

Strategic Environmental Assessment

Report of the SEA Workshop, London,
5th November 2003

ACKNOWLEDGEMENTS

This report was prepared on the basis of the discussion held, and material supplied by session leaders and delegates present, at the SEA workshop held on the 5th November 2003. We gratefully acknowledge the contributions of all attendees and in particular session leaders Prof. Brian Clark, Dr Thomas Fischer and Dr Ross Marshall. Thanks are given to Scottish Power, for sponsorship of the workshop, and the IEMA team for their organisational support; Karl Fuller, Stefanie Simmons, Jayne Pearson and Claire Petitt.

CHAPTER 1

Introduction

“If SEA is to be successful, SEA must be seen to work otherwise it will be the greatest paper chase any of us will ever be involved in.”

Dr. Ross Marshall, Scottish Power

- 1.1 The workshop on Strategic Environmental Assessment (SEA) was organised by the Institute of Environmental Management and Assessment (IEMA), with sponsorship from Scottish Power. With the deadline approaching for implementation of the EU Directive on the Assessment of Certain Plans and Programmes a need was identified for a discussion on SEA amongst key stakeholders in the UK. The workshop brought together SEA experts from different sectors, including officials from the UK Government, representatives of UK local authorities, environmental organisations, professional bodies, universities and the private sector.
- 1.2 The aim of the workshop was to stimulate discussion in three particular areas; the current situation of SEA in the UK, the desired future state of SEA, and the key requirements to achieve effective SEA practice. The workshop programme is produced in Appendix 1, with a list of participants provided in Appendix 2.
- 1.3 Chapter 2 of this report details the current status of SEA in the UK as identified by the workshop participants. Chapter 3 sets out the delegates’ expectations for SEA post implementation. Chapter 4 identifies requirements to enable effective practice, and highlights research and development the IEMA and other bodies can conduct to facilitate this. A number of questions were asked in each session to help stimulate discussion and provide an initial focal point (Box 1).

Box 1: Some of the issues discussed in the workshop

- Is SEA in the UK driven only by the Directive or are there other influences?
- What are the different applications of SEA?
- What is the role of Sustainability Assessment?
- Can the different approaches to SEA be classified?
- Can good practice principles be defined that should underpin all SEAs?
- What guidance is required?
- What resources do SEA practitioners require to make them more effective?
- How can SEA be more influential on decision making?

CHAPTER 2

Current Status of SEA in the UK

- 2.1 To enable the workshop to identify how SEA in the UK should operate and the requirements to facilitate this, the first session outlined the existing situation of SEA and practice today. The discussion drew on the experience of practitioners present. The main focus of the discussion was how SEA sits alongside current legislation and conventions, and within the existing development consent frameworks, with a number of problems and opportunities identified.
- 2.2 Concern was raised as to the effect devolution in the UK has had on the approach of devolved assemblies to the application of SEA. Recent guidance on development plans for local authorities published by ODPM¹, and the Scottish Executive², illustrate the different approaches to the application of the EU Directive. In essence there is the potential for the Directive to be applied differently north and south of the border. This may have implications for investment and siting of industry.
- 2.3 The Aarhus Convention³, Directive 2003/35/EC⁴ and the revised EU Directive on Public Access to Environmental Information⁵ have implications for social justice in the UK. The SEA Directive incorporates the requirements of the Aarhus Convention. However issues exist for SEA type activities that are not officially captured by the SEA Directive. There are also concerns as to the impact of Aarhus, and EU Directive 2003/3/EC, on the collation of baseline data for use in SEA and the feasibility of making that data available to the public.
- 2.4 It was felt by a number of delegates that the current local government planning structure is not conducive to the process of SEA. For example different departments and different levels of government make contradictory plans that have environmental impacts, with little

¹ Levett-Therivel Sustainability Consultants (Oct 2003) *The Strategic Environmental Assessment Directive: Guidance for Planning Authorities* Office of the Deputy Prime Minister, London

² David Tyldesley and Associates (Aug. 2003) *Environmental Assessment of Development Plans – Interim Planning Advice* Scottish Executive Development Department, Edinburgh

³ UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters Fourth Ministerial Conference “Environment for Europe” Aarhus Denmark 23-25 June 1998

⁴ Directive 2003/35/EC on providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice

⁵ Directive 2003/3/EC on public access to environmental information repealing Council Directive 90/313/EEC

integration of plans or tiers of planning. This in part may be addressed by the revised Planning and Compulsory Purchase Bill, currently subject to Parliamentary process. It is anticipated that the elements of the bill relating to regional planning and local development will come into force after spring 2004. This will result in the formation of Regional Spatial Strategies. In some local authorities streamlining and integration of plans/programmes is already happening, e.g. Devon County Council.

