

**REPORT TO: ENVIRONMENTAL SERVICES & SUSTAINABILITY COMMITTEE
21st FEBRUARY 2005**

**REPORT ON: IMPLEMENTING THE STRATEGIC ENVIRONMENTAL
ASSESSMENT (SEA) LEGISLATION**

**REPORT BY: JOINT REPORT BY ASSISTANT CHIEF EXECUTIVE (COMMUNITY
PLANNING) AND DIRECTOR OF PLANNING AND
TRANSPORTATION**

REPORT NO: 6-2005

1 PURPOSE OF REPORT

1.1 To seek Committee approval for a proposed implementation framework that will enable the Council undertake its statutory duties in implementing SEA.

2 RECOMMENDATION

2.1 It is recommended that Committee:

- a) Approves the proposed implementation structure set out in Appendix 1:
- b) Remits Chief Officers to nominate Departmental Assessors/Facilitators to regulate SEA within the Council in accordance with Appendix 1;
- c) Remits the Assistant Chief Executive (Community Planning) to negotiate with Environmental Consultants with a view to running:
 - i. general in-house training for all Departmental Assessors and Facilitators on SEA screening, scoping, publicity, consultation and post adoption requirements; and
 - ii. specialist in-house training for Departmental Assessors on how to carry out a full SEA assessment of relevant strategies, plans and programmes;
- d) Requires that all Committee Reports include a statement on Strategic Environmental Assessment under the Local Agenda 21 Implications heading. Each Report should confirm whether SEA is expressly required, whether the subject of the Report has been screened to determine if significant environmental effects are likely, or whether it falls outwith the scope of SEA.

3 FINANCIAL IMPLICATIONS

3.1 The SEA legislation will have a significant financial impact on all Scottish local authorities. The Executive has stressed that no additional funds will be made available to assist implementation.

3.2 The actual financial impact on the Council is extremely difficult to predict in advance of the Bill being enacted by the Scottish Parliament. The costs associated with environmental reporting alone could be at least £0.5 million, if contracted out to external consultants. Additional costs will apply to staff training as well as specific procedural requirements of the legislation in respect of screening, scoping, publicity and consultation. Administration, environmental reporting and training costs will have

to be met out of existing Departmental budgets. The recommended implementation framework set out in Appendix 1 seeks to minimise financial costs to the Council as far as possible, particularly in respect of environmental reporting.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 SEA seeks to provide for a high level of protection of the environment and integrate environmental considerations into the preparation and adoption of plans and programmes to promote sustainable development. It will achieve better policy making by ensuring that environmental effects are fully considered at an early stage in policy formulation and the environmental effects of different options are assessed.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 SEA will contribute to more open government. The public and interested organisations will be able to comment on environmental reports and public bodies will be obliged to explain how they have taken such comments into account.

6 BACKGROUND

- 6.1 Joint Report 181-2004 by the Assistant Chief Executive (Community Planning) and the Director of Planning and Transportation to Environmental Services and Sustainability Committee on 15 March 2004 outlined proposals from the Scottish Executive on introducing SEA, and set out a proposed response from the Council. More recently, Report 660-2004 to Planning and Transportation Committee on 25 October 2004 set out the broad provisions of SEDD Circular 2/2004 on implementing The Environmental Assessment of Plans & Programmes (Scotland) Regulations 2004 in the context of development planning. Joint Report 725-2004 to Planning & Transportation Committee on 15 November 2004 outlined proposals from the Scottish Executive on introducing The Environmental Assessment (Scotland) Bill and set out the draft response submitted by the Council to meet the October consultation deadline.

