

Strategic Environmental Assessment

Consultation Bodies' Services and Standards for Responsible Authorities

This note describes the services and standards which 'Responsible Authorities' can expect from the English 'Consultation Bodies' (**Countryside Agency, English Heritage, English Nature, Environment Agency**) when consulting us in relation to European Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the environment'.



ENVIRONMENT
AGENCY



ENGLISH HERITAGE

Version: 26 August 2004

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

The Government has designated four Agencies – the Countryside Agency, English Heritage, English Nature and the Environment Agency as 'consultation bodies' in relation to the Strategic Environmental Assessment (SEA) Directive (which refers to 'authorities with environmental responsibility'), which must be consulted during the SEA assessment process.

Consultation must occur at four stages:

- **Screening:** When determining if a plan or programme requires an SEA (Article 3(6)).
- **Scoping:** When deciding on the scope and level of detail of the information which must be included in the Environmental Report (Article 5(4)).
- **Reporting:** When consulting more widely on the Environmental Report and the accompanying draft plan (Article 6(2)).
- **Decision to adopt:** Information must be made available on the plan adopted, consultations, decisions made, and monitoring measures (Article 9(1)).

The Consultation Bodies also anticipate informal requests for environmental information, and for advice on specific issues. A principle of SEA is that should be used iteratively to refine the content of a plan or programme over time, and so several consultations may be necessary on any given plan or programme.

This note sets out the services and standards which plan-makers can expect from the Consultation Bodies when consulting us as part of a Strategic Environmental Assessment process (and in the case of Regional Spatial Strategies and Local Development Frameworks when conducting integrated Sustainability Appraisal and Strategic Environmental Assessment). Although we will use our best endeavours to meet these standards, they are non-statutory and are provided as guidance; there may be occasions when we are unable to meet these standards due to circumstances beyond our control.

We will monitor our delivery of this service plan, and seek feedback from our customers on a regular basis to identify any ways in which these services can be improved, and to check that it meets your needs.

These Service Standards only apply to plans and programmes under the English Regulations. Consultation Bodies in Wales, Scotland and Northern Ireland are considering similar documents for their jurisdictions.

Consultation Bodies

Services and standards for SEA Directive consultations

We expect to provide advice to a wide range of ‘responsible authorities’ i.e. those conducting assessments of plans and programmes under the SEA Directive. Some of this advice will be in our formal role as an ‘authority with environmental responsibility’ (referred to as a ‘**consultation body**’ in the Regulations), and sometimes in a less formal non-statutory capacity; the services and standards that we provide for these roles may differ.

The SEA assessment process is wide-ranging, covering many different issues. Each consultation body will be able to assist responsible authorities on particular topics relevant to its specific area of expertise and responsibility, and the specific information that it holds. **The consultation bodies will therefore give particular attention to topics relevant to their expertise and responsibility as summarised below.** Table 1 provides a summary of the main areas of expertise and interest, and Table 2 summarises the main topics on which each Agency holds information.

We will normally focus our efforts at the **screening** and **scoping** stages. At the reporting stage we will normally check on the extent to which any earlier advice has taken into account. We will not normally respond to the Post Adoption Statement.

We may be unable to provide a substantive response to every consultation, and **we will apply a proportionate risk-based approach** in order to focus on the highest priority assessments. We will identify those assessments which merit a detailed and specific response.

We may sometimes decide to provide a ‘**no comment**’ response to a consultation if we have not identified any significant issues, or do not hold relevant information. This does not affect our obligation to advise on, and potentially object to, specific development proposals which may subsequently arise within the framework of the plan or programme.

In summary:

The **Countryside Agency** can provide advice on **cultural heritage** and **landscape features** and where relevant may give attention to related **biodiversity, water, and climatic factors** related to these features. The Countryside Character approach has been developed by the Agency as a way of understanding and describing the landscape as a context for a wide variety of planning and other decisions. The approach is backed by a series of landscape character assessments, many of which are held by local authorities. Contact details for the Countryside Agency can be obtained via our website at www.countryside.gov.uk.

English Heritage can provide advice on matters relating to the historic environment, elements of **cultural heritage** and **historic landscapes**. We hold information on scheduled monuments, listed buildings, historic parks and gardens and historic battlefields. More detailed information on these topics and on other topics such as conservation areas are held by local authorities. The broadest and most comprehensive source is usually the local Historic Environment Records which are held by the County or Unitary authorities. These also contain details of non-scheduled sites which may be of national importance. Some generic guidance

on historic environment topics is available from www.english-heritage.org.uk under the 'policy' heading."

English Nature can provide advice on a wide range of topics in relation to the natural environment, (terrestrial, urban and marine) and will normally give particular attention to **biodiversity, fauna, flora** and where relevant, to the **factors affecting soil, water, landscape and material assets** (taken to include geological interests) which are necessary to support these environmental features. English Nature can provide information on designated sites – Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR), Special Areas of Conservation (SAC), Special Protection Areas for Birds (SPA), and sites listed under the Ramsar Convention. This information includes their designated features, assessments of condition, and Operations Likely to Damage. Contact details of our Area and National Teams can be found on our website at www.english-nature.org.uk, which provides access to on-line maps and other information for designated sites and Biodiversity Action Plan broad habitats in England.

The **Environment Agency** can provide advice on a wide range of topics, in particular on **soil**, waste, contaminated land, **water quality and resources, air, climatic factors** (including strategic flood risks) and **biodiversity, including flora and fauna** associated with the aquatic environment, but also in some cases on **material assets** including Agency infrastructure, cultural heritage and landscape. For Sustainability Appraisals the Agency's emphasis will be on providing environmental expertise within the context of sustainable development. If the Agency considers there are gaps in a planning authority's draft plan or appraisal from the wider sustainability point of view, it will draw the authority's attention to this. The Environment Agency is developing a range of data products to support its advice on SEA. Information can be found via our website at www.environment-agency.gov.uk.