- 2.5 In addition to downstream rationalisation of the planning structure, improvement is needed in the dissemination of information from central government and other bodies. Practitioners have identified poor general awareness levels of the Directive and its implications⁶. For example recent green papers and guidance notes issued by central government on transport and planning didn't mention SEA or the need to, as a minimum, comply with the Directive.
- 2.6 To date the sectors affected by SEA have shown variable responses to the challenge of preparing for implementation of the Directive. Of the 11 sectors identified within the Directive; Town and Country Planning is perhaps the most obvious and well defined sector. As such ODPM and the Scottish Executive have conducted research in conjunction with Local Authorities and published guidance.
- 2.7 Other sectors and agencies are in the process of preparing for implementation; the Environment Agency and SEPA are examining the relationship between the Water Framework Directive and SEA requirements with view to publication of guidance before July 2004. Other sectors however are less aware of the Directive's implications for their business. The private sector in particular was identified as lacking engagement with the issue of SEA, evidenced by lack of involvement in workshops and seminars.
- 2.8 Internationally there is a wealth of literature on SEA of plans and programmes. Current practice of SEA internationally is very diverse with little consensus on what SEA is or how it should be done, and this has led to some confusion. The workshop highlighted the example of South Africa which has good SEA principles that Canada has adopted. Elements of these case studies can be examined for applicability with UK frameworks.
- 2.9 Despite concerns as to the lack of formal SEA experience within some sectors in the UK, there are many unpublished examples of SEA type activities that have been conducted over the past decade. One example highlighted was Halcrow's voluntary SEA of a PFI programme of works in the Norfolk Broads. Environmental Appraisals of development plans conducted by Local Authorities are a form of SEA. Caution was raised however over the quality of many of the SEAs or

⁶ James & McColl (2003) Strategic Environmental Assessment – are you ready? *the environmentalist* issue 19 October 2003 IEMA

SEA type activities conducted; for example the UK Government's strategic assessment of offshore wind farms has been criticised.

- 2.10 Project EIA is well established in the UK, and the parallels with SEA are obvious; but this can be a hindrance in the approach taken to achieve effective SEA. With project EIA, the focus is on the process and methodologies used. This can lead to the substantive issues being overlooked i.e. is there any benefit to the environment as a result of the process. In comparison to the implementation of the EIA Directive in 1988, the UK is ahead in the publication of any guidance on SEA prior to the implementation deadline.

CHAPTER 3

Future of SEA in the UK

- 3.1 This chapter presents the workshops' principal discussions on the future of SEA including the prime objectives for, and main obstacles to, the effective practice of SEA. The objectives are based on what is required for good practice SEA in the future; not purely the requirements of the Directive. The objectives outlined below build on the framework discussed in the previous chapter.
- 3.2 It is anticipated that there will be a number of legal challenges to SEA, as is the situation with project EIA at present. For plans or programs that don't have a legal system to allow stakeholders to challenge them, then SEA could afford that chance. However challenges are likely to focus on the procedural element of conducting an SEA rather than on the assessment of impacts. It is predicted that with SEA, challenges will arise from developers as well as the public and NGO's; however if it can be demonstrated that SEA has changed the outcome of the plan or programme this may make the plan or programme more robust in court. As has happened with project EIA, SEA case law will assist in defining and clarifying the requirements of the SEA Directive. This may also help ensure that the quality of SEA is constantly reviewed. SEA could be used to make project EIA approval easier; for example Industry can use SEA as a tool to prevent 'show stoppers' and as such will be of benefit to developers. SEA can be used by NGO's etc to highlight the environmental impact of the plan or programme
- 3.3 Professional judgement should be utilised although this is difficult to achieve in light of above discussion on potential legal challenge. Any judgement should be explained in the report, and qualifications of those making judgements stated.
- 3.4 Attitude to the implementation of SEA needs to be different to that which existed and pervades within project EIA. SEA shouldn't be viewed as a hurdle to the approval of a plan or programme; instead it must have real environmental benefit. The assessment needs to be focused on the principles of SEA (see Box 2), rather than purely the requirements of the Directive. The question for SEA is not how good is the outcome of the plan, it should be; is the outcome as good as it could have been? The examination of alternatives in relation to plans or programmes is important in ensuring this is delivered.
- 3.5 To ensure effective SEA it needs to be imbedded at the heart of plan making. The environmental parameters and objectives should be determined prior to even thinking about the programme or plan (i.e. as in South Africa). The need exists to ensure transparency in the decision making process and show how and where the environment has been

