Strategic Environmental Assessment Research

Final Report
Prepared by LUC
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Strategic Environmental Assessment Research 2016/2017

Draft Final Report
Prepared by LUC
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Executive Summary

Background and purpose

LUC was commissioned by Historic Environment Scotland (HES), Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage (SNH) and The Scottish Government (SG) in October 2016 to undertake research into Strategic Environmental Assessment (SEA) of Local Development Plans in Scotland, arising from the recommendations of the Independent Review of the Scottish Planning System[1].

The independent review of the Scottish Planning System, published in May 2016, made a number of recommendations on how Development Planning could be improved. This SEA Research 2016/17 project is focussed on recommendation 5, which stated that:

"*The main issues report should be removed and replaced with a single, full draft plan, providing that there is a renewed commitment to early engagement. The proportionality of supporting information, including environmental assessment, should be addressed. Complexity can also be reduced by removing or limiting the scope to produce supplementary guidance. Action programmes are essential for supporting delivery and should be retained*". [LUC emphasis]

Since then, the Scottish Government has published 'Places, People and Planning: A consultation on the future of the Scottish Planning system,[2] followed in June 2017 by its Position Statement[3], setting out the changes they are considering taking forward.

Aim and objectives

The aim of the research was to carry out a targeted review of the relationship between Development Plans and SEA to identify opportunities and examples of successful proportionality.

The study comprised the following key elements:

- Case analysis to identify relevant examples of good practice in terms of proportionality within the current Development Planning preparation process;

- Case analysis to identify examples of good practice in terms of using the hierarchy of plans to ensure proportionality;

- Scoping out those areas of agreement between Consultation Authorities (CA) and Responsible Authorities (RA) on level of detail required for the assessment of development plans;

- Consideration of the implications for proportionality of those legal challenges involving development plans within the UK, where SEA has been an important factor in the judgement; and

- Examination of how changes proposed by recommendation 5 of the planning review could, if taken forward, be meaningfully aligned with the SEA process as defined in the Environmental Assessment (Scotland) Act 2005.

The findings from the research will be used by the Consultation Authorities and The Scottish Government to:

- Identify opportunities for delivering proportionality within key stages of SEA;

- Enhance SEA guidance and advice; and

- Indicate how SEA processes can be flexibly aligned with a new Scottish Planning System and remain compliant.

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[1] Scottish Government (2016) *Empowering planning to deliver great places: independent review report*

[2] http://www.gov.scot/Resource/0051/00512753.pdf

[3] Places, People and Planning – Position Statement – June 2017: The Scottish Government https://consult.scotland.gov.uk/planning-architecture/places-people-and-planning-position-statement/

Methodology

The project methodology comprises three main stages of survey, analysis and recommendations.

Specific research activities included:

- Review of relevant legislation, policy and guidance.

- Development of research questions.

- Online survey of planning authority and consultation authority staff involved in SEA (90 respondents).

- Casework review (NPF, 1 SDP and 6 LDPs).

- Interviews with local authority staff.

- Analysis of survey findings.

- Synthesis of casework and stakeholder evidence.

- Development of recommendations.

Online survey key findings

Overview of approach to SEA

- SEA of development plans is generally not undertaken by specialists, meaning that:

  - Practitioners – and senior officers responsible for quality assurance – may lack experience of the SEA process, which can have implications for efficiency, and confidence in addressing any challenges which arise through the process.
  - There is probably less potential for innovative approaches to arise from the practitioner group.
  - It is doubly important that the benefits of SEA to the core of practitioners' role, and the development plan process more generally, are highlighted to support delivery and enable authorities to get the best out of the process. Conversely, it is important to acknowledge the likely benefits of SEA being conducted directly by planning policy staff. This includes a greater knowledge and understanding of the process of policy development and site selection, and the evidence base which can inform the SEA.

- Existing guidance is highly influential, suggesting any updates will be similarly widely adopted.

- SEA appears to be more effectively embedded in local authority planning services than in other plan- and policy-making services.

Screening and Scoping

- There are different perceptions of what proportionality means for SEA, and some authorities are trying to take a more proportionate approach, using screening and scoping to focus assessments. It is important to recognise that a proportional approach needs to be fit for purpose.

- Approaches to screening/scoping out elements of the plan assessed at higher levels (or carried over from previous plans) needs to ensure that cumulative effects can be properly understood and accounted for.

  - Supplementary Guidance is a particular concern for CAs as authorities often screen these, based on alignment with the LDP – but these often add significant detail that could change the profile of environmental effects.
  - There is general support from both CA and RAs for screening out PPS likely to have solely positive effects.

- Scoping is generally a 'one-time event', with few practitioners using the process iteratively to respond to the emerging findings of assessments – or at least not recording this formally.

- Some planning authorities consider that the advice and approach of the Consultation Authorities can be a barrier to scoping and delivering more proportionate SEAs.

- There may be scope for more proportionate approaches, scaling back the detail in assessment of policy and deploying additional resource in assessing land allocations in detail – thus focusing on the elements of the plan with the greatest potential for significant adverse effects.

- There is potential for proportionality to be greatly aided in future iterations of LDPs, as SEA can focus on areas of change in both the plan and baseline to substantially reduce the necessary inputs and the likely scope of assessment.

  - There may need to be some advice provided on how scoping etc. should work in this context, as existing guidance is necessarily pitched for a 'from-scratch' approach.

Environmental baseline and SEA objectives

- Some authorities are not effectively maintaining baseline data.

  - Resourcing and specialist knowledge and experience to interpret data are key concerns.

- Responsible Authorities are often not taking a critical approach to developing their baseline.

  - Stronger need to focus on what the data and other sources mean in terms of environmental issues, pressures and opportunities.
  - Additional guidance could be beneficial to assist authorities in analysing baseline data.

- By and large, Responsible Authorities are already using standardised objectives – albeit internally-derived – so national standardisation which could be included within SEA Guidance and build on existing standardisation such as that currently provided by SEPA would not be a significant step.

  - The need for a responsive, flexible approach with associated guidance to ensure objectives are used, scoped and customised effectively is paramount.

Reasonable alternatives

- Survey respondents consider the principles and process of identifying and assessing reasonable alternatives is not currently working as intended.

  - Integration with plan-making process is poor.
  - Respondents did not believe that the assessment of alternatives has a significant influence on decision-makers (i.e. management and Elected Members).
  - Respondents, although acknowledging there is a systemic problem with the assessment of alternatives, do not generally make the link between this and potential legal vulnerability of plans.

- There is limited potential for policy alternatives, given the need to comply with SPP, but a closer focus on spatial options may be more effective.

- There may be some benefit in reviewing the guidance around the use and assessment of reasonable alternatives to secure compliance with the Act while streamlining the process and focusing on elements of the plan where testing alternatives is necessary to achieve compliance with the Act and Directive, and valuable in terms of plan-making.

Public and stakeholder engagement

- Rates of public and stakeholder engagement in SEA of LDPs are understood to be very low and not increasing substantially.

- There is a perception that public and stakeholder engagement adds very little to the SEA process – whereas the planning authorities identify Consultation Authority input as highly influential.

- Prioritising engagement at a stage where there is sufficient detail for stakeholders to respond effectively – but can also expect a substantial degree of influence – may help to balance resource implications and improve results.

- Planning Authority respondents felt that this should be later in the process. However, there is the potential for such an approach to undermine the value of engagement and risk presenting stakeholders with a real, or perceived, fait accompli.
- It may therefore be worth investigating a more disaggregated, accessible approach to engagement that starts from the environment and environmental issues that stakeholders and the public understand and value.

- Closer integration of options and SEA outcomes in LDP consultation documents may help give greater meaning to the process for the public, and improve transparency in showing how SEA has influenced PA reasoning.

Mitigation and monitoring

- Practitioners generally lack confidence that the mitigation measures set out in environmental reports are being applied effectively.

- Survey respondents consider that SEA mitigation and monitoring is not taken especially seriously once the SEA process has concluded:

  - Mitigation requiring alterations to the plan (e.g. at proposed plan stage) are effective and are implemented. After this point, respondents are much less confident.
  - Measures are not always robustly framed, making them difficult to enforce and easy to ignore.
  - Some authorities do not put policy in place to ensure mitigation measures are followed through.
  - Consultation authorities are aware of the problem, but appear unable to deal with it effectively.

- Development management is a 'silent partner' in the SEA process; consequently SEA outcomes do not appear to influence decisions on development on the ground.

- There may be value in the revised LDP process requiring the inclusion of a specific statement setting out how SEA findings have been taken on board and influenced the plan.

- Consultation Authorities should use their responses on LDPs (and ERs) to press for the inclusion of appropriate policies to tie in necessary mitigation measures identified through the SEA for allocated sites.

Key findings: Efficiency

- Practitioners agree that SEA has become more focused and efficient – but there is some way to go.

- Experience is regarded as the critical factor in delivering focused, efficient and effective SEAs.

- There is a potential lack of understanding and/or buy-in to the need for and benefits of SEA in planning authority management and Elected Members.

- It appears that SEA is perceived as being more complicated and difficult than it actually is, potentially contributing to resistance.

- Broadly, planning authority respondents are substantially less convinced of the benefits of SEA, particularly in relation to its perceived costs.

- The clarity and focus of SEA outputs are perceived as having improved in recent years, but again there is still work to do.

- The contribution of the Consultation Authorities is influential – even by planning authority respondents who are highly critical of SEA as a whole.

- Planning authority resourcing and staff experience are critical factors in delivering proportional SEA of development plans.

  - Without this, authorities have neither the space nor the skills to develop the desired streamlining of assessment processes, focused outputs and good quality outcomes.

- Closer integration between the LDP and SEA processes is necessary to achieve more proportionate assessments.

- A stronger focus on areas of change, spatial options and land allocations could help to achieve this.

- There is a need for engagement with planning service management and Elected Members to better explain the need for and benefits of SEA to plan-making.

  - Important to address the perceived lack of support for SEA in management tier of planning authorities and Elected Members.
  - Outlining the vulnerability of LDP SEA to judicial review could be one route.

- There is a need to restate, and potentially refine, the 'official' definitions of proportionality contained in PAN 1/2010 and SG SEA Guidance.

  - It is clear from respondents' answers that practitioners have widely varying understandings of what proportionality is, and how it can be achieved at each stage.

- It is clear that the Consultation Authorities are by far the most influential element of the SEA system as it stands. Practitioners value and respect their opinion, and they may be the most effective means of affecting change.

Casework key findings

Relationship with other plans and policies

- There may be some benefit in Responsible Authorities compiling a centrally-maintained list and summary of key objectives arising from relevant PPS to allow practitioners to focus on adding locally-specific detail.

Baseline

- Planning authorities find it difficult to keep baseline information up-to-date.

- Flood risk is a key issue on which authorities may benefit from a stronger steer – particularly the need to undertake Strategic Flood Risk Assessment (SFRA) to inform the SEA baseline.

Scoping Reports

- Some planning authorities appear to find core concepts of SEA difficult. This suggests that guidance may not be being used as intended.

  - The importance of a meaningful analysis of baseline information in contributing to a coherent understanding of environmental issues and the potential effects of the plan appear to be widely underestimated.
  - In-combination effects and the assessment of alternatives are a particular issue.
  - The need to demonstrate the reasoning supporting decision-making at all stages of the process – rather than simply recording assessment outcomes – is a recurrent feature.

Reasonable alternatives (Scoping and ER)

- The development and assessment of reasonable alternatives is one of the main difficulties encountered by planning authorities. This means that the Consultation Authorities have to repeat advice on the assessment of alternatives in their reviews of both Scoping and Environmental Reports, when this could be more appropriately dealt with through centralised guidance.

Assessment

- The cases reviewed suggest that, in some instances, practitioners are not referring to the existing suite of SEA guidance for assistance in framing and conducting assessments.

- In some instances, Consultation Authorities are required to provide repeated advice on the same issue at multiple stages (e.g. Scoping and Environmental Report) before Responsible Authorities take action.

- In scoping and delivering proportionate site assessment, authorities need to consider the levels of flood risk in their area – provided by SFRA – and frame site assessment approaches accordingly. Other issues raised by the consultation authorities included inadequate assessment of landscape impacts and impacts on the historic environment.

Mitigation and monitoring

- There is a general lack of clarity in connection and reasoning between identification of significant effects, mitigation measures and monitoring indicators.

- Monitoring measures included in Environmental Reports are often too vague to be implemented effectively – and are not always tied effectively to either mitigation or significant effects.

Interviews key findings

The main changes that could benefit SEA of development plans can be summarised as follows:

- Tailored baseline comprising nationally standard data, supplemented with locally-specific information, part derived or informed by public engagement;

- More effective scoping informed by higher level assessments (e.g. National Planning Framework, Scottish Planning Policy, any successor to SDPs), better understanding of local baseline and inputs from public engagement.

  - Needs confidence on part of PAs and support from Consultation Authorities.
  - 'Letting go' in the knowledge that information and analysis can be revisited if needed.

- More effective upfront engagement, framed as a conversation:

  - What does the plan have to deliver (national policy drivers, local development needs)?
  - What's important about the local environment?
  - What does this mean for the plan priorities?
  - Providing additional information, prompting revisiting scoping if necessary.

- Tailored assessment objectives – national suite with sub criteria refined to reflect local baseline and priorities.

  - Informed by policy drivers, baseline and public engagement, develop and assess policy options (reasonable alternatives) in line with scoping.

- Streamlined approach to assessment of sites – screening, with more detailed assessment where triggered by SEA-related sensitivity.

- Better defined mitigation (and enhancement) measures necessary to make policies acceptable and to secure benefits and win wins – specific and actionable.

- Encourage plan makers to include a statement of how SEA recommendations for mitigation and enhancement have been incorporated, and any residual requirements to be delivered through DM.

- Formal consultation on proposed plan and ER – should be more engagement following previous rounds of involvement, and greater transparency as decisions can be linked back to previous rounds of consultation.

- Seeing the end of one SEA (and plan making process) as the starting point for the next – identifying the opportunities for intelligent screening and scoping, focusing on areas of change in baseline, policy responses and spatial strategy.

Conclusions

From the survey data gathered and review of some sample cases, it can be discerned that there has been some progress in the development of approaches to SEA of development plans, the

ways in which outputs are used and in overall attitudes. However, this is very much a work in progress.

- **Screening and scoping** are generally used effectively, and there is good evidence of authorities taking a more proportionate approach to the scope and detail of their assessments. There are some issues around the ways in which assessment outcomes from upper-tier plans can be incorporated without further assessment, creating some tension with the effective assessment of cumulative effects.

  Both Planning and Consultation Authorities remain relatively cautious in terms of the approaches they are prepared to take, partly due to fear of legal challenge but – arguably – relating more strongly to a lack of specialist knowledge, experience and confidence acting as a brake on innovation.

  The advice of Consultation Authorities is – although respected and influential – regarded by some respondents (20% of the respondents to that question) as a barrier to more effective, focused scoping. There is a perception of issues of consistency between officers and areas, when authorities perceive their neighbours as being able to 'get away' with lighter-touch assessments.

  The appetite amongst Planning Authorities for a more aggressive approach to scoping – honing in on policies and proposals with the potential for significant effects – requires substantial up-front work at an early stage to ensure there is sufficient certainty on the strategic direction of the plan, and detail in the environmental baseline, to realistically identify the most significant issues. (This would not generally be possible at Main Issues Report stage).

- **Environmental baselines** tend to be very strongly focused on national designation datasets. While there is a requirement to focus on significant effects, this necessitates a critical look at what 'significant' means at the scale of the plan, and in relation to local environmental assets and issues. Potentially, a suite of significant effects – interacting with locally/regionally important, but non-designated, features – could be occurring and few LDP SEAs would detect this. There is a need for planning authorities to make use of a wider range of datasets, and ensure that they source the most up-to-date information at the right times. (e.g. the non-designated aspects of the historic environment is often poorly represented in many assessments).

  There is a strong appetite for centrally-collated baseline datasets – potentially served via SEWeb – that is kept up-to-date and from which local authority-level data can be downloaded.

  There is also an appetite for nationally available ecosystem service mapping, although how this would be used and the value added was not made apparent in respondents' answers.

  In general, baseline studies are still too concerned with description, rather than analysis of information to provide insights on environmental issues. Providing some guidance on how to use the information available in a critical fashion could be useful. The Consultation Authority interviews identified that South Lanarkshire baseline was an example of good practice. This draws strongly on the State of the Environment report, indicates trends and identifies pressures.

- **SEA Objectives** are an area of practice that varies considerably between authorities, and indeed between individual assessments. There was strong support for the creation of a standard suite of national objectives, from which planning could select and adapt to reflect local circumstances.

- **Assessment of reasonable alternatives** causes a range of problems for planning authority and consultation authority respondents alike. The level of integration with the LDP options appraisal and policy development processes is currently poor. It appears that there are some gaps in understanding of what this process is ultimately for, and how it should be deployed in plan-making. This is potentially highly problematic, as LDPs could be vulnerable to legal challenge where alternatives are either found not to be reasonable (or indeed actually

alternatives) or have not been assessed effectively.

There are clear limits to the extent that planning authorities can develop policy alternatives, in that they are required to comply with Scottish Planning Policy, National Planning Framework and relevant legislation. There may, therefore, be some merit in focusing more strongly on the spatial strategy and land allocations.

- **Public and stakeholder engagement** is perhaps the weakest element of the LDP SEA process. All practitioners recognise that, as currently constituted and delivered, public and stakeholder consultation adds very little to the process.

  SEA is widely regarded as too complex and technical for the public to grasp. The form and format of outputs is definitely a barrier to engagement. Closer integration of assessment findings, alternatives and rationale for decisions could usefully be incorporated in LDP consultation documents to improve transparency, allow authorities to explain their decisions and encourage the public to think about environmental issues within the context of sustainable development.

  There may be merit in taking a disaggregated approach to engagement, seeking to involve stakeholders and the public in a process, perhaps similar to the following:

  - Baseline / State of the Environment Reporting: in addition to getting local people to provide important context and information on what is valued locally (e.g. feeding into values assessment of ecosystem services); this could serve as a primer for ensuring PAs and communities are working to a shared understanding of the issues and opportunities in the area. This could potentially be combined with early engagement on the plan – perhaps framed as a 'local conversation', looking at national and regional drivers and local priorities.
  - Scoping: Based on the above, focused Scoping Reports could be consulted on that explain the rationale for decisions, based on the agreement gained at baseline stage. Understanding what environmental assets are valued locally could add important local flavour to the definition of significant effects (e.g. on non-designated, but locally highly valued, areas of biodiversity or historic environment interest)
  - Environmental Report: clearly, complying with the Act is critical – but a 'you-said-we-did' type approach, with consultation questions in both the main report and NTS, could help a wider range of people engage.

- Although some survey respondents felt the process could be simplified and made more accessible, others were wary of increasing the resource requirement of the process.

- **Mitigation and monitoring** is another area of current practice that requires enhancement. Practitioners generally lack confidence that the measures set out in environmental reports are being understood and applied effectively at application stage. There is a major gap in both planning and consultation authority staff knowledge – underlining the distance between development planning and development management teams[4].
  There are concerns that mitigation measures are not always robustly framed, as they are something of an afterthought.

- **Efficiency and effectiveness** is thought to have improved in recent years – but practitioners are clear that there is significant room for improvement at virtually every stage. Experience of practitioners (and presumably managers) is identified as being the critical factor in ensuring that SEA and LDP processes and stages are aligned efficiently and that the case for resources and effective integration is made.

  There is an underlying perception that SEA is more complicated and difficult than it actually is, which potentially contributes to the under-valuing of the process and its outputs by management and Elected Members.

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[4] On further investigation, only two LDPs (unfortunately outside the review group) have, as yet, included a policy to ensure that SEA mitigation measures are applied.

Planning authority respondents remain unconvinced that the benefits of SEA outweigh its costs – whereas Consultation Authority respondents mainly believe the opposite is true.

The contribution of the Consultation Authorities to the process is respected and highly valued – even by Planning Authority respondents that are highly critical of SEA as a whole. They are, however, a source of some frustration as a consequence of inconsistency of advice and requests for further information/detail. (While consistency is an important issue, a level of tension is inevitable given the quasi-regulatory role fulfilled by Consultation Authorities.)

- **Proportionality** remains a contested concept. Significant barriers, most notably: resource; expertise; Consultation Authority expectations; and the form and structure of the process were identified. Wider attitudes to SEA in planning authorities and amongst Elected Members was again highlighted as an issue, reducing the level of investment and undermining the potential to add value.

Despite a level of cynicism, respondents believe that SEA does have a reasonable level of influence both on policy and development on the ground (principally through selection of allocations, rather than built-in mitigation).

Closer integration between the plan-making and SEA processes was highlighted as a critical means of streamlining both, ensuring more effective application of assessment findings and – importantly – increasing the visibility and legitimacy of SEA as a plan-making tool.

There may be a need to review the 'official' definitions of proportionality in current guidance, and provide more detailed information on how to ensure that this is achieved at each stage of the process.

In summary, the findings of this element of the research counsel against a wholesale change or removal of SEA – instead focusing on improving the delivery of key elements of the process, and investing in SEA now to secure benefits in proportionality in future iterations of LDPs (and indeed other SEAs prepared by planning services).

The case study analysis illustrated a system and process generally working effectively, with Consultation Authorities acting as 'critical friends', highlighting potential and making recommendations for amendments.

In terms of the issues encountered, these were broadly as expected, based on the survey results – with key issues such as baseline analysis, approaches to defining significance and assessing alternatives featuring prominently. It was perhaps a little surprising that comparatively simple omissions were made in the preparation of Scoping and Environmental Reports, for example the omission of SEA objectives at Scoping, or insufficient justification for assessment findings in the Environmental Report. This may reflect the time pressure that authorities face, in addition to a potential lack of experience amongst the officers preparing the documentation. An interpretation based on the latter is supported by the frequency with which Consultation Authority officers are required to refer their planning authority counterparts to the SEA Guidance and particularly to PAN 1/2010.

In broad terms, it appears that the critical path necessary to develop and deliver a proportionate and effective SEA is potentially not always being followed in an optimal manner – meaning that cumulative missed opportunities may be having a multiplier effect on effectiveness.

Summary

Overall, the outcomes of this research do not suggest the need for a wholesale overhaul of SEA, instead focusing on improving the focus and execution of key stages to help authorities enhance the efficiency, effectiveness and proportionality of the process – and its value, both real and perceived, to plan-making.

There would appear to be no fundamental reason for legislative change. The recommendations of this report should help to meet the requirements of the Act in a more streamlined manner.

The main changes that could benefit SEA of development plans can be summarised as follows:

- **Tailored baseline** comprising nationally standard data, supplemented with locally-specific information, part derived or informed by public engagement;

- **More effective scoping** informed by higher level assessments (e.g. NPF, SPP, any successor to SDPs), better understanding of local baseline and inputs from public engagement.
    - Needs confidence on part of Planning Authorities and support from Consultation Authorities.
    - 'Letting go' in the knowledge that information and analysis can be revisited if needed.

- **More effective upfront engagement**, framed as a conversation:
    - What does the plan have to deliver (national policy drivers, local development needs)?
    - What's important about the local environment?
    - What does this mean for the plan priorities?
    - Providing additional information, prompting revisiting scoping if necessary.

- **Tailored assessment objectives** – national suite with sub criteria refined to reflect local baseline and priorities.
    - Informed by policy drivers, baseline and public engagement, develop and assess policy options (reasonable alternatives) in line with scoping.

- **Streamlined approach to assessment of sites** – a more detailed assessment where triggered by SEA-related sensitivity.

- **Define mitigation (and enhancement) measures** necessary to make policies acceptable and to secure benefits and win wins – specific and actionable.

- **Encourage plan makers to include a statement of how SEA recommendations for mitigation and enhancement have been incorporated**, and any residual requirements to be delivered through DM.

- **Formal consultation on proposed plan and ER** – should be more engagement following previous rounds of involvement, and greater transparency as decisions can be linked back to previous rounds of consultation.

- **Seeing the end of one SEA (and plan making process) as the starting point for the next** – identifying the opportunities for intelligent screening and scoping, focusing on areas of change in baseline, policy responses and spatial strategy.

Recommendations

Based on the findings of this research, the following recommendations were identified:

Improving proportionality
Baseline

1	Responsible authorities should consider making use of internal experience and advice to assist in the development and analysis of baseline data, and its use in informing scoping and assessment. Where possible, authorities could consider sharing technical expertise to their mutual benefit in the development of SEA baselines and scoping.
2	Scottish Government and partner bodies delivering the digital transformation of the planning service workstream should explore opportunities for better use of and access to spatial data to support SEA, for example through upgrades of SEWeb to provide download functionality or use of web services.
3	Consultation Authority advice, and future updates to guidance, should prioritise analysis of baseline information in addition to collection.

Scoping

4	Scoping should continue to be afforded a high degree of significance for LDPs, reflecting the

	level of complexity and the need to agree a proportionate approach. This should focus upon the level of detail.
5	Scoping as a collaborative exercise: wherever possible, face-to-face workshops should be held with Consultation Authorities to discuss and agree key issues and assessment approaches. While resource-intensive, this can be shown to limit inputs at a later – potentially higher-risk – stage.
6	There is a need for an addendum to existing guidance to better explain how authorities working on their second (or later) iteration of the LDP can deliver much more streamlined assessments, focusing on areas of change in the baseline and plan.

Assessment

7	Consider whether a national suite of standard SEA objectives for assessment / assessment questions, in terms of development plans, would be beneficial. Supporting guidance would have to be provided on framing locally-appropriate sub-criteria for assessment if utilised.
8	Re-emphasise the benefits of an approach to LDP SEA that is more closely aligned to the development and testing of spatial strategy options and alternatives, with nested assessment of proposed land allocations.

Reasonable alternatives

9	Consider the production of good practice guidance on how to use the process of identifying and assessing alternatives to add value to plan-making e.g. SG and Consultation Authorities to engage with Heads of Planning Scotland (HoPS) to develop a collaborative, consistent message on the value of and approach to integrating the effective assessment of alternatives in the SEA and plan-making processes.

Public and stakeholder engagement

10	Encourage planning authorities to ensure the public can see the connection between the draft plan and the environmental report. For example use existing engagement activities with public and stakeholders to highlight environmental information: potentially using a staged approach, securing interest and buy-in at baseline stage to understand what local people value and how that should be reflected in policy; with subsequent stages clearly linked to community values and issues. This could be led by the LPAs and supported by the consultation authorities and Scottish Government.
11	Increase connectivity between plan and SEA documentation. For example encourage planning authorities to present SEA findings and outcomes in LDP consultation documents to improve transparency and highlight how environmental information has influenced decision making.

