Guidance

Strategic Environmental Assessment: Responding at the Scoping Stage

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Introduction

1. This note provides guidance for SNH staff on responding to Strategic Environmental Assessments at the Scoping stage. A possible structure for a scoping response is given in Annex 1.1

What Responsible Authorities (RAs) are required to do

2. At the scoping stage Responsible Authorities are required to seek the views of Consultation Authorities on the scope and level of detail of the Environmental Report and on the duration of the proposed consultation period.

3. In making scoping requests, Responsible Authorities are encouraged to provide the following information:

1 Context

a The Plan
   • Plan name, area covered, period covered, timescales for preparation
   • Legal requirement for plan, if any
   • Plan purpose, subject and proposed objectives
   • Relationship with other relevant strategies, plans and programmes

1 More detailed guidance on the content of scoping reports and a template for use in their preparation is available within Section 5 of the Scottish Government SEA Toolkit.
### The Area
- Summary of existing environmental problems in the area/sector covered by the plan and relevant aspects of the current state of the environment
- Summary of likely future changes to environment without the plan
- Environmental characteristics of areas likely to be significantly affected by the plan
- Relationship with existing environmental objectives relevant to the plan. These may be European objectives set by Directives, national objectives set by legislation or policy or they may be local/regional objectives

### 2. Scope

#### a Scope and Level of Detail
- Summary of the environmental issues to be considered in the Environmental Report with justifications (scoped in)
- Summary of any environmental issues not to be considered in the Environmental Report with justifications (scoped out)
- Summary of the proposed level of detail of assessment – e.g. will the assessment focus on very detailed policies in the plan, or just strategic objectives?

#### b Alternatives & Mitigation
- Where possible, a summary of the intended approach to assessing alternatives (e.g. type and scale of alternatives that may be assessed)
- Where possible, the proposed approach for identification of mitigation

### 3. Methods

### 4. Next Steps

#### a Consultation
- Proposed consultation period for the Environmental Report

If possible it is recommended that RAs should produce a contents list for the Environmental Report. RAs may also find it useful to consult other organisations at this time to obtain information and opinions.

**What SNH is required to do**

4. At the scoping stage, SNH is required to:
   - Respond within 35 days of receiving sufficient details of the plan, programme or strategy (shortened to plan for ease of reading),
   - give its views on the scope and level of detail of the information that should be included,
• comment on the duration of the proposed consultation period for the Environmental Report and the associated plan and
• forward these views via the Scottish Government’s SEA Gateway and to copy those views to the other Consultation Authorities.²

5. The comments from SNH should take into account the objectives and geographical scope of the plan and should cover such matters as:
• a view of the likely significant effects on the environment of implementing the plan that warrant assessment within the environmental report;
• the scope and level of detail of the information to be covered as referred to in Schedule 3 of the Act;
• a view on any relevant existing environmental issues to which the plan should have regard;
• the environmental protection objectives chosen as SEA objectives; and
• the range of baseline information to be considered in the appraisal;
• the adequacy of the proposed consultation period.

7. In addition, although this falls outside SNH’s role as a statutory consultee, SNH may wish to offer advice on the range of alternatives to be considered within the plan and any further options that might merit consideration.

What to look for in a scoping report

8. The content of a scoping report will vary according to the type and level of plan and the stage in the assessment process at which scoping is undertaken. A quality assurance checklist included in guidance by the ODPM ³ gives some indication of preferred coverage as follows:

Quality Assurance Questions (from ODPM Guidance)

• are the plan objectives clearly stated?
• are environmental issues and constraints including international and European environmental protection objectives considered in developing objectives and targets?
• are links with other related plans, programmes and policies identified and explained?
• does the scoping report outline the intended content and scope of the environmental report with reference to Schedule 2?
• will the assessment focus on significant issues?
• are SEA objectives, where used, SMART, clearly set out and linked to indicators and targets where appropriate?
• are any technical, procedural and other difficulties that have been encountered discussed?
• are assumptions and uncertainties made explicit?
• are reasons given for eliminating issues from further consideration?
• have details been given of consultation arrangements?

² see Policy Guidance Note on ‘The Administration of Strategic Environmental Assessment in SNH’ April 2005.
Additional questions might be:
- is an indication given of the baseline data to be collected?
- are possible alternatives identified and/or proposed methods for establishing alternatives?

Matters of Significance

9. Consultation Authorities have a particular role in advising on 'significance' of environmental effects. The definition of significance will depend on the nature and scale of the impacts and the nature of the area or 'receptor' as well as on the results of consultation.

