.</p>	<p>Scottish Govt (SG)</p>	<p><a href="#">4.1</a></p>
<p>(b) Undertake a programme of SEA profile raising at all relevant levels to ensure that those beyond the immediate “SEA Community” are fully aware of their responsibilities and of the benefits that a well planned, well focused and proportionate SEA can have in policy development.</p> <p>Targeting of senior managers and decision takers in public bodies should be prioritised.</p>	<p>SG, supported by Responsible Authorities (RA) and Consultation Authorities (CA)</p>	<p><a href="#">4.5</a> <a href="#">4.10</a></p>

## **RECOMMENDATION R2**

### ***Improving efficiency and proportionality***

*Summary:* There are opportunities to reduce duplication, eliminate work that does not add value and to streamline the assessment process. Earlier and better focused engagement with Consultation Authorities and stakeholders to identify the key issues of importance can resolve issues earlier and thereby improve efficiency;

Improving efficiency and proportionality will also result from actions in recommendations R3, R4, R5 and R7.

<b>Recommendation</b>	<b>Lead</b>	<b>Chapter</b>
(a) Remove the need for screening for PPSs qualifying under section 5(4) of the SEA Act and where RA intends to undertake SEA. This would require legislative change.	SG	<a href="#">4.2</a>
(b) Simplify the screening template.	SG	<a href="#">4.2</a>
(c) Consider scope to merge the screening and scoping templates to encourage joint processes.	SG	<a href="#">4.2</a>
(d) Develop alternative and improved ways to advertise screening determinations and post adoption statements in order to reduce need to advertise in a newspaper. Consider removing need for newspaper advertising when alternatives developed. This would require legislative change;	SG	<a href="#">4.2</a>
(e) Maximise the potential of the planned Scotland's Environment website to ensure that datasets are easily accessible in forms that are useable by SEA practitioners;	SG and partners	<a href="#">4.4</a>
(f) CAs should prioritise the scoping stage and restrict comments to key issues of importance at that stage (for example, helping RAs determine what is significant and the appropriate level of detail for the assessment).  Formal comments at the Environmental Report (ER) stage should be scaled back and focused clearly on the accuracy of how significant environmental effects have been identified and addressed.	CA	<a href="#">4.13</a>
(g) CAs should identify appropriate ways to eliminate inconsistencies and requests for inappropriate levels of detail in their responses.	CA	<a href="#">4.13</a>
(h) RAs should investigate the potential to develop shared services – internally and externally – to deliver their SEA functions more efficiently and take advantage of economies of scale;	RA	<a href="#">4.12</a>
(i) RAs should commence SEAs early and engage in early and effective dialogue with CAs and stakeholders to enable them to highlight the important issues at the earliest opportunity in plan/policy development.	RA	<a href="#">4.5</a> <a href="#">4.12</a>

**RECOMMENDATION R3**

**Focusing assessments: Improving scoping and the evidence base**

*Summary:* Effective scoping ensures SEAs are relevant, focused and proportionate to the PPS they assess. RAs, with CA support, should have confidence to tightly scope assessments to focus on the issues of real significance. To facilitate this:

- RAs and CAs should have early discussions about the key issues and information required to assess the effects of a PPS. This can then be used as a vehicle for early and effective engagement on the significant environmental issues with stakeholders.
- CAs should reprioritise their focus towards scoping and reduce inputs at later stages.
- RAs should make better use of focused baseline information, particularly spatial information, to determine the scope and level of detail of assessments.

Recommendation	Lead	Chapter
(a) RAs should include well developed and focused environmental baselines in scoping reports to enable CAs and other stakeholders to clearly advise on its appropriateness for use in the ER.	RA	<a href="#">4.3</a> <a href="#">4.4</a>
(b) In conjunction with (a), RAs should use baseline data to scope and focus the SEA objectives where these are used in the assessment.	RA	<a href="#">4.4</a>
(c) Greater use should be made of spatial data to identify key issues of importance and to communicate these effectively.	RA	<a href="#">4.4</a>
(d) CAs, in collaboration with RAs, should, in association with RAs, prepare clear, short and focused “ <i>key environmental issues and trends</i> ” documents for local authorities to help them identify the key issues for an assessment and the level of detail that may be suitable. This could be done collaboratively across CAs or individually and should be subject to periodic review.	CAs (with RAs and partners)	<a href="#">4.3</a> <a href="#">4.4</a> <a href="#">4.13</a>
(e) RAs should clearly set out in scoping reports an analysis of the other relevant PPSs, focusing only on those of most significance. A “ <i>plan mapping</i> ” process could be used.	RA	<a href="#">4.3</a> <a href="#">4.7</a>
(f) CAs should prioritise their efforts to the scoping stage to help RAs ensure ERs are proportionate and focused on the key issues.	CA	<a href="#">4.3</a> <a href="#">4.13</a>
(g) RAs should use methods such as workshops, state of the environment reports and early consultation with stakeholders to support scoping consultations.	RA	<a href="#">4.3</a> <a href="#">4.14</a>