Mitigation and monitoring

12	Planning authorities should have procedures in place to ensure that mitigation measures identified during the SEA are taken forward e.g. included within action programme and reported upon as part of the monitoring process. Planning authorities may also wish to include a policy relating to mitigation measures.
13	LDP action programmes should be linked to Post Adoption Statements to ensure mitigation and monitoring measures are integrated into the actions.
14	Planning authorities should ensure that SEA recommendations / mitigation measures are sufficiently specific, robust and achievable, with clear responsibilities and delivery mechanisms identified to aid usability at application stage. (Ideally, they should be drafted with the same guiding principles as planning conditions.)

15	Encourage planning authorities without recent or substantial experience of SEA of LDPs, to engage with Consultation Authorities and other authorities before commencing the process to draw on available knowledge and advice.
16	Continue to develop the role of the SEA Forum to enhance sharing of good practice – potentially through collaborative peer review sessions and/or greater sharing of practitioners' and Consultation Authorities' view of 'good practice'.

Delivering enhanced guidance

17	Promotion of a streamlined approach to SEA of policies that prioritises assessment of departures from SPP and locally-specific policy.
18	Advice and guidance on making the most of available tools, for example: • *Getting the best out of GIS in analysing baseline spatial data (aligned to any agreed changes to SEWeb);* • *What questions to ask to better understand key environmental problems;* *Using this analysis to identify where more detailed, locally-specific assessment would be beneficial.*
19	Ensure that replacements for the Development Planning Circular (6/2013) and PAN 1/2010 promote a strongly integrated approach to SEA as part of the plan-making process.

Alignment with the reformed planning system

20	Provide guidance that defines how strategic national themes are assessed through SEA, to ensure consistent approach to their assessment and to provide clarity on how this should be reflected in the local SEA. This will include consideration of the impacts of national themes on the identification and assessment of reasonable alternatives at the local level.
21	Provide guidance on how the SEA of NPF and SPP relates to the SEA of local development plans, and the alignment of local plan policies with these. This could include options for scoping out policy where wording adheres closely to SPP or can be shown to result in no material change in effects.
22	Provide guidance on the role of the SEA in setting out the audit trail of the plan development and the consideration of alternatives, reflecting removal at the MIR stage.
23	The ten year plan period will increase the requirement for the SEA to reflect longer term effects and therefore guidance will be needed on the requirement for any updates to SEA within this timeframe, particularly in relation to substantial changes in the baseline.
24	Ensure the gatecheck process is aligned with SEA requirements to achieve maximum efficiencies.
25	Align the provision of more information on site viability at the site allocation stage with the SEA requirements to streamline the two processes.
26	Align actions towards getting more people involved in planning with improving levels of community engagement in the SEA process.

1   Introduction

1.1   LUC was commissioned by Historic Environment Scotland (HES), Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage (SNH) and The Scottish Government (SG) in October 2016 to undertake research into Strategic Environmental Assessment (SEA) of Local Development Plans in Scotland, arising from the recommendations of the Independent Review of the Scottish Planning System[5].

Background to the project

SEA of development plans

1.2   The Environmental Assessment (Scotland) Act 2005 requires all plans, programmes and strategies (PPS) developed in the public character in Scotland to be subject to an environmental assessment to identify their likely impacts on the environment. The purpose of Strategic Environmental Assessment (SEA) is to ensure that information on the likely significant environmental effects of a PPS is taken into account by decision makers prior to adoption and that the public are given an early and effective opportunity to be consulted on the Plan, Policy or Strategy (PPS). SEA is undertaken by Responsible Authorities during PPS preparation.

1.3   SEA is a key component of sustainable development, focused on protecting the environment. Development plans are one of the main types of plan that are subject to statutory environmental assessment during their preparation.

1.4   Fundamentally, SEA is intended as a process that uses an appropriately detailed understanding of environmental assets, trends and issues to anticipate and avoid adverse effects as a consequence of the plan, policy or programme being developed. When undertaken as intended, it can identify adverse effects – including cumulative/in-combination effects – that could otherwise have remained invisible until application stage. In this sense, it is a key step in ensuring that plans are both more environmentally sustainable and deliverable. In addition, SEA can assist in drawing out synergies and unlocking benefits through the development of better and more integrated policy, coherent spatial strategy and environmentally sound land allocations.

Planning review

1.1   The independent review of the Scottish Planning System, published in May 2016, made a number of recommendations on how Development Planning could be improved. This SEA Research 2016/17 project is focussed on recommendation 5, which stated that: "*The main issues report should be removed and replaced with a single, full draft plan, providing that there is a renewed commitment to early engagement. The **proportionality of supporting information, including environmental assessment, should be addressed**. Complexity can also be reduced by removing or limiting the scope to produce supplementary guidance. Action programmes are essential for supporting delivery and should be retained*". [LUC emphasis] Since then, the Scottish Government has published 'Places, People and Planning: A consultation on the future of the Scottish Planning system',[6] followed in June 2017 by its Position Statement[7], setting out the changes they are considering taking forward.

1.2   Further information on context and key issues is provided in Appendix 1.

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[5] Scottish Government (2016) *Empowering planning to deliver great places: independent review report*

[6] http://www.gov.scot/Resource/0051/00512753.pdf

[7] Places, People and Planning – Position Statement – June 2017: The Scottish Government https://consult.scotland.gov.uk/planning-architecture/places-people-and-planning-position-statement

Aim and objectives

1.3   The aim of the research was to carry out a targeted review of the relationship between Development Plans and SEA to identify opportunities and examples of successful proportionality.

1.4   The study comprised the following key elements:

- Case analysis to identify relevant examples of good practice in terms of proportionality within the current Development Planning preparation process;

- Case analysis to identify examples of good practice in terms of using the hierarchy of plans to ensure proportionality;

- Scoping out those areas of agreement between Consultation Authorities and Responsible Authorities on level of detail required for the assessment of development plans;

- Consideration of the implications for proportionality of those legal challenges involving development plans within the UK, where SEA has been an important factor in the judgement; and

- Examination of how changes proposed by recommendation 5 of the planning review could, if taken forward, be meaningfully aligned with the SEA process as defined in the Environmental Assessment (Scotland) Act 2005.

1.5   The findings from the research will be used by the Consultation Authorities and The Scottish Government to:

- Identify opportunities for delivering proportionality within key stages of SEA;

- Enhance SEA guidance and advice; and

- Indicate how SEA processes can be flexibly aligned with a new Scottish Planning System and remain compliant.

2 Methodology

2.1 This chapter of the report provides an overview of the project methodology. A more detailed description of the study approach is provided in Appendix 2.

2.2 The project methodology comprises three main stages of survey, analysis and recommendations.

2.3 One of the first stages in the methodology was the development of a series of research questions covering the key elements of the SEA process, its application at different levels, engagement with Consultation Authorities and the public, the requirements of the SEA Act and identified through legal challenge and, importantly, key areas where SEA of planning documents has been subject to criticism. The research questions are provided in Appendix 2, Methodology. An overview of the key themes relevant to the research questions are listed below:

- Meaning and understandings of 'proportionality';

- SEA methods and approach;

- Public engagement and presentation of SEA findings;

- SEA and planning outcomes; and

- SEA and other recommendations of the planning review.

Survey

2.4 The survey element was carried out using a SurveyMonkey on-line questionnaire which was distributed to planning authorities and consultation authority contacts through the SEA and HRA Forum. Tailored versions of the survey were generated for planning authorities and the consultation authorities exploring current practice and suggestions for improvements to SEA of development plans in Scotland. The survey ran from December 2016 to February 2017 and gathered a total of 90 responses.

Case analysis

2.5 This stage of the work involved detailed analysis of a series of examples of SEA of development plans in Scotland. This focused on identifying ways in which the SEA process can be made proportionate whilst still contributing to improved development plan policies and, ultimately, better planning decisions and more sustainable patterns of development on the ground.

2.6 The case study plans were identified on the basis of providing examples of the relationship between the National Planning Framework 3, and a strategic development plan, and being more recent examples of LDPs, and therefore influenced by the publication of the SEA Guidance (2013). The case study plans were:

- National Planning Framework 3
- Clydeplan SDP
  - South Lanarkshire
  - East Dunbartonshire
  - Glasgow City Plan 3
- Angus
- Scottish Borders
- Moray

2.7 The analysis involved detailed review of the SEA Scoping Report and published Environmental Report. Interviews were then held with relevant planning authority officers responsible for undertaking the SEA, preparing the development plan and Consultation Authority staff who engaged with the SEA process.

3 Survey findings

Introduction

3.1 As outlined in the methodology, the survey findings were tailored to planning authorities and consultation authorities. Survey findings are presented by broad topic, then divided by respondent type. Key findings are highlighted for each topic, along with potential solutions proposed by respondents. These emerging conclusions are drawn together at the end of the chapter.

About the respondents

3.2 The target population for the survey comprised the membership of the Scottish Government SEA Forum, and was also circulated to Heads of Planning Scotland. The respondents included those that had both opted to join the Forum and opted in to responding to the survey. While this means that, although respondents might be expected to be intrinsically supportive of the concept of SEA, this group is likely to be most informed about the practical operation of SEA and ways in which it could be improved without sacrificing its original purpose.

3.3 In total, 52 respondents from planning authorities and 38 respondents from the Consultation Authorities (CA) completed the relevant surveys.

3.4 To promote open, honest answers planning authority respondents were not required to identify themselves or their employer. CA respondents also remained anonymous, but were asked to indicate which of the relevant public bodies they worked for.

Planning authorities

3.5 As Figure 3.1 below illustrates, the majority of respondents (30 / 62.5%) were policy planners, closely involved in the development plan process. Seven respondents (14.6%) identified themselves as 'SEA specialists', underlining the embedded nature of SEA within authorities.
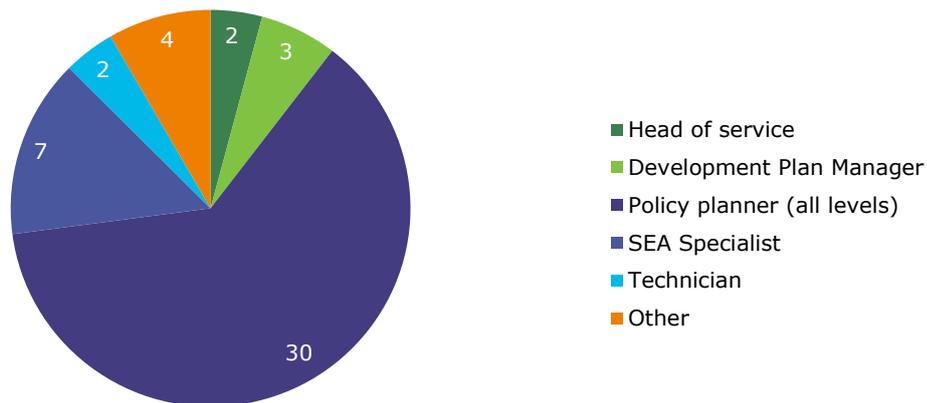
**Figure 3.1: Role of planning authority respondents**

Involvement in SEA

3.6 The majority of respondents (30) also identified themselves as directly undertaking the SEA of development plans and associated documents, with seven managing the process and a further seven using the outputs of the process in plan-making. Only one respondent indicated that they commissioned consultants to undertake SEA.

3.7   Respondents were asked, using a sliding scale, to rate their level of expertise in SEA – in effect choosing a value between 0 and 100.


Figure 3.2: Scatter plot of planning authority respondents' rating of their expertise in SEA

3.8   As Figure 3.2 above illustrates, this varied considerably across the respondent group. Only one respondent indicated that they were inexpert (0), while seven suggested they held very significant expertise (rating themselves above 80).

3.9   The median value, 51, may have been expected to be higher given the self-selecting nature of the sample. While this may be written off against survey respondents' tendency to underestimate their knowledge and expertise, this underlines the fact that SEA is not the core of many practitioners' jobs: only seven out of the 48 respondents that provided information on their role indicated that they were 'SEA specialists' (see Figure 3.1 on the previous page), and confirmed by 58% of respondents indicating that they undertook SEA as part of a wider role, which may indicate integration with their role in plan making.

3.10   This is potentially significant on three counts. Firstly, it suggests that a significant proportion of development plan SEA is undertaken by non-specialists. This has clear implications in terms of expertise, experience and the confidence of practitioners in dealing with complex issues – for example cumulative effects or the assessment of alternatives. It may also be more difficult for officers tasked with delivering the SEA to advocate for more proactive and iterative use of assessment in policy and proposal development. A linked second point is that a comparative lack of experience may discourage more proactive development of more proportionate or innovative locally-specific approaches. Thirdly, it highlights the need for any updates to guidance to take this significant non-specialist audience into account, providing information and advice from first principles. The findings suggest that the majority of assessment is done within planning policy teams. Although the level of integration between the individuals involved in the plan making and

the SEA may vary between planning authorities, it is likely to aid the iterative process to a greater extent than if it were conducted by arm's length specialists or external contractors.

Consultation authorities

3.11 The respondent sample from the Consultation Authorities was dominated by respondents from Scottish Natural Heritage – comprising more than half of the sample, as shown in Figure 3.3.
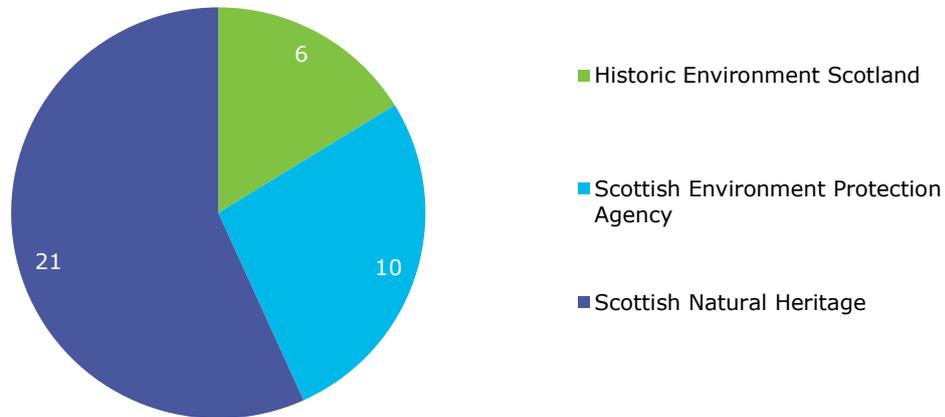
Figure 3.3: Consultation Authority respondents

3.12 The consultation authorities confirmed that the number of consultation authority respondents is representative of the staff involved in SEA within each of the organisations.

Overview of approach to SEA

Planning authorities

3.13 The majority (68% / 30) of the respondents rely on the non-statutory Scottish Government Guidance and take a similar approach to SEA for all LDP documents. However, the approach to SEA across different services is identified as varied.
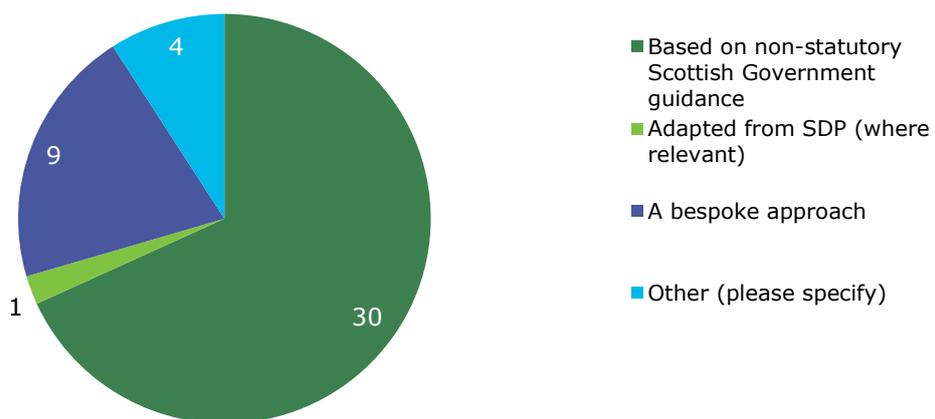
Figure 3.4: Planning authorities - approaches to SEA of development plan

3.14 Respondents indicated that their authorities took a consistent approach to SEA across the components of the LDP, including Supplementary Guidance.

Consultation authorities

3.15   Consultation authority respondents were asked broadly the same question, to determine the extent to which the influence of guidance and upper-tier SEAs were visible in LDP SEAs.
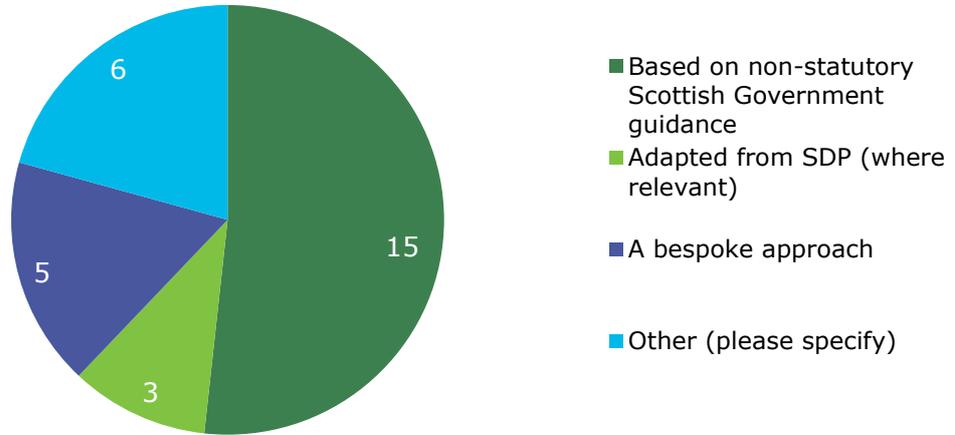
Figure 3.5: Consultation authorities - approaches taken to LDP SEA

3.16   While a majority of respondents agreed that non-statutory SG guidance was the main source of approaches to SEA of development plans, there was a more widespread feeling that authorities were taking a range of approaches.

3.17   One respondent raised a valuable point, that planning authorities – along with the respondent themselves – had struggled with SEA at Main Issues Report stage, as there was comparatively little that could be assessed effectively.

> **Sample quotes**
>
> *"I think authorities (and myself frankly) struggle to understand how you apply SEA to those MIRs that aren't particularly specific about what exactly might end up in the plan."*
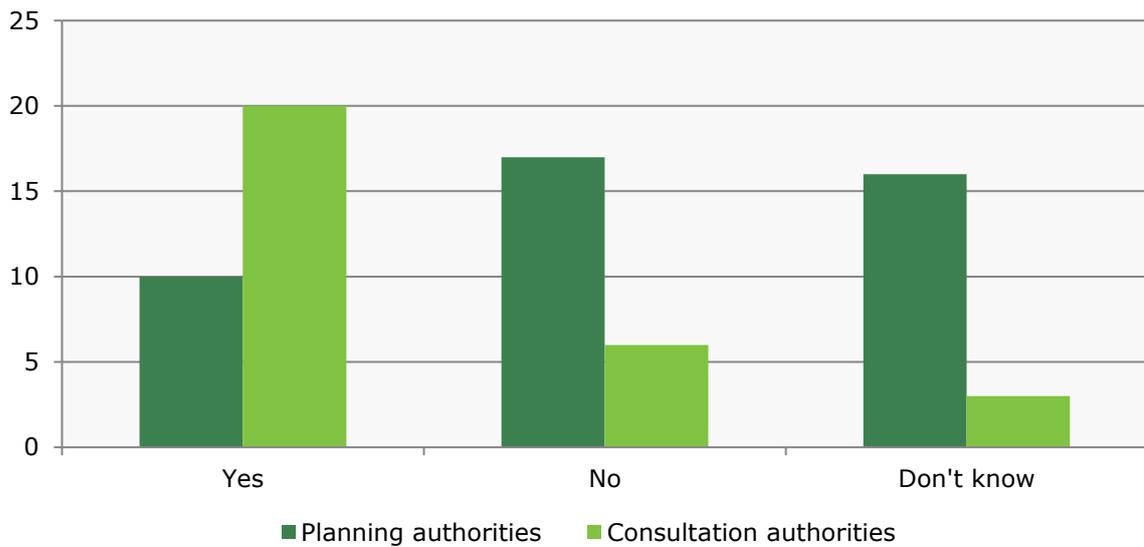
Figure 3.6: Comparison - Is a consistent approach to SEA applied across services?

3.18 Both sets of respondents were asked about the consistency of approach taken across local authority services (i.e. outside the development plan), principally to gauge the extent to which SEA is understood and/or practiced at a council-wide level (beyond the provision of specialist officers).

3.19 As Figure 3.6 illustrates, Consultation Authority respondents have a much clearer view of this – suggesting that, within authorities, there is little in the way of shared experience or 'communities of practice' to support delivery of SEA and drive innovation. Comments provided by planning authority respondents confirm this, and suggest a more ad hoc approach to SEA outside the planning service. Although not the principal purpose of this research, this is nonetheless an interesting finding.

Sample quotes

"SEA activity in other areas of Council plan and policy making has declined since loss of corporate resource."

"Corporate SEA advice is available up to and including Screening Determination Stage. After that if a full SEA is required then services are free to pursue the approach which best suits their needs."

"Generally seeks to avoid SEA in all other services apart from LDP/SG."

"Outwith Planning Service more ad hoc approach taken, that's assuming an SEA is undertaken in the first place."

Key findings

- **SEA of development plans is generally not undertaken by specialists, meaning that:**
    - Practitioners – and senior officers responsible for quality assurance – may lack experience of the SEA process, which can have implications for efficiency, and confidence in addressing any challenges which arise through the process.
    - There is probably less potential for innovative approaches to arise from the practitioner group.
    - It is doubly important that the benefits of SEA to the core of practitioners' role, and the development plan process more generally, are highlighted to support delivery and enable authorities to get the best out of the process. Conversely, it is important to acknowledge the likely benefits of SEA being conducted directly by planning policy staff. This includes a greater knowledge and understanding of the process of policy development and site selection, and the evidence base which can inform the SEA.

- **Existing guidance is highly influential, suggesting any updates will be similarly widely adopted.**

- **SEA appears to be more effectively embedded in local authority planning services than in other plan- and policy-making services.**

Screening and scoping

Planning authorities
Screening

3.20 The majority of planning authority respondents (61%) identified screening as effectively exempting plan revisions or modifications where significant environmental effects were unlikely. However there was a degree of uncertainty (26%) by respondents which could suggest a lack of confidence in applying the screening process.

3.21 Where respondents provided comments, these were often quite revealing – suggesting that there is an appetite for a more flexible approach to screening and scoping different elements of LDPs.

Scoping

3.22   As illustrated by Figure 3.7 on the next page, planning authority respondents indicated that they predominantly use scoping to scope out SEA topic areas, and to a lesser extent scoping within SEA topics or policies for particular development types. The comments provided noted the difficulties in scoping SEA topics out. 63% (20) of respondents noted that their authority had, to some extent, scoped out of parts of the plan that were unchanged or previously subject to SEA. In their comments respondents indicated that this generally related to policies and proposals carried forward from previous plans, including committed development. Respondents also noted where they had adopted policies, elements of spatial strategy or proposals from SDPs and/or the National Planning Framework, which had already been subject to SEA. While good evidence of proportionality being built into the system, this has potential implications for the consideration of cumulative effects. This type of approach needs to be applied very carefully, given the potential for evolution in the baseline and unforeseen interactions with other LPD policies and proposals. When asked to provide explicit detail on their approach to dealing with content derived from upper-tier authorities, a more subtle picture emerges. It appears that the majority of respondents are taking a precautionary approach to this matter, with several admitting that upper-tier policies and proposals were included 'just in case'. A few respondents demonstrated detailed and considered thinking on the matter, highlighting the need to for upper-tier policy and proposals to be considered in cumulative assessments.

3.23   Just over a third of planning authority respondents (35%) indicated that they revisit scoping during plan making. When asked if and how the approach to scoping had changed over the previous five years, over half of respondents (55% / 18) noted it had remained the same. Positively, over one third (36%) stated it had become more thorough, citing reasons such as increased experience, and the need to reduce unnecessary work. This suggests that authorities are taking a proactive approach to achieving proportionality in their assessments through the scoping process – albeit with relatively few authorities revisiting the process during the assessment to ensure that results are as expected.

3.24   From the comments provided by planning authority respondents, it appears that there are some differences in understanding between authorities (and, potentially, Consultation Authorities) in what can be scoped out, where content derives from upper-tier plans or with regard to allocations carried over / with planning permission. (While these may not need to be considered individually, the potential for in-combination effects should still be understood and assessed as required.)