Organisational Implications for the Council

- 6.2 To assist the Council in identifying the likely impact the Regulations and subsequent Bill will have on the organisation, an audit was carried out to identify what strategies, plans and programmes each Department has that are likely to require SEA. The results are contained in Appendix 2.
- 6.3 The proposed SEA Bill for Scotland will apply to a much wider range of strategies, plans and programmes than the current EC Regulations that came into force in July 2004. A total of 55 strategies, plans and programmes will potentially require SEA in the context of this new Bill. Planning & Transportation (31) and Leisure & Arts Departments (13) have by far the most strategies, plans and programmes potentially requiring SEA. Other Departments less affected include the Chief Executive's/Corporate Planning (4); Housing (3); Environmental Health & Trading Standards (2) Waste Management (1) and Communities (1). The list in Appendix 2 is not exhaustive and the Council may well have other strategies, plans and programmes that are applicable but were not identified by Departments during the audit exercise.
- 6.4 Implementing SEA across the Council involves two distinct but inter-related aspects:

- SEA administration to deal with screening, scoping, publicity, consultation and post adoption requirements of the legislation; and
 - Preparation of Environmental Reports for plans and programmes plus, in the context of the Bill, strategies that are likely to have a significant environmental effect.
- 6.5 The Regulations require that the Council, as a responsible authority, administers the screening, scoping, publicity, consultation and post adoption requirements associated with SEA. However, the Regulations do not prescribe who should carry out the actual environmental assessment, and responsible authorities may choose to make use of outside bodies such as external consultants.
- 6.6 It is proposed that SEA administration is undertaken within each Department and the approach to Environmental Reporting is centralised, with the proviso that this is a “virtual” in-house team of relevant officers rather than an additional team, at least in the short term. Centralising the Environmental Reporting process will allow the Council to draw on a wide range of corporate expertise in producing Environmental Reports and will allow a more independent approach than might otherwise be achieved by an individual Department.
- 6.7 By requiring individual Departments to take responsibility for administering screening, scoping, publicity, consultation, and post adoption procedures, it will be easier effectively mainstream SEA and properly integrate it into the plan preparation process. Departments have an in-depth knowledge of the plans and programmes they are responsible for and this is likely to speed up the screening and scoping stages. Departments will also be able to dovetail SEA publicity and consultation with normal publicity and consultation requirements for a plan or programme.
- 6.8 A proposed implementation structure is set out in Appendix 1. Once the Bill is implemented a report will be put to Committee detailing the operational experiences and highlighting any resource issues that may have occurred.
- 6.9 To support implementation of SEA it is recommended that the Council negotiates with Environmental Consultants with a view to securing:
- a general in-house training for staff across the Council on screening, scoping, publicity, consultation and post adoption procedures; and
 - b specialist in-house training for identified staff on how to carry out a full SEA assessment of relevant strategies, policies and plans either under the current Regulations or after the proposed Bill.
- 6.10 Costs for Officers attending the above training sessions would also need to be met by individual Departments.

7 CONSULTATION

7.1 Chief Executive

Depute Chief Executive (Finance)

Depute Chief Executive (Support Services)

All other Chief Officers of the Council

8 BACKGROUND PAPERS

Environmental Services & Sustainability Committee Report 716-2004 and Planning & Transportation Committee Report 725-2004, 15 November 2004, "Scottish Executive Consultation on Proposed Environmental Assessment (Scotland) Bill".

Planning and Transportation Committee Report 660-2004, 25 October 2004, "SEDD Circular 2/2004 – Strategic Environmental Assessment for Development Planning.

