

corporate services series

Strategic Environmental Assessment

Services and Standards for Responsible Authorities



**Environment &
Heritage Service**
www.ehsni.gov.uk

Strategic Environmental Assessment

ENVIRONMENT AND HERITAGE SERVICE

Services and Standards for Responsible Authorities

This document describes the services and standards which Responsible Authorities can expect from Northern Ireland's Consultation Body, the Environment and Heritage Service, (EHS) 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'.

NOTE

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The Strategic Environmental Assessment Directive:

Services and standards you can expect from the Consultation Body

The Government has designated the Environment and Heritage Service (EHS) as the 'Consultation Body' 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, including consultations, decisions made, and monitoring measures (Article 9(1)).

The Consultation Body also anticipates informal requests for environmental information, and for advice on specific issues. A principle of SEA is that it 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 document sets out the services and standards which plan-makers can expect from the Consultation Body when consulting us as part of an Strategic Environmental Assessment process. Although we will use our best endeavours to meet these standards, they are provided as guidance as **there may be occasions when we are unable to meet the 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 Northern Ireland Regulations.

Consultation body

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 issues. The EHS's three operational directorates i.e., Natural Heritage, Built Heritage and Environmental Protection 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. **Table 1** provides a summary of the main areas of expertise and interest.

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 been 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 **Natural Heritage Directorate** can provide advice on a wide range of topics in relation to the natural environment (terrestrial, freshwater and marine) and will normally give particular attention to biodiversity, fauna, flora and, where relevant, to the factors affecting soil, water, and the landscape. We also can provide information on designated sites - Areas of Special Scientific Interest (ASSI), Natural Nature Reserves (NNRs), Special Areas of Conservation (SAC), Special Protection Areas for Birds (SPAs), sites listed under the Ramsar Convention and Areas of Outstanding Natural Beauty (AONBs).

The Built Heritage Directorate can provide advice on matters relating to the historic environment, elements of built/man-made heritage and historic landscapes. We hold information on archaeological, architectural, industrial, defence and maritime sites, as well as historic gardens and designated landscapes and the statutory lists of scheduled historic monuments and listed buildings.

The Environmental Protection Directorate can provide advice on a wide range of topics, in particular on soil, waste, contaminated land, water quality, air and climatic factors (including strategic flood risks).

The EHS's emphasis will be on providing environmental expertise within the context of sustainable development. The EHS works hard to protect and conserve our natural, structural and cultural inheritance and helping to control pollution levels in air, water and land.

SEA Regulations

The SEA Regulations - **The Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004** define certain timescales for consultation. These are:

Screening:

When a Responsible Authority seeks to determine whether a particular plan programme or modification is likely to have significant environmental effects it is required to send a report to the consultation body.

Regulation 9(4) states: 'The consultation body shall, within 28 days of receipt of the report prepared in accordance with Paragraph (2) respond to the responsible authority with its views on that report'.

Scoping: Preparation of the Environmental Report

Regulation 11(5) states: 'When deciding on the scope and level of detail of the information that must be included in the report, the responsible authority shall consult the consultation body.'

Regulation 12(6) states: 'Where the consultation body wishes to respond to a consultation under Paragraph (5), 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.'

Other consultation requirements

Regulation 12(1) states: 'Every draft plan or programme for which an environmental report has been prepared in accordance with Regulation 11 and its accompanying environmental report ("the relevant documents") shall be made available to the consultation body and to the public in accordance with the following provisions of this regulation.'

Regulation 12(4) states: 'The periods referred to in paragraphs (2) and (3)(a)(iv) must be of such length as will ensure that those to whom the invitation is extended are given an early and effective opportunity to express their opinion on the relevant documents.'

EHS's Service Standards

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.</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 from the EHS website and should be obtained first before consultation with staff in the operational Directorates.</p> <p>We will normally respond within the time period given in the Regulations. We will only provide information which is readily available to us. 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>We will normally respond within the statutory time period given in the Regulations.</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>

Our Service	Our Standard
<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. 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 process.</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 Habitats Directives.	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.
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 Directorate as shown in Table 1. 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.
<p>7. The measures envisaged to prevent, reduce and offset any significant adverse effects on the environment of implementing the plan or programme.</p>	<p>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.</p>
<p>8. The reasons for selecting the alternatives dealt with and how the assessment was undertaken.</p>	<p>We may provide our opinion on any alternatives to the plan or programme.</p>
<p>9. The measures envisaged concerning monitoring in accordance with Article 10 of the Directive.</p>	<p>We may provide our opinion on any monitoring measures which we consider to be appropriate.</p>

Table 1 – Key topics for each Directorate in EHS

Topic	Natural Heritage	Built Heritage	Environmental Protection
Biodiversity including flora, fauna	**	=	*
Population	=	=	=
Human health	=	=	*
Soil (including waste and contaminated land issues)	*	=	**
Water (water quality and resources)	*	=	**
Air	=	=	*
Climatic factors	*	=	**
Material assets (including Earth Science and infrastructure)	**	*	=
Cultural heritage & Built	=	**	=
Landscape	**	*	=

Key: ** principal topic, * secondary topic, = no comment.



Our aim is to protect and conserve the natural and built environment and to promote its appreciation for the benefit of present and future generations.

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