3.25   This suggests that there may be a need for some best practice advice, supplementing existing guidance, to support light-touch checking, corroboration and review of information during the process.
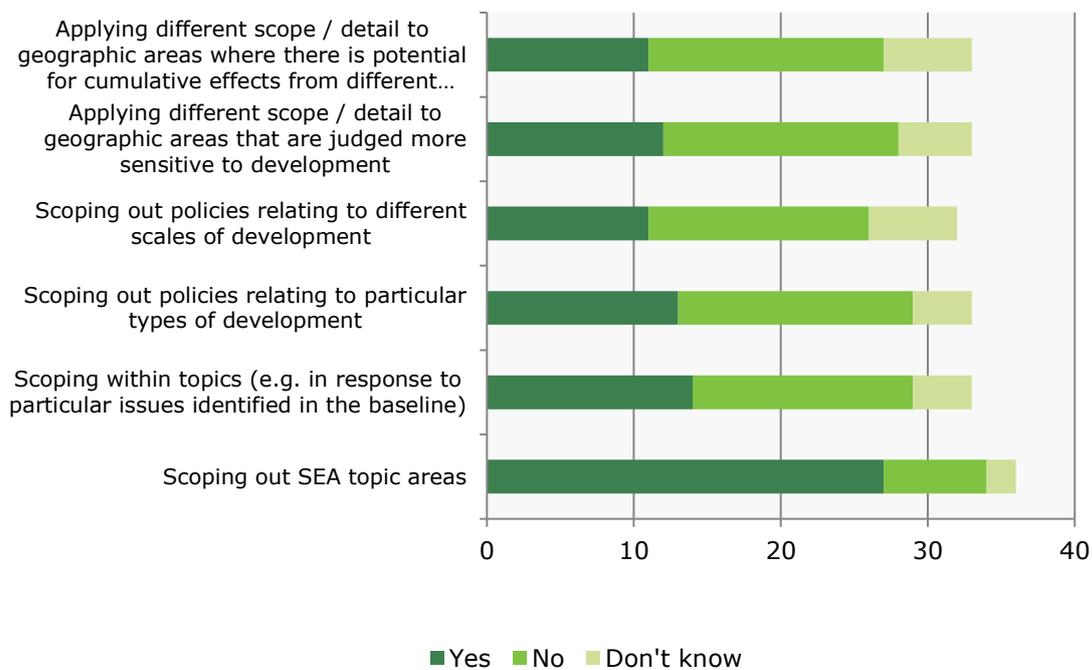
Figure 3.7: How scoping is used by planning authorities

> **Sample quotes**
>
> *"We would have liked to, but advice appears to be that unchanged parts of plan or parts which are in accord with national policy require to be included in LDP SEA. … Where an LDP policy is in effect the same as national policy SEA at local level should not be required e.g. Renewables policy (particularly where individual developments will also have requirements for EIA)."*
>
> *"Committed development. Consultation Authorities tried to suggest this should be within scope of assessment, unsuccessfully."*
>
> *"we scoped out our SG for LDP as the 'hook' policies for these had already been assessed"*
>
> *"The Spatial Strategy for the LDP was taken forward from the …SDP which had been subject to SEA. This process was not repeated as the …LDP Spatial Strategy required to be consistent with [the] SDP."*
>
> *"Policies - unchanged or reflecting a higher hierarchical plan, programme or strategy which has been subject to SEA"*

Barriers

3.26   Respondents were asked to provide free-text feedback on what they perceived to be the principal barriers to effective scoping. Of respondents that answered the questions, nearly three quarters of respondents (26 of 35 / 74%) felt there were barriers to effective scoping. Where responses could be coded, broad categories were assigned and are summarised in Figure 3.8 on the next page.
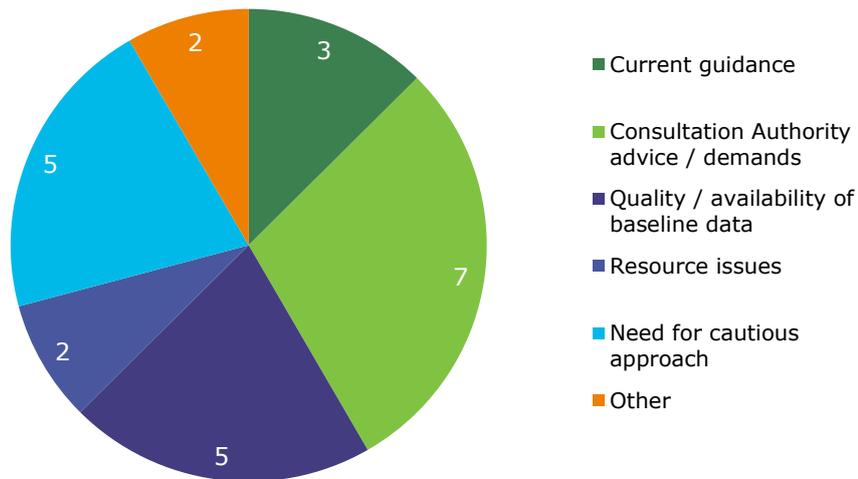
Figure 3.8: Planning authorities - barriers to scoping (from free text responses)

3.27   As the chart indicates, advice from the Consultation Authorities was identified as a barrier to scoping by seven respondents. This related, variously, to: a perceived misunderstanding of the LDP process and what can reasonably be assessed, and when; requests for additional information; issues in defining/agreeing 'significant' effects; and, potentially conflicting advice from CAs.

3.28   As the selected quotes below show, there is certainly a perception that CAs are a brake on proportionality in scoping, and that there is some demand for more detailed guidance to assist in scoping. (It should, however, be noted that the Scottish Government SEA Guidance (2013) and PAN 1/2010 provide useful advice on defining significance – and stress the importance of responsible authorities coming to robust judgements on what constitutes significant impacts in the context of both the plan and the receiving environment.)

3.29   There is a tension inherent to the quasi-regulatory role fulfilled by the CAs in SEA. On occasion, they will inevitably have to ask responsible authorities to do things that they do not want to do. Some push-back is therefore to be expected, but the number of similar responses suggests that a review of CA approaches may be valuable. (For example, reviewing the level of engagement and significance of issues/effects raised by CA officers, and whether consistent internal guidance and messages are available.)

3.30   However, the comments made by the survey respondents suggest there is also an issue with differing perspectives and experience on each side. The Consultation Authorities have a broader experience of SEA, and therefore a greater awareness of what issues - which may not be immediately apparent as important - need to be addressed. The Responsible Authorities have a greater knowledge of the realities of the plan making process. The case study review did identify some examples of where some basic aspects of SEA had been overlooked, suggesting that the responsible authorities were not drawing closely on the available guidance documents.

3.31   Similarly, issues highlighted in relation to the need to 'play it safe' in scoping assessments suggests that core messages around proportionality and smarter scoping set out in the SG SEA Guidance and PAN 1/2010 have not necessarily had the desired impact. Although no LDP SEA has been subject to legal challenge in Scotland, the substantial body of case law in relation to SA/SEA of English Local Plans is undoubtedly in planning authorities' minds.

3.32   Issues around baseline are dealt with from 3.46 below.

Suggestions for improvement

3.33   The majority of planning authority respondents (64%) felt the process of scoping could be improved to make the SEA more efficient and focused. Respondents noted more guidance would be helpful on what could be scoped out and why, including the approach to scoping out issues previously considered at national or regional level.

3.34   There does appear to be an appetite for greater proportionality, and scoping is viewed as a key means of securing this. However, there does appear to be a need for additional support to provide practitioners with the confidence required to accurately and effectively determine the likely significance of effects, in addition to understanding the wider implications of scoping decisions.

Consultation authorities
Screening

3.35   In comparison with planning authority officers, only half (14) of CA respondents believed that screening is currently used effectively; a quarter did not, and the remaining quarter were unsure. Respondents were not asked to comment specifically on their area of interest – therefore comments should be assumed to be general.

3.36   The commentary provided suggests that there is a level of disagreement between CA respondents in terms of how screening could and should be applied. Supplementary Guidance is identified as both the most frequent subject, and a concern, with the suggestion that planning authorities are frequently unsure of the approach that should be taken to screening statutory guidance[8]. This results in both unnecessary SEA of some documents, and attempts to screen out statutory guidance that would clearly result in significant environmental effects. This suggests that there

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[8] One CA respondent suggested that most statutory supplementary guidance was screened out but that the '*exception tends to be onshore wind spatial strategies which can go further in identifying areas of search*…'. This is interesting to note, as spatial frameworks for wind energy are required to be part of the LDP itself by paragraph 161 of Scottish Planning Policy (2014).

are substantial differences in understanding and approach between planning authorities – potentially informed by wider attitudes to SEA.

3.37   An interesting point was raised in that assessing plans or guidance likely to have solely positive effects on the environment (e.g. natural heritage SG) is unlikely to add much value.

> **Sample quotes**
>
> *"There are a range of problems here that reflect the level of risk that individuals in the system are willing to accept. Some planning officers see SEA as an onerous, useless task and therefore will try to screen out things even where there are likely to be effects. Other officers (and some in consultation authorities) are risk-averse and so screen too many things in…"*
>
> *"…recently I commented on some supplementary guidance that had bypassed screening because it was a must-SEA topic. However, the consultees all said there was unlikely to be any environmental effect to there was no need for SEA. If the guidance had been screened then we would have advised no need for SEA at that stage…wasted a lot of time having to read it all only to say no SEA required."*
>
> *"Generally screening is well used as a tool to demonstrate that revisions, modifications or SG will not have significant effects on the environment. However there still seem to be a number of councils that sometimes (1) do not consider their SG when assessing the related policies and then (2) do not screen their SG. A mechanism to stop this could helpfully be put in place."*

Scoping

3.38   CA respondents were asked how they believed scoping was used, using the same questions as planning authority respondents to afford direct comparison. Proportionally, far fewer CA respondents believed that scoping out of topic areas occurred (38% vs. 75%). They were generally slightly more sceptical that scoping has been used within topics, or to vary the resolution of assessment.

3.39   Just under 80% of respondents did, however, agree that authorities are keen to scope out elements of the plan that are either unchanged, or have been subject to SEA at a higher level. In their commentary, respondents again raised concerns regarding the ability to effectively assess cumulative impact when elements of the plan are scoped out. Similarly, the suggestion that risk aversion is a factor in authorities choosing not to scope elements of their plan out recurred. Nevertheless, CA respondents' opinions broadly mirrored those of their planning authority counterparts in thinking that the use of scoping to focus SEA had remained 'about the same' (57% vs. 55%).

3.40   One respondent suggested that, as Scotland moves towards complete LDP coverage, there is more of an opportunity to scope down future assessments – using Scoping Reports more effectively to establish what has, and has not changed in terms of both the plan and the baseline. This is likely to be a critical means of achieving proportionality in future, updating baseline data and focusing on areas of change – rather than having to start from scratch.

3.41   CA respondents were markedly less confident than their planning authority counterparts (17% vs. 35%) that scoping was revisited during the plan-making process. This speaks to the wider concern CA respondents had about how iterative SEA of development plans actually is.

> **Sample quotes**
>
> *"I think the SEA/assessment just gets updated at each stage, rather than revisiting the scope."*
>
> *"My experience is that SEA is rarely an 'iterative' process that informs the plan in practice. Planners and decision-makers are really just going through the motions."*
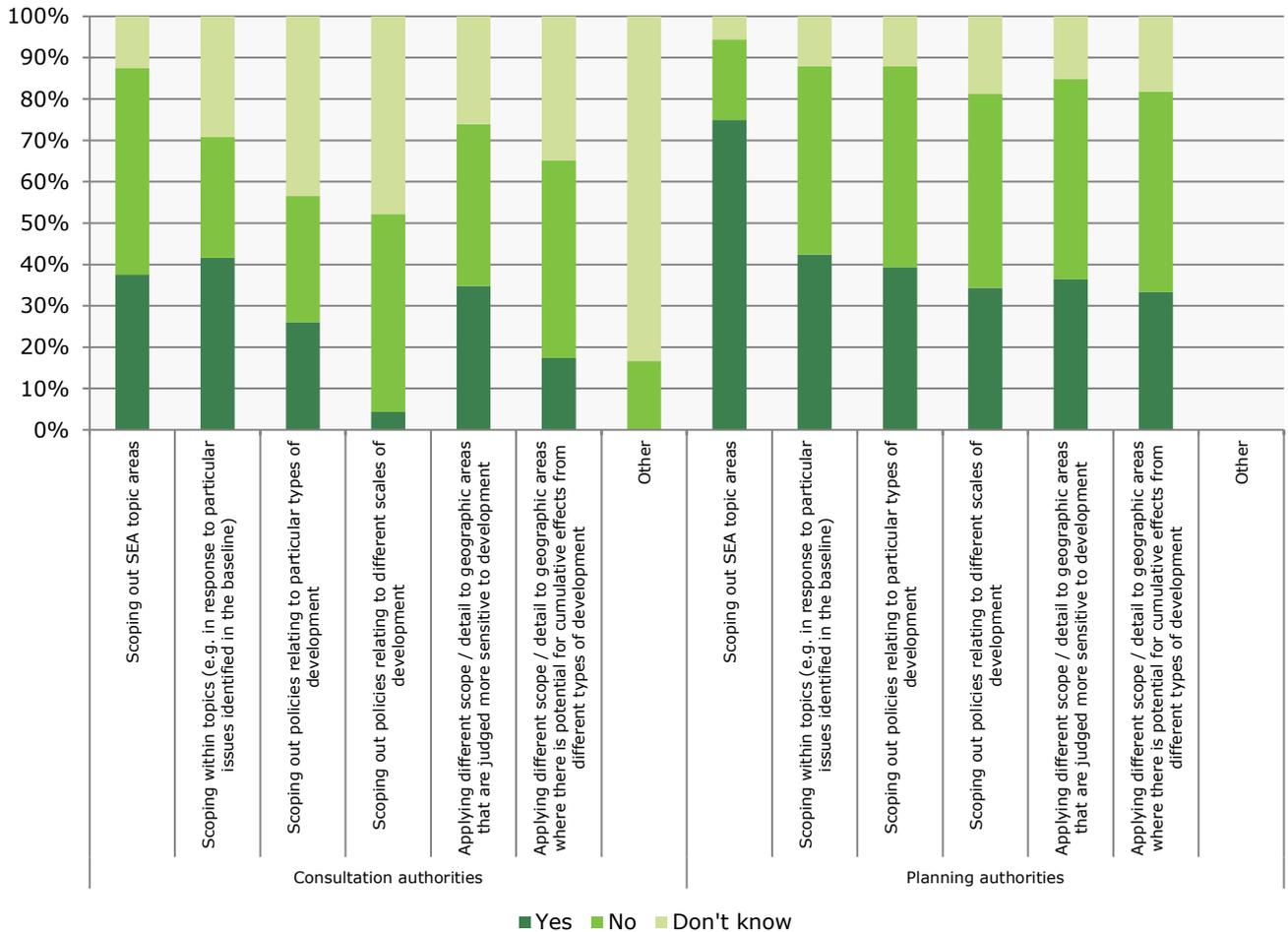
Figure 3.9: Comparison of consultation authority and planning authority responses to use of scoping questions

3.42 Where respondents provided detailed commentary on perceived barriers, the need to adopt a precautionary approach – and overall risk-aversion – was highlighted as a key concern. Similarly, the knowledge and experience of practitioners undertaking SEA was suggested as a barrier for the following reasons:

- Experience of and understanding of the process can be lacking – in both RAs and CAs – meaning that both parts of the equation lack the necessary confidence;

- Lack of specialist environmental background, meaning that the ability to scope confidently / conduct focused assessments is potentially lacking.

3.43 Resourcing, and the inherent complexity of LDPs, were suggested as important issues – with respondents suggesting that a 'standard' approach to scoping may not always be suitable for LDPs because of the range, complexity and interactions of the issues covered. Time spent on SEA can be perceived as time not spent on the development of the plan itself, but respondents argued that investing in a more detailed and subtle approach to scoping could add value and proportionality to assessments. Similarly, prioritising the elements of the plan most likely to have significant effects (land allocations) was identified as a means of reducing overall time/resource commitments. Although the case studies did not identify the use of a single site assessment process, it is known this approach has been previously carried out in Clackmannanshire, although the site appraisal criteria did not include criteria additional to the SEA such as infrastructure or educational requirements.

Suggestions for improvement

3.44   Broadly, Consultation Authority respondents' suggestions for improvement of the scoping process centred on:

- **Timing of scoping**: undertaking the process and reporting when there is sufficient information on the general shape and content of the plan – reducing the need for changes later in the process.

- **Taking an LDP-specific approach to scoping**: acknowledging the scale and complexity of LDPs and investing more time in scoping to ensure baseline, assessment approaches and parameters are as tightly-focused as possible.

- **Specialist knowledge**: consulting with appropriate experts (particularly ecologists) within authorities to help identify likely significant effects and tailor assessments accordingly.

3.45   Where guidance was referenced by Consultation Authority respondents, they agreed that this was generally sufficient. There was a general feeling that, as authorities moved towards the second generation of LDPs, experience gained in the SEA of the first generation of plans would help to hone approaches. (It should, however, be noted that some authorities have comparatively high rates of staff turnover, potentially reducing their ability to capitalise on this.)

Key findings

- **There are different perceptions of what proportionality means for SEA, and some authorities are trying to take a more proportionate approach, using screening and scoping to focus assessments. It is important to recognise that a proportional approach needs to be fit for purpose.**

- **Approaches to screening/scoping out elements of the plan assessed at higher levels (or carried over from previous plans) needs to ensure that cumulative effects can be properly understood and accounted for.**

  - Supplementary Guidance is a particular concern for CAs as authorities often screen these, based on alignment with the LDP – but these often add significant detail that could change the profile of environmental effects.
  - There is CA and RA support for screening out PPS likely to have solely positive significant effects.

- **Scoping is generally a 'one-time event', with few practitioners using the process iteratively to respond to the emerging findings of assessments – or at least not recording this formally.**

- **Some planning authorities consider that the advice and approach of the Consultation Authorities can be a barrier to scoping and delivering more proportionate SEAs.**

- **There may be scope for more proportionate approaches, scaling back the detail in assessment of policy and deploying additional resource in assessing land allocations**

in detail – thus focusing on the elements of the plan with the greatest potential for significant adverse effects.

- **There is potential for proportionality to be greatly aided in future iterations of LDPs, as SEA can focus on areas of change in both the plan and baseline to substantially reduce the necessary inputs and the likely scope of assessment.**

    - There may need to be some advice provided on how scoping etc. should work in this context, as existing guidance is necessarily pitched for a 'from-scratch' approach.

Environmental Baseline and SEA objectives

Baseline

3.46   Sources of baseline information are predominantly based on national datasets, sometimes incorporated in State of the Environment reporting or the use of baseline from previous SEA reports. Scottish Environment Web was also noted as an information source by nearly 60% of respondents. Just over one quarter used ecosystem services mapping to compile the baseline. 70% of respondents indicated that they used LDP monitoring reports in formulating the baseline. 81% of respondents suggested they used updated baseline from previous SEAs. A matrix setting out the combination of baseline sources consulted by individual respondents is included as Appendix 3. This illustrates the fact that all respondents that provided a response use a combination of sources in developing the baseline.

3.47   Collation of baseline information is sometimes seen as a large scale task, and nearly two fifths (39%) of planning authority respondents stated they tailored the baseline to each SA, although one sixth used a standard baseline. There was, however, a clear difference of opinion between planning authority and Consultation Authority respondents – with the latter generally less convinced of the extent to which baseline data is tailored to the requirements of LDPs.
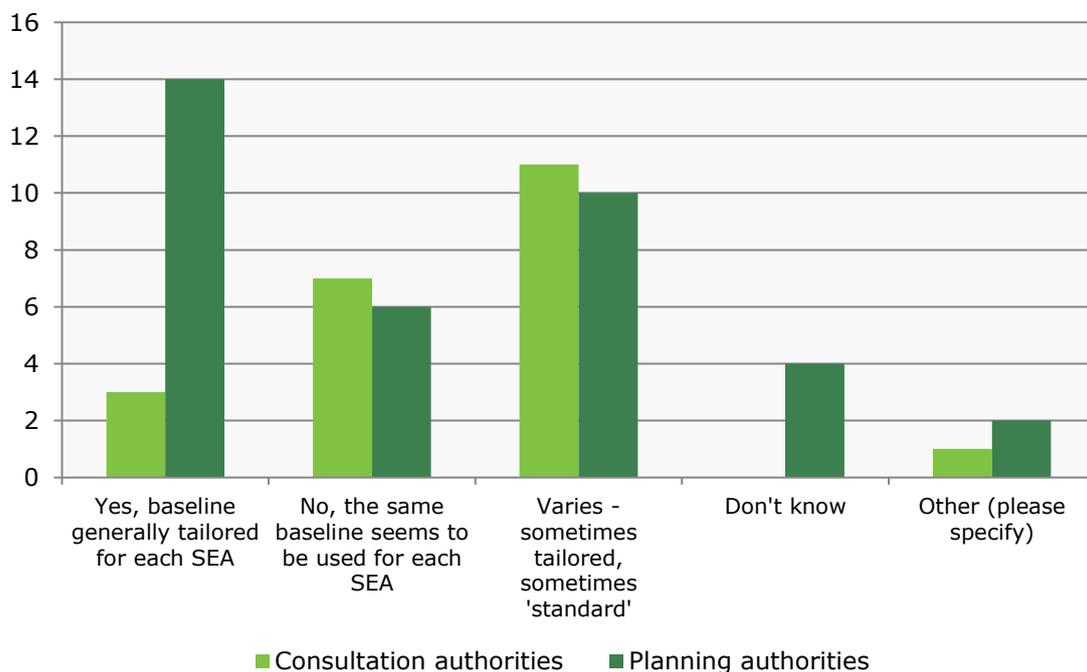
Figure 3.10: Perceptions of whether baseline data is tailored
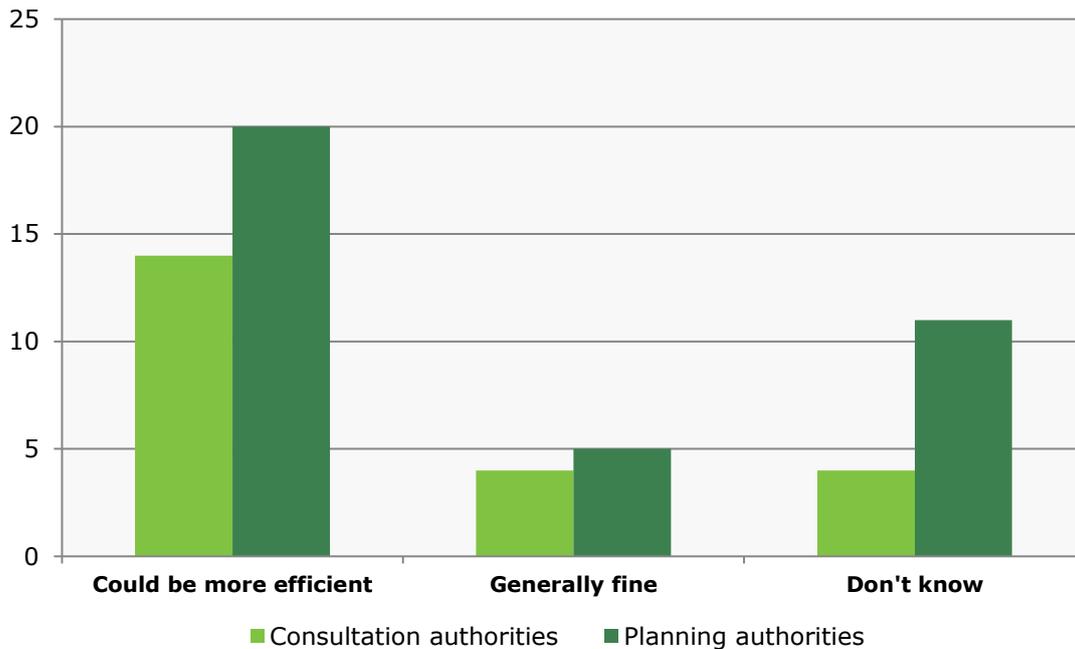
Figure 3.11: Perceptions of whether compiling and analysing baseline could be made more efficient and focused

3.48   Over half of respondents (56% RA / 64% CA) felt the process of compiling and analysing the environmental baseline could be made more efficient and focused.

3.49   In planning authority responses, there was a measure of resistance to what could be perceived as additional work on SEA. Generally though, respondents were very open in stating that baseline studies could be more effective – but that there were constraints to the process, most importantly available resource.

Suggestions for improvement

3.50   Broadly, the key problems identified can be characterised as follows:

- Need for a stronger focus on **issues**, rather than just volume of information. (This is a key element of getting the scoping process right.)

    - Lack of specialist knowledge and skills flagged by both PA and CA respondents.
    - Difficulty in honing in on what is actually important; can lead to a 'kitchen sink' approach.

- Frequent reliance on out-of-date and/or very generic information.

    - Lack of resources to maintain baseline or prepare State of the Environment Reporting.

3.51   Accordingly, suggestions for improvement focused on:

- Provision of 'must-have' data list (and guidance on how to interpret).

- Enhancement of SEWeb to enable download of up-to-date national datasets, 'clipped' to local authority boundaries.

    - *There was some suggestion from planning authorities of Scottish Government / CAs taking responsibility for providing baseline information at the national level – but this would still require substantial tailoring by planning authorities in response to local issues, drivers and the priorities of the emerging LDP. Resource pressure also significantly affect CAs, therefore this may not be a practical solution.*

- There was some enthusiasm amongst planning authority respondents in relation to ecosystem service mapping – albeit without necessarily detailing the perceived value that this could add to the process.

    - One CA respondent (presumably from HES) raised the point that the historic environment is more than designated asset datasets.

- *There are a range of additional datasets that could be added to provide a more comprehensive understanding, including: NMRS/Canmore records, local HER data, the Historic Land-use Assessment etc.*

Objectives

3.52 Nearly 70% of planning authority respondents felt there would be benefit in standardising SEA objectives for the assessment of all Scottish development plan documents. There is reasonable evidence to suggest that authorities are already using a standardised suite of objectives, as illustrated in Figure 3.12 below.
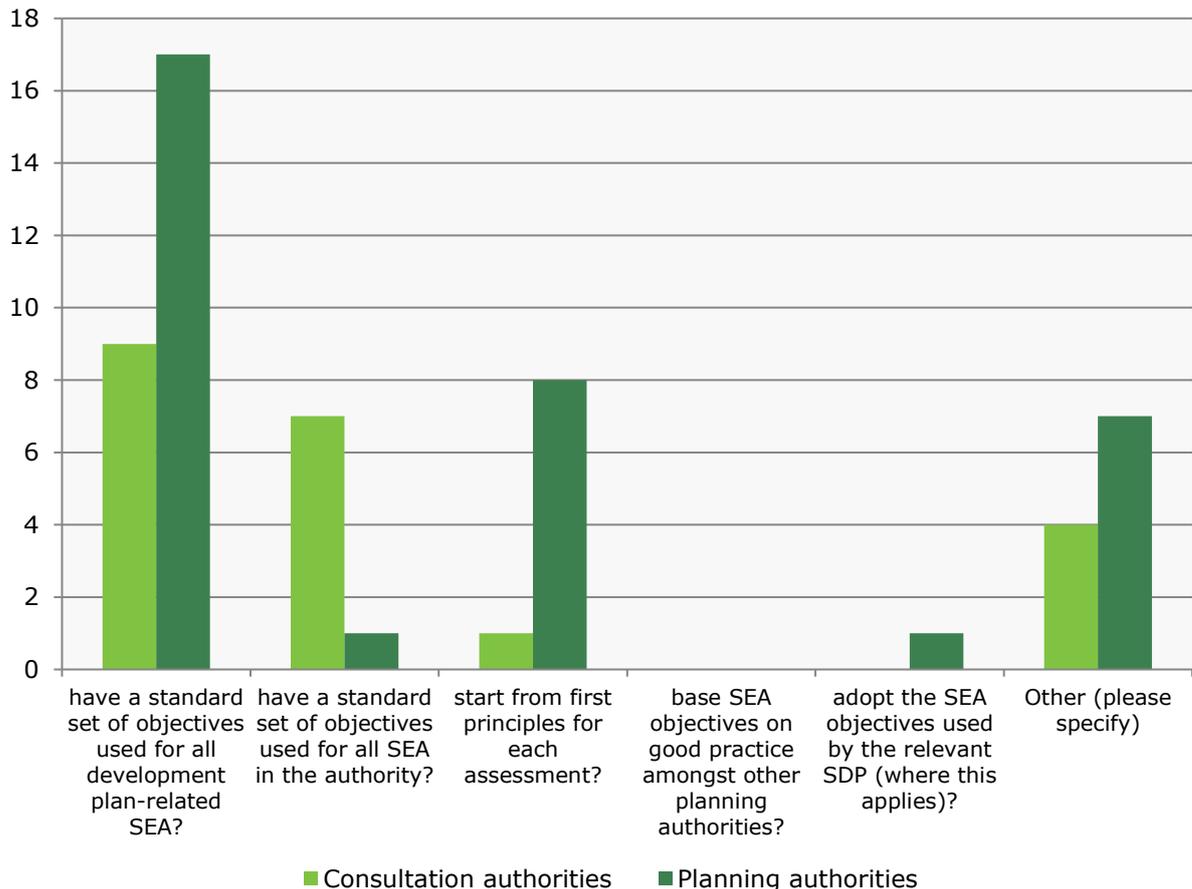
Figure 3.12: Perceptions of approaches taken to objective setting

Suggestions for improvement

3.53 Respondents were asked whether they would be supportive of the provision of standard SEA objectives for LDP SEA (given that topic-specific guidance on objectives is already provided by CAs).