**RECOMMENDATION R4**  
**Ensuring SEA has a voice in decision making**

*Summary:* Integrated approaches where plan-making and the SEA are undertaken together plays a significant role in improving the influence of SEA and on the proportionality of the assessment. RAs should adopt integrated approaches where assessors and policy-makers work together to ensure SEA findings are effectively considered and integrated into PPSs. Early consideration of how SEA fits into the PPS preparation schedule is important for effective integration and for minimising delays.

Recommendation	Lead	Chapter
(a) RAs should adopt integrated approaches where the PPS preparation and SEA processes commence early and take place together. Plan-makers and assessors should work together to ensure that the SEA findings are jointly considered and integrated into the PPS. RAs should give early consideration as to how SEA fits into the PPS preparation schedule to minimise delays.	RA	<a href="#">4.5</a> <a href="#">4.10</a>
(b) RAs should formally embed SEA key findings and required actions into PPSs to promote greater transparency and to directly link environmental considerations into the PPS.	RA	<a href="#">4.5</a> <a href="#">4.10</a>
(c) Whilst it is recognised that the PPS should be the primary driver of alternatives, RAs where possible should use SEA (and where appropriate, SEA stakeholders) as a means of stimulating further PPS alternatives to maximise environmental outcomes whilst achieving PPS objectives.	RA / Stakeh’rs	<a href="#">4.7</a>
(d) CAs should consider ways in which they may be able to offer early and more continuous informal engagement with RAs, with earlier provision of advice and information. This may be similar to the “key agency” role performed in the land use planning process. This will also require RAs to work in a fashion that facilitates such an approach.	CA / RA	<a href="#">4.13</a>

**RECOMMENDATION R5**  
**Greater clarity**

*Summary:* Environmental Reports should be made clearer, with greater clarity on (a) what significant environmental effects are likely and (b) the actions to be taken by policy-makers and decision takers to address adverse effects or achieve enhancements.

In particular, better use should be made of clear, free standing, non technical summaries that better support consultation processes.

Recommendation	Lead	Chapter
(a) RAs should improve the clarity of ERs, making it very clear to plan-makers and to stakeholders: <ul style="list-style-type: none"> <li>- what significant environmental effects are likely (including from the different alternatives); and</li> <li>- the actions to be taken by plan makers and decision takers to address significant adverse environmental effects or achieve enhancements.</li> </ul>	RA	<a href="#">4.5</a> <a href="#">4.9</a> <a href="#">4.10</a>
(b) RAs should make Non Technical Summaries (NTSs) clearer, with emphasis on the key findings and important matters that have been addressed in the PPS, or need to be addressed through mitigation.	RA	<a href="#">4.5</a> <a href="#">4.9</a> <a href="#">4.10</a>
(c) NTSs should be incorporated into the draft PPS so that the plan-maker, stakeholder and consultees can clearly identify the significant issues and/or the key changes that have been made to the PPS as a result of the SEA.	RA	<a href="#">4.5</a> <a href="#">4.10</a>
(d) To ensure transparency, RAs should include in ERs a summary of the key changes made to the PPS (or in the choice of alternatives) during its preparation as a result of the SEA. This might also include an indication of where higher level PPSs have restricted the consideration of alternatives.	RA	<a href="#">4.5</a> <a href="#">4.10</a>
(e) RAs adopting mitigation measures that require actions by lower tier PPSs should make these requirements on other authorities very clear and should work proactively to ensure that these measures are implemented by other RAs as and when appropriate.	RA	<a href="#">4.5</a> <a href="#">4.9</a> <a href="#">4.10</a>

**RECOMMENDATION R6****Addressing environmental challenges: mitigation and enhancement**

*Summary:* Greater emphasis should be placed on using SEA to promote enhancements to PPSs and on ensuring that there is an effective framework in place for delivering mitigation measures identified to address significant adverse environmental effects.

