

Strategic Environmental Assessment

Consultation Bodies in Wales- Services and Standards for Responsible Authorities

This note describes the services and standards which Responsible Authorities can expect from the Welsh Consultation Bodies (Cadw and Natural Resources Wales), when consulting in relation to the European Directive 2001/42/EC on 'the assessment of certain plans and programmes on the environment' (the 'SEA' Directive).



Llywodraeth Cymru
Welsh Government

The Strategic Environmental Assessment Directive; Services and standards you can expect from the 'Consultation Bodies' in Wales.

In Wales, the Welsh Government has designated Cadw and Natural Resources Wales as 'Consultation Bodies' in relation to the SEA Directive (which refers to 'authorities with environmental responsibility'), which must be consulted during the SEA assessment process.

Consulting these two bodies is mandatory at four stages of the SEA process.

- **Screening:** determining whether a plan or programme requires SEA (Article 3(6) of the Directive)
- **Scoping:** deciding on the scope, extent and level of detail of the information which must be included within the Environmental Report (Article 5(4) of the Directive)
- **Reporting:** consulting on the Environmental Report and accompanying draft plan or programme (Article 6(2) of the Directive)
- **Adoption:** information to be made available on the plan/programme adopted, consultations undertaken, decision-making and monitoring measures developed (Article 9(1) of the Directive)

This note sets out the services and standards which plan and programme makers can expect from the Consultation Bodies when consulting us as part of the Strategic Environmental Assessment process.

Consultation Bodies will use best efforts to meet these standards; however, they are not statutory and are provided for guidance purposes only. There may be occasions where Consultation Bodies are unable to meet these standards due to circumstances beyond our control.

These Service Standards will apply to plans and programmes considered under the Wales Regulations for SEA (namely, Welsh Statutory Instrument 1656 (W.170)) as amended by The Natural Body for Wales (Functions) Order 2013 and the UK Regulations (The Environmental Assessment of Plans and Programmes Regulations 2004. Statutory Instrument 1633). Consultation Bodies in England have produced similar notes and standards for areas within their jurisdiction.

Consultation Bodies are also likely to receive informal requests for environmental information and for advice on specific issues e.g. monitoring. The core principle of SEA is that it is an iterative process used to refine the content of a plan or programme over time and space. Several consultations may therefore be required on any given plan or programme.

Consultation Bodies in Wales Services and standards for SEA Directive consultations.

Consultation Bodies expect to provide advice to a wide range of 'Responsible Authorities' (those conducting SEA of plans and programmes under the SEA Directive). This advice will be given both within our formal role as an 'authority with environmental responsibility' (referred to as a "Consultation Body" in the implementing Regulations, Art. 4(1)) and occasionally in a less formal, non-statutory capacity. The services and standards provided for these roles may differ.

The SEA process is wide ranging, requiring consideration of many different issues over space and time. Each Consultation Body will assist Responsible Authorities on topics relevant to its specific area of expertise and responsibility and the specific information it holds. Table 1 provides a summary of the main areas of expertise and interest of the Consultation Bodies in Wales. Table 2 summarises the main topics on which each Consultant Body holds data.

We will focus our efforts at the screening and scoping stages. At the reporting stage, we will normally review the extent to which our earlier advice has been taken into account during plan/programme development.

We may not be able to provide a substantive response to every consultation. A proportionate risk-based approach (in order to focus on the highest priority assessments) will be applied within the context and requirement of the SEA Directive and Regulations. Each Consultation Body will identify those assessments that warrant a detailed and specific response.

Where Consultation Bodies do not identify significant issues or hold relevant expertise or information relating to a SEA consultation, it may provide a 'no - comment' response. A 'no comment' or minimal response does not affect the obligation of Consultation Bodies to advise on, and potentially object to, specific development proposals which may arise within the framework of the plan or programme which has been the subject of SEA.

Where a plan or programme has cross-border implications e.g. within England, or may have an impact on the marine sector, the Consultation Bodies will contact their counterparts in relevant administrations to resolve any potentially conflicting issues.

