

# Strategic Environmental Assessment

## Consultation Bodies' Services and Standards for Responsible Authorities in Wales

This note describes the services and standards which Responsible Authorities in Wales can expect from the Welsh Consultation Bodies (Cadw, Countryside Council for Wales and the Environment Agency), 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).



## **The Strategic Environmental Assessment Directive; Services and standards you can expect from the ‘Consultation Bodies’ in Wales.**

In Wales, the Welsh Assembly Government has designated Cadw, the Countryside Council for Wales (CCW) and the Environment Agency (EA) 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.

Consulting these three bodies is mandatory at four stages of the SEA process.

- **Screening:** determining whether a plan or programme requires SEA (Article 3(6) of the Directive)
- **Scoping:** deciding on the scope, extent and level of detail of the information which must be included within the Environmental Report (Article 5(4) of the Directive)
- **Reporting:** consulting on the Environmental Report and accompanying draft plan or programme (Article 6(2) of the Directive)
- **Adoption:** information to be made available on the plan/programme adopted, consultations undertaken, decision-making and monitoring measures developed (Article 9(1) of the Directive)

Consultation Bodies are also likely to receive informal requests for environmental information and for advice on specific issues e.g. monitoring. The core principle of SEA is that it is an iterative process used to refine the content of a plan or programme over time and space. Several consultations may therefore be required on any given plan or programme.

This note sets out the services and standards which plan and programme makers can expect from the Consultation Bodies when consulting us as part of the Strategic Environmental Assessment process (and in the case of Local Development Plans and Community Strategies, when conducting Sustainability Appraisal and Strategic Environmental Assessment). Consultation Bodies will use best efforts to meet these standards; however, they are not statutory and are provided for guidance purposes only. There may be occasions where Consultation Bodies are unable to meet these standards due to circumstances beyond our control.

Delivery of this Service Plan will be monitored and Consultation Bodies will seek feedback from ‘customers’ to identify ways in which these services may be improved and to ensure that the needs of ‘Responsible Authorities’ are met.

These Service Standards will apply to plans and programmes considered under the Wales Regulations for SEA (namely, Welsh Statutory Instrument 2004 No. 1656, W170). Consultation Bodies in England have produced similar notes and standards for areas within their jurisdiction; Consultation Bodies in Scotland and Northern Ireland are also considering the production of similar documents.

## **Consultation Bodies**

### **Services and standards for SEA Directive consultations in Wales**

Consultation Bodies expect to provide advice to a wide range of ‘Responsible Authorities’ (those conducting SEA of plans and programmes under the SEA Directive). This advice will be given both within our formal role as an ‘authority with environmental responsibility’ (referred to as a “Consultation Body” in the implementing Regulations, Art. 4(1)) and occasionally in a less formal, non-statutory capacity. The services and standards provided for these roles may differ.

The SEA process is wide ranging, requiring consideration of many different issues over space and time. Each Consultation Body will assist Responsible Authorities on topics relevant to its specific area of expertise and responsibility and the specific information it holds. Table 1 provides a summary of the main areas of expertise and interest of the Consultation Bodies in Wales. Table 2 summarises the main topics on which each Consultant Body holds data.

We will focus our efforts at the screening and scoping stages. At the reporting stage, we will normally review the extent to which our earlier advice has been taken into account during plan/programme development.

We may not be able to provide a substantive response to every consultation. A proportionate risk-based approach (in order to focus on the highest priority assessments) will be applied within the context and requirement of the SEA Directive and Regulations. Each Consultation Bodies will identify those assessments that warrant a detailed and specific response.

Where Consultation Bodies do not identify significant issues or hold relevant expertise or information relating to a SEA consultation, it may provide a ‘no-comment’ response. A ‘no comment’ or minimal response does not affect the obligation of Consultation Bodies to advise on, and potentially object to, specific development proposals which may arise within the framework of the plan or programme which has been the subject of SEA.

Where a plan or programme has cross-border implications i.e. with England, the Consultation Bodies will contact their counterparts in England to resolve any conflicting issues.