considered. SEA's should focus on documenting the process decision makers have gone through to arrive at the plan or programme outcome.

- 3.6 Specific issues arise with the integration of SEA and Sustainability Appraisal (SA). Consideration should be given to the feasibility of integration; some elements of the plan or programme may be mutually exclusive, i.e. socio-economic and environmental concerns. Where this is the situation it should be stated and left transparent. Decisions will have to be made as to the outcome of the conflict but the reasons should be documented. This is of particular importance to SEAs conducted by Local Planning Authorities.
- 3.7 A factor in ensuring transparency of SEA is the need to actively engage the public in the decision making process. This is a key requirement of the Directive and general good practice. The other drivers to public participation have been discussed in Chapter 2. There is a wealth of literature available on public participation.
- 3.8 Of vital importance to the effectiveness of SEA is the need to collect, collate and store appropriate data with which to conduct the assessment of a plan or programme. The process of data assembly needs to be organised to prevent duplication of efforts and ensure applicability between plans or programmes. This data should then be used appropriately with limitations of methodologies or the information recognised. SEA tools shouldn't be overly complex as this often results in the focus of the exercise being lost. Discussions highlighted the current problems with the use of 'tick box' matrices in SA, and the need for explanation of decisions. The test for SEA is ultimately the outcome of the plan or programme, but this creates issues with the need to monitor and measure the output of the SEA, potentially through indicators.
- 3.9 Monitoring is vital to enable examination of whether SEA has produced the desired effects in the plan or programme. SEA is also an iterative process and the outcomes of one process should also feed through to inform the next SEA. Monitoring is particularly important in sectors other than Town and Country Planning due to the lack of existing systems. Monitoring needs to be in place either as part of continuous review system or cascaded down into project EIA.
- 3.10 The prime obstacle to SEA making any tangible difference in environmental performance of plans or programmes is that policies are not subject to assessment under the Directive. Plans and programmes flow from policy decisions therefore if policy is fundamentally environmentally damaging then SEA of plans and programmes is neutered in its ability to prevent environmental damage, or enhance the environment.

Box 2: Basic Principles of SEA

- **Fit for purpose:** the process should be customised to the characteristics of policy and plan making
- **Objective led:** the process should be undertaken with reference to environmental goals and priorities
- **Sustainability orientated:** the process should facilitate identification of development options and proposals that are environmentally sustainable
- **Integrated:** the process should be related to parallel economic and social appraisals and tiered to project EIA where appropriate
- **Transparent:** the process should have clear, easily understood information requirements including provision for public reporting
- **Cost effective:** the process should achieve its objectives within the limits of available information, time and issues
- **Relevant:** the process should focus on the issues that matter
- **Practical:** the process should provide information that is required for decision making

Source: Sadler & Brooke (1998) *Strategic Environmental Appraisal - Report of the International Seminar, Lincoln, 27-29 May 1998* DETR