SEA Objectives – some commonly asked questions

10. Does the Responsible Authority have to include SEA objectives to assess the effects of the plan?

This is not mandatory but it is included as suggested good practice in the guidance in SG's SEA Tool kit. It can provide a robust basis against which to assess environmental impacts, which can then link up with monitoring the effects of the Plan once implemented. In any event, it is important that the effects of the Plan are clearly identified. If specific environmental objectives are not used, then it should be made clear how the significance of environmental effects will be judged.

11. Does the Responsible Authority have to include all of the suggested SEA issues?

No, these can be tailored to suit particular Plans. In practice, many Plans, for example Development Plans, are likely to be very wide reaching and therefore include the majority of SEA topics. However, objectives within these topic areas should be appropriate to the Plan area and subject. This issue is picked up more fully in the scoping process where specific topics are scoped out where it is clear that there will be no likely impacts. For example, the majority of Core Path Plans have scoped out the topic of Air. As there are no likely significant impacts on this resource from the nature of the Core Path Plans there is little point in having a related SEA objective.

SEA should assess the significant effects at a strategic level. It should focus on those issues which are important enough to affect the content of the Plan. Similarly, Responsible Authorities should be encouraged to provide only the most relevant baseline information to help focus the assessment process. It might also help to keep this information concise if it is presented spatially, or map based.

12. What does the SEA topic 'Material Assets' include?

Scottish Government Guidance states that objectives relating to material assets could include things like, promoting sustainable use of natural
resources, minimising, reusing and recycling waste, effective use of existing infrastructure.

Again, these must be environmentally related. It would not be appropriate to include things like *contribute to the protection and enhancement of important commercial fishing areas*, or to *contribute to the opportunity for port infrastructure development* as these relate more to economic objectives.

13. **Should economic objectives be considered in SEA?**

SEA should only focus on likely environmental effects. There will inevitably be 'grey' areas in terms of what is a suitable objective, particularly where the impacts are less direct. For example, the impact from the allocation of an area for marine renewables might have an environmental implication in terms of navigation from a human health perspective, i.e. an increase risk of accidents but could also have an economic implication on commercial shipping routes. The former would be appropriate for SEA while the impacts on the economy of rerouting shipping lanes would not be suitable content for an SEA. An objective aimed at reducing transport journey times, by improving road infrastructure could also be both environmental and economic - environmental by reducing the amount of car emissions and economic in terms of time savings.

14. **What should be considered in terms of population and human health?**

EU and SG guidance states that consideration of impacts on human health must be environmentally related, such as exposure to traffic noise or air pollution, or opportunities for access to the natural environment.

For example the development of Core Path plans could have an *SEA objective to encourage and enhance wider participation in informal outdoor recreation* as this could have significant benefits in terms of human health objectives in reducing levels of obesity. It would not be appropriate to include objectives such as *contribute to a reduction in crime rates* or *provide for increase in employment* as these are socio economic objectives.

The relationship between SEA and Appropriate Assessment

15. Section 5 (3)(b) of the Environmental Assessment (Scotland) Act 2005 requires SEA to be undertaken of any plans which, in view of the likely effects on sites, has been determined to require an assessment pursuant to Articles 6 and 7 of Directive 92/43/EEC (the Habitats Directive).

16. It would be helpful to remind public bodies undertaking SEAs of their plans that the Conservation (Habitats &c) Regulations 1994 as amended in 2007 require that they be subject to appropriate assessment of their implications for Natura sites.

17. The SEA Directive allows for a combined procedure to be adopted provided it fulfils both the requirements of the SEA Directive and the Habitats Directive. Consideration could be given to opportunities for sharing some aspects of the SEA process with the AA process, though it is recognised that each has a different focus and requirements.

18. Wherever the Appropriate Assessment is undertaken as part of a SEA, it is important that it is clearly documented, in the right terms. It should be signposted in the SEA Environmental Report so that it is clear which parts of the Report and the process are intended to form the AA. In particular, it
will need to be clearly stated where the plan would and would not be likely to have significant effects on any European site, and in the case of the latter, whether it has been ascertained that the plan will not adversely affect the integrity of any European site.

Submitting Comments at the Scoping Stage

19. Responses to scoping requests at Area level should be signed by either the Area Manager or Operations Manager. Responses to ‘topic’ SEAs should be signed by the relevant Director. All responses should be addressed to the Responsible Authority and emailed on SNH headed paper to the SE SEA Gateway and copied to the SNH Gateway and to SEPA and Historic Scotland’s Gateways.