3.54 There was substantial support from both planning authority (69%) and Consultation Authority (59%) respondents, as illustrated in Figure 3.13 on the next page.
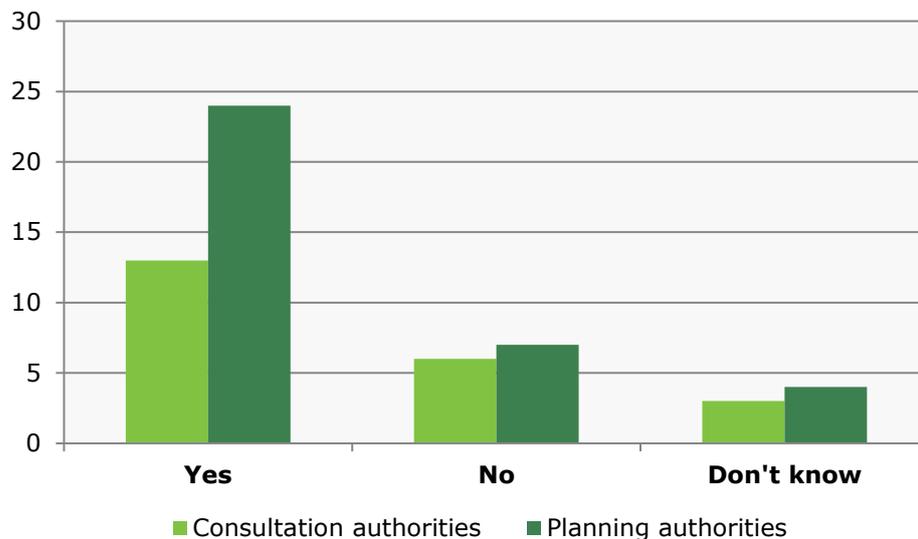
Figure 3.13: Support for standardisation of objectives for SEA of LDPs

3.55　The key caveat noted by respondents was, while most broadly were supportive, the approach would need to be advisory rather than prescriptive to ensure that local issues could be drawn out effectively.

3.56　Although not specifically raised by respondents, the supporting assessment questions / sub-criteria for assessment used to give specificity to objectives may be an area where specifically local flavour can be added – or scoped back as required.　Again, a strong understanding of local environmental issues, provided by robust baseline analysis, is critical to preparing assessment questions/criteria.

Key findings

- **Some authorities are not effectively maintaining baseline data.**

  - Resourcing and specialist knowledge and experience to interpret data are key concerns.

- **Authorities are often not taking a critical approach to developing their baseline.**

  - Stronger need to focus on what the data and other sources mean in terms of environmental issues, pressures and opportunities.
  - Additional guidance could be beneficial to assist authorities in analysing baseline data.

- **By and large, authorities are already using standardised objectives – albeit internally-derived – so national standardisation which could be included within SEA Guidance and build on existing standardisation such as that currently provided by SEPA would not be a significant step,.**

  - The need for a responsive, flexible approach with associated guidance to ensure objectives are used, scoped and customised effectively is paramount.

Reasonable alternatives

3.57　39% of planning authority respondents believe that the assessment of reasonable alternatives in SEA is an integrated exercise – only 21% of Consultation Authority respondents agree.　This indicates that there is some progress still to be made on ensuring reasonable alternatives are a meaningful, integrated element of the SEA process.　The majority of respondents (44% CA / 53% PA) believe that, currently, the assessment of alternatives is a sequential process, with alternatives assessed only after the preferred option has been identified.

3.58   This is a significant issue, as the assessment of alternatives has been a successful area of legal challenge of development plan SEA/Sustainability Appraisal in England. While no LDP has yet been subject to judicial review on such grounds, this is a potentially fertile area for objectors.

3.59   The commentary provided by respondents is revealing.

Sample quotes: planning authorities

"Should be an integrated process, although the reality is there is usually one stand out option"

"Reasonable alternatives are really problematic. I don't think they add value to the process. Sometimes they are fabricated just because you need to have them - so become a tick box exercise. Think it would be better just to assess the different policy options instead as reasonable alternatives do not add value to the process."

"preferred LDP options usually come down from senior management and there is not a mechanism for SEA to influence this"

"There is not enough transparency about the process and is does not feel as though the SEA is driving the plan."

Sample quotes: Consultation Authorities

"Assessment is not embedded within the plan making process early or closely enough to allow it to be integral."

"This is an area that would benefit from improvement. It is often clear that a preferred option has been identified and the SEA retrofitted to suit."

"SEA is carried out after decision making has been done, and tends to be used to justify the decision made."

"There is little evidence that alternatives are considered as an integral part of the process - this is usually determined by other economic or social drivers"

3.60   These comments, and others like them, suggest that there is a measure of misunderstanding of this element of SEA – and the functioning of the elements of the LDP process with which it should integrate. Case law is clear that alternatives *to* options, rather than simply different ways of doing the same thing, should be assessed.[9] For example, assessing different models of meeting housing need, in addition to testing different locations for the same type of growth.

3.61   There are limits to which policy options can be developed, given the need for compliance with SPP and NPF, but there is considerable latitude in terms of local prioritisation and responding to key issues and pressures. Where this is perhaps more of a concern is with regard to spatial strategies and land allocations where decisions could have a substantial influence on environmental effects.

3.62   It is acknowledged that there are practical limits to the development and testing of alternatives – but it is problematic that unrealistic options are being employed, and that preferred options are put in place with no meaningful recourse to the assessment process or its outcomes. An example of an unrealistic alternative identified through the case studies was the provision of alternatives that were not aligned with SPP. Other issues included insufficient detail in the approach to the assessment of alternatives, and issues with the accuracy of the scoring, which may reflect the assessment of alternatives being carried out at a later stage. This wastes valuable time and resource for authorities on an essentially meaningless exercise. It could also be perceived as undermining the legitimacy of this element of SEA, in addition to making plans vulnerable to judicial review.

3.63   There may be some benefit in reviewing the guidance around the use and assessment of reasonable alternatives to secure compliance with the Act while streamlining the process and

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[9] **St Albans v. SSCLG** (2010)

focusing on elements of the plan where testing alternatives is necessary to achieve compliance with the Act and Directive, and valuable in terms of plan-making.
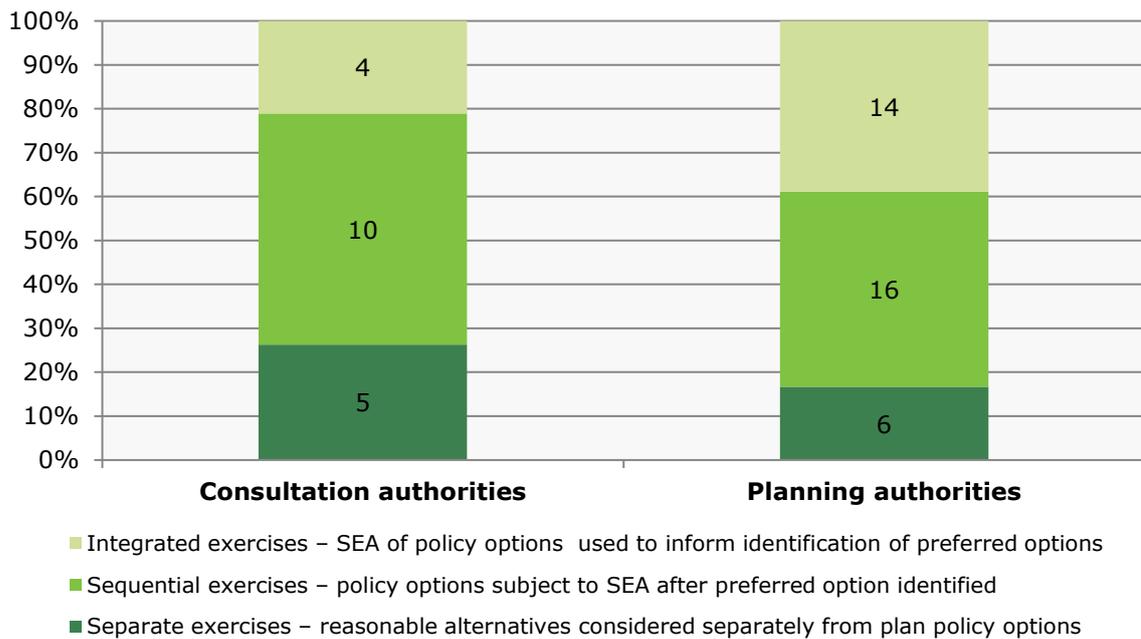
Figure 3.14: Perceptions of how integrated the assessment of alternatives is

Key findings

- **Survey respondents consider the principles and process of identifying and assessing reasonable alternatives is not currently working as intended.**
  - Integration with plan-making process is poor.
  - Appears unlikely that the assessment of alternatives has a significant influence on decision-makers (i.e. management and Elected Members).

- **Local Development Plans which fail to adequately assess reasonable alternatives are likely to be vulnerable to legal challenge.**
  - There appears to be a tacit acceptance that this element of the process is not effective, but the significance of the issue does not appear to be grasped.

- **There is limited potential for policy alternatives, given the need to comply with SPP, but a closer focus on spatial options may be more effective.**

- **There may be some benefit in reviewing the guidance around the use and assessment of reasonable alternatives to secure compliance with the Act while streamlining the process and focusing on elements of the plan where testing alternatives is necessary to achieve compliance with the Act and Directive, and valuable in terms of plan-making.**

Public and stakeholder engagement

3.64   Generally the level of public and stakeholder engagement with the SEA of development plans is very low, with a significant majority of planning authority respondents indicating that they receive responses from the CAs and no more than five other stakeholders (36% CAs only; 55% up to five additional). Figure 3.15 illustrates just how low rates of participation are believed to be. Levels of engagement were identified by the planning authority respondents as increasing from scoping[10] through the main issues report and at their highest for the Proposed Plan Environmental Report.

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[10] There is no duty to consult the public at scoping stage

Over 90% of the planning authority respondents identified that public and stakeholder engagement with the SEA of development plans had remained broadly the same over the past five years. The comments from the consultation authorities was identified as the most influential, with much lower levels of influence from other stakeholders and members of the public. Interestingly, as Figure 3.16 indicates, PA respondents rate the levels of CA influence far more highly than CA respondents themselves.
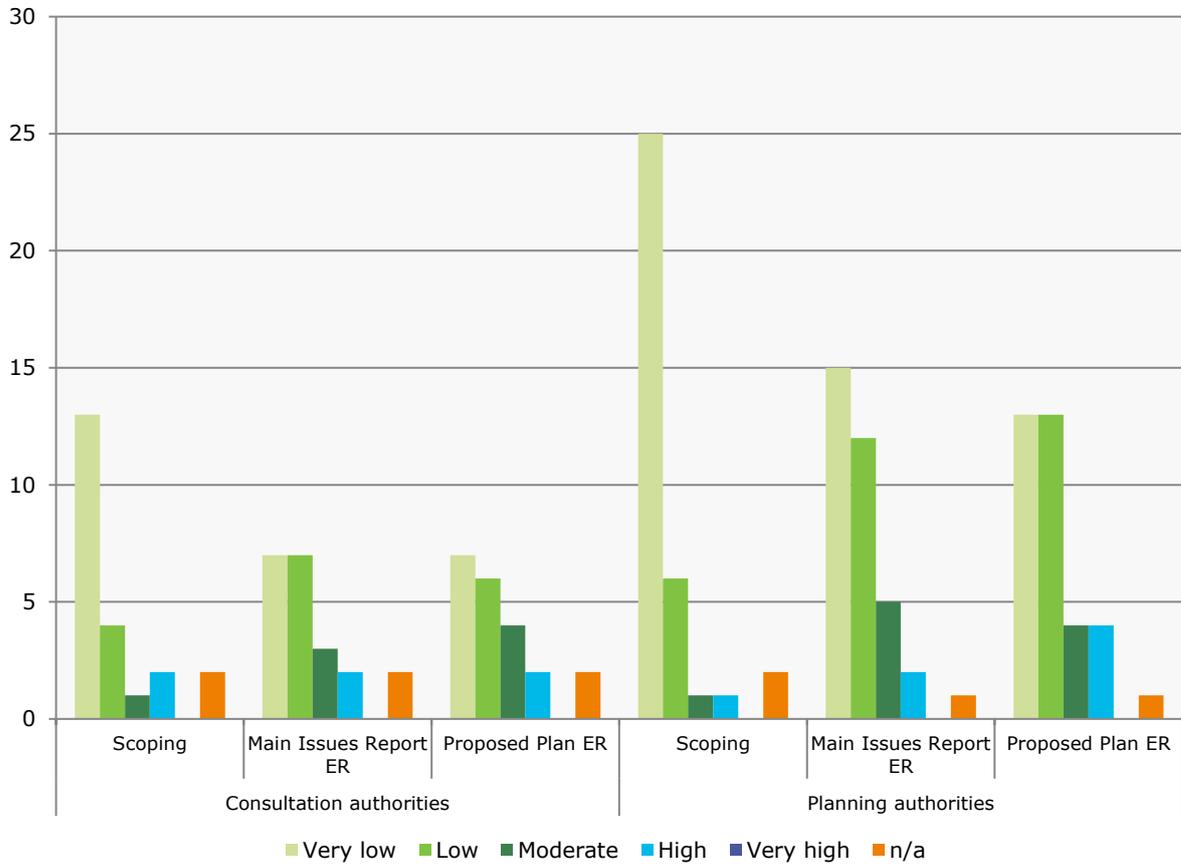
Figure 3.15: Perceived levels of public and stakeholder engagement across the SEA process
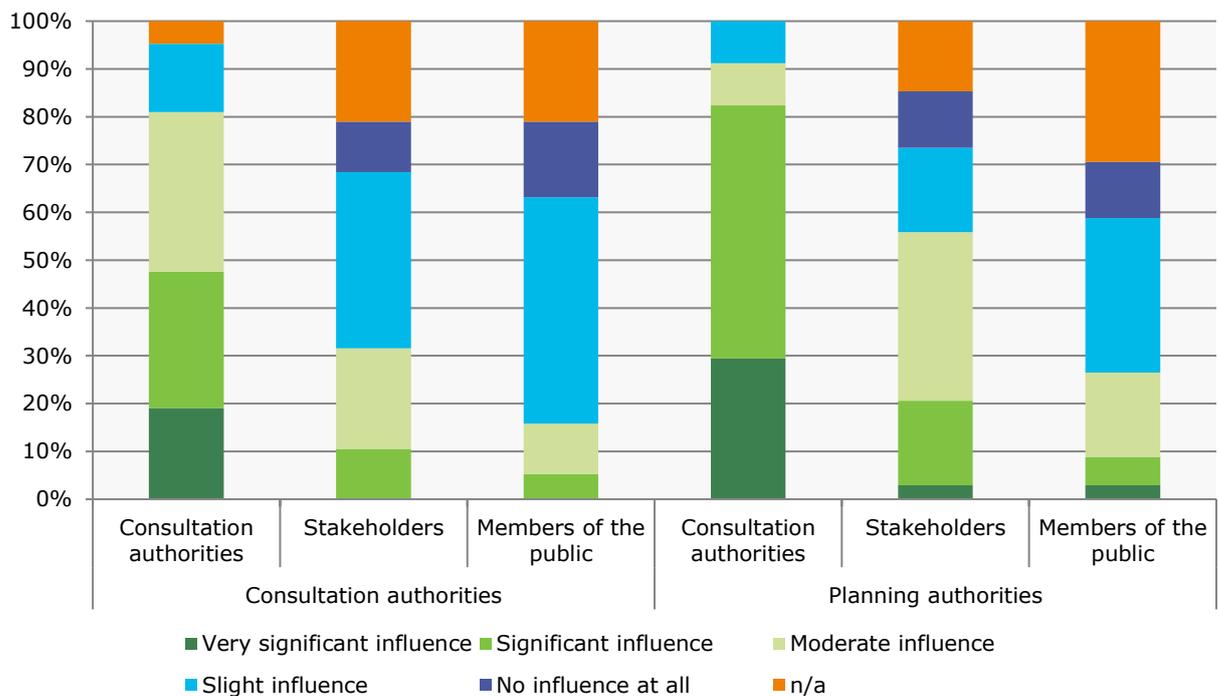
Figure 3.16: Perceived level of consultee/stakeholder influence

Suggestions for improvement
Planning authorities

3.65   Suggestions by planning authority respondents for improving the levels of engagement at the different SEA stages included:

- Making the reports more visible on the local authority websites;

- Using more visual / map based outputs;

- Improving the accessibility and readability of the documents;

- Raising the profile of the SEA findings; and

- Making the consultation web-based.

3.66   Examples of innovative ways of engaging the public and stakeholders in the SEA process included:

- Workshops with ecosystem services mapping;

- Participatory GIS mapping;

- 3D mapping at a local scale; and

- Presenting the findings of the SEA alongside the MIR options in a combined report.

3.67   Half of the planning authority respondents did not feel there would be benefit in encouraging and facilitating greater public and stakeholder involvement in the earlier preparation stages of the SEA of development plans. An example of support of greater public and stakeholder engagement felt SEA is a way to show the linkages between environmental problems to the public. Conversely, a substantial number of both CA and PA respondents stated that SEA was 'too technical' for the public to understand and engage with effectively.

3.68   There was a general feeling that prioritising engagement at a stage where there was sufficient information and detail for consultees to respond to was probably the best approach – although this was clearly influenced by the Planning Review recommendation to delete the MIR stage (referenced in a number of responses). While this could assist in optimising resource use, it

would need to occur at a stage where consultees could reasonably expect to have a substantial influence on the policies and proposals in the consultation document.

3.69 An interesting and potentially valuable – although rather more wide-ranging – suggestion involved employing SEA as part of a macro-scale, authority-wide masterplanning process to make LDPs more proactive and less reliant on landowner/developer-led site proposals.

Consultation authorities

3.70 Recommendations from CA respondents focused on making the process and outcomes of SEA an integral part of the both the plan-making process and draft plan consultation documents. This was viewed as a benefit in terms of making best use of resources, better incorporating assessment outcomes in decision-making and reducing the number of documents stakeholders need to engage with.

3.71 Improving the quality and accessibility of non-technical summaries was also highlighted.

Key findings

- **Rates of public and stakeholder engagement in SEA of LDPs are understood to be very low and not increasing substantially.**

- **There is a perception that public and stakeholder engagement adds very little to the SEA process – whereas the planning authorities identify Consultation Authority input as highly influential.**

- **Prioritising engagement at a stage where there is sufficient detail for stakeholders to respond effectively – but can also expect a substantial degree of influence – may help to balance resource implications and improve results.**

  - PA respondents felt that this should be later in the process. However, there is the potential for such an approach to undermine the value of engagement and risk presenting stakeholders with a real, or perceived, fait accompli.
  - It may therefore be worth investigating a more disaggregated, accessible approach to engagement that starts from the environment and environmental issues that stakeholders and the public understand and value.

- **Closer integration of options and SEA outcomes in LDP consultation documents may help give greater meaning to the process for the public, and improve transparency in showing how SEA has influenced PA reasoning.**

Mitigation and monitoring

Planning authorities

3.72 Planning authority respondents were asked about the effectiveness of the mitigation measures set out the Environmental Report or Post Adoption Statement in relation to policies, the spatial strategy and land allocations. The SEA was identified as having some level of influence (over 50% 'very significant' – 'moderate') in relation to all aspects of the plan, as illustrated by Figure 3.17 on the next page. There were also a number of 'don't know' responses which suggest a lack of continuity within the SEA process, perhaps due to staff changes, or a lack of co-ordination between those carrying out the SEA and those preparing the plan.

3.73 Linked to the previous point, only just over one third of the planning authority respondents identified that the significant effects identified in the authority's LDP SEA had been monitored effectively. 44% of respondents didn't know, which may reflect the lack of sufficient time having elapsed since the publication of the plan, or illustrate a lack of connectivity between the plan making process and the SEA monitoring.

3.74 Only just over one third of respondents felt that the monitoring of effects and mitigation from the foregoing LDP SEA will or will have helped to scope a more proportionate assessment of the new LDP SEA.
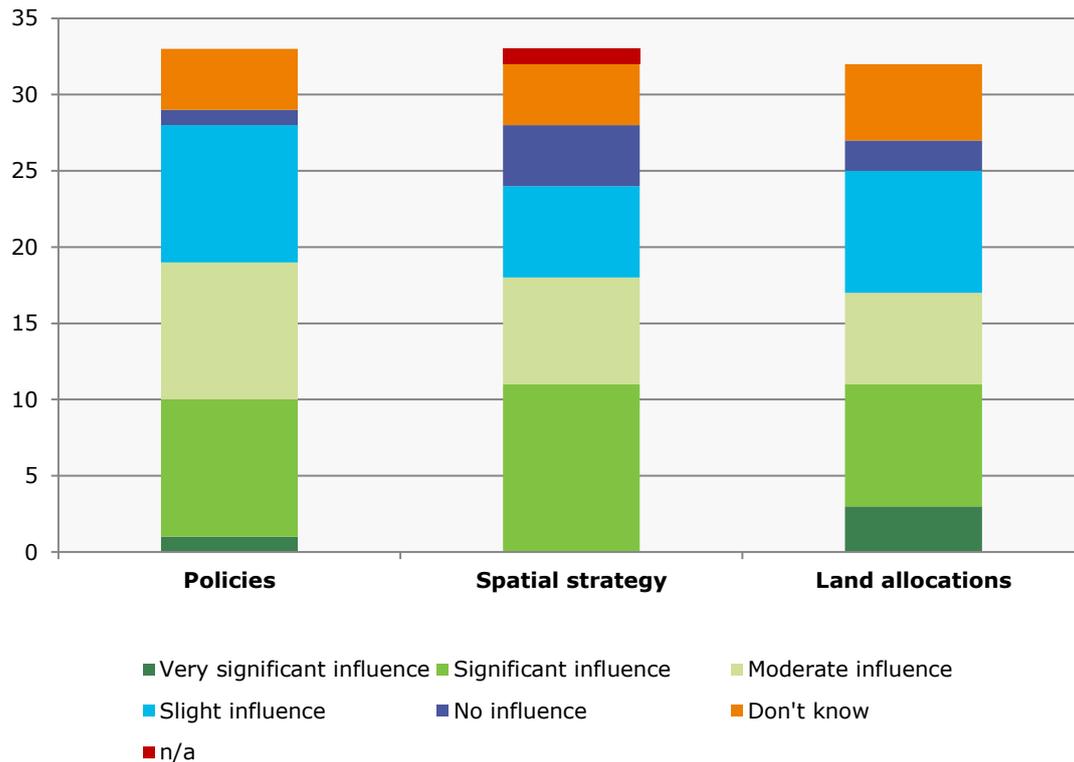
Figure 3.17: Influence of SEA mitigation measures

3.75 Some interesting issues were highlighted by respondents that may be worthy of further consideration, including:

- Issues with development management decisions being made without regard to the requirements of the SEA for land allocations.

  - *"[DM] seem to ignore the LDP where 'delivery' is required"*

- Mitigation measures proposed in SEA are frequently ignored as they are thought to be:

  - Covered by other mechanisms (e.g. planning conditions and monitoring of consents[11]);
  - Addressed through good planning practice as a matter of course;
  - Dealt with / superseded by LDP monitoring;
  - Overridden by other considerations (particularly securing developer contributions and perceived social/economic gains);
  - In conflict with professional planning judgement (e.g. *"SEA is about the relative reduction of negative and increasing of positive effects not about whether proposals are acceptable or not. We balance with social and economic considerations and have to fit with other strategic documents."*)

- SEA mitigation is comparatively 'toothless' as measures specified are not carried through to the LDP, and there is no policy requirement to take them into account in decisions.

  - This could be remedied through the inclusion of an appropriate policy.
    As far as can be discerned, to date only one planning authority in Scotland has implemented such a measure.

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[11] It should be noted that recent research arising from the planning review has illustrated that there is, in fact, very little routine monitoring of planning permissions. https://beta.gov.scot/publications/planning-enforcement-scotland-research-report/

Consultation authorities

3.76 It is, in general, more difficult for CA respondents to comment in detail on the implementation of mitigation and monitoring, as their involvement in the LDP generally ends after Post-Adoption Statement (PAS) stage.

3.77 Where mitigation measures (e.g. at proposed plan stage) require alterations to the LDP, comments indicate that respondents are reasonably confident that these are implemented. However, respondents had little confidence that mitigation measures set out in environmental reports were:

- Sufficiently specific to be enforceable;

- Effectively incorporated into plans, or carried through to projects/applications;

- Given much weight in relation to other considerations, most notably economic development.

-

> **Sample quotes: Consultation Authorities**
>
> *"Effectiveness of mitigation is helped by integration into the plan document. E.g. for land allocations the direct transposition of mitigation into developer requirements serves to focus on effective environmental mitigation in delivery."*
>
> *"The mechanisms for delivering the mitigation measures identified in the ER aren't always clear and this is where the process can fall short of delivering the desired outcomes."*
>
> *"The SEA identifies significant env. effects. However, often these are not implemented because of the justification for economic development. Most frequent mitigation is altering of allocation boundaries."*
>
> *"In general the mitigation is far too general that is applied and often defers down to development management not built into the plan and development requirements on sites. There should be far more specific mitigation to add value to the plan"*
>
> *"In the two years that I have been dealing with SEA, with the exception of one planning authority, I have never seen any evidence of monitoring set out in a SEA actually having been carried out, or used to inform the next plan/SEA."*

3.78   As Figure 3.18 below shows, monitoring of significant environmental effects is perceived to be one of the weakest elements of the SEA process. While a little over a third of planning authority respondents believe that this is undertaken effectively, consultation authority respondents have very little confidence in this part of the process.

