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



## Strategic Environmental Assessment

Consultation Bodies' Services and Standards for Responsible Authorities



## **Strategic Environmental Assessment**

Consultation Bodies' Services and Standards for Responsible Authorities

This note describes the services and standards which 'Responsible Authorities' can expect from the Northern Ireland Environment Agency (NIEA) 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' (the "Strategic Environmental Assessment" or SEA Directive).

### **Note\***

This document is available in alternative formats, please contact us to discuss your requirements.

All correspondence should be directed through the  
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# The Strategic Environmental Assessment Directive; Services and standards you can expect from the 'Consultation Bodies'

The Strategic Environmental Assessment Directive<sup>1</sup> requires authorities with “environmental responsibilities” to be consulted at specific stages in the Strategic Environmental Assessment (SEA) process. The “SEA Regulations”<sup>2</sup> transposing the Directive into law in Northern Ireland, and similar legal provisions elsewhere in the UK, refer to these authorities as Consultation Bodies. They must be consulted by Responsible Authorities, (the bodies which prepare plans and programmes subject to the Directive) and are responsible for ensuring that SEA is carried out. The Government has designated the Department of the Environment as the consultation body for Northern Ireland and delivery of this function is led by The Northern Ireland Environment Agency (NIEA).

Responsible Authorities will usually contact the Consultation Body at four stages during SEA:

- Screening: When determining if a plan or programme requires an SEA (Article 3(6) of the SEA Directive).
- Scoping: When deciding on the scope and level of detail of the information which must be included in the Environmental Report (Article 5(4)).
- Public consultation: When consulting the public on the draft plan or programme and the accompanying Environmental Report (Article 6(2)).
- Decision to adopt: When making information available on the plan adopted, 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 note sets out the services and standards which plan-makers in Northern Ireland can expect from the Consultation Body when contacting it as part of the SEA process. It should however be noted that there is no obligation for Consultation Bodies to respond to documents other than those relating to screening determinations.

These service standards replace those issued in August 2004, and benefit from four years of operational experience in dealing with SEA consultations.

The Service Standards and responses of the consultation body for Northern Ireland will only relate to matters within the boundaries of Northern Ireland. Where a plan or programme is expected to significantly affect the environment within the Republic of Ireland then the appropriate consultation bodies should be consulted, these are listed in the following table, and their own service standards will apply to their response. Where a plan or programme is expected to significantly affect the environment within Scotland, Wales or England, then the relevant consultation bodies in those parts of the UK should be contacted (see Table 1 for a list of the relevant consultation bodies), and their own service standards will apply to their responses. Consultation Bodies and the public from all relevant parts of the UK and Ireland should be consulted for cross-boundary plans and programmes or when cross-boundary environmental effects are expected.

1) Directive 2001/42/EC 'On the assessment of the effects of certain plans and programmes on the environment' (known as the Strategic Environmental Assessment or SEA Directive, although it does not actually use this term)

2) Statutory Rule 2004 No 280 "The Environmental Assessment of Plans and Programmes Regulations, (Northern Ireland) 2004" - the "SEA Regulations"

# Consultation Bodies Services and Standards for SEA Directive Consultations

**Table 1: UK and Ireland Consultation Bodies**

**Republic of Ireland Consultation Bodies**

Environmental Protection Agency	www.epa.ie
Department of the Environment, Heritage and Local Government	www.environ.ie
Department of the Communications, Energy and Natural Resources	www.dcenr.gov.ie

**English Consultation Bodies**

English Heritage	www.english-heritage.org.uk
Environment Agency	www.environment-agency.gov.uk
Natural England	www.naturalengland.org.uk

**Welsh Consultation Bodies**

Cadw	www.cadw.wales.gov.uk
Countryside Council for Wales	www.ccw.gov.uk
Environment Agency	www.environment-agency.gov.uk

**Scotland Consultation Bodies**

Consultation with Scottish CAs is via the SEA Gateway:	SEA.Gateway@scotland.gsi.gov.uk
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**The following for information only:**

Historic Scotland	www.historic-scotland.gov.uk
Scottish Environmental Protection Agency	www.sepa.org.uk
Scottish Natural Heritage	www.snh.gov.uk

**Table 2: Services and Standards for Consultation Bodies**

The SEA process is wide-ranging, covering many different issues. NIEA will give particular attention to topics relevant to its expertise and responsibility as summarised in Table 5. This table also identifies the main areas of expertise and interest for NIEA, and the relevant information held.

In response to a screening consultation, NIEA will provide an opinion on whether significant environmental effects are likely for a plan or programme. This will be highlighted and explained in the response. Where we have identified that the plan / programme is likely to lead to significant environmental effects we anticipate the screening determination by the Responsible Authority will indicate that SEA is required.

Note that it is not the role of the Consultation Bodies to decide whether a plan or programme is legally subject to SEA. This is the role of the Responsible Authority developing the plan. A list of plans and programmes considered to require SEA in some or all cases is included in the Practical Guide\*, but the applicability of the Directive is ultimately a matter for the courts.

We will normally focus our consultation response efforts at the scoping stage. Where we do comment we will normally provide a view on the expected effects (including potential beneficial effects and mitigation measures). At the full public consultation stage we will normally check on the extent to which any earlier advice has been taken into account. The Post Adoption Statement is not a consultation stage, and we will not normally respond to this.

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.

\*A practical guide to the Strategic Environmental Assessment Directive ISBN 1-851127-887

# The Services and Standards you can expect from us

## The Responsibilities and Priorities for NIEA as the Consultation Body for SEA are set out in Table 5.

### Timetable for Response

The SEA Regulations define certain timescales for consultation.

