**SEA in Scottish Government**

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## Introduction

The Scottish Government's purpose is to create a more successful country where all of Scotland can flourish through increasing sustainable economic growth. Five strategic objectives underpin this purpose: a Scotland that is wealthier and fairer; smarter; healthier; safer and stronger; and greener. Strategic environmental assessment (SEA) has the potential to make a key contribution to achieving the objective of a greener Scotland, through the integration of environmental considerations into the preparation of plans, programmes, policies and strategies (PPS).

The Scottish Government has been active in SEA in several regards: establishing administrative structures for SEA, e.g. an SEA Gateway; building capacity within the Responsible Authorities, including the preparation of guidance; and undertaking SEA of its own PPS. The purpose of this paper is to report on the experience of government in taking forward SEA of its own PPS. This initial analysis is based on our experience both of undertaking and observing SEA in practice, as part of plan- and policy-making. The focus will be on lessons learned, firstly, regarding approaches to SEA and, secondly, from the application of SEA to policy-making. Examples have been drawn from the range of PPS subject to assessment. We conclude with some observations on the challenges faced by SEA and some of its benefits.

## The Scottish SEA System

European Directive 2001/42/EC - the SEA Directive - was implemented in Scotland in 2004 through the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004. The Environmental Assessment (Scotland) Act 2005 replaced the regulations, coming into force in February 2006, and extended the scope of SEA Directive, to include other public strategies and policies which did not immediately relate to the identified priority land use sectors, but which could nevertheless have the potential for significant environmental effects.

At the time of writing, some fifty Scottish Government PPS have been subject to SEA. Others have been identified as having no or minimal significant environmental effects, through pre-screening (44 to date). The sectors covered include those identified in the SEA Directive, as well as others captured by the wider requirements of the Act. A breakdown by sector is provided in Table 1; individual PPS are identified in the references at the end of this paper.

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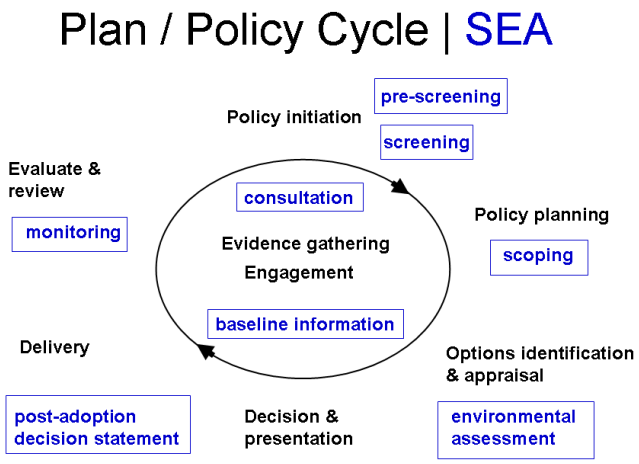
The PPS subject to SEA vary in nature, from legislation to policy to spatial plans. In consequence, the SEAs undertaken have ranged from high-level assessments of legislation and policy (e.g. the Climate Change (Scotland) Bill, the Marine (Scotland) Bill) to more detailed reviews of the environmental effects of a spatial plan (e.g. the National Planning Framework, the Forth Replacement Crossing).

*Table 1. Scottish Government PPS subject to SEA, by sector*

| Sector | Number of PPS | Sector | Number of PPS |
|---|---|---|---|
| agriculture | 2 | waste | 2 |
| forestry | 16 | water | 1 |
| fisheries & aquaculture | 1 | telecommunications | 0 |
| energy | 7 | water | 1 |
| industry | 2 | land use/ town & country planning | 8 |
| transport | 6 | environment | 6 |

The Scottish Government utilises a standard model for the plan- and policy-making cycle, the steps of which are illustrated in Figure 1.

*Figure 1. Integration of SEA into the Plan/Policy Cycle*




## Lessons Learned: Approaches to SEA

The over-arching lesson learned to date is that, to be effective, the approach taken to SEA must be tailored to the PPS being assessed: flexibility is essential. A key example is the approach taken to the collection and use of baseline environmental data. For very high-level Scotland-wide PPS, the environmental baseline data used for the SEA has also been very high-level and has involved the use of environmental

objectives as much as it has the use of environmental data, e.g. in the SEA of Scottish Historic Environment Policy 1.

In some instances, SEA has been used to front-load the policy-making process. Environmental evidence has been gathered, including information about sensitive receptors, problems or trends, and this information has then been used in policy formulation (e.g. marine renewables, offshore wind, transport). In contrast, for other PPS, the key activity has been to identify the strategic actions (i.e. policy actions, proposed locations for activities) within the PPS which may give rise to significant environmental effects, and to use the results of this exercise to identify the environmental factors for which baseline data is needed (e.g. renewables support infrastructure). This can be summarised as follows:

strategic actions → baseline information → SEA

baseline information → SEA → strategic actions

This latter approach has also been key to effective scoping, so that the SEA can focus on significant environmental effects or the key aspects of the PPS that may give rise to such effects.