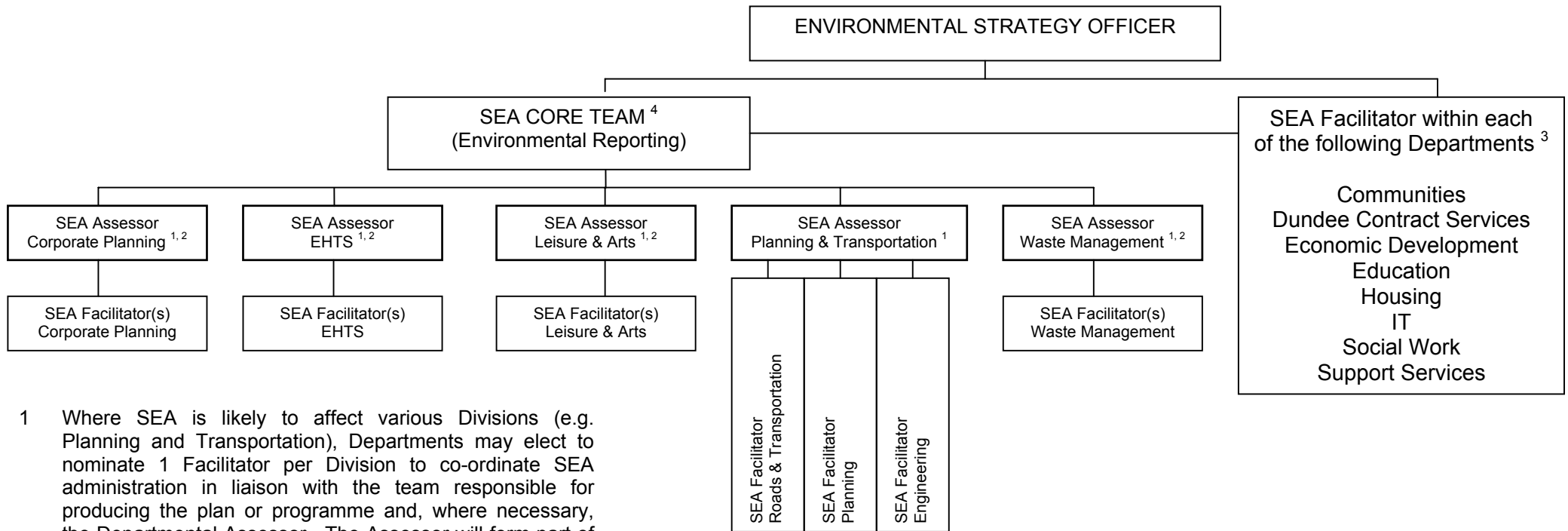
Environmental Services & Sustainability Committee Report 181-2004, 15 March 2004, "Scottish Executive Consultation on Proposed Legislative Measures to Introduce Strategic Environmental Assessment in Scotland".

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19 January 2005

APPENDIX 1: PROPOSED SEA IMPLEMENTATION STRUCTURE FOR DUNDEE CITY COUNCIL



- 1 Where SEA is likely to affect various Divisions (e.g. Planning and Transportation), Departments may elect to nominate 1 Facilitator per Division to co-ordinate SEA administration in liaison with the team responsible for producing the plan or programme and, where necessary, the Departmental Assessor. The Assessor will form part of the SEA Core Team for Environmental Reporting purposes.
- 2 Where SEA is likely to affect plans and programmes produced by only one Division, each of these identified Departments will be required to nominate one Assessor to form part of the SEA Core Team for Environmental Reporting purposes. Departments may also wish to elect a separate Facilitator, responsible for co-ordinating administration in liaison with the “responsible team”. If Departments choose to have only an Assessor, then this person would be required to co-ordinate the administration and form part of the Core Team for Environmental Reporting.
- 3 Departments that produce plans and programmes less frequently should nominate a Facilitator who will co-ordinate SEA administration at Departmental level and be pulled into the Core Team as appropriate to contribute to Environmental Reporting.
- 4 For each Environmental Reporting exercise, a chair should be identified from outwith the Department responsible for producing a plan or programme.

Note

Facilitators will monitor draft Committee Reports to ensure that relevant plans and programmes do not escape the SEA process. Where SEA Core Departments do not have a Facilitator, the Assessor will adopt this role.

APPENDIX 2 - PLANS AND PROGRAMMES PREPARED AND/OR ADOPTED BY DUNDEE CITY COUNCIL OR SUBMITTED FOR ADOPTION BY LEGISLATIVE PROCEDURE

Key

A	SEA required
A	SEA required if significant environmental effects are likely
B	SEA required if a plan or programme started on or before 21 July 2004 remains unadopted by 22 July 2006

PLANNING AND TRANSPORTATION

Planning Division

Directive² A Preparation of Plans or Programmes Started/Planned Post 21 July 2004 Bill³

