

1. Purpose of Sustainability Appraisal & Strategic Environmental Assessment

The DTI Guidance on Regional Strategies places great emphasis on the importance of the principles of sustainable development: “Both the RES and the RSS are subject to European Directive 2001/42/EC on strategic environmental assessment (SEA) (transposed by the Environmental Assessment of Plans and Programmes Regulations 2004). For the RSS, the Directive’s requirements are covered by mandatory Sustainability Appraisal under the Planning Act 2004. RDAs should refer to the ODPM consultation publications "A Draft Practical Guide to the SEA Directive" and "SA of RSSs and Local Development Frameworks: Consultation Paper" (www.odpm.gov.uk). The latter shows planning bodies how to assess the full range of social, environmental and economic effects of plans against criteria of sustainability.” See **Annex A** for ODPM summary.

2. Objectives of SA & SEA

The task is to develop the Strategy in line with the principles of sustainable development and prepare a Sustainability Appraisal to ensure that the Strategy is ‘sustainability strong’. Within this process the SEA will be proven by the preparation of an Environmental Report, which has to be consulted on, agreed with the statutory consultation bodies and published.

The requirements of the SEA are stated in the Protocol on Strategic Environmental Assessment. “The objective of this Protocol is to provide for a high level of protection of the environment, including health, by:

- (a) Ensuring that environmental, including health, considerations are thoroughly taken into account in the development of plans and programmes;
- (b) Contributing to the consideration of environmental, including health, concerns in the preparation of policies and legislation;
- (c) Establishing clear, transparent and effective procedures for strategic environmental assessment;
- (d) Providing for public participation in strategic environmental assessment; and
- (e) Integrating by these means environmental, including health, concerns into measures and instruments designed to further sustainable development.”

3. Advantage West Midlands Approach for WMES Review

- Advantage West Midlands is required by European Directive 2001/42/EC to undertake a strategic environmental assessment (SEA) of the Regional Economic Strategy Review. Whilst Environmental Assessment is already established practice for many types of plans and programmes, the SEA Directive brings a new emphasis to the following areas:
 - Collecting and presenting baseline environmental information.

- Predicting significant environmental effects of the plan or programme, including those of alternatives.
 - Addressing adverse environmental effects through mitigation measures.
 - Consulting the public and authorities with environmental responsibilities as part of the assessment process.
 - Monitoring the environmental plan or programme during its implementation.
- The Directive requires that the statutory consultation bodies in the West Midlands must be consulted during the SEA process at all phases of the Strategy review: Scoping the SEA (advising on what the SEA should cover, how and in what depth) and at the Environmental Report stage.
- Advantage West Midlands will engage with the environmental authorities in region i.e. the Environment Agency (Midlands Region) and Sustainability West Midlands to coordinate the process, working with the consultants who will undertake the necessary interviews, review the Strategy development and compose the reports to achieve the SEA. The Environment Agency will also provide the consultants with assistance in consulting the other statutory bodies.
- The environmental authorities will also be required to act as contributors; offering knowledge and expertise in developing the SEA. They will be expected to provide advice and guidance during the SEA– for example, agreeing the work plan; ensuring the consultant has access to the right information; assisting in the consultation process; to comment on draft reports and agree that the conclusions are valid etc.
- The work on the SEA and SA will run parallel to the timing and phasing of the Strategy review: From phase 1; evidence gathering to phase 5; publication, we will ensure that sustainability forms part of the Strategy review process and incorporated into the Strategic Approach adopted. It will be for the SEA and SA to show how well this has been done.
- From July 31 2006, the end of phase one; Build evidence base, Advantage West Midlands will engage and share the findings with the SEA consultant, who will identify whether the evidence meets the SEA requirements or whether further environmental evidence needs to be gathered. The consultant will work with the statutory consultation bodies in the West Midlands to complete the SEA.
- Consultation on the SEA is a public exercise just as consultation on the Strategy. The Dti Guidance on Strategies and **Annex B** gives more information on consultation, which should follow the Government's Code of Practice on Consultation, and to "Working Together: Co-operation between Government and Faith Communities", published by the Home Office.

