

# SEA viewpoint analysis of the English EIA Reg.

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[Abstract]

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This paper focuses on the "programmatic SEA", that is, SEA implementation to major development masterplans. Although the strategic nature of decision making is relatively limited at this stage, it still is a great opportunity to make environmental consideration before the project construction. The case of the English EIA Regulation was analyzed from the viewpoint of SEA, and as a result, the importance of process integration, consistency assessment with the higher tier documents, and transparency was implied. It is also suggested that attempt towards more objectives-led assessment, with value-centred communication addressing sustainability issues might enhance the effectiveness of the programmatic SEA.

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*Keywords: Programmatic SEA, England, Outline Planning Application*

## 1. Introduction

In Japan, SEA is currently undertaken in some advanced local authorities, and the national government is moving towards the adoption of a new SEA law. In both cases, SEA is currently limited to the "decision making levels where location or size of development is discussed" (Ministry of Environment, 2007), that is, SEA for plan or programme level. However, the lack of methodological knowledge for plan and programme level SEA is still dominant in Japan (Harashina, 2008).

Internationally, there has been some discussion concerning the SEA methodology at the programme level. For example, Fischer (2003) argued that SEA at programme level would be more effective by taking the similar approach to EIA, i.e., a rational decision making approach. However, there is a question whether the same methodology as EIA should be taken for programmatic SEA, considering

the difference of the decision making tier. The detailed methodology has not been discussed enough to date despite its big implication for enhancing green economy.

From these backgrounds, this paper aims to clarify the effective methodology for programmatic SEA. The methodology taken in the practice of English EIA Regulation will be analyzed as a case study. According to Sheate et al. (2005), the EIA Regulation is applied to planning documents at the programmatic level in England, and it is considered as one of the advanced systems in the world.

## 2. Study framework

### 2.1 What is programme level?

According to Partidario (2003), the programme level is the decision making level with organized agenda with defined objectives to be achieved, with specification of activities and investments in the framework of relevant

policies and plans. Similarly, Joao (2004) defines programme as a set of proposed projects in a particular area. Regarding these interpretations, we will define programme level as the level where the framework for individual projects of a specific area with specific objectives is discussed.

### 2.2 Programmatic SEA

Many scholars emphasize the outstanding characteristics of SEA applied to “strategic” decision tiers (Partidario, 2007; Bina, 2007 etc.), and the implication of the word SEA seems to have broadened from the early SEA interpretation as “EIA applied to PPPs”. Accordingly, the variety of the SEA systems is now dealt in literatures by specifying the type or approach of SEA, for example, by using adjectives such as “Policy”, “Cabinet”, “EIA-based” and so on.

In this paper, we will define SEA as an open and transparent process or a framework which enables the consideration of the impact of the PPP to the environment and sustainability before the decision is made. Programmatic SEA would be easily defined as SEA applied to the programme level.

### 2.3 SEA methodology

The variety of approaches and methodologies

for SEA has been discussed in various literatures, and can be summarized in four key aspects. First is the scope of assessment; does the SEA assess all three spheres of sustainability, or does it focus on the biophysical environment (Bina, 2007)? Secondly, there is the assessment approach; is it objectives-led, meaning PPP is tested against the previously agreed sustainability objectives, or baseline-led, meaning that predictions are made based on the review of current environmental status (Jackson and Illsley, 2007; Pope et al., 2004). Third is the integration of SEA and decision making process; is SEA an independent process with limited input to decision making, or is it integrated from the beginning, being part of the formulation of a PPP (Partidario, 2007)? Fourthly, there is the communication aspect; is the focus on technical information by mainly consulting experts, or also on values and norms of the public? Partidario (2003) points out that sufficient attention should be given to the values of the affected communities and to the communication mechanisms for SEA to be effective.