3.79   What is perhaps most striking is that a significant majority of both sets of respondents do not know whether or not effects are monitored effectively. It should be noted that some of the LDPs in question were too recent for monitoring to have come into effect, but it is concerning that this lack of understanding cut across such a significant proportion of the respondent group.

Consultation authorities   **Planning authorities**
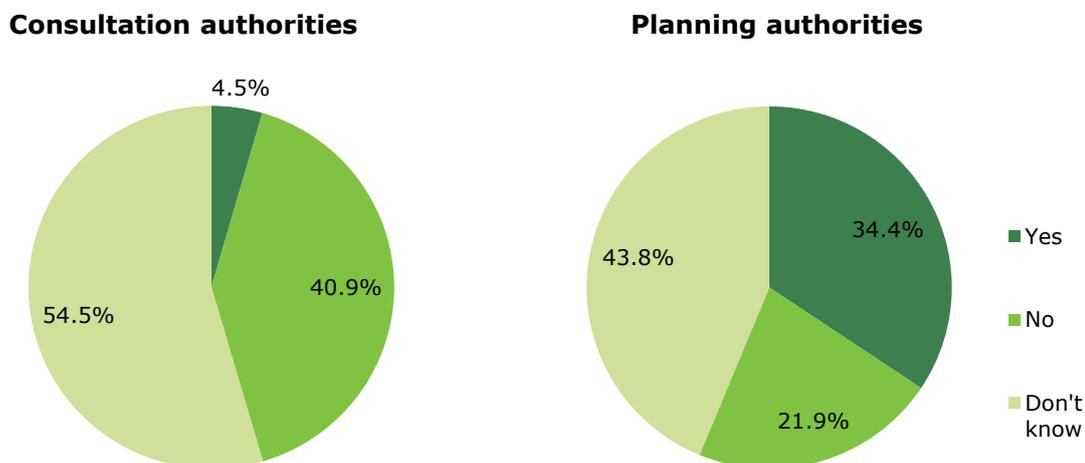
Figure 3.18: Perceived effectiveness of monitoring - comparison

Suggestions for improvement

3.80   The key means of locking in mitigation measures specified in environmental reports, suggested by planning authority respondents, is to include an appropriate policy in the LDP that requires developers (and Development Management planners) to take measures into account in the design of scheme. This was echoed by CA respondents, from SEPA in particular, where key impact assessments are deferred to application stage. (This is a particular concern with regard to flood risk assessment, where SEPA has objected to allocations and these have been allowed at examination subject to a pre-condition requiring FRA.[12])

3.81   Again, improving integration between SEA outcomes and the body of the LDP was identified as being a key opportunity – highlighting how assessment had influenced the spatial/policy option and the measures necessary to develop the site sustainably.

3.82   Without effective measures to 'complete the circle' – unifying thinking and assessment outcomes at LDP/SEA and development management stages – it is perhaps unsurprising that some respondents view SEA as disproportionate and lacking added value. Connectivity of process and outcomes should be central to plan-makers' thinking; but currently opportunities to use this effectively are being missed. In light of the current revisions to the LDP system and process, there may be value in pressing for a statutory or SPP-driven policy requirement for LDPs to include a statement indicating how SEA findings have been taken into account within the plan itself. This may assist in driving the inclusion of appropriate policies to secure necessary mitigation through the development management process.

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[12] Recent research has highlighted a range of issues in terms of the efficacy of development plans and development management in accounting for flood risk in plan- and decision-making http://www.climatexchange.org.uk/adapting-to-climate-change/assessing-consideration-flood-risk-scottish-local-planning-authorities

Key findings

- **Practitioners generally lack confidence that the mitigation measures set out in environmental reports are being applied effectively.**

- **Survey respondents consider that SEA mitigation and monitoring is not taken especially seriously once the SEA process has concluded:**

  - Mitigation requiring alterations to the plan (e.g. at proposed plan stage) are effective and are implemented. After this point, respondents are much less confident.
  - Measures are not always robustly framed, making them difficult to enforce and easy to ignore.
  - Authorities generally do not put policy in place to ensure mitigation measures are followed through.
  - Consultation authorities are aware of the problem, but appear unable to deal with it effectively.

- **Development management is a 'silent partner' in the SEA process; consequently SEA outcomes do not appear to influence decisions on development on the ground.**

- **There may be value in the revised LDP process requiring the inclusion of a specific statement setting out how SEA findings have been taken on board and influenced the plan.**

- **Consultation Authorities should use their responses on LDPs (and ERs) to press for the inclusion of appropriate policies to tie in necessary mitigation measures identified through the SEA for allocated sites.**

Efficiency

3.83 Respondents were asked to identify the changes that had influenced the SEA of development plans by their authority. Over three quarters (76%) of planning authority respondents identified starting SEA early in the plan making process as the biggest improvement, mirrored by 74% of consultation authority respondents. Almost 60% of PA respondents noted that the undertaking of early and focused engagement with the consultation authorities and other stakeholders had improved practice – while 78% of CA respondents agreed. Other changes included a greater focus on key issues of importance or significant effects (PA 48%; CA 53%).

3.84 These changes were identified as resulting in a smoother SEA process, improved programming, a more streamlined SEA, and early and better engagement with the consultation authorities.

3.85 However, both groups of respondents generally struck a cautious note indicating that, while practice had definitely improved over time, there is still considerable room for further improvement. Experience was identified as the critical factor in making SEA a more efficient, focused process within individual authorities – providing greater confidence to focus on significant effects and engage more effectively with CAs and management alike.

3.86 Barriers to improvements to the approach to SEA were identified as:

- Resource pressure – both in planning authorities and consultation authorities.

- A lack of wider understanding of the process – and a failure of management to buy into the process and the benefits that could be delivered.

- Staff turnover resulting in loss of capacity, experience and expertise.

- A lack of expert knowledge to assist authorities in unpacking environmental issues and understanding interactions with policies and proposals.

- A perception that SEA is more complex and difficult, and hence time-consuming and expensive, than it actually is (or, at least, needs to be).

Key findings

- **Practitioners agree that SEA has become more focused and efficient – but there is some way to go.**

- **Experience is regarded as the critical factor in delivering focused, efficient and effective SEAs.**

- **There is a potential lack of understanding and/or buy-in to the need for and benefits of SEA in planning authority management and Elected Members.**

- **It appears that SEA is perceived as being more complicated and difficult than it actually is, potentially contributing to resistance**

Effectiveness

Clarity and focus of reporting

3.87 Under half of the planning authority respondents (46%) felt that the clarity of Environmental Reports and Non-Technical Summaries, and their focus on significant effects, had improved over the past five years. However, CA respondents were more optimistic, with 65% agreeing with the proposition. This is perhaps a more useful indication, as CA respondents view a wider range of documentation.

3.88 Suggestions for improvements to the clarity and focus of documents included:

- Clearer language, use of plain English;

- Adoption of a more explicitly risk-based approach;

- A clearer and more user-friendly format to the SEA documents;

- More detailed guidance and templates;

- Better integration of assessment outcomes and LDP documents; and

- The use of appropriate graphics to break up / replace text.

Cost-benefit ratio
Planning authorities

3.89 The majority of planning authority respondents believe that the costs of SEA outweigh the benefits.

3.90 More than a third of PA respondents (35%) believe the costs of SEA outweigh the benefits, while a further 25% believe that the costs significantly outweigh the benefits. 21% believe the two factors balance, while only 21% are of the opinion that the benefits outweigh the costs (of which 9% 'significantly outweigh').
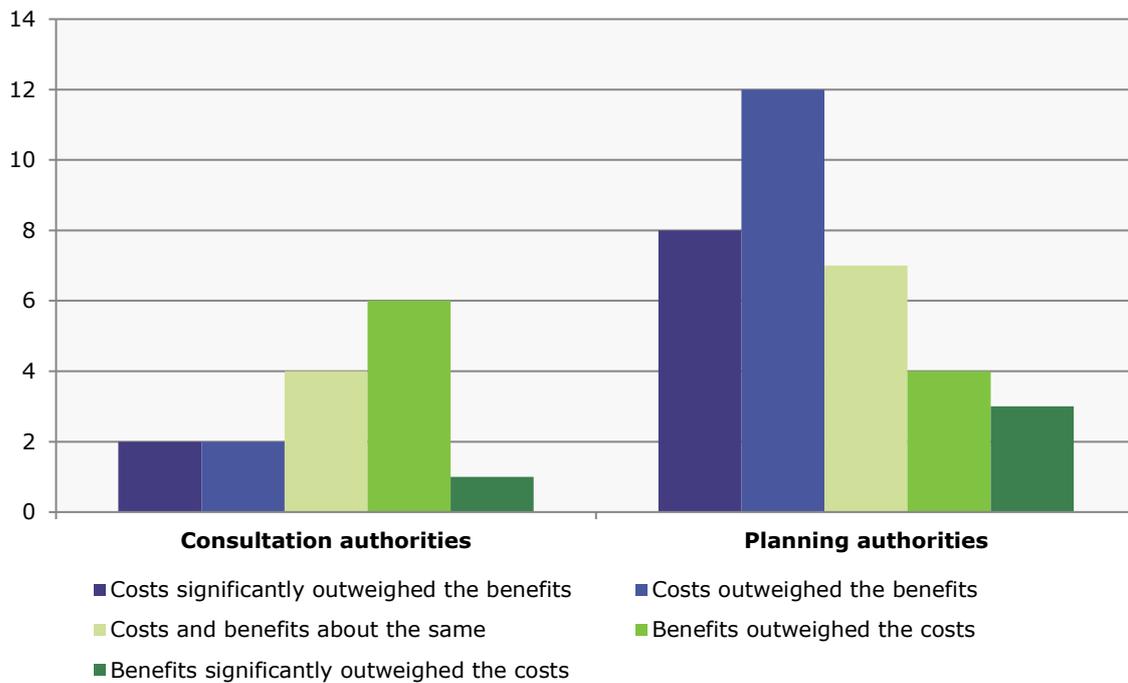
Figure 3.19: Perceptions of cost-benefit ratio of SEA

Consultation authorities

3.91   As Figure 3.19 illustrates, CA respondents have the inverse view of their inputs, with the biggest group of respondents (47%) believing that the benefits outweighed the costs – 7% significantly.

Discussion

3.92   This suggests the consultation authorities perceive that their inputs achieve recognisable improvements in the SEA and plan making process. Consultation authorities note in their responses through the different stages of SEA where previous comments have been taken on board and can track their effectiveness. It should be noted that there is no direct evidence for the actual costs of undertaking the SEA of a LDP. It is therefore difficult for any party to either support or disprove the overarching perception of SEA as an expensive process. What is clear is that this dominant perception of SEA as complex, expensive and low value activity – whether or not this is actually the case – acts as a significant barrier within planning authorities and contributes to:

- Low investment in staff, skills and training;

- The potential benefits (and risks of poor practice) not being made fully apparent to senior managers and Elected Members;

- Risk aversion, resulting in conservative approaches – prioritising compliance and certainty over innovation and potential added value.

Strengths and weaknesses

3.93   Respondents were asked to identify strengths and weaknesses of the SEA of development plans in Scotland. As Figure 3.20 illustrates, there are significant differences in opinion between the two groups of respondents.

3.94   Key areas of agreement include:

- **Strengths**:
  - Scoping
  - Input of consultation authorities
  - Guidance

- **Weaknesses**:
    - Public and stakeholder engagement
    - Mitigation and monitoring

3.95 Consultation authority respondents appear to be generally more positive across all areas, while planning authority respondents appear more willing to identify weaknesses.

3.96 Both sets of respondents agree that proportionality is an issue, albeit that PA respondents identify this more strongly as a weakness (while CA respondents are more neutral). Determining the significance of impacts and the assessment of alternatives are again highlighted as an issue.

3.97 CA respondents are substantially more convinced that SEA adds value to plan-making.

Key findings

- **Broadly, planning authority respondents are substantially less convinced of the benefits of SEA, particularly in relation to its perceived costs.**

- **The clarity and focus of SEA outputs are perceived as having improved in recent years, but again there is still work to do.**

- **The contribution of the Consultation Authorities is influential – even by planning authority respondents that are highly critical of SEA as a whole.**

Consultation authorities

Planning authorities

Proportionality in assessment and outputs
Adding value to plan-making
Mitigation and monitoring
Input from Consultation Authorities
Public and stakeholder engagement
Alignment with plan-making process
Ease of determining and comparing the significance of potential impacts
Assessment of alternatives
Scoping
Screening
Guidance

■ n/a ■ Significant weakness ■ Weakness ■ Neither ■ Strength ■ Significant strength
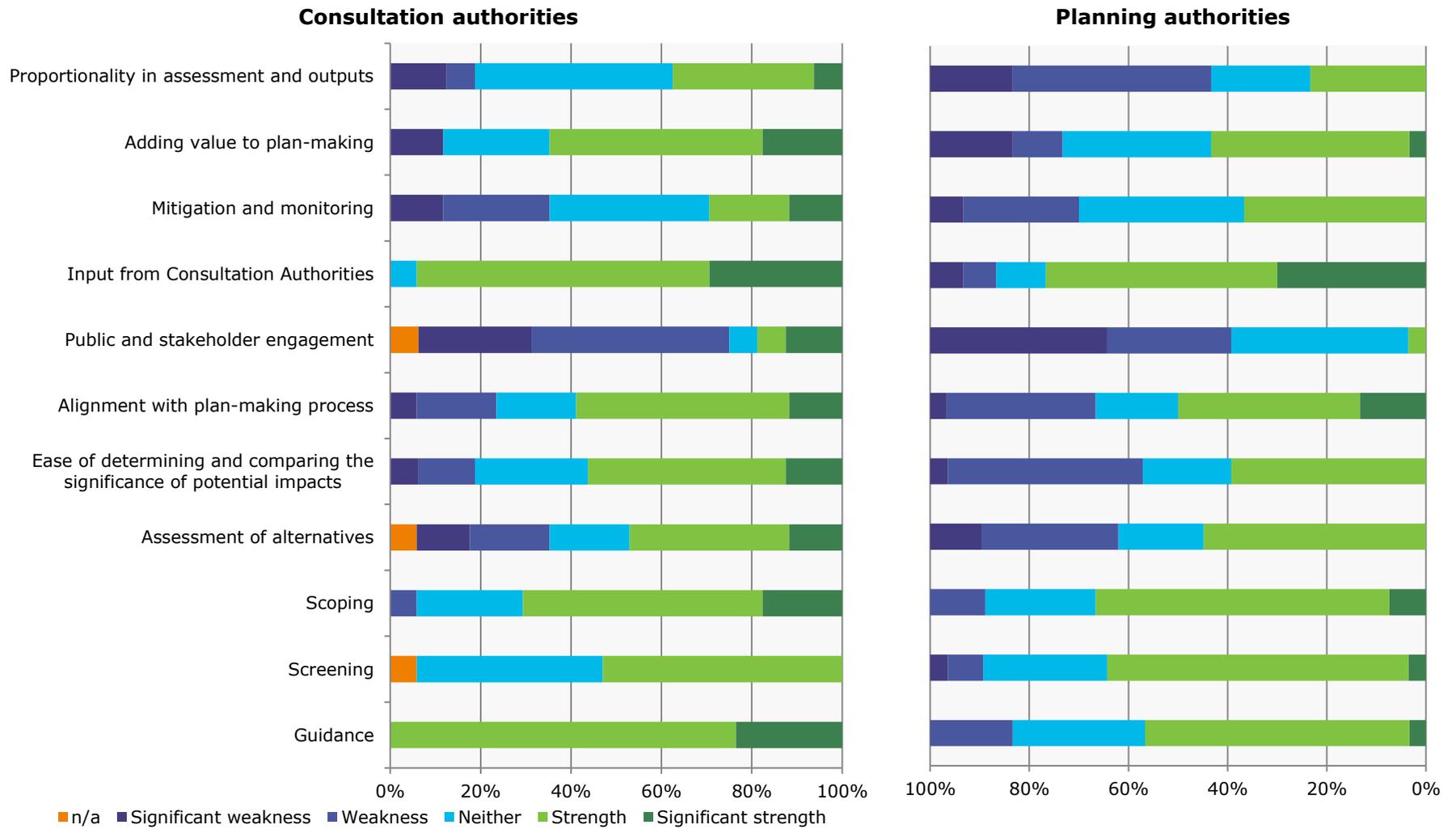
Figure 3.20: Comparative perceptions of SEA strengths and weaknesses

Proportionality

3.98   As discussed above, the proportionality of LDP SEAs is a major concern for all parties; it is an inherently challenging topic as there are clearly contested understandings of the concept between practitioners – and certainly amongst the wider community of planning stakeholders.

Planning authorities
Barriers to proportionality

3.99   Barriers to effective and proportionate SEA of development plans were identified as:

- Staff resources and expertise (19%)

- Consultation Authority requirements (19%):

  - Variation in advice between LDPs;
  - 'Burdensome expectations';

- Process issues (22%):

  - Need for more effective scoping out of upper tier / previously assessed policies and proposals;
  - Scoring-based assessment cumbersome and time-consuming – with potentially little value for any participant;
  - Difficulties in programming the SEA in parallel with the LDP process;

- Attitudes to SEA (14%)

  - Caution due to fear of non-compliance, resulting in conservative, over-scoped and inaccessible outputs;
  - Lack of support for innovative approaches;
  - Negative attitudes of management to SEA holding back progress and reducing added value.

Contributing to better policy

3.100   The planning authority respondents were asked to identify examples of SEA producing better development plan policies, and which factors they believed influenced this.

3.101   The consultation authorities were identified as having highest level of influence, attributed a 'high' (39%) of 'medium' (29%) level of influence by a majority of respondents. The lowest levels of influence were attributed to public and stakeholder engagement.
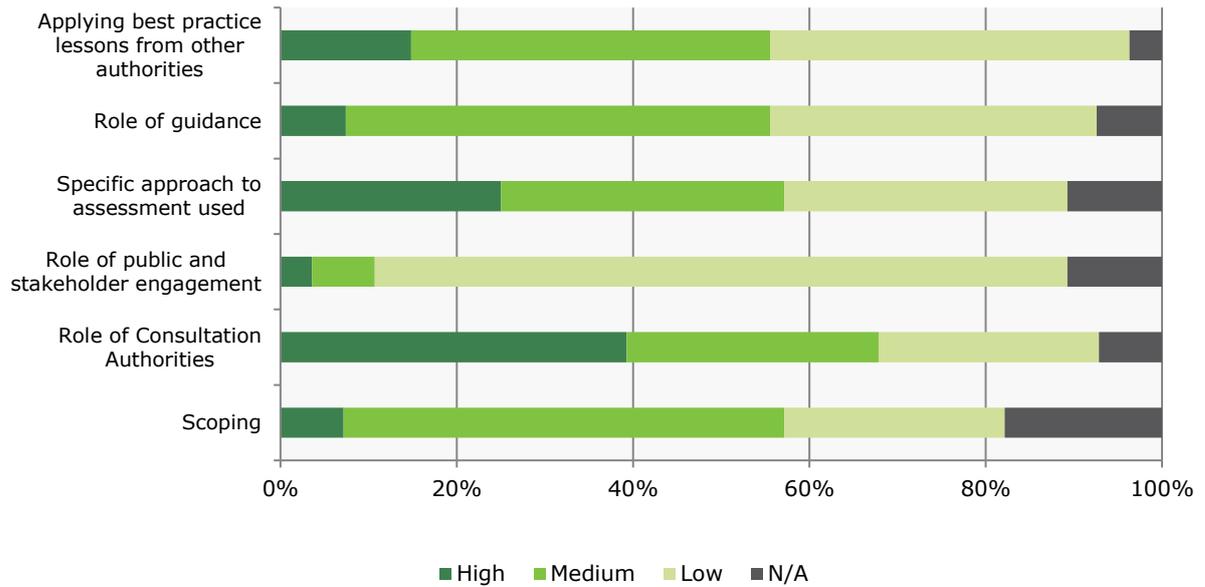
Figure 3.21: Perceived level of influence of components of SEA on LDP policies (PA respondents)

Influence on development on the ground

3.102 Planning authority respondents were also asked to rate SEA's contribution to delivering better development on the ground. The majority identified either a strong influence (12%) or some influence (46%).

3.103 Planning respondents were asked to identify examples of SEA contributing to better land allocations or proposals, and to provide the reasons for this. Examples identified included:

- The use of site assessments at the 'call for sites' stage as being critical to justifying the elimination of environmentally unacceptable sites.

- SEA helps planners and developers to more effectively consider mitigation.

3.104 Generally, SEA is viewed as a useful tool for site assessment and a valuable source of objective evidence on which to select or reject proposed allocations. While there was some suggestion that it 'is what planners do anyway', the formal, robust approach was held to add value – particularly when the same officers undertook the SEA and were responsible for the allocations in the plan.

3.105 Two respondents highlighted that the findings of their SEA – cautioning against allocation of specific sites – were, in one instance, overruled by the LDP Examination Reporter; and, in the other, were ignored altogether.

Suggestions for improvement

3.106 Respondents were asked to identify how SEA of development plans in Scotland could be improved. They identified the following:

- Improving the SEA process:

  - Early consultation on policies and proposals
  - Standardisation of objectives, assessment matrices and more scoping
  - Improved, streamlined approach to reporting
  - Agreement by consultation authorities on requirements in terms of scale and scope
  - Better availability of baseline data
  - Less interventionist approach by consultation authorities
  - Resource enhancement: staff numbers and expertise

- Simplification of both the LDP and SEA
- Making SEA more focused and efficient:
    - Revised guidance covering every step of the LDP process (visioning stage a particular concern)
    - Tighter focus on areas of the plan with likely significant effects: allocations, changes, strategic priorities and detailed policies materially different from SPP
    - Removal of assessment of MIR[13]
    - Simplifying the SEA documents
    - Introducing national ecosystem services mapping

3.107 Two respondents stated that the requirement for SEA should be removed[14].

Consultation authorities
Barriers to proportionality

3.108 The single biggest barrier identified by CA respondents was the relative lack of integration between the SEA and LDP processes. The fact that assessment is perceived as always playing catch-up can make it appear (as well as potentially be) less effective and easier to overlook.

3.109 Resourcing in both planning authorities and in the CAs themselves was the next most important barrier. Respondents were also keen to improve attitudes of senior planners to SEA, mirroring the thoughts of planning authority colleagues. This need to move beyond 'box-ticking' echoes the findings of the 2011 Review of SEA – and suggests that there is still some progress to be made in winning the hearts and minds of Scotland's hard-pressed senior planners.

3.110 The current mechanistic approach to SEA, generating very extensive matrix-based assessments and lengthy descriptions of the effects of every policy, proposal and reasonable alternatives is considered to be a barrier in itself. The level of input required to deliver reports potentially takes away resource and thinking time from honing a more streamlined approach.

Contributing to better policy

3.111 The commentary of CA respondents broadly mirrors that of planning authority colleagues, albeit with a slightly more positive overall attitude. CA respondents believe that guidance is more influential on shaping policy than their PA counterparts. They agree that public and stakeholder engagement has little meaningful influence.

3.112 In comments, respondents highlighted that there is a tendency for policy development to be deferred until comparatively late in the LDP process – something that they attribute to the explicitly policy-free MIR stage.

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[13] Arguably, the Main Issues Report may not be a qualifying PPS for the purposes of the Act (it does not, in itself, set a framework for future development consent, per Section 5 of the Act) – and is widely felt to be very difficult to assess as it inherently does not propose anything concrete or contain policies. In any case, the proposed deletion of MIR stage as a consequence of the Planning Review renders this point moot.

[14] One of these respondents stated that leaving the EU was an opportunity in this regard. However, this is highly unlikely given the aspirations of the Scottish Government to both independence and direct accession to the EU – which requires full compliance with the EU legal framework.
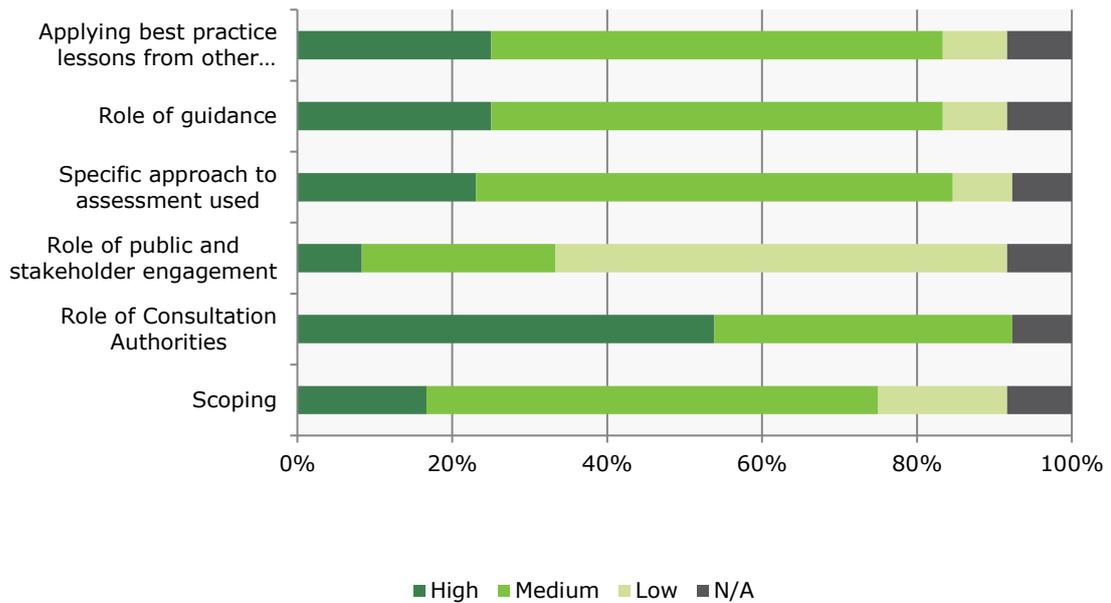
Figure 3.22: Perceptions of influence of SEA on policy (CA respondents)

Influence on development on the ground

3.113 CA respondents were also broadly positive regarding the influence of SEA on land allocations in particular. Like their PA colleagues, they place considerable value on the rigorous, structured approach to site assessment – providing an integrated understanding of environmental constraints and opportunities. Similarly, the explicit need to consider cumulative effects is regarded as a substantial benefit.

3.114 Some respondents, however, struck a note of caution suggesting that in their experience, many SEAs occur after key decision have been made – and that too many documents are likely to remain on the shelf.