Summary of Consultation Bodies

Cadw, in the Welsh Government's historic environment service with responsibility for conserving and promoting the historic environment in Wales. Cadw can provide advice on matters relating to the historic environment and elements of the cultural heritage and historic landscape. It holds information on scheduled ancient monuments, designated wreck sites, historic landscapes, historic parks and gardens and listed buildings. More detailed information on some of these, and other related designations such as Conservation Areas, is held by local authorities. Regional Archaeological Trusts also hold information on non-scheduled archaeological sites and historic landscapes. Information can be found via our website at www.cadw.wales.gov.uk

Natural Resources Wales has the legal purpose is *to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.*

We have been established since 1 April 2013 and are the principal adviser to the Welsh Government and the wider Welsh public service on the environment and the management of Wales' natural resources. We fulfil this role as both statutory consultee and as expert adviser on policy and delivery based on our extensive evidence base and our wider work. We carry out multiple functions alongside our advisory role; as regulator for more than 30 regimes, as land manager for the Welsh Government forest estate, National Nature Reserves and Flood Defence assets and as a Category 1 responder for a range of environmental incidents. We employ more than 1900 skilled and expert staff who help us fulfil our full range of responsibilities. More information can be found via our website at www.naturalresourceswales.gov.uk

The SEA Regulations

The SEA Regulations for both Wales and the UK define certain timescales for consultation. These include:

- Regulation 12(6) 'Where a consultation body wishes to respond to a consultation under paragraph 2 (i.e. when deciding the scope and level of detail of information to be included in the Environmental Report), it shall do so within a period of 5 weeks beginning with the date on which it receives the responsible authority's invitation to engage in the consultation'.
- Regulation 13(3) 'The period referred to in paragraph 2(d) (i.e. inviting the consultation bodies and public consultees to express their opinion on the draft plan or programme and its accompanying environmental report) must be not less than 28 days and of such length that the consultation bodies and public consultees are given an effective opportunity to express their opinion on the relevant documents'.

Consultation Body	Normal Service Standard	Complicated or exceptional requests
Cadw	within statutory deadlines for the consultation procedure dependant on the type of plan/programme	Case specific but up to a maximum of 2 calendar months
Natural Resources Wales	within statutory deadlines for the consultation procedure dependant on the type of	Case specific but up to a maximum of 2 calendar months

Consultation Body Service Standards

Statutory deadlines in this context are taken to mean within the deadlines set out in the SEA Regulations.

Services and Standards that Responsible Authorities can expect from us

Our service	Our standard
<p>Screening: Responding to a consultation on whether a plan or programme is likely to have a significant environmental effect</p>	<p>We will normally respond within the timescale set out in our individual service standards or the statutory time period given in the Regulations, whichever is shorter.</p> <p>In complex cases when we are unable to meet this standard, the officer dealing with the case will agree with you when a response can be provided. In some straightforward cases we may decide to respond with generic advice.</p>
<p>Responding to requests for information to inform the baseline environment</p>	<p>Some data and information is readily available on our websites and should be obtained first before consultation with the relevant organisation.</p> <p>We will normally respond within the timescale set out in our individual service standards or the statutory time period given in the Regulations, whichever is shorter.</p> <p>We will only provide information which is readily available to us, (Table 2 provides a guide to the type of information held by each consultation body). We will supply information in what we judge to be the most appropriate form and at the most suitable scale, but will not reformat or manipulate information for individual consultations. If the request is straightforward we may provide generic advice or information products. If we cannot provide the information requested we will explain why, and if possible refer you to other relevant information sources.</p>
<p>Scoping: Responding to a consultation on the scope and level of detail of the information which must be included in Environmental Reports. (A summary of the advice we expect to provide for each expected section follows)</p>	<p>We will normally respond within the timescale set out in our individual service standards or the statutory time period given in the Regulations, whichever is shorter.</p> <p>In complex cases when we are unable to meet this standard, the officer dealing with the 'case' will agree with you when a response can be provided.</p> <p>In some straightforward cases we may decide to respond with generic advice.</p>

<p>Reporting: Responding to a consultation on the Environmental Report.</p>	<p>We will normally respond within the timescale set out in our individual service standards or the statutory time period given in the Regulations, whichever is shorter.</p> <p>If we are satisfied our advice at the scoping stage has been taken into account, this may simply be an acknowledgement.</p> <p>In complex cases when we are unable to meet this standard, the officer dealing with the case will agree with you when a response can be provided.</p>
<p>Decision to adopt: Responding to particulars of the plan or programme adopted in the context of the SEA process; statement on consultation and decisions made, including measures concerning monitoring.</p>	<p>We will not normally respond at this stage, except where we consider the decision to adopt a plan/programme has failed to address significant points made in any earlier consultation responses to a plan/programmes Environmental Report.</p>