CHAPTER 4

Key requirements for the development of SEA

- 4.1 From the discussions stimulated in the workshop a number of conclusions were reached as to the requirements to facilitate effective SEA practice. The conclusions arrived at by the workshop participants are outlined below. The IEMA and other bodies have a key role to play in developing SEA practice in the UK. An outline of what the IEMA is doing/intends to do is provided at the end of this chapter.
- 4.2 The main obstacle to effective practice is the lack of experience and capacity amongst practitioners in conducting SEA in the UK. The need exists for capacity building and education of the plan makers and planners. In a recent survey⁷ by the IEMA a large proportion of Local Authorities expressed an intention to use external consultants to conduct the SEA of the plan or programme. This approach is not consistent with the desire to embed the iterative SEA process at the heart of plan making, or setting objectives prior to the start of the plan making process. There is a need for in-house training or SEA support to plan makers through other bodies such as the RTPI, IEMA etc. Several universities have produced degree and short courses on SEA including Oxford Brookes. Concern was raised however that many degree courses are producing graduates who have little real knowledge of what is required for practice in the field. There is a need for universities to provide courses that produce individuals with the appropriate knowledge and skills to conduct SEA. A logical conclusion of this is that SEA training should be embedded in the degrees undertaken by planners and others who deal with the plans, rather than producing a separate degree. Although it would still be legitimate to have MSc or Diploma in SEA aimed at the planning field.
- 4.3 Unlike project EIA, the impacts of a plan or programme are likely to be less about scientific absolutes. As such professional judgement is particularly important and should be promoted. Accreditation of SEA practice through professional qualifications is a method of highlighting individual competencies.
- 4.4 A main requirement to assist practitioners in the production of effective SEA is the publication of good practical guidance. Both ODPM and the Scottish Executive, as discussed, have produced guidance for Local Authorities on the process of SEA; with other agencies also in the process of producing sectoral guidance. The need was identified for SEA guidance for all sectors, not just planning authorities. The importance of highlighting practice across all sectors was identified as

⁷ Pettit & Simmons (2003) Strategic Environmental Assessment – are local authorities ready? *the environmentalist issue 20 December 2003* IEMA

a method of learning from elements of other approaches to SEA within a UK framework. In addition to sector specific guidance a more generic approach was requested; a framework that provided clear simple guidance that focused on the practicalities rather than theory of conducting SEA. This guidance will need to develop as practice develops.

- 4.5 In addition to general and sector specific guidance on the process of SEA, a need was highlighted for information on specific issues; including how alternatives are to be dealt with under the Directive; collection of baseline data and types of data to enable comparisons between plans; and the need for specific SEA methodologies or tools that are broader than those used for EIA.
- 4.6 Linked to the need to produce good practical guidance is the necessity to collate examples of the numerous SEA and SEA type activities that have taken place to date in the UK and overseas. The development of a resource centre was suggested to enable access to information and reduce research time costs. The Scottish Executive Planning Department has collated examples of SEA reports from Local Authorities in Scotland who have attempted SEA to date.
- 4.7 Monitoring of the plan or programme and its effects, and incorporating the findings into subsequent SEAs is necessary for SEA to have any real benefits. Although the focus needs to be on the output of the SEA (in terms of environmental performance of the plan or programme) there also exists a need to ensure the quality of the process. This is particularly important in an iterative process such as SEA. The need for ensuring the quality of the SEA is written into the SEA Directive. This can be achieved by reviewing both the process and the environmental report against stated criteria. As with EIA this has led to an improvement in the provision of information to decision makers.
- 4.8 To build on the start made by government departments and agencies, practitioners need to be more proactive in their approach to SEA rather than waiting for government to issue guidance. Due to lack of rigorous guidance/frameworks the opportunity exists for influencing the development of SEA in the UK. Both prior to and post implementation of formal SEA in the UK a need exists to involve and stimulate practitioners and decision makers, across sectors, to embrace the challenge of SEA. It is particularly important that decision makers become involved to ensure that SEA is not simply a process but results in the adoption of a plan or programme that incorporates the environment to the same degree as social or economic concerns. The major gap in achieving this is the lack of policy assessment. The five year review of the SEA Directive may provide an opportunity to achieve this.

