

A unique approach to Strategic Environmental Assessment in Scotland

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Abstract

Scotland has built an international reputation for its approach to Strategic Environmental Assessment (SEA) through focusing on approaches that maximise the benefits of assessment and by applying SEA to a wide spectrum of public plans and programmes. Pivotal in this success, is the role of a dedicated SEA Unit within Scottish Government, who advise and co-ordinate practice across all public bodies including government itself. The Unit includes technical practitioners undertaking SEA on behalf of Scottish Government, working as a specialist in-house consultancy.

This paper outlines key challenges faced by the Unit, particularly in the current climate of rapidly shifting political priorities, steered foremost by the climate emergency. Observed within this new policy landscape are cross-cutting implications that, in some instances, conflict with wider environmental policy objectives, placing greater emphasis on partnership working within Scottish Government and with external stakeholders.

The Unit has developed a wealth of institutional knowledge across a breadth of policy assessments, providing a key role in threading environmental protection through policy development and binding together policy objectives where synergies might otherwise have been overlooked. This supports robust policy making and provides consistency when undertaking assessments, resulting in more proportionate reporting. This expertise enables assessment findings to be cascaded to related assessments, streamlining the assessment process not only within government but across the wider public sector.

Draft Paper

Scotland's implementation of Strategic Environmental Assessment (SEA) is unique in that the Environmental Assessment (Scotland) Act 2005¹ ("the 2005 Act") broadens the scope of the original Directive². As such, in Scotland, every qualifying public plan, programme or strategy is required to be considered for its likely significant environmental effects and opportunities sought to avoid or reduce adverse impacts and enhance positive effects.

Alongside the 2005 Act, the SEA Gateway was created to support, co-ordinate and advise on the implementation of the Act's requirements, both internally and with external bodies. Furthermore, a dedicated SEA Unit was established in 2009. The Unit includes a small number of technical practitioners from diverse backgrounds with a wealth of expertise, who undertake SEA on behalf of the Scottish

¹ Environmental Assessment (Scotland) 2005 Act Available at: <http://www.legislation.gov.uk/asp/2005/15/contents>

² Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (SEA Directive) Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32001L0042>

Government, working as a specialist in-house consultancy and also providing guidance and advice where required.

Being based within Government also allows greater flexibility to respond to the key challenges and opportunities for policy development. Challenges include tight and often shifting deadlines for supporting processes, such as SEA, reflecting the increasing pace and complexity of policy development in response to global issues over the last decade. As fellow Government employees, the working relationship between the technical SEA leads and policy leads are often established from the outset, providing opportunities in helping ensure early assessment recommendations can be taken into account, supporting robust and informed policy development. Working on an interdepartmental budget transfer basis, government costs are not only saved due to reduced requirement for external procurement, but adopting a consistent assessment approach and identifying opportunities for efficiencies can reduce time and resource requirements, in turn, reducing costs.

The institutional knowledge held within the Unit can ensure that SEA is undertaken in a way that is proportionate to the plan being assessed, including in the identification of relevant evidence to inform the assessment. For example, the SEA of the draft 'Climate Change Plan' and draft 'Energy Strategy'³ was undertaken as a joint assessment, utilising one shared policy context and evidence baseline, due to the interlinked nature of the two policies and their development. Another example of a proportionate approach undertaken was the SEA of 'Making things Last: A Circular Economy for Scotland'⁴. This assessment was scoped down to three main SEA Topics, however recognition was also given to the potential for secondary implications that could arise at local level on SEA Topics not scoped into the assessment, such as biodiversity and landscape, in the assessment findings. This approach provided for a focused assessment whilst still reflecting some of the broader secondary implications considered likely to arise, but considered not to be significant in nature.

One of the fundamental benefits of the technical Unit undertaking SEA within Scottish Government is the institutional knowledge gained and continuity achieved by applying that knowledge to other assessments. Working across a broad range of policy areas, including energy, waste, planning and transport, ensures that at a national level, connections can be made between strategies. This can enable the early identification of cross-cutting policy implications, revealing both potential conflicts and opportunities to help maximise and enhance benefits aligned with wider Government policy objectives. One example of this is the interlinkages between transport policy and the Scottish Government's commitment to addressing the global climate emergency and in improving air quality.