Summary of advice you may expect from us

<p>Specific section of the Environmental report (based on the draft SEA Regulations)</p>	<p>The advice we expect to provide at the scoping stage (NB. Our advice at the Environmental Report stage will largely be a check on how this advice has been taken into account)</p>
<p>1. Relationship (if any) with other relevant plans and programmes.</p>	<p>We will advise on any relevant plans and programmes, that we are aware of, which we consider should be taken into account in the assessment.</p>
<p>2. The relevant aspects of the current state of the environment and their likely evolution without implementation of the plan or programme.</p>	<p>We will provide our opinion on whether the current state of the environment and key trends have been correctly identified, or advise accordingly.</p>
<p>3. The environmental characteristics of areas likely to be significantly affected.</p>	<p>We will provide our opinion on whether the environmental characteristics of areas likely to be significantly affected have been correctly identified, or advise accordingly.</p>
<p>4. Any existing environmental problems that are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to the Birds or the Habitats Directives. NRW will normally be the lead organisation providing this advice.</p>	<p>We will provide our opinion on any relevant existing environmental problems that we are aware of, relevant to the assessment, giving particular attention to designated sites.</p>

<p>5. The environmental protection objectives relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation.</p>	<p>We will provide our opinion on the relevant environmental protection objectives and considerations that should be included in the assessment.</p>
<p>6. The likely significant effects on the environment: • Biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage (including architectural and archaeological heritage), and landscape and •the inter-relationship between these and other issues listed in the Directive and any • short, medium and long-term effects; permanent and temporary effects; positive and negative effects; and secondary, cumulative and synergistic effects.</p>	<p>We will provide our opinion on the likely significant effects on the environment of the plan or programme giving particular attention to topics relevant to each consultation body, as given in Table 1. Within the limits of our local knowledge and expertise we may provide an opinion on: • the inter-relationship between these and other issues listed in the Directive; • and on any short, medium and long-term effects; permanent and temporary effects; positive and negative effects; and secondary, cumulative and synergistic effects of which we are aware.</p>
<p>7. The measures envisaged to prevent, reduce and offset any significant adverse effects on the environment of implementing the plan or programme.</p>	<p>We may provide our opinion on any measures that could prevent, reduce and offset any significant adverse effects on the environment of implementing the plan or programme.</p>
<p>8. The reasons for selecting the alternatives dealt with and how the assessment was undertaken.</p>	<p>We may provide our opinion on any alternatives to the plan or programme.</p>
<p>9. The measures envisaged concerning monitoring in accordance with Article 10 of the Directive.</p>	<p>We may provide our opinion on any monitoring measures which we consider to be appropriate.</p>

Table 1: Key topics for each Consultation Body

Topic	Cadw	Natural Resources Wales
Biodiversity including flora, fauna	-	□□
Population	-	-
Human Health	-	-
Soil (including waste and contaminated land issues)		□□
Water (water quality and resources)		□□
Air		□□
Climatic factors (including strategic flood risks)		□□
Material assets (including geological interests and infrastructure)		□□
Cultural heritage	□□	□
Landscape	□	□□

Key: □□= principal topic, □= secondary topic, - = no comment.

Table 2: The type of information held by each Consultation Body

Topic	Cadw	Natural Resources Wales
Biodiversity, flora, fauna	-	□□
Population	-	-
Human Health	-	-
Soil (including waste and contaminated land issues)	-	□□
Water (water quality and resources)	-	□□
Air	-	□
Climatic factors (including strategic flood risks)	-	□□
Material assets and infrastructure)	-	□□
Cultural Heritage	□□	□
Landscape	□	□□

Document Status

The content of this document (Strategic Environmental Assessment: Services and Standards for Consultation Bodies in Wales) has been formally approved by:

Cadw

Name / title:

Date:

Natural Resources Wales

Name / title: Emyr Roberts, Chief Executive

Date: