

**REPORT TO: DUNDEE, PERTH, ANGUS AND NORTH FIFE
STRATEGIC DEVELOPMENT PLANNING AUTHORITY
JOINT COMMITTEE MEETING ON 26th MAY 2009**

REPORT ON: STRATEGIC ENVIRONMENTAL ASSESSMENT

**REPORT BY: PAMELA EWEN, STRATEGIC DEVELOPMENT PLAN
AUTHORITY MANAGER**

REPORT NO: SDPA08-2009

1 PURPOSE OF REPORT

- 1.1 The report sets out the proposed approach to Strategic Environmental Assessment (SEA) by the Strategic Development Plan Authority.

2 RECOMMENDATION

- 2.1 It is recommended that The Joint Committee:
- a) Agree to the Perth & Kinross Council acting as the responsible authority for SEA, in respect of the Environmental Assessment (Scotland) Act 2005 and Regulations made thereunder.

3 FINANCIAL IMPLICATIONS

- 3.1 The SEA, as proposed, will be resourced through existing staff resource internal to TAYplan and the constituent Authorities, with Perth and Kinross Council having a lead role.
- 3.2 Should the internal resource arrangements significantly change, SEA work may have to be outsourced to a consultancy with financial implications. This is currently not anticipated.

4 BACKGROUND

- 4.1 EU legislation requiring the environmental assessment of plans and programmes came into being in 2001 through Directive 2001/42/EC. In Scotland, the requirements of the Directive are taken forward by the Environmental Assessment (Scotland) Act 2005. The Act requires that environmental assessment is undertaken on all public sector plans, programmes and strategies which are likely to have significant environmental effects. SEA provides a systematic process for identifying, predicting, reporting, mitigating and monitoring the environmental effects of plans, programmes and strategies.

- 4.2 The Act includes requirements for consultation at key stages of the assessment process, and identifies three organisations to act as statutory Consultation Authorities: the Scottish Ministers, Scottish Natural Heritage (SNH) and the Scottish Environment Protection Agency (SEPA). The Scottish Ministers have designated Historic Scotland to act on their behalf on matters affecting the historic environment. The duties of the Consultation Authorities are set out clearly in the Act, involving the following tasks:
- Responding to screening reports (specified 28 day time frame);
 - Responding to requests for assistance in scoping Environmental Reports (specified 35 day time frame);
 - Review of Environmental Reports (timeframe agreed during scoping); and,
 - Responding to adoption notices, where required.
- 4.3 The Act also specifies that where more than one authority is responsible for the preparation of a plan or programme it will be necessary for the authorities involved to reach agreement on which authority will be responsible for carrying out the assessment and undertaking the duties of the responsible authority to submit the necessary documents to the Consultation Authorities and any publicity necessary. The SDPA cannot be responsible for the submission of the SEA because it is not a legal entity. Consequently, one authority has to take on the role of the responsible authority and obligations of that authority, in respect of the 1995 Act and Regulations thereunder. It is recommended that Perth and Kinross Council take this role given their expertise.
- 4.4 At this point it may be useful to outline the key stages in the process (the key stages are shown in Appendix One in a diagrammatic form, including the CEA on potential cumulative impacts):

Scoping: A Report is produced for the Consultation Authorities which sets out the environmental issues that will be included (scoped-in) for assessment in the SEA and how much detail the assessment will go into. The report may also include details of the assessment methods. It is also considered good practice to consult with any other interested parties at this stage (e.g. Scottish Enterprise, the Health Board, RSPB) The document will be published on the SDPA website to inform the general public.

Environmental Assessment: The Plan is assessed as it is written (e.g. its aims, objectives, policies, actions, proposals) and the environmental impacts highlighted. This process allows the plan-makers to refine the PPS to avoid or mitigate the negative environmental effects and to enhance further the positive environmental effects. The assessment also looks at cumulative effects – i.e. the individual effects of the plan may be minimal, but the combined effects with other plans, programmes or strategies may be significant. It is also important to recognise that the Act requires the consideration of Alternatives or Options as part of the process and this will be useful in developing the options for the Main Issues Report.