Scottish Government SEA Gateway: sea.gateway@scotland.gsi.gov.uk
SNH SEA Gateway: sea.gateway@snh.gov.uk
SEPA SEA Gateway: sea.gateway@sepa.org.uk
HS SEA Gateway: hssea.gateway@scotland.gsi.gov.uk

Contact: Fiona Rice
Date: revised Sept 2010
Annex 1: A possible Scoping Response

A possible scoping response is set out below.

Dear

Environmental Assessment (Scotland) Act 2005:

…………….give name of strategy/plan / programme

I refer to your scoping report, sent to the Scottish Government SEA Gateway on……………….give date………………. In our role as a Consultation Authority, in accordance with Section 15(2) of the Environmental Assessment (Scotland) Act 2005, we have reviewed the above report. Our comments on the scope and level of detail to be included in the Environmental Report and on the duration of the proposed consultation period are set out below. Detailed comments are provided in the annex to this letter. (Delete the previous sentence if the response is short and succinct enough to have the comments in the body of the letter. It might be helpful to detail good points taken from the assessment process.).

Scope of assessment and level of detail

Subject to the specific comments set out below and in the annex to this letter, SNH is content with the scope and level of detail proposed for the environmental report.

(If you consider that there is insufficient information to enable you to undertake a scoping response, this should be drawn to the attention of the other Consultation Authorities and the Scottish Government Gateway, which with agreement from the other CAs may be asked to request further information from the Responsible Authority).

At this point you might summarise the main points raised in the Annex to your letter.

Consultation period for the environmental report

Comment on length of consultation period proposed e.g.

SNH notes that a period of ………………is proposed for consultation on the Environmental Report and is content with this proposed period.

Concluding remarks

e.g.
I hope that these points are of assistance to you. Please note that this response is in the context of the Environmental Assessment (Scotland) Act 2005 and our role as a Consultation Authority. We understand that we will be separately consulted on our views regarding the Environmental Report and on the Strategy/ Plan/Programme.

Annex to letter

Detailed guidance on the scoping stage is given in Scottish Government SEA Toolkit (available on SE website). Comments might cover:
• General Approach

• Setting the Context
  This should cover relations with other plans and the environmental objectives that should be taken on board

• Baseline information
  N.B. The Environmental Report should include a description of the likely evolution of the environment without the plan to provide a frame of reference for the assessment of the plan.

• Significant issues
  Attention should be given to: protected species, designated sites and nationally and internationally protected areas. The issues of sustainable use of biodiversity, ecosystem level diversity, networks and wildlife corridors, threats of alien species and the importance of non-protected biodiversity should also be given attention as should matters relating to landscape, access, open space and informal recreational provision. It is possible that significant effects in relation to locally valued landscape and wildlife sites may also be identified.

• Any effects on Natura sites/species in Structure and Local Plans
  Plans of public bodies that require appraisal under the Habitats Directive are also likely to fall within the scope of section 5(3) of the Environmental Assessment (Scotland) Act 2005. Further advice on considering the Habitats Regulations in the consideration of Development Plans can be found at:
  http://www.snh.gov.uk/docs/B698695.pdf

  This guidance notes that plan-making bodies can consider opportunities to combine the earlier stages of SEA and Habitats Regulations Appraisal, where appropriate, even though the differing requirements mean that the two assessments cannot be fully integrated. One option is to conduct the earlier stages in parallel, such as environmental information gathering, prediction of plan effects, and some early consultation stages.

  If the Habitats Regulations Appraisal is undertaken in parallel with SEA, it is important that the findings of both appraisals are separately and clearly documented and that the record of the Habitats Regulations Appraisal uses the correct terminology, applying them appropriately. In practice, it is easier to set out the Habitats Regulations Appraisal in a separate record, and where appropriate provide a cross-reference to it in the Environmental Report.

• SEA objectives
  SEA objectives provide a tool for assessing the potential environmental effects arising from the implementation of the plan. This is distinct from the environmental objectives of the plan, which are used to consider the environmental performance of the plan through its lifetime.

• Report structure
  Schedule 3 of the Environmental Assessment (Scotland) Act 2005 sets out the information to be included in the Environmental Report.

• Assessment Methodology
This should include consideration of alternatives, assessment criteria and where known indicators and monitoring arrangements. It may be that Responsible Authorities will wish further consultation on these matters.