## Summary of Consultation Bodies

**Cadw**, in the Welsh Assembly Government, has 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. We hold information on scheduled ancient monuments, underwater archaeology, 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. Information can be found via our website at [www.cadw.wales.gov.uk](http://www.cadw.wales.gov.uk) .

### **Environment Agency**

The Environment Agency in Wales (EA), can provide advice on a wide range of topics, in particular on water quality and resources, soil, waste, contaminated land, air quality, climatic issues (including strategic flood risk), biodiversity (especially flora and fauna associated with the aquatic environment) some material assets including our infrastructure and some aspects of the cultural heritage and landscape. For sustainability appraisals associated with plans and programmes such as Local Development Plans (LDPs), our emphasis will be on the provision of environmental expertise within the context of sustainable development. If we consider there are gaps within a Responsible Authority's draft plan or environmental assessment from the wider sustainability point of view, we will draw attention to this issue. We are developing a wide range of data and guidance to support our advice on SEA. Information can be found via our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) . Good Practice Guidelines on SEA can be found on [www.environment-agency.gov.uk/seaguidelines](http://www.environment-agency.gov.uk/seaguidelines).

### **Countryside Council for Wales**

The Countryside Council for Wales (CCW) can provide advice on a wide range of topics relating to the natural heritage of Wales (terrestrial and marine). We will normally give particular attention to the landscape, historic landscape, biodiversity, flora and fauna and issues affecting soil, water and climate change. CCW can provide information and guidance related to the Habitats Directive and Regulations (Conservation (Natural Habitats & c) Regulations 1994) and to protected species, designated sites including Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNR), Special Areas of Conservation (SAC) and candidate SACs, Ramsar Sites, Special Protection Areas (SPA) and proposed SPAs. Contact details for Area and National teams can be found on our website at [www.ccw.gov.uk](http://www.ccw.gov.uk) The CCW Landmap website; [www.ccw.gov.uk/landmap](http://www.ccw.gov.uk/landmap) can provide information on our landscape assessment methodology- Landmap, and its applications. In addition, *Strategic Environmental Assessment and Biodiversity: Guidance for Practitioners* (June 2004) was published jointly by the Countryside Council for Wales, English Nature, the Environment Agency and the Royal Society for the Protection of Birds, and is available from each of these bodies.

## The SEA Regulations

The SEA Regulations (The Environmental Assessment of Plans and Programmes (Wales) 2004) define certain timescales for consultation.

These include:

- Regulation 12(6): 'Where a consultation body wishes to respond to a consultation under paragraph 5 (i.e. when deciding the scope and level of detail of information to be included in the Environmental Report), it shall do so within a 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 public consultees to express their opinion on the draft plan or programme and its accompanying environmental report) must be not less than 28 days and of such length that the consultation bodies and public consultees are given an effective opportunity to express their opinion on the relevant documents'.

## Consultation Body Service Standards

<b>Consultation Body</b>	<b>Normal Service Standard</b>	<b>Complicated or exceptional requests</b>
Cadw	within statutory deadlines for the consultation procedure dependant on the type of plan/programme	Case specific but up to a maximum of 2 calendar months
Environment Agency	within statutory deadlines for the consultation procedure dependant on the type of plan/programme	Case specific but up to a maximum of 2 calendar months
Countryside Council for Wales	within statutory deadlines for the consultation procedure dependant on the type of plan/programme	Case specific but up to a maximum of 2 calendar months

“Statutory deadlines” in this context are taken to mean within the deadlines set out in the SEA Regulations.