Environmental Report and Consultation: The results of the environmental assessment are written up in the Environmental Report and published for consultation with the Main Issues Report, which will explore all of the alternative strategies considered within the plan process and identify a preferred option. At the same time the Environmental Report together with the Main Issues Report is submitted to the Consultation Authorities. How

these documents will be consulted on will depend on the methods agreed by the Joint Committee, as a minimum it will be advertised and published on the SDPA website. The results of the consultation exercise will be taken into account.

Final PPS: When the Proposed Plan is published, the Environmental Report will be updated, if required, taking account of comments received at the Main Issues Report stage, which will have informed the Proposed Plan. The revised Environment Report will be published and consulted upon alongside the Proposed Plan. There may not be a need to produce a revised Environment Report at this stage if a very thorough assessment is produced at the Main Issues Report stage.

Examination: The Reporter will refer to the Environment Report.

Post-Adoption Statement:

An SEA Post-Adoption Statement is published which demonstrates how the SDPA has taken into account all the comments received during the consultation period and the results of the environmental assessment. It also confirms the monitoring programme.

Monitoring: It will be necessary to monitor the environmental effects of the Plan as it is implemented.

- 4.5 The amount of time it takes to complete an SEA is dependant on a number of factors (e.g. the nature of the Plan, the likely significant effect on the environment and the extent to which information is already available). However, there is a significant resource required to deliver the SEA to ensure that it is integrated with the SDP process and informs that process and related decisions. This is proposed to be delivered utilising resources within the SDPA and constituent Authorities, particularly Perth and Kinross Council.
- 4.6 It is suggested that most effective and efficient means of undertaking SEA is to integrate it into the development of the SDP, rather than see it as a separate work stream. This is because much of what is require by SEA i.e. the gathering of baseline data and the development of alternatives is also required in the preparation of the Main Issues Report. Using the SEA process in this way should result in the identification of the 'preferred alternative' which should result in the production of the Proposed Plan. If the integrated approach is adopted this should save time in the preparation of both the Main Issues Report and the Environmental Report.
- 4.7 Early involvement with the Consultation Authorities (Historic Scotland, Scottish Environment Protection Agency, and Scottish Natural Heritage) in the development of both the Main Issues Report and the SEA will be encouraged.