In particular, RAs should clearly set out the mitigation measures are required and put in place a robust framework which clearly identifies measures to address potential effects and who should be responsible for implementing them and when.

Recommendation	Lead	Chapter
(a) A more detailed study to consider the effectiveness of mitigation implementation should be conducted. This should focus on evaluating how mitigation measures are being implemented and their success in addressing the environmental effects for which they were designed.	SG / academia / others	<a href="#">4.9</a>
(b) RAs should provide clear information in ERs and post adoption statements about the mitigation measures identified and provide a clear and deliverable framework setting out how, when and by whom they will be implemented.	RA	<a href="#">4.9</a>
(c) To secure added value from SEA, RAs should give greater emphasis to using SEA as an opportunity to maximise the environmental benefits of a PPS through enhancement.	RA	<a href="#">4.9</a>
(d) RAs should embark on earlier preparation of post adoption statements and use them as a final check as to how environmental considerations have been embedded into PPS content.	RA	<a href="#">4.9</a> <a href="#">4.11</a>
(e) The Scottish Government should continue to monitor the number of post adoption statement submissions and where appropriate enforce more timely submissions from RAs;	SG	<a href="#">4.11</a>



**RECOMMENDATION R7**

**Working together to provide guidance and support**

*Summary:* As part of the current review of the SEA Toolkit, the Scottish Government in association with SEA practitioners and stakeholders, should develop good practice advice in a number of critical areas, including: consideration of cumulative effects, consideration of alternatives, determining significance and achieving more proportionate SEAs. Enabling the sharing of information and advice between SEA practitioners and participants is also needed.

CAs can provide enhanced and better targeted support by adopting a more “continuous engagement” style of engagement with RAs.

Recommendation	Lead	Chapter
<p>(a) As part of the review of the SEA Toolkit, good practice and case studies should be published in the following areas:</p> <p><i>Sharing Good Practice</i></p> <ol style="list-style-type: none"> <li>1) Preparing concise, focused environmental baselines and linking environmental objectives to baseline;</li> <li>2) Case studies of typical significant environmental effects in relation to SEA topics and different PPS types;</li> <li>3) Worked examples of cumulative effects (potentially adapting existing research on cumulative effects for use in Scottish practice);</li> <li>4) Analysing other relevant PPSs and making effective use of the PPS hierarchy to streamline assessments;</li> <li>5) How to set out effective programmes for implementing mitigation and enhancement measures;</li> <li>6) Examples of clear post adoption statements.</li> </ol> <p><i>New Guidance</i></p> <ol style="list-style-type: none"> <li>7) Priority topics for future guidance includes:               <ol style="list-style-type: none"> <li>i. Effective monitoring;</li> <li>ii. Achieving proportionality in SEAs, including examples of innovative and concise, but compliant, approaches to ERs;</li> <li>iii. Considering human health;</li> <li>iv. Considering material assets.</li> </ol> </li> </ol>	<p>SG, CA, RA, SEA Forum Members, Stakeh’rs, Academia</p>	<p><a href="#">4.3</a>  <a href="#">4.4</a>  <a href="#">4.5</a>  <a href="#">4.6</a>  <a href="#">4.7</a>  <a href="#">4.8</a>  <a href="#">4.9</a>  <a href="#">4.11</a>  <a href="#">4.12</a>  <a href="#">4.15</a></p>
<p>(b) Investigate the potential for all guidance to be incorporated into a single web based portal for all Scottish information and advice;</p>	<p>SG</p>	<p><a href="#">4.3</a></p>
<p>(c) The national SEA Forum, as well as other channels such as SNH’s Sharing Best Practice series, should be used to discuss, develop and promote case studies to provide examples to RAs. These may focus on those issues that are difficult to address in formal guidance.</p>	<p>SG, CA, RAs, SEA Forum Members, Stakeh’rs</p>	<p><a href="#">4.15</a></p>
<p>(d) Consider whether a discussion / information sharing network would be useful and, if so, establish such a network to agreed specification and function.</p>	<p>All</p>	<p><a href="#">4.15</a></p>
<p>(e) Provide specialist training and/or sharing experiences in dealing with SEA</p>	<p>SG / CAs /</p>	<p><a href="#">4.3</a></p>

