Guidance

Scottish Natural Heritage
All of nature for all of Scotland

Strategic Environmental Assessment:
Responding at the Environmental Report and Adoption of Plan stages
revised Sept 2009

Contents

Introduction

1. This note provides guidance for SNH staff on responding to Strategic Environmental Assessments at the Environmental Report and Adoption of Plan stages.

> **The Environmental Report is the culmination of the assessment findings and will describe the likely environmental impacts of the plan, programme or strategy.**

2. More detailed guidance on the required content of Environmental Reports and the consultation necessary is available in Sections 6 and 13 of the Scottish Government SEA Toolkit . The Toolkit includes, as an Annex, a template which may be used by Responsible Authorities in preparing Environmental Reports.

What Responsible Authorities (RAs) are required to do

3. Section 16 of the Environmental Assessment (Scotland) Act 2005 requires the Responsible Authorities (RA) to send a copy of the Environmental Report and the qualifying plan, programme or strategy (shortened to Plan for ease of reading) to which it relates to the Consultation Authorities. This has to be done within 14 days of completion of the Environmental Report and related plan. This should be done via the Scottish Government SEA Gateway. The legislation does not require the Consultation Authorities to respond, however, each Consultation Authority is to be invited to express its opinion on the relevant documents within the period that has been specified by the RA. If SNH decides that we do not need to respond, RAs should be advised of this decision via the Scottish Government Gateway.

4. The Environmental Report should contain such information as set out in Schedule 3 of the Environmental Assessment (Scotland) Act 2005 as was deemed required through the scoping process.

What SNH is required to do

5. SNH will have had the opportunity to comment on the length of the consultation period at the scoping stage. We will therefore be required to respond within this timescale. Where we are content that the issues raised in earlier reporting stages are covered, this may take the form of a simple acknowledgement.

6. Given the pressure on staff resources, it is essential that we focus on the principal issues that are considered to be of importance. SNH will be consulted on a varied range of plans. For example, we are now consulted on various waste strategy plans, economic development strategies, carbon management programmes etc. The legislation requires that we receive copies of both the draft plan and environmental report and are invited to comment on both. Any comments we make on the Environmental Report should be clearly separate from the comments we may have on the proposed Plan. In most cases separate letters of response should be issued, responding respectively to the Environmental Report and the draft Plan. Where it is felt appropriate to issue a combined letter of response, the response to the Environmental Report should form a clearly delineated part of the response (e.g. an Annex). Where a combine response is proposed, it should be sent to both the author of the Plan and/or copied to the Scottish Government SEA Gateway.

> Summary of Information to be included in Environmental Reports extracted from Sch 3 of the 2005 Act
> - Outline of contents/objectives of plan and its relationship with other plans and strategies.
> - Likely evolution of the environment in the absence of the plan.
> - Environmental characteristics of the area affected by the plan.
> - Existing environmental problems relevant to the plan, particularly affecting Natura interests.
> - Environmental protection objectives set at international or national level.
> - Likely significant effects on the environment – esp issues such as biodiversity, fauna, flora, soil, water, human health, climatic factors, landscape and inter-relationship of these. This should include short/med/long term, perm/temp, positive/negative, secondary, cumulative and synergistic effects.
> - Measures to prevent, reduce, offset any significant adverse effects identified.
> - Outline of reason for alternatives and how assessment was undertaken.
> - Description of monitoring measures.
> - Non-technical summary

7. It should be noted that SNH's response to the Environmental Report consultation does not affect our obligation to advise on specific development proposals that may subsequently arise within the framework of the Plan.

> **Our responses at the Environmental Report stage should be short, related to our scoping response and supportive of any further work on indicators and monitoring.**

8. At the Environmental Report stage it is recommended that SNH staff:

- look back at the comments sent at the scoping stage to see if the Responsible Authority has taken on board any comments made by SNH at that point; and

- look across at the draft plan itself and take into account any concerns they may have. As stated, comments on the Environmental Report are separate from those on the Plan. However, they will pave the way for comments that we might

wish to make on the plan itself. There will inevitably be some read-across between the two.

9. Our response at the Environmental Report stage should focus on the following:

    *   Have the environmental issues/concerns and key trends been correctly identified?

    *   Has the assessment of likely significant effects on the environment been carried out satisfactorily;

    *   have measures that could prevent, reduce or offset any significant adverse effects on the environment when implementing the Plan been clearly identified; and

    *   are the proposed monitoring measures robust and acceptable.

7. Responses to area specific Environmental Report consultations should be signed by the Area Manager or Operations Manager and for 'topic' SEAs by the relevant Director. Responses should be addressed to the Responsible Authority and emailed to the Scottish Government SEA Gateway and copied to SEPA and Historic Scotland at the following addresses:

    sea.gateway@scotland.gsi.gov.uk

    sea.gateway@sepa.org.uk

    hssea.gateway@scotland.gsi.gov.uk

    Responses should also be copied to the SNH SEA Gateway where they will be recorded:

    sea_gateway@snh.gov.uk

Adoption of Plan

8. Beyond the Environmental Report stage, Section 17 of the Environmental Assessment (Scotland) Act 2005 requires that in the adoption of a Plan, Responsible Authorities take account of the Environmental Report and every view expressed upon it during the consultation.

9. Section 18(2) of the Act requires Responsible Authorities to send to each of the Consultation Authorities, as soon as reasonably practicable after the adoption of a Plan, a copy of the Plan as adopted and a statement (which may be termed 'the SEA Statement') to explain:

    *   how environmental considerations have been integrated into the Plan;
    *   how the Environmental Report has been taken into account;
    *   how opinions expressed on the Environmental Report have been taken into account;
    *   how any other consultations have been taken into account;
    *   the reasons for choosing the Plan as adopted in the light of other alternatives dealt with; and

    *   the measures that are to be taken to monitor the significant environmental effects of implementing the plan.

10. The SEA Statement should be sent to the Consultation Authorities via the Scottish Government SEA Gateway.

11. SNH will normally not respond. However we may, at our discretion, offer further advice in relation to particulars of the Plan adopted; the statement on consultation and

decisions made; and the monitoring measures proposed. Responses, if any, should be made via the Scottish Government SEA Gateway as outlined in paragraph 7 above.

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