## The Services and Standards that Responsible Authorities can expect from us

Our service	Our standard
<p><b>Screening:</b> Responding to a consultation on whether a plan or programme is likely to have a significant environmental effect</p>	<p>We <b>will</b> normally respond within the timescale set out in our individual service standards or the statutory time period given in the Regulations, whichever is shorter.</p> <p>In <b>complex cases</b> 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 <b>may</b> decide to respond with generic advice.</p>
<p>Responding to requests for information to inform the baseline environment</p>	<p>Some data and information is readily available on our websites and should be obtained first before consultation with the relevant organisation.</p> <p>We <b>will</b> normally respond within the timescale set out in our individual 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, (<b>Table 2</b> provides a guide to the type of information held by each consultation body). 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 <b>may</b> provide generic advice or information products. If we cannot provide the information requested we <b>will</b> explain why, and if possible refer you to other relevant information sources.</p>
<p><b>Scoping:</b> 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 <b>will</b> normally respond within the timescale set out in our individual service standards or the statutory time period given in the Regulations, whichever is shorter.</p> <p>In <b>complex cases</b> 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 <b>may</b> decide to respond with generic advice.</p>
<p><b>Reporting:</b> Responding to a consultation on the Draft Plan and the accompanying Environmental Report.</p>	<p>We <b>will</b> normally respond within the timescale set out in our individual service standards or the statutory time period given in the Regulations, 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 <b>complex cases</b> 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><b>Decision to adopt:</b> Responding to particulars of the plan or programme adopted; statement on consultation and decisions made, including measures concerning monitoring.</p>	<p>We <b>will not</b> 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 advice you may expect from us

Specific section of the Environmental report (based on the draft SEA Regulations Sch. 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 <b>will</b> 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 <b>will</b> 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 <b>will</b> 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 that 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. CCW will normally be the lead organisation providing this advice, supported where necessary by the Environment Agency.	We <b>will</b> provide our opinion on any relevant existing environmental problems that we are aware of, relevant to the assessment, giving particular attention to designated sites.
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 <b>will</b> provide our opinion on the relevant environmental protection objectives and considerations that should be included in the assessment.
6. The likely significant effects on the environment: <ul style="list-style-type: none"> <li>• Biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage (including architectural and archaeological heritage), and landscape.</li> </ul> and <ul style="list-style-type: none"> <li>• the inter-relationship between these and other issues listed in the Directive</li> </ul> and any <ul style="list-style-type: none"> <li>• short, medium and long-term effects; permanent and temporary effects; positive and negative effects; and secondary, cumulative and synergistic effects.</li> </ul>	<p>We <b>will</b> provide our opinion on the likely significant effects on the environment of the plan or programme giving particular attention to topics relevant to each consultation body, as given in <b>Table 1</b>.</p> <p>Within the limits of our local knowledge and expertise we <b>may</b> provide an opinion on:</p> <ul style="list-style-type: none"> <li>• the inter-relationship between these and other issues listed in the Directive;</li> <li>• 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.</li> </ul>
7. The measures envisaged to prevent, reduce and offset any significant adverse effects on the environment of implementing the plan or programme.	We <b>may</b> provide our opinion on any measures that 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 <b>may</b> 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 <b>may</b> provide our opinion on any monitoring measures which we consider to be appropriate.

**Table 1 Key topics for each Consultation Body**

Topic	Cadw	Countryside Council for Wales	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**

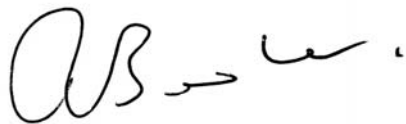
Topic	Cadw	Countryside Council for Wales	Environment Agency
Biodiversity including flora, fauna	-	**	*
Population	-	-	-
Human Health	-	-	-
Soil ( including waste and contaminated land issues)	-	*	**
Water (water quality and resources)	-	*	**
Air	-	-	*
Climatic factors (including strategic flood risks)	-	*	*
Material assets (including geological interests and infrastructure)	-	*	-
Cultural Heritage	**	*	-
Landscape	*	**	-

Key: \*\* = principal information provider, \* = secondary information provider, - = no information held,

## Document Status

The content of this document (Strategic Environmental Assessment: Services and Standards for Consultation Bodies in Wales) has been formally approved by:

### Cadw



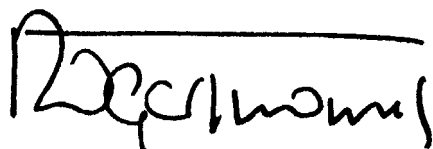
Name/Title: Mrs J M Booker, Head of Policy and Administration  
Date: 28<sup>th</sup> July 2005

### Environment Agency



Name/Title: Barbara Young, Chief Executive  
Date: 7<sup>th</sup> July 2005

### Countryside Council for Wales



Name/Title: Roger Thomas, Chief Executive  
Date: 30<sup>th</sup> June 2005