<p>topics proving most difficult, specifically:</p> <ul style="list-style-type: none"> <li>- soil</li> <li>- human health</li> <li>- climate change</li> <li>- material assets</li> <li>- consideration of cumulative effects.</li> </ul>	Academia	<a href="#">4.6</a> <a href="#">4.15</a>
(f) RAs should establish training events aimed specifically at plan-makers and / or stakeholders to help them understand the SEA process and interpret the SEA findings into discussions on policy and PPS content.	RAs	<a href="#">4.1</a> <a href="#">4.15</a>

**RECOMMENDATION R8**  
*Assisting delivery of climate change targets*

*Summary:* SEA should be afforded an enhanced role in delivering the Scottish Government’s climate change policy objectives. RAs should use SEA more effectively to meet their responsibilities under the Climate Change (Scotland) Act 2009 and should also better align indicators used in assessments and monitoring to established national and local climate change objectives.

Recommendation	Lead	Chapter
(a) RAs should use SEA as a vehicle for demonstrating how they have met the public bodies duties (and where applicable section 72 duties) under the Climate Change (Scotland) Act.	RA	<a href="#">4.17</a>
(b) RAs should scope in climatic factors in cases where the impact of a particular qualifying PPS may be relatively small but an SEA is being taken forward in any case.	RA	<a href="#">4.3</a> <a href="#">4.17</a>
(c) RAs should align climate change indicators used in SEA assessments and monitoring to established national and local indicators.	RA	<a href="#">4.11</a> <a href="#">4.17</a>
(d) RAs should, where possible, use simple carbon quantification tools in SEA’s (particularly in relation to sectors such as planning, transport and energy) in order to allow more accurate consideration of the carbon impacts of PPS alternatives.	RA, SEPA, SG	<a href="#">4.4</a> <a href="#">4.17</a>

**RECOMMENDATION R9**  
***A more engaging process***

*Summary:* Stakeholders have a vital role to play in helping RAs to scope SEAs and to advise on environmental issues. RAs should engage stakeholders earlier in the SEA process and in particular the scoping stage to secure early input into determining the key issues for the assessment.

Recommendation	Lead	Chapter
(a) RAs should involve stakeholders beyond the three CAs at the scoping stage and encourage/facilitate more continuous dialogue with stakeholders through the assessment process.	RA	<a href="#">4.3</a> <a href="#">4.13</a> <a href="#">4.14</a>
(b) RAs should as far as possible combine engagement and consultation on the SEA and the PPS so that these are a single process;	RA	<a href="#">4.5</a> <a href="#">4.10</a> <a href="#">4.12</a>
(c) RAs should develop innovative ways to give stakeholders effective opportunities to make their views known through a variety of mechanisms, including social media.	RA	<a href="#">4.5</a> <a href="#">4.14</a>
(d) Develop an email alert service for consultations to ensure that stakeholders are informed of live and upcoming SEA consultations.	SG SEA Gateway	<a href="#">4.14</a>
(e) Public bodies should be encouraged play a more prominent role in early engagement with SEA in order to provide targeted information and advice to RAs about the key issues of significance.	Scottish public bodies	<a href="#">4.1</a> <a href="#">4.14</a>

## RECOMMENDATION R10

### Continuing to reflect on experience

*Summary:* This review has not been able to focus on some issues in detail. Accordingly, consideration should be given to further work in the following areas:

Recommendation	Lead	Chapter
(a) A more detailed study to consider the effectiveness of mitigation implementation. This should focus on evaluating how mitigation measures are being implemented and their success in addressing the environmental effects for which they were designed.	SG / Academia / CA / RA	<a href="#">4.9</a> <a href="#">4.10</a> <a href="#">4.11</a>
(b) To investigate the need to strengthen and formalise adoption procedures in order to ensure the SEA and views expressed are fully taken into account. Depending on the findings, there may be a need to consider the scope for the CAs or others to be afforded an enhanced scrutiny role.	SG / Academia / CA / RA	<a href="#">4.9</a> <a href="#">4.10</a> <a href="#">4.11</a>
(c) Investigate options for the development of a formal auditing process to sample SEA processes documents on quality and compliance issues.	SG / Academia / CA / RA	<a href="#">4.5</a> <a href="#">4.14</a>
(d) A study of how monitoring processes are working. This will need to take place once there are sufficient examples of SEA monitoring regimes established and results reported.	SG / Academia / CA / RA	<a href="#">4.11</a>
(e) A focused assessment of the relative costs and benefits of SEA to Scotland's environment and economy.	SG / Academia / CA / RA	<a href="#">4.12</a>