ANNEX A. The SEA Directive in Brief – ODPM

THE SEA DIRECTIVE: 2001/42/EC ON THE ASSESSMENT OF THE EFFECTS OF CERTAIN PLANS AND PROGRAMMES ON THE ENVIRONMENT

European Directive 2001/42/EC, known as the “strategic environmental assessment” or “SEA” Directive (although the Directive does not itself use this term), requires a formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment. The Directive applies to plans and programmes whose preparation began on or after 21 July 2004, and also retroactively to those whose formal preparation began before this date but which have not been adopted, or submitted to a legislative procedure leading to adoption, by 21 July 2006.

Authorities which prepare and/or adopt a plan or programme that is subject to the Directive must prepare a report on its likely significant environmental effects, consult environmental authorities and the public, and take the report and the results of the consultation into account during the preparation process and before the plan or programme is adopted. They must also make information available on the plan or programme as adopted and how the environmental assessment was taken into account. Basic procedural and technical requirements are set out in the Directive, which Member States can choose to implement within their existing systems.

Environmental assessment is usually mandatory for plans and programmes:

- Which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning, or land use **and** which set the framework for future development consent for projects listed in Annexes I and II to the Environmental Impact Assessment (EIA) Directive (85/337/EEC as amended by 97/11/EC); and
- Requiring assessment under Article 6 or 7 of the Habitats Directive (92/43/EEC).

Outside this core scope, environmental assessment is required for any plans and programmes which set the framework for development consent of projects (not limited to those listed in the EIA Directive) and which are determined by screening to be likely to have significant environmental effects. Minor modifications to plans and programmes, and those for small areas at local level, are subject to assessment only where they are likely to have significant environmental effects. The Directive allows decisions on whether assessments are needed in these cases to be made either on a case-by-case basis or by categories of plan or programme.

The Directive also requires monitoring of the implementation of plans and programmes, inter alia to identify unforeseen adverse effects and to enable remedial action to be taken.

Certain plans and programmes including for national defence, civil emergencies, finance and budgets are excluded from the Directive, and policies are not covered.

ANNEX B. Requirements of Directive 2001/42/EC

Adapted from ODPM guidance on the SEA Directive (October 2003)

Requirements of Directive 2001/42/EC
<p>Preparation of an environmental report in which the likely significant effects on the environment of implementing the plan, and reasonable alternatives taking into account the objectives and geographical scope of the plan, are identified, described and evaluated. The information to be given is (Art. 5 and Annex I):</p> <ol style="list-style-type: none"> a) an outline of the contents, main objectives of the plan, and relationship with other relevant plans and programmes; b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan; c) the environmental characteristics of areas likely to be significantly affected; d) any existing environmental problems which are relevant to the plan including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC; e) the environmental protection objectives, established at international, Community or national level, which are relevant to the plan and the way those objectives and any environmental considerations have been taken into account during its preparation; f) the likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors*; g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan; h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information; i) a description of the measures envisaged concerning monitoring in accordance with Art. 10; j) a non-technical summary of the information provided under the above headings <p>*These effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects</p> <p>The report must include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process to avoid duplication of the assessment (Art. 5.2)</p>
<p>Consultation:</p> <ul style="list-style-type: none"> • of environmental authorities when deciding on the scope and level of detail of the information which must be included in the environmental report (Art. 5.4) • environmental authorities and the public shall be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan and the accompanying environmental report before the adoption of the plan (Art. 6.1, 6.2) • of other countries where the implementation of the plan is likely to have significant effects on the environment of that country (Art. 7).
<p>The environmental report and the results of the consultations must be taken into account in decision-making (Art. 8)</p>
<p>Provision of information on the decision:</p> <p>When the plan is adopted, the public and any countries consulted under Art.7 are informed and the following items are made available to those so informed:</p> <ul style="list-style-type: none"> • the plan as adopted • a statement summarising how environmental considerations have been integrated into the plan and how the environmental report of Article 5, the opinions expressed pursuant to Article 6 and the results of consultations entered into pursuant to Art. 7 have been taken into account in accordance with Art. 8, and the reasons for choosing the plan as adopted, in the light of the other reasonable alternatives dealt with; and • the measures decided concerning monitoring (Art. 9)
<p>Monitoring of the significant environmental effects of the plan's implementation (Art. 10)</p>
<p>Quality assurance: environmental reports should be of a sufficient standard to meet the requirements of the SEA Directive</p>