5 CONSULTATIONS

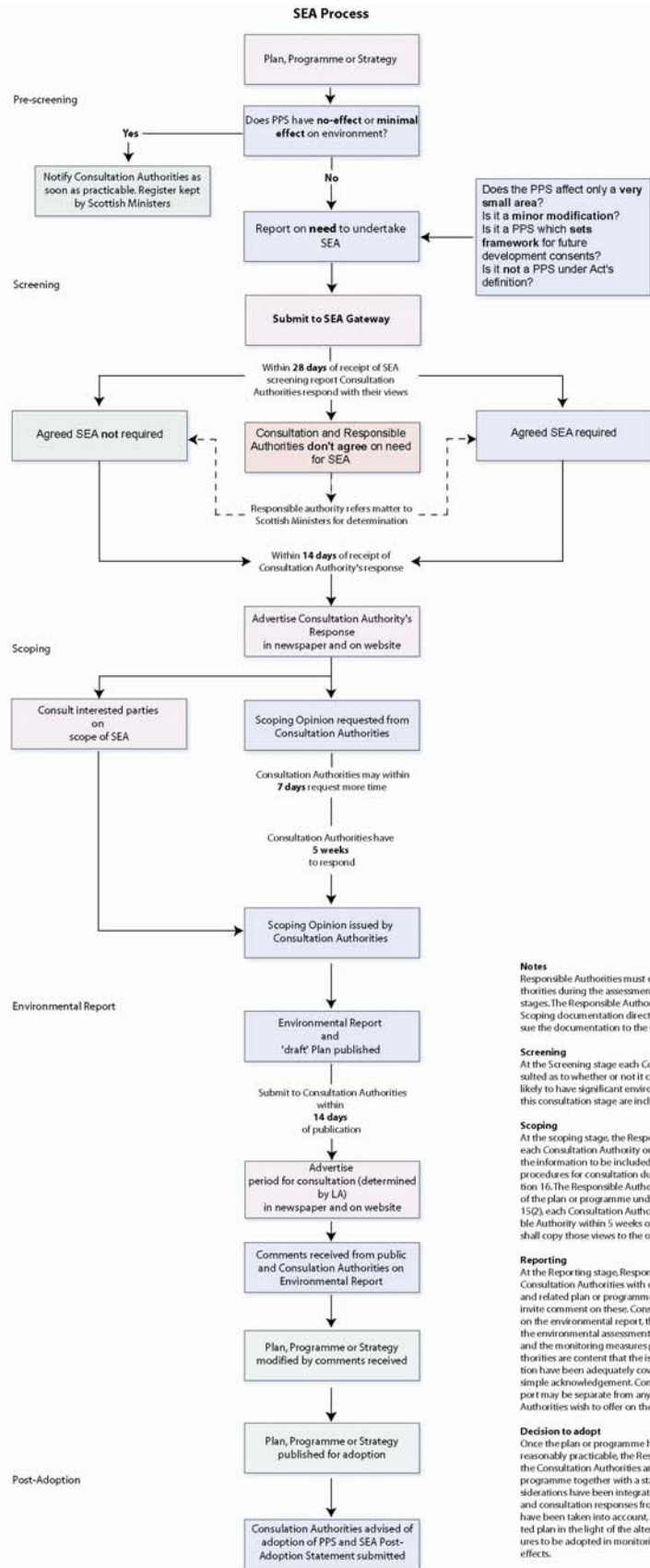
- 5.1 The Treasurer and Clerk to TAYplan, The Director of Infrastructure Services, Angus Council, The Director of Planning and Transportation, Dundee City Council, The Head of Development Services, Fife Council and the Executive Director (Environment), Perth & Kinross Council have been consulted and are in agreement with the contents of this report.

6 BACKGROUND PAPERS

6.1 None.

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18 May 2009

Appendix One



Notes
Responsible Authorities must consult with the Consultation Authorities during the assessment process at each of the following stages. The Responsible Authority should pass the Screening or Scoping documentation directly to the SEA Team who will then issue the documentation to the Consultation Authorities.

Screening
At the Screening stage each Consultation Authority must be consulted as to whether or not it considers the plan or programme is likely to have significant environmental effects. The procedures for this consultation stage are included in Section 9.

Scoping
At the scoping stage, the Responsible Authority must consult with each Consultation Authority on the scope and level of details of the information to be included in the environmental report. The procedures for consultation during scoping are included in Section 16. The Responsible Authority shall provide sufficient details of the plan or programme under consideration. Under Regulation 15(2), each Consultation Authority shall respond to the Responsible Authority within 5 weeks of receiving this information and shall copy those views to the other Consultation Authorities.

Reporting
At the Reporting stage, Responsible Authorities should provide Consultation Authorities with copies of the environmental report and related plan or programme within 14 days of completion and invite comment on these. Consultation Authorities may comment on the environmental report, the adequacy and implications of the environmental assessment, the effects of mitigation measures and the monitoring measures proposed. Where Consultation Authorities are content that the issues raised in the scoping consultation have been adequately covered this may take the form of a simple acknowledgement. Comments on the environmental report may be separate from any comments that the Consultation Authorities wish to offer on the proposed plan or programme.

Decision to adopt
Once the plan or programme has been adopted and as soon as is reasonably practicable, the Responsible Authorities should inform the Consultation Authorities and forward a copy of the plan or programme together with a statement of how environmental considerations have been integrated, how the environmental report and consultation responses from the Consultation Authorities have been taken into account, the reason for choosing the adopted plan in the light of the alternatives considered and the measures to be adopted in monitoring the significant environmental effects.