## 6. CONCLUSIONS AND FUTURE CHALLENGES

### 6.1 About this chapter

This chapter summarises the key findings from the review and notes some of the future challenges for SEA over the coming years.

### 6.2 Future challenges for SEA in Scotland

This review has considered how SEA has been practiced in the seven years since its introduction in Scotland. It has uncovered many challenges and difficulties that the recommendations seek to address. New challenges will, however, emerge in the coming years which SEA practitioners and stakeholders will have to address. These future challenges may well include:

**Public body resources** – Public sector funding in Scotland is projected to reduce in real terms by 11.3% in the period 2010/11 to 2014/15<sup>138139</sup>. This is forcing all public bodies to identify where savings can be made and ways in which services and legislative requirements can be delivered more efficiently. Many of the recommendations in this review are aimed at improving the efficiency and effectiveness of SEA, but there is a risk that SEA – particularly if its benefits are not communicated effectively – will be marginalised as part of the public body cuts. Public bodies will be expected to deliver “better with less” and SEA will be no exception. The Scottish Government and the CAs – while also facing similar reductions in budgets – will have a key role in helping RAs to undertake SEA more efficiently. The recommendations are designed to assist this.

**Integrating with other assessments** – In addition to SEA, a number of other areas of assessment are increasingly used as policy development tools. These include Health Impact Assessment (HIA), Equalities Impact Assessment (EQIA), Habitats Regulations Assessment (HRA), Regulatory Impact Assessment (RIA), Carbon Impact Assessment (CIA) and Sustainability Appraisal (SA). Some of these are statutory requirements, but many are voluntary and have been developed to consider particular issues of concern. Where several tools are employed in PPS preparation, this can result in the publication of several impact assessments that cover similar ground and can create confusion amongst those being consulted. A key challenge will be to ensure that there is better integration between different types of assessments and, where possible, utilisation of a single process to cover all issues. In many cases, SEA provides a robust and coherent framework for integrating these assessments.

**Embracing new techniques** – This review has explored issues concerning the flexibility of the SEA legislation and has concluded that there is considerable scope for innovation within the framework set by the SEA Act. New techniques for assessing significant effects will, of course, emerge and it is important that the legislation, guidance and practice by RAs and CAs remains open and flexible enough to encourage and develop such techniques. Greater development of ecosystems services

<sup>138</sup> Scottish Government - DEL CSR 2010 Settlement [www.scotland.gov.uk/Topics/Government/Finance/SGDEL2010](http://www.scotland.gov.uk/Topics/Government/Finance/SGDEL2010)

<sup>139</sup> Scotland's Spending Plans and Draft Budget 2011-12 [www.scotland.gov.uk/Resource/Doc/331661/0107923.pdf](http://www.scotland.gov.uk/Resource/Doc/331661/0107923.pdf)

based approaches<sup>140</sup> is possible, while greater use of carbon accounting tools within SEA may also be expected.

**Case law** – Presently, Scotland has limited case law with regard to compliance with the SEA Act but there are cases in other parts of the UK and Europe that may be relevant to Scottish practice. As case law develops there will be a need to ensure that the legislation and guidance reflects these findings.

### 6.3 Summary of main conclusions

This review concludes that the fundamental components of SEA in Scotland – the legislation, common practice, engagement processes, reporting mechanisms etc – are generally sound and fit for purpose. There is no requirement to fundamentally reconsider how to legislate for or to undertake SEA in Scotland. The extended scope and reach of SEA embraced in the Environmental Assessment (Scotland) Act 2005 is very well regarded by practitioners and stakeholders, is generally working effectively and places Scotland among the leaders in this field. The Act allows public authorities to fully consider how many of their PPSs contribute to the Scottish Government’s environmental objectives and it also allows SEA to play an active part in considering the climate change implications of all Scottish PPSs.