Different methods have also been used to good effect for different kinds of PPS. The use of SEA objectives in combination with matrices, for example, has resulted in a systematic, rigorous approach e.g. in ensuring that all environmental factors specified in the legislation are covered. However, the use of matrices alone for the reporting of results has proven to be unhelpful, particularly in terms of making the results of the assessment accessible to members of the public and decision-makers. Narrative reporting methods have proven more useful in this regard, and have also assisted in making SEA reporting more streamlined.

Thematic approaches have been helpful for the assessment of high-level policy. They use a “lighter touch” and the use of themes for reporting results often makes them more accessible to non-experts (e.g. the SEA of Scottish Planning Policy). The use of spatial analysis and constraints-led mapping has also been applied in a number of ways, from assessing the results of spatial plans to identifying the environmental constraints which may be key plan drivers in the future (e.g. marine renewables, renewables support infrastructure, transport). Scenarios have also been employed, particularly in the early identification of reasonable alternatives, and have provided structure to the way environmental considerations are taken on board during PPS preparation (e.g. waste).

The SEA of some PPS has required a combination of methods, where these PPS include both high-level policy (which requires a high-level assessment) and spatial elements which require assessment in more detail. This approach was employed on the National Planning Framework 2 to ensure that both policies and the National Developments were assessed to the appropriate level of detail.

## Lessons Learned: Application of SEA to PPS-Making

Experience has shown that it is possible to integrate the steps of SEA into the plan- and policy-making cycle, as shown in Figure 1. Indeed, the benefits of SEA are best realised when such integration takes place, since it facilitates the early consideration of environmental factors in the course of plan/policy preparation, such that adverse effects can be avoided or steps taken for their mitigation. We have also been able to identify efficiencies, e.g. collection of baseline data to inform the PPS as well as the SEA; identification of reasonable alternatives; early and effective consultation; and the transparency of decision-making.

At the most basic level, SEA has raised the awareness of decision-makers regarding environmental issues and made clear the need to consider the environmental implications of PPS prior to their adoption. This was demonstrated during the Parliamentary process used for the adoption of the National Planning Framework 2. Accordingly, SEA is beginning to be used for the purpose for which it was designed (see recital 1 of the SEA Directive).

The requirements for early and effective consultation in SEA are also resulting in improved transparency of PPS, and are assisting in the delivery of commitments to the principles of transparency in government. For example, SEA has resulted in PPS being more openly consulted upon than they would have been previously, particularly when it comes to amendments resulting from iterations in the adoption process. There have also been efficiencies in integrating the consultation requirements of the SEA- and PPS-making processes. To date, however, there remain challenges in terms of the low number of public responses to SEA reports received to date and this issue will need to be addressed in future SEA work. It may be helpful to integrate environmental issues into PPS consultation in a different way or through different engagement methods. However, achieving a significant increase in levels of participation may continue to be difficult given that many consultees tend to be mobilised where a plan is likely to directly impact on their immediate locality. This makes early and effective engagement intrinsically challenging for national, high level policies and strategies which are not necessarily site-specific.

The identification of reasonable alternatives is an integral part of the PPS-making process. Synergy between the SEA and PPS processes has made for better identification and appraisal of alternatives in the following way: options have been identified earlier in the process; there has been a more rigorous, thoughtful approach to the way alternatives are identified and appraised; and more and/or better alternatives have been identified. Scenario planning, as noted earlier, has been used to assist the process and may continue to prove particularly suited to high-level, long-term strategies.

The requirements of SEA for baseline data, problems and trends support the Scottish Government's commitment to evidence-based policy making. Interestingly, the SEA Directive appears to assume that the PPS-making process always follows a rational model and, in consequence, does not capture the political element of policy-making. SEA can therefore be used to open further debate on political decisions by establishing such evidence.

The use of SEA in PPS-making is also proving useful in improving communication between different departments of government, and thereby ensuring that Scottish Government policy is integrated across the different policy sectors. In particular, SEA has proved a useful means of integrating cross-cutting themes and sustainable development issues into sector-specific policy and plans. For example, the inclusion of climatic factors is assisting in the delivery of high-level measures for tackling climate change (e.g. transport).

The application of SEA to legislation has been tested, and has been useful in raising issues that had not previously been considered by the policy makers. These issues were taken into account through establishing procedures for monitoring and possible future mitigation.

## Conclusion

SEA has a continuing 'image problem': it is often perceived as overly complex and technical, and as having an uncomfortable fit with policy-making. In consequence, there remains an on-going need for awareness-raising of SEA amongst plan- and policy-makers generally, which not only highlights obligations associated with SEA, but also shares its uses and benefits for practical aspects of policy making. Recent experience has shown that the integration of SEA into the PPS-making process can result in improvements to PPS in general. The key benefits identified to date include:

- improved exploration of alternatives, including through the development and assessment of imaginative scenarios;
- improved consultation and transparency;
- application of environmental information to directly influence the policy-making process; and
- integration of environment into plan/policy preparation and the decision-making process.

It is worth noting that the Scottish Government is not alone in the difficulties and challenges encountered with SEA to date. Liaison with other Responsible Authorities in the public sector has identified similar issues. In consequence, the issues identified here reflect broader trends in SEA overall. The Scottish Government is leading the establishment of a Scottish SEA forum, to facilitate SEA practitioners working together to share their experience and the identification of solutions and good practice.

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