These four lines of methodological variety broadly correspond to the PPP level on

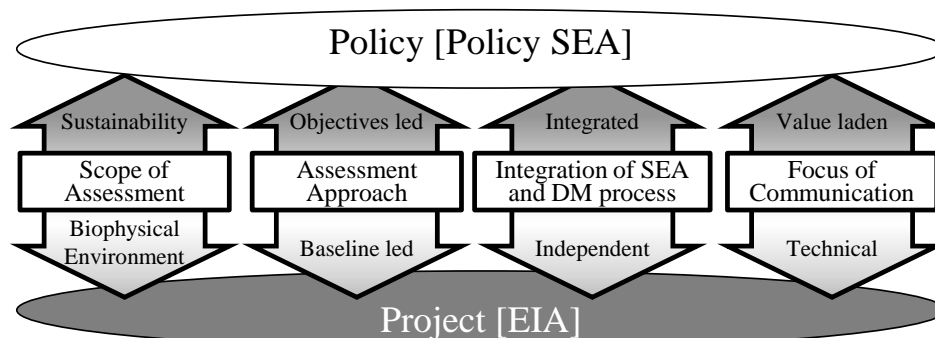


Fig 1. Four key aspects in SEA approaches and methodologies

which SEA is applied to (Fig 1). Although it is suggested from the figure that methodologies similar to EIA should be taken for programmatic SEA, the most effective methodology is still not clear.

#### 2.4 Study Methodology

The case study is based on literature reviews and semi-structured interview surveys. Literatures include reports and guidelines produced by the government, and interviewees include administrators, members of community groups, developers, consultants, and researchers. The collected data was analyzed in accordance with the four key SEA methodology aspects summarized in 2.3.

### **3. A case of Programmatic SEA**

#### 3.1 Outline of Programmatic SEA in England

In England, SEA and EIA is regulated in different regulations, both complying with each EU directives. As for planning, EIA is regulated within the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. Since the regulation is also applied to the programme level, the application of the EIA regulation could be interpreted as an SEA.

The programme level document on which EIA Regulation is applied is the Outline Planning Application (OPA). Developers will submit OPA to seek basic approval for the development, with the details left for the subsequent stages. This is often utilized in major and multi phased developments. OPA will undergo the EIA process if the planned area exceeds 0.5ha in area, and an

Environmental Statement (ES) will be required if the development seems to have significant environmental effects.

#### 3.2 Tithebarn Regeneration case

As a case study, we will analyze the Tithebarn Regeneration case in Preston, Lancashire, North West region of England. An OPA and an ES was produced for the comprehensive redevelopment of the 14.8ha city center (Tithebarn Regeneration Area: TRA, see Fig 2/Fig 3). The TRA has been identified as a regeneration area with high economic potential more than 10 years ago. The general outline of the site boundary and the development principals were set in the upper tier planning document. The OPA covered the specific area boundary, layout with parameters, access, while the detailed scale, external appearance, and



Fig 2. Picture of TRA  
(taken by author on August. 2009)

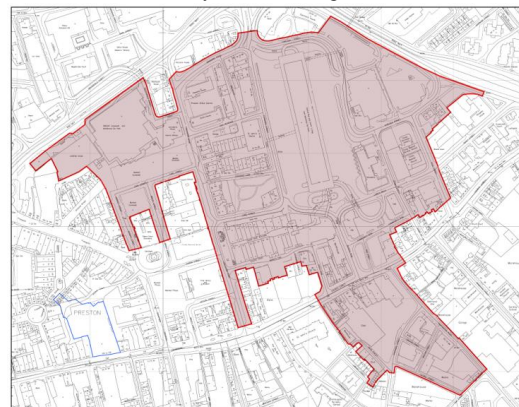


Fig 3. The outline of the plan  
(source: planning application of Tithebarn regeneration)

Table 1. Case Process

| Y    | M  | EIA process   |
|------|----|---|
| 2007 | 7  | Commencement of informal scoping consultation                   |
|      | 10 | Request of Screening Opinion, Screening Opinion issued          |
| 2008 | 1  | Scoping Report submitted to PCC                                 |
|      | 2  | Consultation on Scoping Report                                  |
|      | 3  | Scoping Opinion issued  |
|      | 5  | Non statutory consultation (public exhibition) by the developer |
|      | 9  | Planning Application /ES submission/ Formal consultation        |
| 2009 | 5  | PA amendment and ES Addendum submission                         |
|      | 7  | Revised PA and ES submission                                    |
|      | 9  | Called-in by the Secretary of State                             |

landscape were left for the subsequent decision making tier.