However, as practice and experience has developed since SEA’s introduction, there is considerable scope for changes that would make it more effective at protecting and improving the environment, more proportionate and more flexible to accommodate novel, resource efficient approaches.

### 6.4 What is working well ?

There are many aspects of SEA practice that are generally working well and upon which any improvements should be built. These include:

- In many Responsible Authorities, SEA has been embedded into the corporate culture and is seen as an integral and beneficial part of policymaking. Here, SEA tends to operate most efficiently and proportionately.
- Many practitioners, through experience, are developing a range of innovative and efficient ways to undertake SEA within the framework set by the legislation.
- SEA is providing new opportunities for stakeholders and key agencies to become involved in public sector plan-making and allowing key environmental issues to be identified and addressed at an earlier stage.
- Where SEA is undertaken well and particularly where there is good integration between the assessor, the policy-maker and senior decision-makers, a significant influence on PPS preparation is demonstrated.
- SEA is enabling public authorities to comprehensively and consistently consider how their PPSs contribute to national policy objectives such as sustainable development, climate change mitigation and adaptation and the transition to a low carbon economy.

<sup>140</sup> For further details: <http://archive.defra.gov.uk/environment/policy/natural-environ/documents/eco-valuing.pdf>

- The Consultation Authorities' performance is very high (99% on time on average) and services they provide are generally highly regarded and considered useful.
- There is a comprehensive range of Scottish guidance in place that is well used and generally highly regarded.
- The services offered by the Scottish Government SEA Gateway are well used and highly regarded.
- The broader scope of the SEA legislation, allied to the strong support and guidance frameworks put into place, has contributed to the rapid learning in SEA which has taken place across the country.

## 6.5 What can be improved?

Key opportunities for improvement include:

- Improving the understanding of, and buy in to, SEA among policy-makers and senior decision-makers, including elected members.
- Ensuring that SEA is applied across all sectors.
- Making targeted improvements to the SEA process to allow it to operate more efficiently.
- Improving the scope of assessments to be more focused on the issues of significance.
- Improving the integration between SEA and PPS preparation, particularly in the early stages.
- Refocusing Consultation Authority and stakeholder engagement to earlier stages in SEA to allow for greater front loading of information about key issues. This will also require Responsible Authorities to provide appropriate information at an earlier stage to make such engagement work.
- Significantly improving the simplicity and clarity of SEA documents and making them more engaging tools for public consultation.
- Improving the identification and implementation of environmental mitigation and enhancement measures.
- Ensuring that the time and resources used for SEA are in balance with its benefits for public policy.
- Using SEA to enable public bodies to better consider the impact of PPSs on the ambitious targets set in the Climate Change (Scotland) Act 2009.

## 6.6 Is SEA making a difference?

In short, yes it is, but there is room for improvement.

### **Making a difference: SEA as a “plan shaper”<sup>141</sup>**

Where SEA is undertaken well and particularly where there is good integration between the assessor, the plan-maker and senior decision-makers, then this review has found the SEA demonstrates a significant influence on the plan preparation process and the level of environmental consideration within a PPS. In this context, SEA is working as a **plan shaper**.

<sup>141</sup> The terms “plan shaper” and “fine tuner” were also used in the Department for Community and Local Government’s publication: *Towards a more efficient and effective use of Strategic Environmental Assessment and Sustainability Appraisal in spatial planning*. They are equally applicable to the findings of the Scottish SEA Review and rather than substitute them with new terms, they have been used here as simple descriptions of how SEA can influence plan-making.

Casework analysis has shown that 69% of all significant adverse environmental effects identified in Environmental Reports or in Consultation Authority responses were being fully or partially taken into account by Responsible Authorities and resulting in changes to the content of a PPS or some other form of mitigation measure. This is backed up by examples provided by practitioners and stakeholders. In addition, there appears to be evidence that SEA is driving more robust and transparent plan making processes, whereby the environmental implications of PPSs are considered early and consistently.

### **Greening the edges: SEA as a “fine tuner”**

Where SEA is undertaken as a separate process and/or after substantive policy decisions have been taken, it is having a much more limited influence. In this context, SEA is working as a **fine tuner** at best. In these cases, it is difficult to view SEA as proportionate, as the outcomes are often outweighed by the inputs required by the process. Such cases may also be more vulnerable to challenge.

Casework analysis showed that 11% of significant adverse environmental effects identified in Environmental Reports or in the consultation were not being taken into account in any way by Responsible Authorities. Many examples were also cited where the SEA was ineffective due to its late application, poor integration with plan-making or because senior decision makers had already determined substantive policy direction.

### **The Challenge: To effectively shape Scottish public policy**

In most cases, the situation is somewhere in between, with SEA exerting greater or lesser influence depending upon factors such as the nature and content of PPS, the level of buy in from plan-makers and senior decision-makers, the level of integration between SEA and PPS and the availability of SEA experience and resource within an authority.

The challenge going forward is to ensure that SEA aims high and makes a real difference: a plan shaper and not a fine tuner.

## **6.7 Is SEA being undertaken efficiently?**

In short, not as efficiently as it could be. This review has found that there are many opportunities to improve the way SEA is undertaken to improve its efficiency. Of particular importance are:

### **Process improvements**

There are many small improvements that can be made to tighten the steps taken in SEA which, when considered together, may significantly enhance efficiency. Such small adjustments include:

- removing unnecessary steps;
- simplifying templates and procedures;
- reducing advertising costs.

### **Better focus**

Focusing the SEA on the important issues plays a fundamental role in securing proportionality. Too often assessments cover too many issues that are not ‘significant’ and often in too much detail. This



can generate long and complex outputs. Improving the scoping process to ensure it directs the focus of the assessment to truly significant matters is therefore key to improving efficiency.

### **Providing information and resolving issues earlier**

In many cases, issues are not identified or discussed until the Environmental Report is published, by which time the draft PPS is complete. Earlier discussion about the key issues and the information required to assess the effects of a PPS allows for more timely identification and resolution of these issues, thus avoiding problems at a later and potentially more difficult stage.

### **Effective timing and integration**

SEA can be more efficiently applied when it starts early and is fully integrated into the PPS preparation process. Assessments that commence late and are bolted on as a separate exercise are less likely to influence policy content and can cause significant delays in plan preparation.

### **Corporate culture**

The review found that those authorities that have built SEA into all policy-making as part of their corporate culture have benefited. Where this does not occur, SEA experience, expertise and learning is much less readily shared across an organisation, causing duplication of effort and missing opportunities for shared learning.

## **6.8 Key elements of a good SEA**

Evidence gathered in this review suggests that SEA is most proportionate and influential where:

- it is commenced as early as possible in the PPS preparation process;
- it is a fully integrated part of the policy making process;
- key issues are identified early and generate early and meaningful stakeholder engagement on the environmental effects of the plan;
- PPS development is continually challenged by the SEA and improvements are continuously made through iteration;
- the key findings of the assessment are clear and policy-makers are fully aware of them and how to address them at a point when they can still make changes to the PPS;
- the measures to address potential adverse effects are clearly identified and a programme for their implementation set out;
- SEA is used to stimulate the identification of new, environmentally sustainable alternatives;
- the key findings and recommendations from the SEA are included in the PPS content;
- a SEA co-ordinator or team can provide continuous support or undertake the SEA in-house, and are often able to develop more continuous dialogue with stakeholders and CAs that builds on the organisation's collective experience;
- both plan-makers and senior decision-makers recognise the requirements of the 2005 Act, but also believe that SEA can provide benefits for their policy.

## 6.9 Conclusions

This review has sought to provide evidence about how Scotland is delivering SEA. It has been able to report considerable progress in making SEA a mainstream part of Scottish policymaking and in a short space of time. Credit for that goes to all of those – practitioners, stakeholders and academics – who have been engaged in delivering the process. SEA has the potential to play a pivotal role in the way future plans, programmes and strategies are prepared, in order to make them more environmentally sustainable. A sound platform for developing and improving SEA has been laid by the legislation, the supporting guidance and by the rapid gathering of expertise and experience among the SEA community.

This review therefore represents not the end of a process, but the commencement of a new stage in Scottish SEA, a stage where that collective experience and knowledge is used to make SEA more effective at protecting and improving the environment and more efficient in its execution.

Achieving this requires all those with an interest in SEA to come together to discuss and agree how this review may be taken forward in order to develop proportionate but effective SEA practice, that truly delivers environmental benefits and puts Scotland’s public policymaking onto a sustainable path.





[www.historic-scotland.gov.uk](http://www.historic-scotland.gov.uk)

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