

# Strategic Environmental Assessment in Wales

## Strategic Environmental Assessment (SEA) Guidance

The Practical Guide to the Strategic Environmental Assessment Directive (published by the Department for Communities and Local Government, the Welsh Assembly Government, the Scottish Executive and the Department of the Environment for Northern Ireland) offers general guidance on how to comply with the Directive in an assessment of a plan or programme, which falls within the Directive's scope.

The Guide should be read in conjunction with the Directive and the Wales Regulations. An overview of the key tasks and stages of SEA can be found at Section 5, page 26 of the guide.

## SEA in Wales in Brief

### Nature of the Regulations

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- The Regulations implement the requirements of the Directive as directly as possible.
- They are generic, applying equally to all plans and programmes within the scope of the Directive (i.e. we are not making subject-specific regulations).
- They apply to plans and programmes that affect all or part of Wales, but no other part of the UK.
- Plans and programmes that affect other parts of the UK as well as Wales are covered by UK Regulations, which impose very similar requirements.

### Scope of the Regulations: Which Plans and Programmes are subject to SEA?

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The Regulations relate to plans or programmes:

- Which are prepared by authorities (defined as "responsible authorities" in the Wales Regulations) for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, tourism, town and country planning or land use

- Which set the framework for future development consents
- Which are required by legislative, regulatory or administrative provision and are either subject to preparation and/or adoption at a national, regional, local level or prepared by an authority for adoption through a legislative procedure (i.e. an Act of Parliament or Regulations)

In addition, a plan or programme that requires an assessment under the Habitats Directive requires an SEA. A plan or programme of a type subject to the Directive, but which determines the use of a small area, or which is a minor modification to a plan or programme, will be subject to SEA if it is likely to have significant environmental effects.

The Practical Guide includes an indicative list of plans and programmes, at Appendix 1, page 44, which have been determined to be subject to the Directive, and a flow chart at page 13 to help responsible authorities to determine whether SEA is needed for a plan or programme. Where there is doubt about whether the Directive applies, Responsible Authorities will have to form their own judgments based on the terms of the Regulations.

## **What do the Regulations require?**

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A responsible authority must:

- Determine, where necessary in consultation with the Consultation Bodies (Natural Resources Wales, and Cadw) whether any plan or programme is subject to the Regulations and whether an environmental assessment is required
- Ensure (if it is) that an environmental assessment is conducted and that an Environmental Report is produced, covering the proposals in the plan or programme and realistic alternatives
- Consult the 'Consultation Bodies' Natural resources Wales (NRW) and Cadw - on the scope of the Environmental Report
- Consult those bodies and the public on the plan or programme and the Environmental Report
- Take account of the Environmental Report and the responses to the consultation before adopting the plan or programme
- Publish information about the adoption of the plan or programme, including how the Environmental Report and responses to the consultation have been taken into account
- Monitor the environmental effects of implementing the plan or programme.

SEA should be fully integrated into the plan or programme-making process from the outset and at each decision-making stage thereafter. It should also be used in developing

the arrangements for monitoring the implementation of the plan, in order to identify the problems and inform the next revision or replacement.

## **What does the Environmental Report have to cover?**

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The Environmental Report must include information that may reasonably be required taking into account current knowledge and methods of assessment, and the contents of and level of detail in the plan or programme.

Information to be provided includes:

- The likely significant effects of the plan or programme, and of the alternatives considered, on the environment, including on biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors. These effects should include secondary, cumulative, synergistic, short, medium and long-term, permanent and temporary, positive and negative effects."
- An outline of the reasons for selecting the alternatives dealt with.
- The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme.

## **Where can environmental data be obtained?**

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The Practical Guide to the SEA Directive includes a number of suggested sources of relevant environmental information. A variety of other sources can be used to obtain environmental information depending on the type of plan or programme being assessed. The possible limitations of the data (e.g. its reliability and validity) should be taken into account. A link to suggested sources of baseline information can be found at Appendix 4, page 52.

## **What are the consultation requirements?**

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The responsible authority must consult the consultation bodies on the scope of the environmental report.

When the report is completed, the authority must consult those bodies, and the public, on the plan or programme and the environmental report. The "public" includes people and organisations likely to be affected by or having an interest in the plan or programme,

including relevant voluntary sector bodies. Normally, other public bodies will be consulted too.

When a plan or programme is likely to have significant environmental effects on the environment in another member state of the European Union, that state must be consulted.

Having consulted and having made its decision about the plan or programme, the authority must provide information to consultees.

Further information on the role of responsible authorities and their consultation duties can be found at Section 3, page 16 of the Practical Guide to the SEA Directive.

## Consultation Bodies

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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.

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

NRW has been established since 1 April 2013 and is the principal adviser to the Welsh Government and the wider Welsh public service on the environment and the management of Wales' natural resources. It fulfils this role as both statutory consultee and as expert adviser on policy and delivery based on its extensive evidence base and its wider work. NRW carries out multiple functions alongside its 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. It employs more than 1900 skilled and expert staff that help it fulfil its full range of responsibilities.

[www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)

- **Cadw**, is 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. [www.cadw.wales.gov.uk](http://www.cadw.wales.gov.uk)

Natural Resources Wales and Cadw have produced a note which describes the services and standards Responsible Authorities can expect from the Welsh Consultation Bodies, 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). **"Consultation Bodies in Wales- Services and Standards for Responsible Authorities"**.

## **How to monitor the effects of implementation**

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Monitoring environmental effects (see Appendix 10, page 86) after adoption of the plan or programme is a requirement of the SEA Directive. It allows unforeseen adverse effects to be identified and where necessary actions to be taken to resolve. Monitoring also contributes baseline information for future plans or programmes.