3.115 Useful commentary was provided that suggested that SEA had improved the treatment of non-designated [natural heritage] interests – but that this was highly authority-specific, and was strongly influenced by local political priorities.
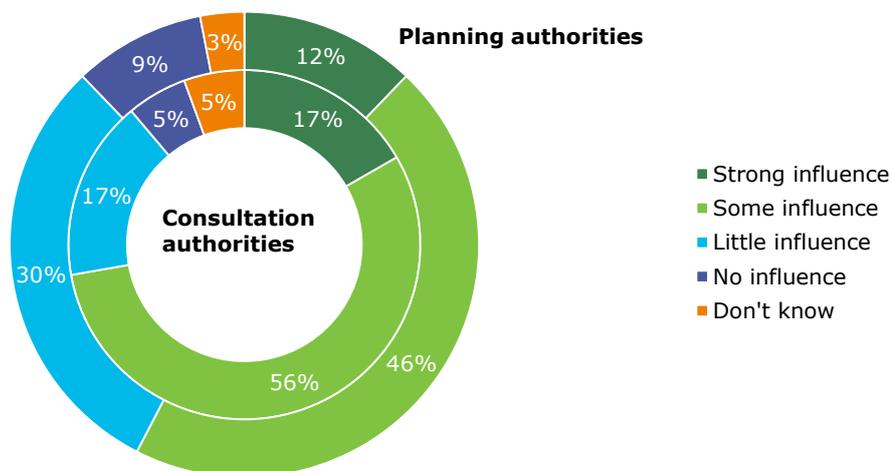
Figure 3.23: Comparison of perceptions of SEA influence on development on the ground

Key findings

- **Planning authority resourcing and staff experience are critical factors in delivering proportional SEA of development plans.**

  - Without this, authorities have neither the space nor the skills to develop the desired streamlining of assessment processes, focused outputs and good quality outcomes.

- **Closer integration between the LDP and SEA processes is necessary to achieve more proportionate assessments.**

  - A stronger focus on areas of change, spatial options and land allocations could help to achieve this.

- **There is a need for engagement with planning service management and Elected Members to better explain the need for and benefits of SEA to plan-making.**

  - Important to address the perceived lack of support for SEA in management tier of planning authorities and Elected Members.
  - Vulnerability of LDP SEA to judicial review could be an effective route in.

- **There is a need to restate, and potentially refine, the 'official' definitions of proportionality contained in PAN 1/2010 and SG SEA Guidance.**

  - It is clear from respondents' answers that practitioners have widely varying understandings of what proportionality is, and how it can be achieved at each stage.

- **It is clear that the Consultation Authorities are by far the most influential element of the SEA system as it stands. Practitioners value and respect their opinion, and they may be the most effective means of affecting change.**

Conclusions

3.116 From the survey data gathered, it can be discerned that there has been some progress in the development of approaches to SEA of development plans, the ways in which outputs are used and in overall attitudes. However, this is very much a work in progress.

- **Screening and scoping** are generally used effectively, and there is good evidence of authorities taking a more proportionate approach to the scope and detail of their assessments. There are some issues around the ways in which assessment outcomes from upper-tier plans can be incorporated without further assessment, creating some tension with the effective assessment of cumulative effects.

  Both Planning and Consultation Authorities remain relatively cautious in terms of the approaches they are prepared to take, partly due to fear of legal challenge but – arguably – relating more strongly to a lack of specialist knowledge, experience and confidence acting as a brake on innovation.

  The advice of Consultation Authorities is – although respected and influential – is regarded by some respondents (20% of the respondents to that question) as a barrier to more effective, focused scoping. There is a perception of issues of consistency between officers and areas, when authorities perceive their neighbours as being able to 'get away' with lighter-touch assessments.

  The appetite amongst Planning Authorities for a more aggressive approach to scoping – honing in on policies and proposals with the potential for significant effects – requires substantial up-front work at an early stage to ensure there is sufficient certainty on the strategic direction of the plan, and detail in the environmental baseline, to realistically identify the most significant issues. (This would not generally be possible at MIR stage.)

- **Environmental baselines** tend to be very strongly focused on national designation datasets. While there is a requirement to focus on significant effects, this necessitates a critical look at what 'significant' means at the scale of the plan, and in relation to local environmental assets

and issues. Potentially, a suite of significant effects – interacting with locally/regionally important, but non-designated, features – could be occurring and few LDP SEAs would detect this. There is a need for planning authorities to make use of a wider range of datasets, and ensure that they source the most up-to-date information at the right times. (The historic environment is particularly poorly represented in many assessments.)

There is a strong appetite for centrally-collated baseline datasets – potentially served via SEWeb – that is kept up-to-date and from which local authority-level data can be downloaded.

There is also an appetite for nationally available ecosystem service mapping, although how this would be used and the value added was not made apparent in respondents' answers.

In general, baseline studies are still too concerned with description, rather than analysis of information to provide insights on environmental issues. Providing some guidance on how to use the information available in a critical fashion could be useful. The consultation authority interviews identified that South Lanarkshire baseline was an example of good practice. This draws strongly on the State of the Environment report, indicates trends and identifies pressures.

- **SEA Objectives** are an area of practice that varies considerably between authorities, and indeed between individual assessments. There was strong support for the creation of a standard suite of national objectives, from which planning could select and adapt to reflect local circumstances.

- **Assessment of reasonable alternatives** causes a range of problems for planning authority and consultation authority respondents alike. The level of integration with the LDP options appraisal and policy development processes is currently poor. It appears that there are some gaps in understanding of what this process is ultimately for, and how it should be deployed in plan-making. This is potentially highly problematic, as LDPs could be vulnerable to legal challenge where alternatives are either found not to be reasonable (or indeed actually alternatives) or have not been assessed effectively.

There are clear limits to the extent that planning authorities can develop policy alternatives, in that they are required to comply with SPP, NPF and relevant legislation. There may, therefore, be some merit in focusing more strongly on the spatial strategy and land allocations.

- **Public and stakeholder engagement** is perhaps the weakest element of the LDP SEA process. All practitioners recognise that, as currently constituted and delivered, public and stakeholder consultation (meaningful engagement being virtually non-existent) adds very little to the process.

SEA is widely regarded as too complex and technical for the public to grasp. While this is potentially somewhat patronising, the form and format of outputs is definitely a barrier to engagement. Closer integration of assessment findings, alternatives and rationale for decisions could usefully be incorporated in LDP consultation documents to improve transparency, allow authorities to explain their decisions and encourage the public to think about environmental issues within the context of sustainable development.

There may be merit in taking a disaggregated approach to engagement, seeking to involve stakeholders and the public in a process, perhaps similar to the following:

- Baseline / State of the Environment Reporting: in addition to getting local people to provide important context and information on what is valued locally (e.g. feeding into values assessment of ecosystem services); this could serve as a primer for ensuring PAs and communities are working to a shared understanding of the issues and opportunities in the area. This could potentially be combined with early engagement on the plan – perhaps framed as a 'local conversation', looking at national and regional drivers and local priorities.
- Scoping: Based on the above, focused Scoping Reports could be consulted on that explain the rationale for decisions, based on the agreement gained at baseline stage. Understanding what environmental assets are valued locally could add important local

flavour to the definition of significant effects (e.g. on non-designated, but locally highly valued, areas of biodiversity or historic environment interest)

- Environmental Report: clearly, complying with the Act is critical – but a 'you-said-we-did' type approach, with consultation questions in both the main report and NTS, could help a wider range of people engage.

- Although some survey respondents felt the process could be simplified and made more accessible, others were wary of increasing the resource requirement of the process.

- **Mitigation and monitoring** is another area of current practice that requires enhancement. Practitioners generally lack confidence that the measures set out in environmental reports are being understood and applied effectively at application stage. There is a major gap in both planning and consultation authority staff knowledge – underlining the distance between development planning and development management teams. Only one LDP has, as yet, included a policy to ensure that SEA mitigation measures are applied.
  There are concerns that mitigation measures are not always robustly framed, as they are something of an afterthought.

- **Efficiency and effectiveness** is thought to have improved in recent years – but practitioners are clear that there is significant room for improvement at virtually every stage. Experience of practitioners (and presumably managers) is identified as being the critical factor in ensuring that SEA and LDP processes and stages are aligned efficiently and that the case for resources and effective integration is made.
  There is an underlying perception that SEA is more complicated and difficult than it actually is, which potentially contributes to the under-valuing of the process and its outputs by management and Elected Members.

  Planning authority respondents remain unconvinced that the benefits of SEA outweigh its costs – whereas Consultation Authority respondents mainly believe the opposite is true.

  The contribution of the Consultation Authorities to the process is respected and highly valued – even by Planning Authority respondents that are highly critical of SEA as a whole. They are, however, a source of some frustration as a consequence of inconsistency of advice and requests for further information/detail. (While consistency is an important issue, a level of tension is inevitable given the quasi-regulatory role fulfilled by CAs.)

- **Proportionality** remains a contested concept. Significant barriers, most notably: resource; expertise; CA expectations; and the form and structure of the process were identified.
  Wider attitudes to SEA in planning authorities and amongst Elected Members was again highlighted as an issue, reducing the level of investment and undermining the potential to add value.
  Despite a level of cynicism, respondents believe that SEA does have a reasonable level of influence both on policy and development on the ground (principally through selection of allocations, rather than built-in mitigation).
  Closer integration between the plan-making and SEA processes was highlighted as a critical means of streamlining both, ensuring more effective application of assessment findings and – importantly – increasing the visibility and legitimacy of SEA as a plan-making tool.

  There may be a need to review the 'official' definitions of proportionality in current guidance, and provide more detailed information on how to ensure that this is achieved at each stage of the process.

3.117 In summary, the findings of this element of the research counsel against a wholesale change or removal of SEA – instead focusing on improving the delivery of key elements of the process, and investing in SEA now to secure benefits in proportionality in future iterations of LDPs (and indeed other SEAs prepared by planning services).

4   Casework review

Introduction

4.1   This chapter of the report sets out the key issues which emerged from the analysis of the paperwork and correspondence trails for the following development plans:

- Clydeplan SDP;
- Glasgow City LDP;
- South Lanarkshire LDP;
- East Dunbartonshire LDP;
- Scottish Borders LDP;
- Angus LDP;
- Moray LDP.

4.2   This chapter is structured by the main elements of a Scoping Report and Environmental Report.

Relationship with other plans and policies

4.3   Relatively few issues with the review of plans and policies were identified, however three of the local authorities had missed out some of the relevant documents, including the Flood Risk (Scotland) Management Act (2009), Controlled Activities Regulations (CAR) 2005, River Basin Management Plan, or included outdated policy references (e.g. to the long-withdrawn NPPG5 and NPPG18).

Key findings

- **There may be some benefit in Responsible Authorities compiling a centrally-maintained list and summary of key objectives arising from relevant PPS to allow practitioners to focus on adding locally-specific detail.**

Baseline

4.4   Key areas where information gaps were identified included the need to include data on soils, particularly data on the extent and nature of carbon rich soils, in addition to peat. The need for authorities to undertake Strategic Flood Risk Assessment (SFRA) and use it to inform the baseline[15] was indicated in a number of cases. SEPA also highlighted the need to provide sufficient detail on flooding issues, and refer to the need to include reference to all sources of flooding (pluvial, fluvial, surface, coastal, groundwater) and flooding from small watercourses not on the flood map. Authorities were also frequently asked to review and expand the baseline information used with regard to the historic environment ('cultural heritage' topic area) to include non-designated heritage assets (e.g. from Historic Environment Record / Sites and Monuments Record / CANMORE data). As a general observation on case files, this is has not been done consistently and the information sources referred to could usefully be standardised.

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[15] This reflects the findings of <u>recent research</u> for ClimateXChange / Committee on Climate Change Adaptation Sub-Committee that highlighted the frequent lack of SFRA, and a general failure to integrate this process effectively with SEA, as a key issue in Scotland's planning authorities missing opportunities to take proper account of flood risk. http://www.climatexchange.org.uk/adapting-to-climate-change/assessing-consideration-flood-risk-scottish-local-planning-authorities/

4.5 The case studies revealed a level of apparent confusion about which SEA topics to attribute certain baseline areas to, particularly in relation to population and human health and material assets. This included the location of topics such as access to the countryside and core paths, or the relevance of flooding under the topic of climate change, instead of water.

4.6 Local authorities are not always including the most up to date data on the location of designated sites and features, specifically in relation to cultural heritage and biodiversity – in some cases relying on information that is several years out-of-date. In some instances, authorities included a range of additional information (generally focused on socio-economic considerations) that is not relevant to SEA topics or assessment approaches.

Key findings

- **Planning authorities find it difficult to keep baseline information up-to-date.**

- **Flood risk is a key issue on which authorities may benefit from a stronger steer – particularly the need to undertake Strategic Flood Risk Assessment (SFRA) to inform the SEA baseline.**

Scoping Reports

Overview

4.7 A number of issues identified, and comments made by the consultation authorities, on Scoping Reports re-iterate some issues which are fundamental to the SEA process, for example:

- **Baseline data, analysis and interpretation:**

  - The need to ensure identified environmental problems are actually *environmental* problems, and not straying beyond the remit of SEA.
  - Authorities are frequently listing / describing environmental assets, rather than analysing what this information means in terms of the importance and sensitivity of the environment to change.

- **Assessment approaches:**

  - Use and design of objectives;
  - The use of a matrix for scoring impacts against environmental issues;
  - The need to provide a record of identifying changes to the plan which result from the environmental assessment;

- **Understanding of key concepts:**

  - The need to consider short, medium and long term effects as well as cumulative, synergistic, secondary, permanent or temporary;
  - The importance of including reasonable alternatives and assessing cumulative effects.

Scoping in or out (scoping)

4.8 For all of the SEAs reviewed, each of the consultation authorities was content with the SEA topics scoped in. One comment was made on the approach to the scoping out of settlements from the assessment process for Moray, which raised a number of concerns – particularly with regard to potential effects on cultural heritage.

4.9 This is unsurprising as, broadly, for a development plan it might be expected that all topics would be scoped in, given the potential for wide-ranging effects.

Key findings

- **Some authorities appear to find core concepts of SEA difficult. This suggests that guidance may not be being used as intended.**

  - The importance of a meaningful analysis of baseline information in contributing to a coherent understanding of environmental issues and the potential effects of the plan appear to be widely underestimated.

- In-combination effects and the assessment of alternatives are particular issues.
- The need to demonstrate the reasoning supporting decision-making at all stages of the process – rather than simply recording assessment outcomes – is a recurrent feature.

Reasonable alternatives (Scoping and ER)

Overview of issues

4.10   Mirroring the findings of the survey work, Responsible Authorities appear to still face challenges with the approach to reasonable alternatives, with consultation authorities identifying the following issues:

- The need for scoping to set out that the consideration of reasonable alternatives will be covered.

- The need to clearly document within the Environmental Report how the findings of the assessment and SEA process has informed the choice of preferred options (two case study plans did not adequately illustrate this), and to clearly document which alternative has been selected – and why.

- The need for the assessment of alternatives to include alternatives to the plan vision and key principles.

- The need for the ER to provide a summary of the environmental issues associated with each alternative to illustrate how certain conclusions have been reached.

SNH highlighted two instances of problematic assessments of alternatives:

- One ER reviewed did not include detailed assessment of alternatives.

- In a second ER, SNH commented that two of the alternatives presented were not realistic as they were not aligned with SPP.

Commentary

4.11   The issues encountered in relation to reasonable alternatives reflect the problems described by survey respondents – namely the difficulty in coming up with reasonable policy alternatives (where compliance with SPP and NPF is paramount); and, how effective the alternatives process is when proposals emanate from an upper-tier PPS.

4.12   In the case of one ER, this is doubly important as many of the schemes included were prepared some time ago, potentially with lower levels of consideration of environmental issues. While EIA will likely be conducted at the project level, the cumulative and synergistic effects of schemes included as a whole will likely not be effectively understood at a strategic level.

Key findings

- **The development and assessment of reasonable alternatives is one of the main difficulties encountered by planning authorities.**

  - This means that the CAs have to repeat advice on the assessment of alternatives in their reviews of both Scoping and Environmental Reports, when this could be more appropriately dealt with through centralised guidance.

Assessment

Overview of issues

4.13   A number of the comments provided by the consultation authorities on the assessment process reflect some of the basic requirements of SEA:

- **Assessment scores:**
  - Scores applied (under-recording of negative effects).
  - Level of justification provided for scores for sites (too little provided).
- **Assessment approach and content:**
  - The need for the SEA to include appraisal of non-preferred sites.
  - The need to include reference to cumulative, secondary or synergistic effects.
  - The need to identify the significance of negative effects.
- **Effective documentation:**
  - The need to include a record of all stages in the process (e.g. settlements scoped out with no explanation of how or why).

4.14 The consultation authorities also comment on ways to make the process more proportionate, including reference to PAN1/2010 suggesting the grouping of sites (for site assessment).

4.15 The consultation authority comments frequently recognise there are challenges balancing the level of detail in assessment at MIR stage, but that SEA needs to include enough detail to be meaningful.

4.16 Detailed commentary is provided on individual site assessments, including sites within flood risk areas, demonstrating that their comments are important in providing an additional level of detail specific to the plan in question. Examples of the types of comments are provided in the box below:

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Consultation Authorities made specific comments with regard to:

- The detail of the assessment and mitigation of effects for the allocations (three ERs).
- The need for additional justification of assessment conclusions (one ER).
- The under-recording of effects (one ER).

In addition, each Consultation Authority made specific comments in relation to their area of expertise:

- HS comments on potential negative impacts on some historic environment features, which are not fully recognised through the assessment process. This includes comments on the proximity of proposed sites to the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site, potential impacts on setting of other historic environment features.
- SEPA commented on the location of some proposed sites within the 1 in 200 year flood zone.
- SNH commented on under-estimation of impacts on landscape.

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Commentary

4.17 It is interesting that over half of the sample LDPs experienced issues with comparatively basic elements of the SEA process – particularly with regard to providing detail and justification of scoring and in ensuring the assessment for all options considered are included. The casework review identified there were instances of authorities failing to follow the advice of consultation authorities at scoping stage, with the same issues being raised in consultation responses at ER stage, presumably creating additional work for both parties.

4.18 This potentially speaks to the issue of experience being critical, raised by both sets of respondents to the online surveys. Some of these omissions could be explained by a relative lack of experience – but should perhaps have been picked up through internal quality assurance processes. This could be taken to suggest that management either lack experience in SEA or are not giving SEA outputs the attention required. Time pressure on planning officers is likely to also be a significant factor in this context.

4.19 In terms of proportionality, there appears to be something of an imbalance in some authorities' approach to assessment – perhaps expending more effort and detail than is strictly necessary on the assessment of policy, but providing insufficient detail for allocations (i.e. where significant

effects are more likely). This is reflected in the number of CA comments on the scoring of individual sites, including lack of recognition of potential impacts on nearby designated resources.

Key findings

- **There is a potential lack of awareness and use of existing SEA guidance, or sufficient continuity in addressing consultation authority comments through each stage of the SEA.**

- **In scoping and delivering proportionate site assessment, authorities need to consider the levels of flood risk in their area – provided by SFRA – and frame site assessment approaches accordingly. Other issues raised by the consultation authorities included inadequate assessment of landscape impacts and impacts on the historic environment.**

Mitigation and monitoring

Overview of issues

4.20   A number of issues were identified in relation to mitigation and monitoring which suggests this is an area which the responsible authorities find less straightforward. Examples of these issues are provided below:

- A lack of recording mitigation changes made to the plan in the ER, including mitigation for site assessments;

- A lack of clarity in identifying which aspects of the plan require mitigation. SNH highlighted the need for mitigation to reflect the difference between 'no significant effect' and 'neutral effect' - mitigation should focus on any potential negative impacts of the LDP, and provide mitigation for cumulative impacts;

- The need for clear reporting of the link between significant effects, changes to the MIR and mitigation measures;

- The need to identify how the proposed mitigation mechanisms will be implemented through the plan;

- the need for monitoring indicators to reflect the likely significant effects of implementing the plan;

- The need to include timescales for mitigation;

- The need for mitigation measures to drive monitoring indicators to a large extent, to ensure that they provide insight into the environmental effects of the plan;

- SEPA suggests a matrix linking SEA questions with possible mitigation measures, setting out what required, when required, who undertaking (this approach ensures mitigation for all SEA objectives);

- The need to ensure mitigation measures are suitably specific, various comments are provided on the wording of monitoring indicators, suggesting further guidance is required.

4.21   The interviews identified an example of good practice in terms of mitigation. This section of the ER lists each policy, any mitigation identified and the change made to the plan.

Key findings

- **There is a general lack of clarity in connection and reasoning between identification of significant effects, mitigation measures and monitoring indicators.**

- **Monitoring measures included in Environmental Reports are often too vague to be implemented effectively – and are not always tied effectively to either mitigation or significant effects.**

Conclusions

4.22 The case study analysis illustrated a system and process generally working effectively, with Consultation Authorities acting as 'critical friends', highlighting potential and making recommendations for amendments.

4.23 In terms of the issues encountered, these were broadly as expected, based on the survey results – with key issues such as baseline analysis, approaches to defining significance and assessing alternatives featuring prominently. It was perhaps a little surprising that comparatively simple omissions were made in the preparation of Scoping and Environmental Reports, for example the omission of SEA objectives at Scoping, or insufficient justification for assessment findings in the Environmental Report. This may reflect the time pressure that authorities face, in addition to a potential lack of experience amongst the officers preparing the documentation. An interpretation based on the latter is supported by the frequency with which CA officers are required to refer their planning authority counterparts to the SEA Guidance and particularly to PAN 1/2010.

4.24 In broad terms, it appears that the critical path necessary to develop and deliver a proportionate and effective SEA is potentially not always being followed in an optimal manner – meaning that cumulative missed opportunities may be having a multiplier effect on effectiveness.

Using the case study analysis to inform the interviews

4.25 Based on the issues identified from the desk based analysis of the case study plans and consultation authority responses, a review was undertaken which examined the content of PAN 1/2010 and the SEA Guidance 2013 against the issues which were identified. This was carried out in order to ensure that any emerging recommendations were aligned with the current content and detail of the guidance documents. Some issues were identified as being overlooked in the case study examples, but adequately covered within the existing guidance documents.

Testing recommendations

4.26 A number of relatively simple recommendations were drawn from practitioner comments in their survey responses. These had considerable read-across with issues identified in the desk-based analysis of casework.

4.27 Interviews – scheduled with PA and CA staff identified in sample casework – were used as an opportunity to test these recommendations.

4.28 These included:

- Availability and maintenance of baseline data:

  - Support for a centralised, online data repository (e.g. enhancements to SEWeb)
  - The ability to download datasets clipped to authority boundaries

- Central maintenance of a master list of relevant PPS that should be considered;

- Additional advice on the mitigation and monitoring of significant effects;

- 'Compliance checklists' to help authorities ensure they meet CA expectation prior to submission of Scoping and Environmental Reports;

- More detailed guidance on developing / recording reasonable alternatives, and including them effectively in assessments.

5   Interview findings

Introduction

5.1   Interviews were arranged with staff from each of the seven sample planning authorities, and each of the Consultation Authorities involved in the SEA process.

5.2   This required interviews with a total of:

- Six planning authority officers; and

- 18 CA officers.

5.3   Of these, some members of staff were found to have moved on, but replacements were nominated. One planning authority (Glasgow CC) did not respond, despite numerous follow-up calls, and another two (Moray and Scottish Borders) opted to provide a written response – although, at the time of writing, this had not yet been received. One CA officer asked to provide a written response and, similarly, this had not been received by the time of reporting.

This translates to an 83% response rate.

Format

5.4   A semi-structured interview format was adopted, issuing participants with a comprehensive project briefing and a copy of the intended questions/discussion points in advance. A copy of the generic interview proforma is included as Appendix 4.

5.5   In addition to generic questions, issues drawn from the desk-based review, specific to each SEA, were included to address any inconsistencies or draw out additional detail of the process and outcomes of the sample case studies.

5.6   Interviews were conducted by telephone, in February and early March 2017.

Effectiveness

5.7   To get respondents talking, some simple and fairly broad questions were asked around their opinions on how the SEA process had worked for them, what they felt had worked well – and where there was potentially room for improvement.

What works?
Planning authorities

5.8   In general, planning authority interviewees were substantially less enthusiastic about the SEA process and its benefits.

5.9   However, the Angus Council representative was keen to stress the valuable input, through several meetings and extensive correspondence, from the Consultation Authorities that was judged to be critical in delivering an effective SEA. (It was the authority's first time preparing an SEA of a development plan, therefore additional support was felt to be necessary.) Carrying out this engagement at an early stage, and maintaining relationships throughout the process, was a significant benefit to the council. The Clydeplan SDPA representative was effusive in their acclaim for the Consultation Authorities – particularly SNH – in developing a suitable approach and avoiding some of the issues encountered with the SEA of SDP1. Again, face-to-face meetings and

a workshop approach to difficult issues, especially in dealing with proposals where no reasonable alternative could be considered[16], was particularly valuable.

5.10 Like Angus, East Dunbartonshire was conducting their first LDP SEA. Their representative considered that having a joint policy and SEA team was a substantial benefit, ensuring good communication and understanding of key issues.

5.11 Respondents felt that reviewing the work of other authorities was very useful in gauging what was appropriate and may be considered to be 'proportionate' by the Consultation Authorities.

5.12 South Lanarkshire Council's representative highlighted that they believed the MIR stage worked well with SEA for testing options and identifying the most sustainable solutions.

Consultation authorities

5.13 CA respondents were similarly positive with the regard to close partnership working and holding meetings to work through key issues. Where authorities were inexperienced, CA respondents noted that, while extensive engagement was necessary to deliver good results, it was particularly resource-intensive for CAs. There was some discussion as to whether the level of engagement (characterised as 'hand-holding' by some respondents) was strictly necessary, given the level of guidance available. On balance, however, it was felt to be important to support authorities in developing good practice – ideally so that less assistance would be required in future.

5.14 Authorities were generally responsive to CA comments and suggestions (but by no means all), and this was notably more effective where a good working relationship was built up through direct engagement – rather than sole reliance on official correspondence.

5.15 South Lanarkshire's LDP SEA was highlighted as an example of good practice, following a strongly iterative process and drawing heavily on CA comments on previous SEAs to deliver a proportionate result.

What is less effective?
Planning authorities

5.16 Some respondents noted a level of disappointment that their approaches to scoping met with criticism and resistance from CAs. This related most frequently to attempts to scope out smaller-scale proposals and to group numbers of proposed allocations for assessment purposes. This was argued as going against principles of proportionality – although it should be noted that the reasons given for rejecting these approaches were generally sound such as an absence of evidence to justify the approach taken, or potential for significant effects.