Box 3: SEA Activities for the IEMA

- Lobby for policy SEA
- Produce Best Practice Guidance for SEA targeted for specific purposes
- Look into the formation of a cross sector working party to assist in the delivery of identified activities
- Continue to provide SEA workshops and seminars on SEA practice
- Develop a resource centre for SEA reports and other SEA research
- Accreditation of SEA training courses
- Develop review criteria and quality assurance service for SEA
- Disseminate mini SEA reports highlighting good practice via IEMA dot net and 'the environmentalist'
- Professional recognition of SEA practitioners through accreditation schemes such as the Society for the Environment's Chartered Environmentalist

APPENDIX 1

Refocusing SEA Workshop – November 5th 2003

09:30-09:40 *Introduction to the day (Russell Foster CEO IEMA)*

Session 1

09:40-11:40 *Setting SEA in context: Where have we come from? Where are we now? Are we where we want to be?*

09:40-09:50 *Chair: Brian Clark – 5-10mins overview of session/setting scene for discussion on questions*

- What are the different applications of SEA? Current requirements and future needs?
- How do they differ?
- Is SEA in the UK only driven by the Directive or are there other influences?
- What are the SEA like activities that we should be learning lessons from?
- What is the role of sustainability assessment?
- Is there a match between the current and proposed SEA models and the needs of those that have to deliver on SEA?

09:50-11:15 *Discussion from floor directed by Chair*

11:15-11:30 *Coffee/Tea Break*

11:30-11:40 *Summing up of discussion (Neil Deasley - SEPA)*

Session 2

11:40-13:30 *Defining a map for future SEA: Where do we want to be?(Defining / describing the SEA landscape of the future?)*

11:40-11:50 *Chair: Thomas Fischer – 5-10mins overview of session/setting scene for discussion on questions*

- Defining SEA models – can the different approaches to SEA be classified to assist the development of process and technical good practice?
- Defining good practice principles – can good practice principles be defined that should underpin all SEAs? If so what are they?
- What are the future drivers for the development of SEA?
- Should SEA and sustainability appraisal / assessment be integrated? Or should SA be a separate exercise?
- What are the key problems / gaps that need to be addressed to develop SEA further?

11:50-13:20 *Discussion from floor directed by Chair*

13:20-13:30 *Summing up of discussion (David Saul – Defence Estates)*

13:30-14:30 *Lunch Break*

Session 3

14:30-16:30 *Following the map: What are the key requirements for the development of SEA? (How do we get there?)*

14:30-14:40 *Chair: Ross Marshall (SP Power Systems) – 5-10mins overview of session/setting scene for discussion on questions*

- Training – type and who should this be aimed at?
- Research and development – what issues need to be researched, who should do it and how should this be disseminated?
- Guidance – what guidance is required, how should this differ from existing initiatives, who should undertake this?
- Resources and information – what resources do SEA practitioners require to make them more effective
- Institutional – how can SEA be more influential on decision making?

14:40-16:10 Discussion from floor directed by Chair

16:10-16:20 Summing up of discussion (Paul Tomlinson-TRL)

16:20-16:30 Closing remarks (Russell Foster)

Location Details:

**Room 508, Chemical Industries Association, Kings Buildings, Smith Square,
London, SW1P 3JJ**

APPENDIX 2

Attendees

Alan Bond – University of East Anglia

Amanda Chisholm – Scottish Executive

Barry Dalal-Clayton - International Institute for Environment & Development

Brian Clark – SEPA

Daryl Brown - DEFRA

David Tyldesley – David Tyldesley Associates

Gerard Stewart – Environment Agency

Helen Byron - RSPB

Iain Reid – Derek Lovejoy Partnership

Ken Trew - RPS

Martin Slater - Environment Agency

Neil Deasley - SEPA

Nick Evans – Scottish Executive

Olan Howell – Terence O'Rourke Plc

Paul Rao - Halcrow

Paul Tomlinson - TRL

Rhian Jones – Devon County Council

Riki Therivel – Levett –Therivel Consultants

Ron Bisset – BMT Cordah

Ross Marshall – Scottish Power

Simon Hewitt - ERM

Stephen Jay – EIA Centre, University of Manchester

Thomas Fischer – University of Liverpool

Topsy Rudd – Cascade Consulting

Trevor Turpin – Nicholas Pearson Associates

Invited but unable to attend

Yvette de Garis – Thames Water

David Saul – Defence Estates

Gordon Patterson – Forrestry Commission

Jonathan Hobbs - DfID

Kevin O'Carroll - DTI

Roger Smithson - ODPM

Ross Baxter – Scottish Power

Russell Bowler – Russell Bowler Environmental