✓	1	Dundee City Region Plan	<i>Policy & Strategy</i>	✓
✓	2	Local Development Plan	<i>Policy & Strategy</i>	✓
✓	3	Core Path Plan (Leisure & Arts may lead on this)	<i>Policy & Strategy</i>	✓
✓	4	Supplementary Guidance for the Finalised Dundee Local Plan Review 2003 ¹	<i>Policy & Strategy</i>	✓
✓	5	Site Planning Briefs/Area Masterplans ¹	<i>Policy & Strategy/ Partnership & Regeneration</i>	✓
X	6	Environmental Improvement Plans or Programmes	<i>Partnership & Regeneration</i>	✓
X	7	Regeneration Plans	<i>Partnership & Regeneration</i>	✓
X	8	Any Review of the Public Art Programme	<i>Partnership & Regeneration</i>	✓
X	9	City Centre Conference Centre Plan or Programme	<i>Partnership & Regeneration</i>	✓

B Preparation of Plans or Programmes Started on or Prior to 21 July 2004

✓	10	Finalised Dundee Local Plan Review 2003	<i>Policy & Strategy</i>	✓
✓	11	Roads Standards (Revised)	<i>Policy & Strategy</i>	✓
✓	12	Site Planning Briefs/Masterplans	<i>Policy & Strategy/ Partnership & Regeneration</i>	✓
X	13	Environmental Improvement Plans or Programmes	<i>Partnership & Regeneration</i>	✓
X	14	Public Art Strategy	<i>Partnership & Regeneration</i>	✓

Roads and Transportation Division

Directive² A Preparation of Plans or Programmes Started/Planned Post 21 July 2004 Bill³

✓	15	Local Transport Strategy Review ¹	<i>Transportation</i>	✓
✓	16	Supplementary Guidance ¹ (eg Cycling, Walking, Road Safety, Public Transport, Freight)	<i>Transportation</i>	✓
X	17	Bringing Confidence Back Into Public Transport Programmes	<i>Traffic Management</i>	✓
X	18	Traffic Calming/Management Programme	<i>Traffic Management</i>	✓

Directive² A Preparation of Plans or Programmes Started/Planned Post 21 July 2004 Bill³

X	19	Smartbus Capital Programme	Traffic Management	✓
X	20	Road Safety Programme	Traffic Management	✓
X	21	Travel Plans	Sustainable Transport	✓

B Preparation of Plans or Programmes Started on or Prior to 21 July 2004

None to report.

Engineering Division

Directive² A Preparation of Plans or Programmes Started/Planned Post 21 July 2004 Bill³

✓	22	Coastal Protection Works Programme	Engineering Services (S)	✓
✓	23	Flood Prevention Programme	Engineering Services (S)	✓
X	24	White Light Programme	Street Lighting	✓
X	25	Policy for Control of Light Pollution from External Lighting within New Development	Street Lighting	✓
X	26	Programme for Upgrading Existing Bridges and Retaining Walls	Bridge Maintenance	✓
X	27	Environmental Management System and Programme for ISO : 14001 Accreditation	Engineering Services (C)	✓
X	28	City Centre Risk Assessment (Building Condition) Programme	Engineering Services (S)	✓
X	29	Winter Maintenance Service Programme	Road Maintenance	✓
X	30	Road Reconstruction Programme	Road Maintenance	✓

Directive² B Preparation of Plans or Programmes Started on or Prior to 21 July 2004 Bill³

X	31	Central Waterfront Infrastructure Plan or Programme	Engineering Services (C)	✓
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LEISURE AND ARTS

Directive² A Preparation of Plans or Programmes Started/Planned Post 21 July 2004 Bill³

		None to report.		
X	32	Dundee's Outdoor Access Strategy	Operations	✓
X	33	Any Review of the Public Open Space Strategy	Development	✓
X	34	Any Review of the Sports and Physical Recreation Strategy	Operations	✓
X	35	Any Review of the Tayside Biodiversity Action Plan	Development	✓
X	36	Any Review of the Play Areas Upgrading Programme	Operations	✓
X	37	Any Review of Paths for All	Development	✓
X	38	Balgay Park Masterplan	Operations	✓
X	39	Camperdown Country Park Masterplan	Operations	✓
X	40	Any Review of the Baxter Park Restoration Plan	Operations	✓