These are:

- Regulation 9(4): 'The consultation body shall, within 28 days of receipt of the report prepared in accordance with Paragraph (2) (*i.e. screening report using criteria outlined in schedule 1 of the Regulations*) respond to the responsible authority with its views on that report'.
- Regulation 12(6): 'Where the consultation body wishes to respond to a consultation under Paragraph (5), (*i.e. when deciding on the scope and level of detail of the information to be included in the environmental report*) 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'.
- Regulation 12(4): 'The periods referred to in paragraph (2) and (3) (*a*)(iv) (*i.e. inviting the consultation bodies and the public consultees to express their opinion on the draft plan or programme and its accompanying environmental report*) must be of such length as will ensure that those to whom the invitation is extended are given an effective opportunity to express their opinion on the relevant documents'.

*(Italicised text added for clarity).*

NIEA will respond to consultations within the specified timeframes. However we have found it beneficial to both parties for Responsible Authorities to contact us informally at the earliest possible stage in the SEA process. Subject to resource we will be happy to meet with Responsible Authorities at any stage in the SEA process.

**Table 3: Stages of Consultation and Service Standards**

<i>Our service</i>	<i>Our standard</i>
Screening: Responding to a consultation on whether a plan or programme is likely to have a significant environmental effect.	We will respond within the statutory time period of 28 days. In some straightforward cases we may decide to respond with generic advice.
Responding to requests for information to inform the baseline environment.	Data and information is readily available on many of the agencies' websites and should be obtained first before consultation with the relevant organisation.  We will normally respond within the timescale set out in the Environmental Information Regulations 2004. (i.e. as soon as possible and no later than 20 working days – 40 days if request is complex or voluminous).  We will only provide information which is readily available to us, (Table 5 provides a guide to the type of information held by 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.  If the request is straightforward we may provide generic advice or information products, such as our State of the Environment Report or refer the consultee to other appropriate information sources. If we cannot provide the information requested we will explain why, and if possible refer you to other relevant information sources.
Scoping: Responding to a consultation on the scope and level of detail of the information which must be included in the Environmental Report.  (A summary of the advice we expect to provide for each expected section is given in Table 4).	We will respond within the statutory time period of 5 weeks.  In some straightforward cases we may decide to respond with generic advice.

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# Summary of the advice you may expect from us, where appropriate

**Table 3: Continued...**

<i>Our service</i>	<i>Our standard</i>
<p>Reporting: Responding to a consultation on the Draft Plan and the accompanying Environmental Report.</p> <p>(A summary of the advice we expect to provide for each expected section is given in Table 4).</p>	<p>We will normally respond within the timescale requested. Responsible Authorities should note that the current time period established by the Cabinet Office as good practice for consultation is currently twelve weeks. If we are satisfied our advice at the scoping stage has been taken into account, this may simply be an acknowledgement.</p> <p>Note that we expect the Environmental Report to be available at the same time as the Draft Plan is issued for consultation.</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>This is not a consultation stage in the SEA Regulations, and we will not normally respond, except where we consider the decision to adopt has failed to address significant points made in any earlier consultation response or failed to correctly record our involvement in the process. If we are concerned that advice on our Statutory Duties has not been taken into account, we will formally inform the Responsible Authority of our concerns.</p>

**Table 4: Summary of NIEA (as SEA Consultation Body) Advice**

	<i>Specific section of the Environmental Report (based on the SEA Regulations Schedule 2)</i>	<i>The advice we expect to provide</i>
SCOPING	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, or 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, or 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 the 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 any relevant existing environmental problems, that we are aware of, relevant to the assessment, giving particular attention to designated sites.
	6. The reasons for selecting the alternatives dealt with and how the assessment was undertaken.	We may provide our opinion on any alternatives to the plan or programme.
	7. The measures envisaged concerning monitoring in accordance with Article 10 of the Directive.	We may provide our opinion on any monitoring measures which we consider to be appropriate.

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**Table 4: Continued...**

*Specific section of the Environmental Report (based on the SEA Regulations Schedule 2)*

*The advice we expect to provide*

**8. The likely significant effects on the environment:**

- Biodiversity, geodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage (including architectural and archaeological heritage), and landscape.

and

- the inter-relationship between these and other issues listed in the Directive

and any

- short, medium and long-term effects; permanent and temporary effects; positive and negative effects; and secondary, cumulative and synergistic effects.

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 NIEA as given in Table 5.

Within the limits of our local knowledge and expertise we may provide an opinion on:

- 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.

**9. The measures envisaged to prevent, reduce and offset any significant adverse effects on the environment of implementing the plan or programme.**

We may provide our opinion on any monitoring measures which we consider to be appropriate.

**Table 5 - Summary of Responsibilities and Key Topics / Sources of Information covered by NIEA**

NIEA Directorate	Summary of Responsibilities	Key Topics / Sources of Information			
		Biodiversity including flora, fauna	Population	Human Health	Soil (including waste and contaminated land
Built Heritage	can provide advice on matters relating to the historic environment, elements of built/man-made heritage and historic landscapes. We hold information on archaeological, industrial, defence and maritime sites and monuments, as well as historic buildings, historic gardens and designated landscapes and the records of statutorily protected State Care Monuments, scheduled historic monuments and listed buildings.	•	-	-	•
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Environmental Protection	can provide advice on a wide range of topics, in particular soil, waste, contaminated land, water quality, air and climatic factors. NIEA's emphasis will be on providing environmental expertise within the context of sustainable development. NIEA works hard to protect and conserve our natural, structural and cultural inheritance by helping to control pollution levels in air, water and land.	•	-	•	•
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Natural Heritage	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 other factors affecting soil, water, and the landscape. We can also provide information on designated sites- Area 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)	•	-	•	•
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**Key:** • = principal topic, • = secondary topic, ■ = principal holder of information, ■ = secondary holder of information, - = no comment.