SEA plays a vital role in providing an over-arching and strategic level oversight of the multitude of issues at play that are key to delivering, or acting as a barrier to

³ Scottish Government (2017) Draft Climate Change Plan and Draft Energy Strategy SEA Environmental Report [online] Available at: <https://www.gov.scot/publications/strategic-environmental-assessment-environmental-report-draft-climate-change-plan-draft/>

⁴ Scottish Government SEA Circular Economy Routemap [online] Available at: [SEAG Details View \(strategicenvironmentalassessment.gov.scot\)](https://www.gov.scot/publications/strategic-environmental-assessment-environmental-report-draft-climate-change-plan-draft/)

reaching positive environmental objectives. As noted previously, the institutional knowledge within the Unit allows for these connections to be made.

An example of this is demonstrated in the SEA assessment work currently being undertaken to support National Planning Framework 4 (NPF4)⁵. NPF4 will be a long term spatial plan looking to 2050 that aims to set out where development and infrastructure is needed to support sustainable and inclusive growth. NPF4 will also seek to deliver development that meets long term needs and will play a significant cross-cutting role in shaping the delivery of wider Scottish Government's policies, including in light of the need to accelerate emissions reductions and in supporting a sustainable, green and inclusive economic recovery post Covid-19.

In undertaking the SEA work alongside NPF4, the in-house Unit and the institutional knowledge contained within it is helping to support the consideration of cross-cutting policy implications and ensure consistency of findings. For example, this has allowed the Unit to draw upon previous assessment work related to transport, land use and energy, all relevant to the development of NPF4, and build on the findings of these. Additionally, the Unit is also drawing upon wider assessment work that is being undertaken alongside NPF4, including work to assess greenhouse gas emissions, Habitats Regulations Appraisal, and around population and human health and equalities, and utilising these findings to inform the SEA process. This provides an opportunity to further ensure consistency and proportionality in the reporting of findings being fed into the policy development process.

This continuity of assessments also further supports robust policy development for example by helping to ensure key considerations, including relevant protection objectives, evidence and findings are taken into account, throughout the hierarchy of Scottish Government plans, programmes and strategies. Furthermore, this includes lower tier and other related plans and programmes not only within national government, but across the wider public sector. Consideration is also being given to how the SEA findings from NPF4 can be reported and presented for ease of reading, including where mitigation and enhancement measures have been identified, to enable ease of this information to be taken into account, including in lower level plans and projects of relevance.

By its nature, the political landscape is fluid with shifting priorities, however, the events over the previous year have led to seismic changes. The twin priorities of the global climate and biodiversity emergencies continue to be a focus. These priorities have been brought sharply into focus within the wider critical context of the importance of a sustainable green and inclusive economic recovery, post Covid-19. The key role of the natural environment in supporting green recovery is pivotal, as are the multitude of benefits it brings. Particularly with regard human health where the evidence⁶ has shown the differing impacts of the events of last year have been influenced by factors such as levels of deprivation, underlying health issues and where equitable access to good quality greenspaces has never felt so vital to well-being.

⁵ [National Planning Framework | Transforming Planning](#)

⁶ Greenspace Scotland Research available at: [Covid-19 Green and Open Space Use | Greenspace Scotland](#)

It will be fundamental that the approach taken to SEA within Scotland remains agile to these challenges, to help inform and embed environmental considerations in an effective and meaningful way, with the in-house Unit leading by example. Effective SEAs should be focused to pull out the key issues relevant to the policy they relate to and must articulate these to a wide range of interested parties with differing requirements, not least to ensure that environmental considerations are embedded in policy and decision making processes. At its heart, SEA is a consultation tool and consideration should be given to how best to engage with stakeholders on the impacts identified and recommendations for mitigation or enhancement. This in itself can present a challenge. Whilst the increasing use of digital technology provides new opportunities for engagement and proportionality, for example through reduced documentation length, nonetheless compliance with all statutory obligations still needs to be met.

Conclusion

The Scottish Government's in-house SEA technical Unit provides a number of benefits, primarily through institutional knowledge of undertaking SEAs across a broad range of policy areas, bringing this knowledge to policy teams and breaking down silos. Through its application of SEA at strategic level, the Scottish Government's approach to SEA further provides opportunities to make connections at the earliest stages of policy making, identifying potential environmental benefits and opportunities at both a national level and feeding these down to lower tier plans. Challenges remain, and the Unit will need to continue to evolve, promoting best practice within the Scottish Government and beyond.