

APPENDIX 2 - PROJECT LIMITATIONS

The following limitations and caveats apply to the Scottish SEA Review.

Compliance

This review does not provide comment on issues of compliance with the Environmental Assessment (Scotland) Act 2005. It is for each Responsible Authority (RA) to satisfy itself that it has met the requirements of the law when it prepares a plan, programme or strategy (PPS) and this may be tested through case law.

Monitoring

Few PPSs studied in this review have been in place long enough to establish with any confidence how well monitoring regimes are working. This review therefore makes early findings on the process of establishing a programme of monitoring, but does not refer to the effectiveness of the monitoring programmes that have been put in place.

Impact of recent guidance

Some of the evidence gathered relates to SEAs undertaken on PPSs prior to the publication of recent guidance. Since September 2009 for example, new guidance on SEA and air, water, soil and climate change has been published, as has an introductory guide and a Planning Advice Note on SEA and Development Plans. While the review seeks views on the usefulness of all guidance, the impact of recently published guidance may not be reflected in some of the earlier examples.

Impact of recent legislation

Some of the evidence gathered relates to SEAs undertaken on PPSs prior to the coming into force of new legislation. For example, the Public Bodies Duties introduced by the Climate Change (Scotland) Act 2009 will have a profound impact on how climate change is considered in plan-making, but its effect will not be apparent in the cases studied as it did not come into force until 1 January 2011.

Considering actual environmental outcomes

This review has been a desk based exercise, looking across casework documentation and seeking views via survey and workshops. It has not undertaken any environmental monitoring or used environmental monitoring data to determine whether an effect identified in any given SEA has actually taken place. Similarly, the casework analysis identifies the range and number of environmental effects but makes no consideration of the severity or significance of these – for the purposes of this review they are treated equally.

Casework Analysis

An analysis has been undertaken of 32 cases. In order to consider how environmental effects have been taken into account, cases which have progressed to post adoption stage need to be used. This means that the casework sample is derived from slightly earlier work. Specific limitations of this work are highlighted in Appendix 5.

Level of Detail

This review has looked at very many aspects of SEA practice in Scotland and has secured a very large volume of data from surveys and workshops. Accordingly, and for brevity, it is not possible to look at each of these aspects in considerable detail, although in many cases some detailed points are discussed.

Making Recommendations

10 recommendations are made to improve the effectiveness or efficiency of SEA. These are set out in Appendix A. These come with the following caveats:

Implementing recommendations

The recommendations do not represent commitment on behalf of any party. It is anticipated that following this review an implementation plan developed by a range of SEA interests will be brought forward to consider and, where appropriate, implement the recommendations. This may result in recommendations being refined and developed prior to implementation.

Meeting the Environmental Assessment (Scotland) Act 2005

If and when taken forward, recommendations will have to be implemented in a way that meets the requirements of the SEA Directive¹.

¹ Some recommendations do, however, suggest changes to the SEA Act.