The case process is summarized in Table 1. Screening was conducted on October 2007, and the local authority responded that the project requires an ES. Important agencies and community groups selected by the developer, including environmental/ historical/ infrastructure agencies and groups, have been consulted since July 2007 for scoping, and the whole scoping ended at March. Other community groups and the general public were mainly consulted from May 2008. The OPA and ES were submitted for the first time in September 2008, and after some amendments, the OPA was approved by the local authority in July 2009. Other documents produced by the developer, such as the Planning Statement (which assessed the consistency with higher tier planning documents), Retail Impact Statement, Transport Assessment, Sustainability Statement (which stated the project's sustainability strategy and consistency with the higher tier planning document), were also taken into

account at the decision making. All the documents produced were open to the public at the town hall, and the main documents were posted on-line. However, the OPA was called in by the Secretary of State (the decision was taken away from the local authority by the central government) in September, since strong objections were raised from neighboring councils, and it was considered to have significant regional impact.

## 4. Discussion

### 4.1 SEA methodology in the case

The EIA process taken in the Tithebarn case was programmatic SEA, since the process was open and the socio-economic impacts were also considered at the programme level. The following is the analysis of the methodologies taken (summarized in Table 2);

[Scope of Assessment] Impacts to Socio-economic • Noise and vibration • Ecology and nature conservation • Land Quality • Water Resources • Air Quality • Archaeology and Heritage • Townscape and visual • Daylight, sunlight and overshadowing • Wind • Waste were analyzed. Although the Socio-economic impacts (population • economic effect • jobs • health • housing) were also analyzed, there was no overall interpretation of the results in terms of sustainability.

[Assessment Approach] Impacts were predicted based on the parameters showing the maximum amount of each use (the "worst case scenario"). Impacts were assessed against the "value of impact receptor" and "magnitude of impact". The value of receptor was set according to the

existing conservation list, scale of the impact, number of receptors and other information regarding the impact receptor. The magnitude of impact was assessed against the change taking place to the original environment. There was no specific reference to the upper tier planning document in each assessment.

[Process Integration] The EIA process started after the original OPA was made to some extent. However, in-house scoping commenced from the early stage of planning, and some environmental information was incorporated into the design of plan before the submission. Therefore, it could be said that the process was only partially integrated.

[Communication] Early informal consultation with experts and community groups with specific interests had taken place. These consultations were basically aimed at collecting information on the environment. Only one formal consultation with the public took place before the final decision making. Here, no comment has specifically mentioned the ES. Therefore, it could be said that the focus of communication was on technical aspects of the environment and the preference of the plan, but not on the subjective environmental values.

#### 4.2 What was achieved and what wasn't?

The content of the OPA had some minor changes both throughout and after the preparation of ES. For example, the design of the planting was modified throughout the preparation of the OPA to mitigate the wind impact identified in EIA. This is considered to be the result of the timely use of environmental information through the process, and early

Table 2. Methodological characteristics of Programmatic SEA in Tithebarn case

| Aspect of SEA                     | Methodology                                     |
|-----------------------------------|---|
| Scope of Assessment               | Mainly biophysical Environment + Socio-Economic |
| Assessment Approach               | Baseline- led approach                          |
| Integration of SEA and DM process | Partly Integrated                               |
| Focus of Communication            | Technical aspects + preference of the plan      |

consultation with experts.

On the other hand, values were not explicitly addressed in the EIA. Firstly, the development principals were already set, i.e. most part of the value-laden discussion was already done, at the stage of OPA, and the consistency with these principals was not checked within the EIA process. Instead, the consistency was stated in separate planning documents, which had been prepared informally by the developer. Secondly, the “value of impact receptor” used to assess the detailed impacts was mainly determined by expert judgments, and Thirdly, the method taken for the overall interpretation of the impacts of OPA in terms of sustainability, i.e., a consideration of value trade-offs among the three spheres of sustainability, was not clear.

One approach to avoid such a situation could be an open consistency assessment with upper tier planning documents, to inherit the value-laden discussion. At the same time, it would be important to be able to explain how the synthesis of the environmental, economic, and social impacts were done and interpreted as impact to sustainability.

## 5. Conclusion

For effective programmatic SEA, it was implied that (a) the timely use of the environmental information throughout the decision making process, (b) open consistency assessment with the higher tier documents, and (c) transparent synthesis of the impacts to the three spheres of sustainability, is important. In all, it was suggested that while the current understanding of programmatic SEA is similar to EIA, there is much to learn from the policy SEA methodologies.

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