<u>Directive</u> ²	A	Preparation of Plans or Programmes Started/Planned Post 21 July 2004		<u>Bill</u> ³
X	41	Any Review of the Castle Green Masterplan	Operations	✓
X	42	Any Review of the Dawson Park Masterplan	Operations	✓
<u>Directive</u> ²	B	<u>Preparation of Plans or Programmes Started on or Prior to 21 July 2004</u>		<u>Bill</u> ³
X	43	Pitch Strategy	Operations	✓
X	44	Broughty Ferry Beach Management Plan	Operations	✓

CHIEF EXECUTIVE'S/CORPORATE PLANNING

<u>Directive</u> ²	A	Preparation of Plans or Programmes Started/Planned Post 21 July 2004		<u>Bill</u> ³
✓	45	Any Review of the Dundee Community Plan ¹	Corporate Planning	✓
X	46	ICT Strategy	Corporate Planning	✓
X	47	Any Review of the Council Plan 2003-2007 (Corporate Plan)	Corporate Planning	✓
X	48	Health Improvement Plan	Corporate Planning	✓
	B	Preparation of Plans or Programmes Started on or Prior to 21 July 2004		
		None to Report.		

ENVIRONMENTAL HEALTH AND TRADING STANDARDS

<u>Directive</u> ²	A	Preparation of Plans or Programmes Started/Planned Post 21 July 2004		<u>Bill</u> ³
✓	49	Any Review of the Dundee Contaminated Land Strategy ¹	Public Health & Pollution Control	✓
		None to Report.		
<u>Directive</u> ²	B	Preparation of Plans or Programmes Started on or Prior to 21 July 2004		<u>Bill</u> ³
✓	50	Local Air Quality Management Programme ¹	Public Health and Pollution Control	✓

HOUSING

<u>Directive</u> ²	A	Preparation of Plans or Programmes Started/Planned Post 21 July 2004		<u>Bill</u> ³
✓	51	Any Review of the Local Housing Strategy ¹	Policy and Plans	✓
✓	52	Homelessness Strategy ¹	Policy and Plans	✓
✓	53	Fuel Poverty Strategy ¹	Improvement & Maintenance	✓
		None to Report.		
	B	Preparation of Plans or Programmes Started on or Prior to 21 July 2004		
		None to Report.		

WASTE MANAGEMENT

<u>Directive</u> ²	A	Preparation of Plans or Programmes Started/Planned Post 21 July 2004		<u>Bill</u> ³
✓	54	Any Review of the Tayside Area Waste Plan ¹	Waste Strategy	✓
		None to Report.		

<u>Directive</u> ²	A	Preparation of Plans or Programmes Started/Planned Post 21 July 2004	<u>Bill</u> ³
	B	Preparation of Plans or Programmes Started on or Prior to 21 July 2004	
None to Report.			

COMMUNITIES

<u>Directive</u> ²	A	Preparation of Plans or Programmes Started/Planned Post 21 July 2004	<u>Bill</u> ³
None to Report.			
X	55	Any Review of the Local Community Plans. ¹	<i>Communities</i> ✓
	B	Preparation of Plans or Programmes Started on or Prior to 21 July 2004	
None to Report.			

Notes

- ¹ If the plan or programme does not set a framework for future development consents, then SEA is not required in the context of the Directive.
- ² The SEA Directive requires environmental assessment in respect of plans and programmes that are:
- i prepared and/or adopted by the Council; or
 - ii prepared by the Council for adoption through a legislative procedure;
AND are either
 - iii required by legislative, regulatory or administrative provisions for sectors listed in Regulation 9(a)(i), including agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism and town & country planning or land use, and which set a framework for future development consents of projects in Annexes I and II of the EIA Directive (ie express SEA requirement); or are
 - iv required by legislative, regulatory or administrative provisions for other sectors outwith Regulation 9(a)(i) which set a framework for future development consent, where they are determined, by a screening process, as being likely to have significant environmental effects (ie provisional SEA requirement).
- ³ Under the terms of the proposed Bill, SEA will be required for all public sector strategies, plans and programmes likely to have significant environmental effects, regardless of whether they are required by legislative, regulatory or administrative means or of whether they set a framework for future development consents.