5.17 Angus Council reported that they would be inclined to change the approach taken to site assessment, moving towards more specificity at MIR stage where possible as they felt that the growth options used for their SEA did not provide sufficient certainty or detail.

5.18 Mitigation measures and monitoring indicators were a recurring theme, with some authorities finding defining appropriate, enforceable indicators challenging – particularly as the nature, scale and timing of effects is uncertain. This was felt to be, to a certain extent, a paper exercise with no real meaning or teeth.

Consultation authorities

5.19 CA respondents, understandably given the nature of their role, were able to identify rather more numerous areas for improvement.

5.20 There was a general perception that, when the bulk of the SEA effort is deployed, LDPs are often too high level to do really meaningful assessment. This is a particular problem for MIR stage, which contain no firm policies or proposals – meaning that preferred options often appear at Proposed Plan stage with little rationale to them or transparency in terms of how SEA has or has not influenced decision making. Respondents also indicated that, as spatial strategies were often absent at MIR stage, there was little clarity as to how preferred options had been arrived at, or the extent to which meaningful alternatives had been considered. At the site level, respondents were also uncertain – although individual sites are assessed – how effectively the findings of

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[16] City Deal projects, and proposals carried over from SDP1

those assessments are drawn back together to give an overall impression of environmental impact, or understand cumulative effects.

5.21 Some specific approaches to assessment (e.g. Glasgow CC) were identified as being, at least initially, overly simplistic – making assessment a relatively abstract process with insufficient subtlety in scoring. This was felt to represent a risk in terms of failing to adequately identify significant effects and potentially allowing adverse impacts to 'slip through the net'.

5.22 Again, mitigation was highlighted as a key concern, with respondents unsure either how effective or enforceable specified measures would be. There was also a concern that, as noted above, the siloed nature of site assessment and mitigation means that the SEA often does not have a meaningful influence on the decision whether or not to allocate sites, or have any effect on subsequent planning processes or decisions.

5.23 Cumulative effects were highlighted as an issue by the majority of respondents, for the reasons discussed above, and the general impression that different components of SEA (policy, spatial strategy and site allocations) were rarely brought back together in a coherent manner. Similarly, there was comparatively little confidence that in-combination effects more generally were properly understood or taken into account in assessments.

5.24 Assessment of alternatives, particularly in terms of the level of assessment of non-preferred options and the lack of visible alternatives at MIR stage, concerned respondents – echoing opinions recorded in the survey.

5.25 With reference to some of the point raised above, overall transparency in assessment and the recording of decision-making represented a substantial concern. There was a feeling that, for some plans, the preferred spatial options had been agreed some time prior to the SEA, and that processes and findings had been retro-fitted to justify conclusions.

Proportionality

5.26 Interviewers were provided with broad discussion points against which to test respondents' understanding of proportionality, and draw out their opinions on what barriers they had encountered in relation to specific LDP SEAs.

Understandings of proportionality

5.27 Both sets of respondents demonstrated an appropriate understanding of the concept, as set out in relevant guidance. Key points of disagreement or issues that respondents felt were worthy of greater consideration are set out below.

Planning authorities

5.28 Planning authority respondents agreed that focusing on significant effects was a critical factor – albeit that there was some discrepancy between respondents as to how this could or should be achieved.

5.29 One respondent was keen to highlight the uncertainty involved in identifying environmental effects – although this was mainly framed as a criticism of SEA and a rationale for holding matters over to application stage. There was also a feeling (from the same respondent) that a 'proportionate' view should mean that SEA would not be a dominant factor in determining the acceptability of the plan[17].

5.30 Proportionality was a problematic concept in relation to site assessment, where some respondents felt that, where large numbers of sites needed to be assessed, a lighter-touch approach should be considered more appropriate on resourcing grounds. This suggests a disparity between the SEA site assessment and the site assessment being carried out as part of the plan-making process, and therefore the efficiencies of combining the two are not being recognised.

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[17] Arguably, this is the case anyway as the outcomes of SEA are advisory rather than prescriptive. The best environmental option can be overridden by other considerations – but the reasoning behind this should be made apparent.

5.31 Several respondents raised the classic argument that proportionality is not about length of documents, but about appropriate levels of detail based on the likelihood of significant effects.

5.32 That SEA should assess both positive and negative effects was also highlighted, along with a suggestion that, because practitioners (CAs, RAs and stakeholders) are programmed to look for the negative effects, opportunities to either identify or indeed optimise positive effects are overlooked.

Barriers to achieving proportionality
Planning authorities

5.33 Authorities were clear that engagement with CAs was a significant benefit, and respondents identified insufficient engagement and not seeking advice at the right times (i.e. at the earliest opportunity) as a potential barrier to proportionality.

5.34 There was a persistent concern that the inability to effectively define, identify and quantify significant effects could make the process disproportionate. (Here, there are strong links to the point made by CAs, discussed below, that a lack of expertise in PAs is a barrier.)

5.35 Spatial and environmental characteristics of local authority areas were raised as a potential barrier, creating issues of scale and resolution in assessment. It was suggested that, for rural authorities (e.g. Scottish Borders), site assessment was disproportionate in that they generally have to assess comparatively large numbers of small sites. There is a perception that the size of these sites limits the potential for environmental impacts and that more leeway should be afforded to authorities in this position. (Conversely, they implied that urban authorities generally had fewer, larger sites to assess. Neither of these assertions are particularly robust and, in any case, there is little value in comparisons as environmental issues and planning pressures vary so much between authority areas.)

5.36 A consistent theme of a lack of resources also figured in authorities' responses to this issue – affecting the availability and training of staff, time available to scope and deliver proportionate assessments, and the integration of SEA with plan-making.

5.37 As proposed above, the availability of high quality, standardised baseline spatial data could be one means of tackling part of this issue. This would, at least, enable the identification of sites where more detailed assessment may be required – in effect aiding scoping at site assessment stage.

Consultation authorities

5.38 Given the CAs role and responsibilities, the level of detail in SEA was a major consideration. There was a concern that, in seeking a more proportionate approach to SEA, there would inevitably be attempts to rein in the amount of necessary detail that responsible authorities would seek to include in assessments. The lack of specialist knowledge in responsible authorities was flagged as a potential barrier, in that it can prevent both effective identification of environmental issues and appropriate scoping of assessments – making assembling a truly proportionate assessment challenging. Clearly, CAs play a key role in supporting planning authorities in this regard. However there is a fundamental question around the extent to which CAs should be shaping assessments and whether they would effectively be required to make up for under-resourcing in planning authorities. Again, this also raises issues of consistency within, and between, CAs – particularly as they have responsibility for some, but not all, aspects of SEA.

5.39 CA respondents agreed with their PA counterparts that a lack of engagement was a major barrier to proportionality, and for much the same reasons. They also noted that a lack of internal engagement – between SA officers and the team preparing the LDP policies and proposals – was a significant barrier, preventing effective integration and a lack of understanding of both the detail of the plan and the outcomes of the assessment process. Prioritising engagement at scoping stage was suggested as the most effective means of securing proportional assessments.

5.40 A key point was that respondents felt that too much time and effort was expended on assessing policies, while the areas where significant effects were both more likely to occur, and be more significant – land allocations and particularly spatial strategies – were often something of an afterthought.

5.41 CA respondents also had concerns about the planning authorities' responses to the need for proportionality – particularly in terms of:

- Attempting to screen/scope out elements of the plan that should be assessed; and
- Grouping sites together to reduce time and resource requirements of assessment.

Role of the consultation authorities

5.42 CA respondents are reasonably confident that their advice is taken and that is has helped improve proportionality. They have a critical role in the process, and one that is inherently problematic. While their assistance is highly valued, there some obvious tension between CAs and RAs with regard to:

- What is proportionate in assessment;
- What is achievable with available resources; and
- The value that SEA adds to the plan-making process.

5.43 As previously noted, extensive engagement at scoping stage was identified by both sets of respondents as being the most useful and effective approach – albeit on that carries a substantial resource implication for CAs.

Feedback on recommendations arising from the survey

Centralised baseline data

5.44 Both sets of respondents were supportive of the recommendation, with several noting that this process is effectively partially underway, and that SEWeb and other web-based services were on the road to delivering this – but that some upgrades were required.

5.45 This could, in theory, help to reduce the resource commitments necessary to collate baseline information and ensure that the most up-to-date information was used. In addition, this could provide more time to deploy on the analysis of that information.

5.46 However, for respondents, it did raise questions as to who would be responsible for upkeep, and how users would be made aware of changes to baseline.

Compliance checklists

5.47 To counter the uncertainty that authorities reported facing with apparently varied requirements from CAs, it was suggested that a checklist or 'menu'-based approach to ensuring that SEA outputs were fit for purpose.

5.48 The majority of respondents were wary of such an approach, fearful that this might end up turning the SEA process into more of a tick-box exercise – with practitioners focusing solely on meeting set requirements, rather than understanding key issues and developing proportionate approaches to assessment. A few raised the example of the old (pre-2013) SEA Toolkit as an example of this type of approach that did not really work for lots of practitioners / SEAs as it was perceived as too prescriptive. Similarly, other respondents believed that the current guidance available was fit for purpose and, provided it was followed effectively, fulfilled much the same purpose.

5.49 (In early interviews, the idea of moving towards a 'gate-check' type procedure – mirroring that proposed in the Planning Review for LDPs – as suggested by survey respondents, was also tested. However, interviewees felt that CAs effectively provided this type of check already, and that the iterative nature of SEA allowed for the capturing and correction of any deficiencies in the next output.)

Enhanced guidance on assessment of alternatives

5.50   While planning authority respondents were cautiously welcoming of suggested additional guidance on the assessment of alternatives – particularly in terms of more effective recording and assessment of options considered by LDP teams, CA respondents were more hesitant. They were concerned that, because each case is unique, guidance may need to be too generic to be effective. They felt that the key message should be a stronger need for buy-in to the options and assessment process by LDP teams and management, and a restatement of the value of existing guidance. Not generating artificial alternatives was a key line of discussion as this was felt to waste everyone's time and add no value.

Enhanced guidance on mitigation and monitoring

5.51   In terms of delivering more effective mitigation, respondents (particularly from CAs) were clear that a stronger, more consistent message on the need for avoidance of effects – i.e. through alterations to the plan – rather than mitigation should be the first choice. To do this, CA respondents felt that the most appropriate way to achieve this was to encourage assessment approaches that explicitly account for pre- and post-mitigation (i.e. residual) effects to encourage more meaningful consideration of the measures proposed.

5.52   All respondents noted the current difficulties faced in determining whether mitigation measures are implemented effectively; some noted Highland Council's approach of including a policy in the LDP to lock in SEA mitigation as emerging best practice. However, the case studies identified there were also issues with poorly developed mitigation measures, and mitigation measures identified within the SEA not being brought forward into the plan.

Summary

5.53   Overall, the outcomes of this research do not suggest the need for a wholesale overhaul of SEA, instead focusing on improving the focus and execution of key stages to help authorities enhance the efficiency, effectiveness and proportionality of the process – and its value, both real and perceived, to plan-making.

5.54   There would appear to be no fundamental reason for legislative change. The recommendations of this report should help to meet the requirements of the Act in a more streamlined manner.

5.55   The main changes that could benefit SEA of development plans can be summarised as follows:

- **Tailored baseline** comprising nationally standard data, supplemented with locally-specific information, part derived or informed by public engagement;

- **More effective scoping** informed by higher level assessments (e.g. NPF, SPP, any successor to SDPs), better understanding of local baseline and inputs from public engagement.

  - Needs confidence on part of Planning Authorities and support from Consultation Authorities.
  - 'Letting go' in the knowledge that information and analysis can be revisited if needed.

- **More effective upfront engagement**, framed as a conversation:

  - What does the plan have to deliver (national policy drivers, local development needs)?
  - What's important about the local environment?
  - What does this mean for the plan priorities?
  - Providing additional information, prompting revisiting scoping if necessary.

- **Tailored assessment objectives** - national suite with sub criteria refined to reflect local baseline and priorities.

  - Informed by policy drivers, baseline and public engagement, develop and assess policy options (reasonable alternatives) in line with scoping.

- **Streamlined approach to assessment of sites** –a more detailed assessment where triggered by SEA-related sensitivity.

- **Define mitigation (and enhancement) measures** necessary to make policies acceptable and to secure benefits and win wins - specific and actionable.

- **Encourage plan makers to include a statement of how SEA recommendations for mitigation and enhancement have been incorporated**, and any residual requirements to be delivered through DM.

- **Formal consultation on proposed plan and ER** - should be more engagement following previous rounds of involvement, and greater transparency as decisions can be linked back to previous rounds of consultation.

- **Seeing the end of one SEA (and plan making process) as the starting point for the next** – identifying the opportunities for intelligent screening and scoping, focusing on areas of change in baseline, policy responses and spatial strategy.

6   Conclusions and recommendations

6.1   This chapter of the report sets out the conclusions and recommendations which:

- Identify opportunities for delivering proportionality within key stages of SEA;

- Enhance SEA guidance and advice; and

- Indicate how SEA processes can be flexibly aligned with a new Scottish Planning System and remain compliant.

Improving proportionality

Baseline

6.2   It appears that, currently, the development and analysis of baseline data is a key missed opportunity – and one that can hamper proportionality from the outset through:

- Insufficiently nuanced understanding of key environmental issues and interactions with the emerging plan, leading to;
    - Less effective scoping – harder to confidently scope out issues or physical areas; less specific objectives; less accurate assumptions; and
    - CA requests for further information to fill gaps in the baseline to support a comprehensive assessment.

6.3   It is acknowledged that not all planning authorities have access to technical specialists – either full-time SEA practitioners or experts in relevant disciplines (e.g. flood risk management, the historic environment, ecology). However, given the importance of the LDP process and the potential value added by having well-scoped and robustly-framed assessments, there is a strong case for involving specialist staff wherever possible. While consultation authorities are expert in their specific areas of responsibility, it is not considered realistic on resource grounds to expect an expanded role in this regard.

6.4   Pulling together the relevant spatial data in particular appears to be challenging for authorities. The availability of centrally maintained and updated datasets through SEWeb and other online services (e.g. Canmore, SNH SiteLink) is a major benefit. There is, however, a strong argument for providing and maintaining these datasets clipped to authority boundaries – perhaps with a suitable buffer to deal with cross-boundary assets/issues – to enable quick and easy downloading. State of the Environment Reporting is undertaken by very few authorities, therefore baseline information has to be prepared more or less from scratch for each SEA – including for LDPs.

Recommendations	
1	Responsible authorities should consider making use of internal experience and advice to assist in the development and analysis of baseline data, and its use in informing scoping and assessment. Where possible, authorities could consider sharing technical expertise to their mutual benefit in the development of SEA baselines and scoping.
2	Scottish Government and partner bodies delivering the digital transformation of the planning service workstream should explore opportunities for better use of and access to spatial data to support SEA, for example through upgrades of SEWeb to provide download functionality or use of web services.
3	Consultation Authority advice, and future updates to guidance, should prioritise analysis of baseline information in addition to collection.

Scoping

6.5   Findings of all elements of the research point toward scoping at a pivotal part of the process – and one that is heavily reliant on good quality baseline analysis. It is the principal opportunity to ensure that the extent and detail of assessment, and the approaches applied, are robust and proportionate – and should potentially be a much stronger area of focus for planning authorities and CAs alike.

Recommendations	
4	Scoping should continue to be afforded a high degree of significance for LDPs, reflecting the level of complexity and the need to agree a proportionate approach. This should focus upon the level of detail.
5	Scoping as a collaborative exercise: wherever possible, face-to-face workshops should be held with Consultation Authorities to discuss and agree key issues and assessment approaches. While resource-intensive, this can be shown to limit inputs at a later – potentially higher-risk – stage.
6	There is a need for an addendum to existing guidance to better explain how authorities working on their second (or later) iteration of the LDP can deliver much more streamlined assessments, focusing on areas of change in the baseline and plan.

Assessment

6.6   There was strong support from CA and PA respondents alike for a more standardised approach to defining SEA objectives for assessing LDPs. While comparatively straightforward, this would need to be implemented in a manner that is not prescriptive and allows local tailoring as appropriate.

Recommendations	
7	Consider whether a national suite of standard SEA objectives for assessment / assessment questions would be beneficial. Supporting guidance would have to be provided on framing locally-appropriate sub-criteria for assessment if utilised.
8	Re-emphasise the benefits of an approach to LDP SEA that is more closely aligned to the development and testing of spatial strategy options and alternatives, with nested assessment of proposed land allocations.

Reasonable alternatives

6.7   Alternatives are a key area for improvement for both sets of respondents, albeit for slightly different reasons. The potential for legal challenge to LDP SEAs should not be discounted and, based on English case law, assessment of alternatives is an area of known weakness.

6.8   Interview respondents were cautious about additional guidance and indeed this could only ever be part of a wider solution. Nevertheless, there may be some value in providing more detailed worked examples and practical advice on the integration of SEA with wider options appraisal. Engagement with planning authorities at a relatively high level – potentially through Heads of Planning Scotland (HoPS) – may be required to restate the value of SEA, explain the importance of alternatives and articulate the benefits of closer integration with plan-making.

Recommendations	
9	Consider the production of good practice guidance on how to use the process of identifying

	and assessing alternatives to add value to plan-making. e.g. SG and Consultation Authorities to engage with Heads of Planning Scotland to develop a collaborative, consistent message on the value of and approach to integrating the effective assessment of alternatives in the SEA and plan-making processes.

Public and stakeholder engagement

6.9 The survey responses identified that public and stakeholder engagement appears to add very little to the SEA process at present. It is required by the Act, but could be more effectively incorporated within the main LDP consultation exercise, potentially helping to explain the role and contribution of the process without the need for stakeholders to trawl through extensive technical information.

6.10 As suggested previously, a more accessible disaggregated approach could be trialled – potentially along with other approaches.

Recommendations	
10	Encourage planning authorities to ensure the public can see the connection between the draft plan and the environmental report. For example use existing engagement activities with public and stakeholders to highlight environmental information: potentially using a staged approach, securing interest and buy-in at baseline stage to understand what local people value and how that should be reflected in policy; with subsequent stages clearly linked to community values and issues. This could be led by the LPAs and supported by the consultation authorities and Scottish Government.
11	Increase connectivity between plan and SEA documentation. For example encourage planning authorities to present SEA findings and outcomes in LDP consultation documents to improve transparency and highlight how environmental information has influenced decision making.

Mitigation and monitoring

6.11 There is a general lack of confidence that mitigation and monitoring measures set out in Environmental Reports are being applied effectively.

Recommendations	
12	Planning authorities should have procedures in place to ensure that mitigation measures identified during the SEA are taken forward e.g. included within action programme and reported upon as part of the monitoring process. Planning authorities may also wish to include a policy relating to mitigation measures
13	LDP action programmes should be linked to Post Adoption Statements to ensure mitigation and monitoring measures are integrated into the actions
14	Planning authorities should ensure that SEA recommendations / mitigation measures are sufficiently specific, robust and achievable, with clear responsibilities and delivery mechanisms identified to aid usability at application stage.
(Ideally, they should be drafted with the same guiding principles as planning conditions.)

Efficiency and effectiveness

6.12 SEA is perceived by many planning authorities as a resource-intensive process that does not currently add sufficient value to plan-making to justify its costs. The resource pressure that all authorities are under is a very real consideration, but does not absolve the responsibility for undertaking effective, meaningful environmental assessment.

6.13 This is a complex problem, with multiple contributing factors which can be characterised as follows:

- Lack of senior buy-in: widely reported by planning authority respondents, senior planners are not sufficiently invested in SEA as a plan-making tool and often view it as a box to be ticked.

- Misconception of SEA as being complicated and difficult: while SEA requires careful planning to synchronise effectively with LDP timelines, this can be accomplished – sharing good practice in project management could assist with this.

- Lack of up-front investment: putting time and resources into developing a robust baseline and a comprehensive understanding of local environmental issues can potentially save time and resources later in the process, provide efficiencies for plan-making, and provide greater certainty by clearly defining significance and eliminating the need for requests for further information etc. South Lanarkshire Council provided an example of effective use of a State of the Environment Report, which provided the basis for the environmental baseline, however the consultation responses still identified some areas for additional information for the SEA.

- A lack of understanding of the synergies between plan-making and the SEA process.

- Lack of experience in planning authorities: where development plan teams cannot draw on either specialist or experienced SEA practitioners for advice, authorities may need to consider either taking a more intensive approach to engagement with the CAs and/or engaging with other authorities to learn from their experience.

6.14 That no LDP has yet been challenged on its SEA should not be taken as a signal that this is not a substantial risk. While respondents are aware of the potential for challenge, there is an impression that this is not necessarily taken as seriously as it is in England and that this risk-aversion results in a 'more is more' approach, rather than an alternative that is more tightly focused on key issues and robustness against the requirements of the Act.

6.15 SEA outputs are sometimes viewed by planning authorities as inaccessible, overly-technical and not well-integrated with the LDP documents they are intended to support. Presentation is, in the main, still dominated by approaches derived from the 2006 SEA Toolkit. Some notable examples (such as South Lanarkshire LDP2 MIR ER) have attempted to include more accessible graphics to explain scores, and consultation questions to promote engagement – but reports remain very text-heavy, dense and extremely long (generally 150 pages+).

6.16 This is perhaps unsurprising as ER content is, to a certain extent, constrained by the requirements of Schedule 3 of the Act; current guidance is largely silent on how best to structure this information or how to make best use of available tools (e.g. network diagrams, SWOT analysis). It is recognised that the 2013 guidance sought to be less prescriptive – but in the absence of an 'approved' alternative, authorities have remained cautious and are unlikely to invest in more innovative approaches due to perceived cost and additional risk.

6.17 Moving towards a more collaborative model of Scoping should help improve confidence and certainty – and build a more positive, communicative approach to working. There will be up-front resource implications for Consultation Authorities, but this should be balanced by the need for fewer larger-scale interventions later in the process.

Recommendations	
15	Encourage planning authorities without recent or substantial experience of SEA of LDPs, to engage with Consultation Authorities and other authorities before commencing the process to draw on available knowledge and advice.

| 16 | Continue to develop the role of the SEA Forum to enhance sharing of good practice – potentially through collaborative peer review sessions and/or greater sharing of practitioners' and Consultation Authorities' view of 'good practice'. |

Delivering enhanced guidance

6.18 The engagement exercise suggests that current guidance is robust and generally well-regarded. However, changes to the planning system are likely to necessitate a review of the 2013 document to ensure alignment with the eventual shape of the revised LDP process. On a technical level, most of the content will remain appropriate – some of this could potentially be prepared as either stand-alone guidance notes, or delivered through the SEA Forum and/or SNH 'Sharing Good Practice' events – but key changes could reasonably include promotion of a 'front-loaded' approach (mirroring the aspirations of the Planning Review) that:

- Emphasises good quality, critical analysis of baseline evidence;

- Meaningful, collaborative engagement with CAs at Scoping stage; and

- Enhanced guidance on assessment of alternatives and mitigation.

Recommendations
17	Promotion of a streamlined approach to SEA of policies that prioritises assessment of departures from SPP and locally-specific policy.
18	Advice and guidance on making the most of available tools, for example: - *Getting the best out of GIS in analysing baseline spatial data (aligned to any agreed changes to SEWeb);* - *What questions to ask to better understand key environmental problems;* *Using this analysis to identify where more detailed, locally-specific assessment would be beneficial.*
19	Ensure that replacements for the Development Planning Circular (6/2013) and PAN 1/2010 promote a strongly integrated approach to SEA as part of the plan-making process.

Alignment with the reformed planning system

6.19 The Scottish Government published Places, People and Planning in January 2017 which set out a consultation on the future of the Scottish Planning system. The document sets out four key areas of change, within which are a number of individual proposals for change. The four key areas of change set out within this document include:

- Making plans for the future. Simplifying and strengthening development planning.

- People make the system work. Improving the way people are involved in the planning process.

- Building more homes and delivering infrastructure. Actively enabling and co-ordinating development.

- Stronger leadership and smarter resourcing. Removing processes that do not add value, and strengthening leadership, resources and skills.

6.20 Following the consultation on the proposals set out in Places, People and Planning, and to reflect the wide range of views on the proposals the Scottish Government published a position statement in June 2017, indicating the shape of the proposals likely to be taken forward in the Planning Bill.

6.21   The Planning Review provides a critical opportunity for Scottish Government and CAs to present a model of SEA that is robust, focuses on the parts of the plan most likely to generate significant effects and is more effectively incorporated within the LDP process. The evidence from engagement with practitioners underlines the critical role CAs play in disseminating good practice and providing valued and trusted advice. This could be supported by better resourcing of strategic advice to assist planning authorities make the necessary changes and deliver reformed LDPs with robust, proportionate SEA playing a stronger role. Changes to the approach and dissemination of good practice will need to be informed by early and substantial engagement with key stakeholders (HoPS and the SEA Forum).

6.22   Reflecting the proposals in the Places, People and Planning position statement, a number of key opportunities have been identified. In relation to regional partnership working and the removal of the requirement for strategic development plans and an enhanced NPF and SPP, there will be a need to ensure a consistent approach to the cascade of SEA from national to regional to local level.

6.23   The removal of the MIR stage will mean that the draft plan SEA will have an enhanced role in setting out the audit trail of the plan development and the consideration of alternatives. This could also increase the importance of enhanced Scoping, potentially including early public and stakeholder engagement[18], to ensure that SEA is on a sound footing, built into options appraisal and as tightly-scoped as possible. A stronger focus on spatial strategies and land allocations, where environmental effects are most likely to occur (or be materially different as a consequence of adoption of alternatives) could yield substantial benefits. The ten year plan period will also affect the process of SEA, both in terms of prediction of effects and the need for review.

6.24   The introduction of processes which increase the consideration of information at an earlier stage of plan preparation include introducing the requirement for more information on viability at the site allocation stage. This will increase the environmental evidence available to inform the SEA of sites, increasing the evidence base and reducing uncertainty. Additionally the gatecheck process will make a positive contribution to ensuring that the relevant evidence base is available to inform the SEA and could be used to support the critical analysis of the environmental baseline through the identification of environmental problems.

6.25   Finally, as a cross cutting issue, the aim to improve engagement with the planning provides an opportunity for improving community engagement in the SEA process.