Guidance on how to address **biodiversity** in the SEA process has been developed jointly by English Nature, the Environment Agency, the Countryside Council for Wales and the RSPB, ***Strategic Environmental Assessment and Biodiversity: Guidance for Practitioners. June 2004.*** This guidance is available in printed form, on CD-Rom or can be downloaded from these organisations websites (e.g. www.english-nature.org.uk, or www.rspb.org.uk).

SEA Regulations

The SEA Regulations (Statutory Instrument 2004 No 1633 The Environmental Assessment of Plans and Programmes Regulations, 2004") define certain timescales for consultation. These are:

- Regulation 12(6): 'When a consultation body wishes to respond to a consultation under paragraph 5 (*i.e. when deciding on the scope and level of detail of the information to be included in the Environmental report*) it shall do so within the 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 the public consultees to express their opinion on the draft plan or programme and its accompanying environmental report*) must be of such length as will ensure that the consultation bodies and the public consultees are given an effective opportunity to express their opinion on the relevant documents'.

(Italicised text added for clarity).

Agency Service Standards

Each of the four Consultation Bodies currently has different service standards for consultations relevant to SEA. These are:

Agency	Normal Service Standard	Complicated or exceptional requests
Countryside Agency	Within statutory deadlines* for the consultation procedure.	Will seek to agree a longer period.
English Heritage	Within statutory deadlines*.	Case specific – will advise.
English Nature	Within statutory deadlines* for the consultation procedure or within 20 working days, whichever is shorter.	Case specific – we will agree a timetable with you at an early stage
Environment Agency	Within statutory deadlines* for the consultation procedure dependent on the type of plan or programme.	Case specific - will advise, but maximum 2 calendar months.

* In this context taken to mean within the deadlines set in the SEA Regulations 12(6) and 13(3).

The Services and Standards you 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 statutory time period given in the Regulations or the timescale set out in our individual agency service standards, 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>Responding to requests for information to inform the baseline environment</p>	<p>Data and information is readily available on many of the agencies' 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 agency 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 Agency). 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.</p> <p>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 the Environmental Report.</p> <p>(A summary of the advice we expect to provide for each expected section follows)</p>	<p>We will normally respond within the statutory time period given in the Regulations or the timescale set out in our individual agency service standards, 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 Draft Plan and the accompanying Environmental Report.</p>	<p>We will normally respond within the statutory time period given in the Regulations or the timescale set out in our individual agency service standards, whichever is shorter. 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; 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 has failed to address significant points made in any earlier consultation response.</p>

Summary of the advice you may expect from us

Specific section of the Environmental Report (based on the SEA Regulations Schedule 2)	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)
1. Relationship (if any) with other relevant plans and programmes.	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.
2. The relevant aspects of the current state of the environment and their likely evolution without implementation of the plan or programme.	We will provide our opinion on whether the current state of the environment and key trends have been correctly identified, <u>or</u> advise accordingly.
3. The environmental characteristics of areas likely to be significantly affected.	We will provide our opinion on whether the environmental characteristics of areas likely to be significantly affected have been correctly identified, <u>or</u> advise accordingly.
4. Any existing environmental problems which 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.	<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>English Nature will normally be the lead organisation providing this advice, supported where necessary by the Environment Agency.</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.	We will provide our opinion on the relevant environmental protection objectives and considerations which should be included in the assessment.
<p>6. The likely significant effects on the environment:</p> <ul style="list-style-type: none"> • Biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage (including architectural and archaeological heritage), and landscape. <p>and</p> <ul style="list-style-type: none"> • the inter-relationship between these and other issues listed in the Directive <p>and any</p> <ul style="list-style-type: none"> • short, medium and long-term effects; permanent and temporary effects; positive and negative effects; and secondary, cumulative and synergistic effects. 	<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 Agency as given in Table 1.</p> <p>Within the limits of our local knowledge and expertise we may provide an opinion on:</p> <ul style="list-style-type: none"> • 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.
7. The measures envisaged to prevent, reduce and offset any significant adverse effects on the environment of implementing the plan or programme.	We may provide our opinion on any measures which could prevent, reduce and offset any significant adverse effects on the environment of implementing the plan or programme.
8. The reasons for selecting the alternatives dealt with and how the assessment was undertaken.	We may provide our opinion on any alternatives to the plan or programme.
9. The measures envisaged concerning monitoring in accordance with Article 10 of the Directive.	We may provide our opinion on any monitoring measures which we consider to be appropriate.

Table 1 Key topics for each Consultation Body

Topic	Countryside Agency	English Heritage	English Nature	Environment Agency
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	Countryside Agency	English Heritage	English Nature	Environment Agency
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 information provider, * = secondary information provider, - = no information held

Document status

The contents of this document (Strategic Environmental Assessment; Consultation Bodies' Services and Standards for Responsible Authorities have been formally approved by:

Countryside Agency


Name/Title: Richard Wakeford, Chief Executive


Date: 26 August 2004

English Heritage


Name/Title: Simon Thurley, Chief Executive

Date: 28 July 2004

English Nature


Name/Title: Andy Brown, Chief Executive

Date: 19th July 2004

Environment Agency

Name/Title: Barbara Young
Date: September 3, 2004

Version Control: 26 August 2004 When printing out please be aware of updates to this document.