

**HISTORIC SCOTLAND BOARD, 26 February 2008**

**Strategic Environmental Assessment: HS Activities to Date**

**Purpose**

1. A paper was given to the Board in February 2007 on strategic environmental assessment (SEA) and Historic Scotland's roles and responsibilities. The purpose of this briefing note is to provide an update to HSB on HS's activities in SEA since that time.

**Decisions/Actions required of Historic Scotland Board**

2. The Board is invited to note the contents of the attached briefing note.

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12 February 2008

# STRATEGIC ENVIRONMENTAL ASSESSMENT

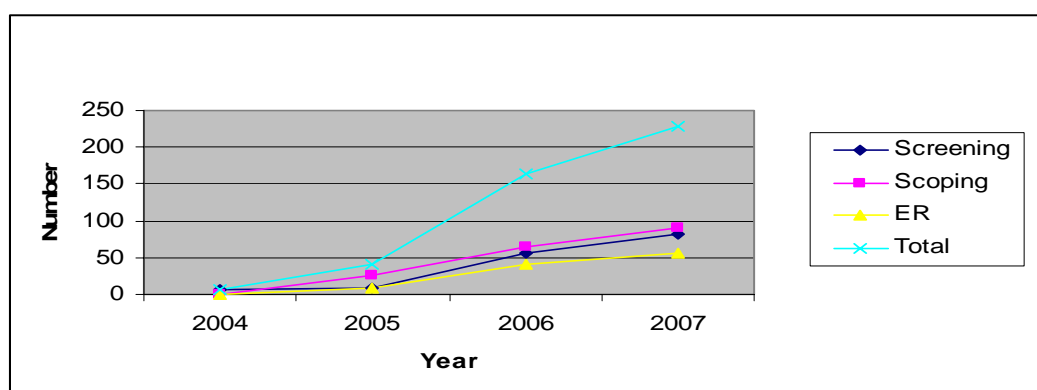
## 1. Introduction

1.1 The Environmental Assessment (Scotland) Act 2005 requires that environmental assessment is undertaken on all public sector plans, programmes and strategies (PPS) likely to have significant environmental effects. Historic Scotland (HS) has dual functions under the Act: (i) as one of three Consultation Authorities, reviewing SEA reports and providing advice; and (ii) as a Responsible Authority, undertaking SEA of our PPS.

1.2 The purpose of this briefing note is to provide information about Historic Scotland's SEA activities in 2007. Background information is provided in Annex A.

## 2. Consultation Authority Responsibilities

2.1 In 2007 118 PPS were newly subject to SEA, and 228 SEA reports (not including pre-screening statements) were submitted to the HS SEA gateway. All statutory responses have been provided within the defined timescales. Table 1 and Figure 1 provide a breakdown.



**Figure 1. SEA Reports 2004-2007**

2.2 Key points to note for 2007:

- Land use planning is still the largest sector. A significant component (approximately 50%) is Supplementary Planning Guidance, in line with Scottish Government advice. The next largest sector is "other" Local Authority PPS.
- Some new sectors have emerged, mainly as a result of policy initiatives e.g. Core Path Plans resulting from the Land Reform (Scotland) Act 2003; climate change plans.

**Table 1. SEA reports reviewed by HS 2004-2007**

Year	Pre-Screening	Screening	Scoping	Environmental Reports	Total
2004		6	1	0	7
2005		8	25	9	42
2006		57	64	42	163
<b>2007</b>	<b>46</b>	<b>82</b>	<b>91</b>	<b>55</b>	<b>228</b>
Total		153	181	106	440

2.3 The total number of reports continues to increase, a trend likely to continue. We expect key areas of work in 2008 from:

- 40 Core Path Plans; transport, renewable energy and river basin management PPS.
- Local and Structure Plan replacements ahead of the Planning Act's changes.
- Local Plan revisions in line with new Scottish Government planning policy.
- Supplementary Planning Guidance, master plans and development briefs.

2.4 Other activities include liaison with The Scottish Government SEA Team, the other Consultation Authorities, and other organisations; provision of views on procedural/technical matters to and informal consultation with Responsible Authorities; and the provision of awareness training to a variety of organisations.

2.5 Key points to note for 2007:

- Historic Scotland now sit on a UK-wide SEA Liaison Group chaired by DCLG and DEFRA, which comprises the Consultation Authorities/Bodies in the UK.
- Informal meetings continue to be held with Responsible Authorities (31 in 2007).
- HS organised and led a training workshop on SEA in January 2007, and hosted an IAIA<sup>1</sup> workshop on EIA and SEA at Edinburgh Castle in July 2007.
- Two papers on SEA in Scotland were presented to the annual IAIA conference in June 2007.

2.6 The SEA Team comprises 2.5 FTE professional staff and one administrator; a new member of staff was employed in July 2007. Successful recruitment proved a challenge (few suitably qualified personnel; remuneration levels).

### **3. Responsible Authority**

3.1 HS is currently undertaking SEA of the Orkney World Heritage Site management plan. It has been concluded that SEA is not required for the marine historic environment and battlefields draft SHEPs (pre-screening under the Act).

### **4. Future activities**

4.1 It is anticipated that the duties of HS as a Consultation Authority will continue to increase over the next 12 months, and will ultimately depend upon the number of plans, programmes and strategies that will require SEA.

4.2 The Act requires Responsible Authorities to invite the views of the Consultation Authorities on the draft plans, programmes and strategies (PPS) as well as the environmental assessment. To date most of the draft PPS submitted in this way have been those which HS would have been consulted on in any case, and in consequence this requirement has not resulted in significant additional work. However, this situation may change as more public sector PPS are submitted to the Consultation Authorities for review.

Amanda Chisholm  
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<sup>1</sup> International Association for Impact Assessment

## **Annex A. Background to Strategic Environmental Assessment**

### *What is Strategic Environmental Assessment?*

A.1 The environmental impact assessment of individual projects at the development consent stage has been a feature of Scots Law since 1988 when EC Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment was first implemented in the UK. A key criticism of the project environmental impact assessment is that it does not influence higher-level, strategic decision-making processes and that it is also difficult to capture cumulative effects. The importance of undertaking environmental assessment at a strategic level has been recognised for some time, but methods for doing so evolved only relatively recently.

A.2 EU legislation requiring the environmental assessment of plans and programmes came into being in 2001 through Directive 2001/42/EC. The requirements of the Directive are taken forward by the Environmental Assessment (Scotland) Act 2005<sup>2</sup>. The Act requires that environmental assessment is undertaken on all public sector plans, programmes and strategies (PPS) which are likely to have significant environmental effects. It therefore introduces a strategic level of assessment into PPS formulation (referred to as “strategic environmental assessment” or SEA). SEA provides a systematic process for identifying, predicting, reporting and mitigating the environmental effects of PPS.

A.3 It should be noted that the Act (which satisfies commitments made in “A Partnership for a Better Scotland”) goes beyond the requirements of the EU Directive, by broadening the application of SEA to include all public sector PPS. This approach has not been taken by the other UK administrations.

### *Historic Scotland’s roles and responsibilities*

A.4 Historic Scotland has dual functions under the terms of the Act, as a Consultation Authority; and as a Responsible Authority.

A.5 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.

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<sup>2</sup> The Directive was transposed into Scots Law on 20 July 2004 by *The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004 (SSI 258)*. The Regulations were revoked and replaced by the Environmental Assessment (Scotland) Act 2005, which came into force on 20 February 2006.