Recommendations		
20		Provide guidance that defines how strategic national themes are assessed through SEA, to ensure consistent approach to their assessment and to provide clarity on how this should be reflected in the local SEA. This will include consideration of the impacts of national themes on the identification and assessment of reasonable alternatives at the local level.
21		Provide guidance on how the SEA of NPF and SPP relates to the SEA of local development plans, and the alignment of local plan policies with these. This could include options for scoping out policy where wording adheres closely to SPP or can be shown to result in no material change in effects.
22		Provide guidance on the role of the SEA in setting out the audit trail of the plan development and the consideration of alternatives, reflecting removal at the MIR stage.
23		The ten year plan period will increase the requirement for the SEA to reflect longer term effects and clarity will be needed on the requirement for any updates to SEA

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[18] As, by draft plan stage – which under the proposed changes will be the first time stakeholders have the opportunity to comment – preferred options will have been identified, subject to consultation.

Recommendations		
		within this timeframe, particularly in relation to substantial changes in the baseline.
	24	Ensure the gatecheck process is aligned with SEA requirements to achieve maximum efficiencies.
	25	Align the provision of more information on site viability at the site allocation stage with the SEA requirements to streamline the two processes.
	26	Align actions towards getting more people involved in planning with improving levels of community engagement in the SEA process.

Appendix 1
Context and Key issues

Context and key issues

Critiques of SEA

6.26   Over the past year or so there has been considerable debate across the UK about the merits of SEA. Key criticisms have been that the SEA process is disproportionate to the task of preparing development plans, that it adds little to the plan making process and that it makes it more difficult for the wider public to engage with and understand the planning process.

6.27   Paragraph 3.6 of the planning review[19] states that '*Evidence gathering, including through statutory assessments, adds time and complexity to the plan preparation process, but provides relatively little value and impedes accessibility*'. The reviews goes on to describe (para 3.14) how planning authorities are mired in the process of producing plans and that a '*focus on fitting complex and overly comprehensive work into the preparation timescale obscures much fuller consideration of the long term vision for a place*'. Still worse, it concluded that '*despite the considerable efforts that go into preparing the plan, there appears to be little faith that it will form the basis of subsequent development management decisions*'. Looking forwards, the review noted the potential for communities to become more involved in planning, particularly at the local level, underlining the importance of processes that are simple, open and accessible. These concerns and issues lie behind the review panel's recommendation that '*the proportionality of supporting information, including environmental assessment, should be addressed'.*

6.28   There have been similar criticisms of SEA and Sustainability Appraisal (SA) in England, with the Local Plans Expert Group[20] (LPEG) described SEA/SA as '*one of the most time consuming aspects of plan making*' which provides '*little genuine assistance to decision making*'. LPEG recommended a more tightly focused approach to SEA, with wider use of screening to determine whether SEA is required and scoping to focus on a more limited range of issues and alternatives.

Current practice in Scotland and England

6.29   It is notable that SEA in England is applicable to a much narrower range of policy documents but that the approach tends to be more detailed and onerous than in Scotland. Interestingly, the 2016 Scottish SEA/HRA Forum, held in April, concluded that SEA in Scotland had become more focused, pragmatic and streamlined as the experience of planners and assessors had grown, resulting in shorter and more focused SEA reports[21]. Authorities are now familiar with the process, baseline evidence such as state of the environment reporting has matured, and Consultation Authorities have developed effective working relationships with the plan makers. From an initial focus on rigid assessment methods there is now a greater emphasis on tailoring SEA to the plan or programme in question, supporting innovative and flexible approaches. In the words of one participant, in Scotland 'we seem to have got it'. In England, by way of contrast, evidence suggests that practice is heading in the opposite direction with planning authorities undertaking increasingly complex and onerous assessments, sometimes in response to the threat of legal challenge.

6.30   While the situation in Scotland may not be as extreme as in other parts of the UK, there does appear to be an emerging consensus that SEA in its current form requires a closer look and that change may be needed. Before exploring how current deficiencies and inefficiencies could be addressed, and how SEA could be aligned with the planning system that emerges following the planning review in Scotland, it is worth stepping back to consider the potential benefits of SEA and the statutory requirements set out in the 2005 Act.

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[19] Empowering planning to deliver great places An independent review of the Scottish planning system (May 2016) http://www.gov.scot/Resource/0050/00500949.pdf

[20] Local Plans Expert Group (2016) Report to the Communities Secretary and to the Minister of Housing and Planning, http://lpeg.org/wp-content/uploads/2016/02/Local-plans-report-to-governement.pdf

[21] http://www.gov.scot/Topics/Environment/environmental-assessment/sea/national-forum

SEA – origins and aims

6.31   SEA in the UK has its origins in the environmental assessment of individual projects, a process that developed in the 1970s and became a statutory requirement for particular types of developments following the 1985 EIA Directive. EIA was introduced in order to systematically assess the likelihood that a proposed development would affect the host environment. It includes the consideration of the ways in which impacts which are predicted to be significant and adverse can be addressed through changes in the design of the scheme or through the introduction of mitigation or compensation measures. EIA is recognised as having significantly improved the evidence base upon which complex decisions about potentially damaging developments are made (although there are also some concerns about the proportionality of EIAs). However, it was increasingly recognised that in many cases the risk of environmental harm could be reduced by subjecting the policies that regulate development to some form of environmental assessment.

6.32   This offered the potential, through the early and high level assessment of reasonable alternatives before decisions in principle are made, to enhance deliverability of plans by eliminating (or improving) policies and allocations that would otherwise subsequently be identified as having unacceptable environmental effects. By front-loading environmental assessment at the plan stage, the planning system as a whole would be more efficient and greater certainty would be provided for developers, communities and regulators. So, while there would be greater demands on planning authorities at plan making stage, the early assessment of plans and policies would help take some of the risk out of the planning process. By applying a systematic assessment process and reporting the results alongside draft and final plans, it would also help make plan making more consistent, accessible and robust. Effective assessment would help refine and clarify policies and identify ways in which impacts could be reduced or policy benefits improved.

6.33   Seen in these terms, SEA should perhaps be measured in terms of its proportionality to the planning process as a whole, rather than just the task of preparing a development plan, and in terms of the quality of planning policies and consequent planning decisions rather than the narrower value of the SEA Environmental Report as an item of supporting information. This is not to detract from the need to improve SEA, but simply to remind ourselves of the role that SEA should be playing, and the ways in which success of the SEA process should be considered. This should help ensure that changes in SEA practice, and the way that SEA is aligned with the planning system, are designed to achieve better planning outcomes rather than simply address narrowly defined perceptions of bureaucratic burden.

Appendix 2
Methodology

6.34   This appendix provides a more detailed description of the method and approach to the study.

Task 1: Inception

6.35   The inception meeting ensured that expectations on both sides are clearly understood and aligned from the outset. The meeting involved key members of our team together with the Client's Project Manager and Steering Group.

6.36   The aims of the inception meeting included:

- Review background to the research;

- Finalise the project objectives, priorities and scope;

- Discuss the concept of proportionality and its definition within plan preparation and the wider planning process;

- Agree the selection of cases of good practice in SEA of development plans in Scotland;

- Discuss draft research questions that will be used to structure the research and provide evidence to inform recommendations; and

- Adjust and confirm the structure and content of the work plan, including agreeing key meeting and reporting dates.

6.37   Following the inception meeting, a detailed programme was prepared for circulation to the steering group.

The project inception meeting was held 3/11/2016 at SEPA, Perth. A meeting note is provided as Appendix 1.

Task 2: Method finalisation

6.38   To assist and structure this approach we prepared a series of research questions covering the key elements of the SEA process, its application at different levels, engagement with Consultation Authorities and the public, the requirements of the SEA Act and identified through legal challenge and, importantly, key areas where SEA of planning documents has been subject to criticism. These were explored with the project steering group at the inception meeting, refining and adding additional research questions as appropriate.

6.39   Key themes for research questions included:

Meaning and understandings of 'proportionality'

6.40   The Planning Review Recommendation 5 states:

*"The main issues report should be removed and replaced with a single, full draft plan, providing that there is a renewed commitment to early engagement. The **proportionality of supporting information, including environmental assessment, should be addressed**. Complexity can also be reduced by removing or limiting the scope to produce supplementary guidance. Action programmes are essential for supporting delivery and should be retained."* [LUC emphasis]

6.41   However, what is meant by proportionality – and whose understanding of the concept takes precedence – is critical. While often used as a shorthand for 'shorter documents', proportionate environmental assessment could often result in more detail, where the sensitivity of receptors and/or the nature or scale of significant effects indicate this is necessary.

6.42   Key questions include:

- Do planning authorities and the consultation authorities have substantially different visions of 'proportionality'?

- How compatible with the requirements of the legislation are these visions?

- Are there any issues therein that could be addressed or exacerbated by the proposed changes to the planning system?

This was discussed as a key issue at inception – and the range of different understandings was readily apparent.

Steering group feedback was subsequently provided on the scope and range of research questions on this topic.

SEA methods and approach
Flexibility and innovation in SEA methodology vs standardisation

- To what extent are planning authorities developing their own approaches to SEA?
  - Do authorities apply a standard approach to SEA of documents across the hierarchy / all relevant PPS?
  - Does this help to produce more proportionate assessments? If not, why not?

- How are the consultation authorities dealing with innovation?

- Is there evidence that more standardised approaches to SEA result in better planning outcomes and more proportionate assessment processes than more flexible or innovative approaches?

6.43 These questions will generally be answered through the review process – although it is anticipated that questions on whether RAs adopt an (internal) standard approach to all SEA will be included in surveys.

Use of screening

- Are authorities using screening effectively to secure proportionate assessments – or is it being used inappropriately and creating problems?

- Are authorities screening out issues or developments assessed at different levels in the policy hierarchy? (e.g. National Developments)

Use of scoping

- How effectively are RAs using scoping (at the outset of an SEA and at key stages during the process) to focus on the key environmental issues associated with the development plan in question and likely significant environmental effects? This may cover particular SEA topics, geographic areas, types or scales of development.
  A key aspect of this will be the potential for responsible authorities and consultation authorities to come to an informed decision about those elements which should be omitted from the assessment, or considered in less detail (see below).

- Is there evidence of 'scoping thinking' being applied throughout the process (e.g. responsible authorities adjusting the scope of assessment in line with new evidence or indications of more significant adverse effects than anticipated)?

- How effectively are consultation authority comments / suggestions in Scoping opinions taken into account in terms of:
  - Baseline evidence?
  - Scales of assessment and levels of detail?
  - Approach to assessment?
  - Use of objectives?

Evidence base

- Is there scope to make the process of compiling and analysing the environmental baseline more efficient and focused?
  Some authorities already make good use of State of the Environment reports to inform the baseline. There may be scope to extend this and to increase the role of Scottish Environment Web as a source of key data. Again, there may be potential for creative use of scoping to focus effort on understanding those aspects of the environment most at risk.

- Do responsible authorities have a standing baseline (e.g. 'State of the Environment Report') in place?

- How frequently is this reviewed, and is it added to or scaled back depending on what is being assessed? (e.g. for the main LDP vs. an urban design SG)

Setting of SEA objectives

- Is there benefit in adopting a standardised suite of SEA objectives for the assessment of all development plans, or is there benefit in maintaining consistency with other SEAs carried out by a responsible authority?

- Is there potential to narrow the range of objectives which are included in the assessment, depending on the results of the scoping exercise, including analysis of baseline?

Level of detail in assessment

- Is there potential to limit the detail of the SEA for particular types of development, scales of development or policies without compromising the ability of the assessment to meet statutory requirements or to usefully inform the development of planning policies?

Relationship between SEA at different levels in the planning hierarchy

- Are there good examples of SEA of planning documents reducing the requirement for, or detail of, SEA carried out at other levels in the hierarchy of national policy and strategic and local development plans?

- Do these show higher level plans drawing on the conclusions of lower level plans (e.g. to scope out potential effects) or vice versa?

Examples:

- To what extent / how effectively is the SEA of NPF3 reflected in the SEA of Clydeplan?
- To what extent / how effectively is the SEA of NPF3 National Developments reflected in the SEA of the Falkirk LDP?
- To what extent are key policies (e.g. on wind energy) influenced by SEA of higher-level plans (SDP / NPF)?

Reasonable alternatives

- Are there examples of the SEA of reasonable alternatives being integrated fully into the development and evaluation of strategy and policy options or is this more commonly a separate exercise?

Public engagement and presentation of SEA findings

- Are there examples of effective involvement of the public in the SEA process?

- Are there examples of SEA outputs being presented in an accessible and public oriented way, for example using infographics or telling a story about the area's environment and how the development plan will meet societal needs while conserving and enhancing it?

SEA and planning outcomes
Role of SEA in producing better plan policies

- Are there clear examples of SEA producing better development plan policies?

- Are these examples reflective of the methods that were used, the role of scoping or the involvement of the Consultation Authorities or other stakeholders?

Role of SEA in producing better planning outcomes

- Is there any evidence of SEA resulting in better planning outcomes when the whole planning process (plan preparation, development management) are taken into account?

- How might these compare with planning outcomes in the absence of SEA?

It is recognised that this will be challenging to interpret, given that outcomes without SEA will be essentially unknowable. However, it should be possible to track the influence on the SEA process

and consultation authority input between scoping, MIR / ER, Proposed Plan / ER and the adopted plan and post-adoption statement- as well as through qualitative responses from questionnaires and interviews.

6.44   It would be useful to understand the extent to which SEA influences the ways in which sites are developed – e.g. through influencing development briefs, masterplans and – ultimately – in the assessment of proposed developments (e.g. in scoping EIA).

6.45   However, it is thought unlikely that SEA will have had a meaningful effect on EIA, beyond potentially acting as a guide to scoping. (Generally, the precautionary approach required by EIA – and the need to eliminate risk to developments – counsels an approach that starts from first principles.)

6.46   Where SEA of potential site allocations identifies so-called 'showstopper' issues (e.g. unacceptable levels of flood risk), authorities should be taking cognisance of this and not allocating affected sites[22]. Ideally, where any such issue is identified no further assessment (e.g. of other topics) would be undertaken. While no quantitative data can be gathered, anecdotal evidence of how authorities deal with this issue can be collected through surveys and interview responses.

Role of SEA in monitoring of development plans

- Is there evidence of SEA influencing LDP monitoring processes and reports?

    - Are significant impacts monitored effectively?
    - Are mitigation measures followed through?
    - Are impacts / mitigation measures carried through to subsequent plan iterations?
    - Are mitigation measures adopted from appropriate upper tier SEAs?

SEA and other recommendations of the planning review

- What implications do other recommendations of the planning review have for a potentially streamlined or more focused SEA process?

- Do they help identify areas where SEA should be making the greatest contribution or areas where the value may be more limited?

Task 3: Survey

Survey design

6.47   We prepared a draft on-line questionnaire using SurveyMonkey program intended to gather the following information:

- Respondent details – authority/organisation, role (including awareness and involvement in SEA).

    - **As discussed in the Inception meeting, the surveys will be kept anonymous – but with the option to provide contact details at the end if respondents would like a follow-up discussion if they have more to contribute.**

- Questions exploring current practice (informed by research questions as appropriate) designed to identify examples of good practice together with challenges and issues, and areas of agreement or disagreement between planning authorities and Consultation Authorities.

    Key issues to explore could include flexibility versus standardisation, the role of scoping in focusing the SEA process, authorities' approach to baseline analysis and the setting of SEA objectives, the level of detail included in the assessment, relationship with SEA of other plans and programmes, the assessment of reasonable alternatives and the levels and methods of public engagement. We will gather views on the extent to which SEA improves policies and leads to better planning outcomes (e.g. through the subsequent development decisions).

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[22] The findings of our research for ClimateXChange / CCC Adaptation Sub-committee indicates that, unfortunately, this is not always the case. http://www.climatexchange.org.uk/adapting-to-climate-change/assessing-consideration-flood-risk-scottish-local-planning-authorities/

- Questions to solicit suggestions about how the SEA of development plans in Scotland could be improved, allowing people to respond to issues they have identified in earlier parts of the survey as well as asking them questions structured around research questions.

  Key issues to explore could include the role of scoping, focusing SEA at appropriate levels of detail (taking account of the planning hierarchy), the assessment of reasonable alternatives, standardisation of approach and ways of engaging with the public.

  There is also scope to gather views of how SEA could be aligned with other changes likely to be brought forward following the planning review, though this might be considered too speculative to include in the survey.

6.48   As discussed at inception, the survey was distributed to planning authorities and consultation authority contacts – through the SEA and HRA Forum.

Survey

Draft survey questions are included as Appendix 2.

6.49   The survey ran for a four week period. Survey responses were monitored and targeted reminder emails sent out as appropriate.

Survey analysis

6.50   At the end of the survey period analysis of the questionnaire responses drew out:

- Aspects or examples of SEA that work well, are proportionate, deliver good policies and planning outcomes and meet the requirements of the Act;

- Aspects or examples of SEA which work less well, particularly those which are not proportionate and do not deliver good outcomes;

- Areas of common agreement or discussion between responsible authorities and consultation authorities, particular relating to levels of detail, levels of assessment within the plan hierarchy and effective scoping;

- Examples of best practice; and

- Suggested ways of improving the SEA of development plans, particularly those put forward in order to improve proportionality.

6.51   The findings were summarised in a short paper that was circulated to the steering group.

6.52   While we understand that the steering group may have examples of good practice in mind, the results of the survey may help refine or supplement this as well as confirming some of the issues and opportunities to be explored during subsequent phases of the project.

Task 4: Case analysis

6.53   The fourth task focused around the analysis of a series of examples of good practice in the SEA of development plans in Scotland. This part of the work focused on identifying ways in which the SEA process can be made proportionate whilst still contributing to improved development plan policies and, ultimately, better planning decisions and more sustainable patterns of development on the ground.

6.54   The agreed case studies are:

- National Planning Framework 3

- Clydeplan SDP

  - South Lanarkshire
  - East Dunbartonshire
  - Glasgow City Plan 3

- Angus

- Scottish Borders
- Moray

6.55 Ideally, the case studies would provide examples of useful or innovative presentation of the findings of SEA work for use in public consultation.

We undertook an initial audit of all relevant paperwork and provided the client with a view on how appropriate and effective the case studies were likely to be in fulfilling the necessary objectives.

The original submission was costed on the basis of five case studies.

Revised costings for **seven plans** [Clydeplan SDP, plus six local authorities] and a small allowance of time to review NPF3's SEA (necessary for interactions with Clydeplan and National Developments in LDPs) are provided in **Section 4**.

6.56 For each case study authority we:

- Made contact with officers responsible for plan preparation and the SEA to introduce the study and let them know they are being included as an example of good practice.

- Obtained and reviewed the SEA Scoping Report, published Environmental Report and Post Adoption Statement, and corresponding Consultation Authority responses, together with any publicly available papers relating to the SEA process. In parallel we would review the Strategic / Local Development Plan (including Main Issues Report, Proposed Plan, Examination Report) as appropriate.

  - We mainly usedthe SG SEA Database in this regard.

- Hold interviews with planning authority officers responsible for undertaking the SEA, preparing the development plan and Consultation Authority staff who engaged with the SEA process.

6.57 Analysis was designed to draw out examples of efficient, focused and effective assessment (proportionality) that are easily accessible and understood by the public, exploring the research questions outlined above. It also examined challenges, barriers or other problems that planning authorities identify in relation to SEA, together with any further suggestions on ways the process could be improved whilst meeting the requirements of the Act.

Task 5: Analysis

6.58 Tasks 2-4 have identified and explored examples of best practice in proportionate and effective SEA. They have also identified and explored ways in which the SEA process could be improved. The fifth stage of the research considered how these could be reflected in a reformed and streamlined approach to the SEA of development plans. This included consideration of:

- The extent to which potential changes can be implemented whilst meeting the requirements of the Environmental Assessment (Scotland) Act 2005. This will include reference to development plans which have been the subject of legal challenges where SEA has been an important factor in the judgement (we have good knowledge of the relevant legal cases from throughout the UK). This will help ensure that any changes are legally compliant. We have allowed for two days' specialist legal advice from WJM LLP to ensure inform this part of the work. If the research results in more extensive or detailed recommendations, it may be necessary to extend WJM's involvement.

- The extent to which potential changes can be aligned with wider changes to the planning system brought forward as a result of the planning review. It is notable that a number of the recommendations of the planning review could have significant implications for SEA and its role within the plan preparation process. Key areas to consider will include the potential move to a 10 year plan cycle with interim reviews, the removal of the main issues report stage in plan preparation, the proposal that allocated sites should be granted planning permission in principle, the introduction of simplified planning zones to facilitate an increase in housing development and greater community involvement in preparing place plans for inclusion in local development plans.

- The requirement for potential changes in the SEA of development plans to be reflected in updated guidance, toolkit and training to ensure these encourage a focus on proportionality. It will be important to consider how any changes relate to SEA of other local authority, agency and government plans and programmes in Scotland, including in relation to the marine planning regime.

6.59   Analysis informs a series of justified recommendations regarding future development of SEA of development plans in Scotland, with the specific object of ensuring greater proportionality linked to better plan policies and planning decisions.

Task 6: Reporting

6.60   We produced a succinct report, setting out the study findings and the resulting, justified recommendations regarding future development of SEA of development plans in Scotland. Research evidence, together with the method statement will be appended to the report. An Executive Summary is provided.

6.61   We submitted a draft report to the project steering group and, following meeting to discuss the draft, will prepare a final report.

Appendix 3

Matrix of baseline sources

Responde nt ID	National and local datasets matched to SEA topic areas	State of the Environm ent Reporting (or similar)	Updated baselines from previous SEAs	SEWeb data	Ecosyste m service mapping	Previous SEA ERs / PASs	LDP Monitorin g	Other	Counts
1	X		X	X		X			4
2	X	X	X			X	X	X	6
3									0
4	X	X	X	X		X	X		6
5	X	X	X	X		X	X		6
6	X		X			X	X		4
7	X		X			X	X		4
8									0
9									0
10	X		X	X		X	X		5
11	X	X	X	X	X	X	X	X	8
12									0
13	X	X	X			X	X		5
14	X	X	X			X	X		5
15	X	X	X	X		X			5
16	X	X						X	3
17	X	X	X	X		X	X		6
18									0
19									0
20	X	X	X		X				4
21		X					X		2
22		X							1
23	X	X	X		X	X			5
24	X	X	X	X		X	X		6
25	X	X		X					3
26	X	X	X	X		X	X		6
27									0
28	X	X	X	X	X	X	X		7
29									0
30	X	X					X		3
31	X	X	X	X	X	X	X		7
32	X	X	X	X		X			5
33									0
34									0
35	X	X	X	X		X	X		6
36									0

	1	2	3	4	5	6	7	8	
37	■	■	■				■		4
38	■	■	■	■		■	■	■	7
39	■	■	■	■	■	■	■		7
40									0
41	■	■	■	■	■	■	■	■	8
42	■		■			■	■	■	5
43	■	■		■	■	■	■		6
44	■		■	■					3
45									0
46	■			■		■			3
47									0
48	■		■		■		■		4
49	■	■	■	■		■	■		6
50	■	■	■		■	■	■		6
51									0
52	■	■	■		■	■	■		5
Count	35	29	30	22	10	28	26	6	

Appendix 4
Interview proformas

Table 6.1 Survey Pro-forma Local Authorities

SEA Survey pro-forma: LOCAL AUTHORITIES			
Authority:			
Name:			
Topic	**Talking points**	**Supplementary detailed questions**	**Responses**
General experience of LDP SEA	• Had you worked on the SEA of a development plan before? • What worked well? • What was less effective? Was this easier / more difficult / about the same than SEAs for previous plans?		
LINK: Moving on to some of the specific issues you encountered…			
Plan-specific questions	Explain that all the sample LDP SEAs have been reviewed, based on the published material – with specific issues drawn out of the correspondence What did the LPA do with the information supplied and were the CA recommendations taken into account and how. If not why?	Insert key issues here	
LINK: The recommendation in the planning review relating to SEA – and LDP supporting studies – was aimed at securing a more proportionate approach…			
Proportionality	SEA is intended to be a strategic, proportionate process – focussing on significant environmental effects. However, what 'proportionality' actually means can vary depending on who you ask! • What is your understanding of the term 'proportionality' as it applies to SEA?	• What approach did you use in defining 'significant impacts'? • Did this relate to the scale of the plan?	
	• Do you think that you were able to deliver a proportionate SEA of your LDP?	• Why do you think this is? OR • What do you think were the barriers to achieving a more	

		proportionate approach?	
	• Do you think the SEA added value to the plan-making process?		

LINK: Obviously, the Consultation Authorities play an important role in SEA – and have a major influence on the proportionality of approaches and outputs…

| **Role of the consultation authorities** | **Choose, depending on whether they think their SEA was proportionate or not:**

• In your experience, did the consultation authorities help to achieve a proportionate SEA?

OR

• In what ways could the consultation authorities have helped make your SEA more proportionate? | For example:

• More tightly-focused baseline?

• Different approach to assessment?

• Stronger focus on significant effects?

• Advice on mitigation and monitoring? | |
| | **Did they make use of SG SEA guidance?**

Was it useful? | What was good?
What needs to change? | |

LINK: As you might be aware, we've undertaken an online survey of planning officers involved in SEA and Consultation Authority staff - gathering their experiences of SEA of LDPs…

| **Recommendations emerging from the online surveys** | Preparing an appropriate baseline study, or State of the Environment Report, is a key part of SEA – but has been widely identified as being very time and resource-intensive. | A fairly strong recommendation is that there should be a central repository of up-to-date spatial data and other environmental information.

• Is this something you would be interested in?

• How best could it be delivered?

• (there is already a Scotland-level State of the Environment report and interactive data on SEWeb – but it would need to be much more detailed / downloadable)

• This should then be tailored to local circumstances. | |
| | Similarly, gathering information on relevant | Should this information be held and | |

	plans, policies and programmes has been identified as being an intensive – but not necessarily helpful – process.	updated centrally, to allow responsible authorities to simply download a relevant list / documents?	
	We appreciate that undertaking SEA of LDPs can be very complex. Respondents were interested in tools that could help manage this complexity and ensure compliance	• Do you think a checklist-type approach would be helpful to aid the management and assembly of SEAs? • Providing a 'gatecheck' at scoping and ER stage to make sure everything has been considered? • **What might the key topics be?**	
	Defining and assessing reasonable alternatives was widely identified as being challenging – particularly where few realistic options may be available.	• Would further guidance on understanding what is required to be 'reasonable' be helpful? • How might this be delivered? • (e.g. guidance / worked examples?)	
	Mitigation of effects and monitoring seem to cause a range of issues	• Was this an aspect of your SEA that you found challenging? • Why? • Do you feel that additional guidance would be helpful? (**Bear in mind SG guidance and PAN 1/2010...**) • What and why?	
END	Do you have any other thoughts or comments on SEA of LDPs that you'd like to add?		

Table 6.2 Survey pro-forma Consultation Authorities

SEA Survey pro-forma: Consultation Authorities			
Authority: **Name:** **Plan:**			
Topic	**Talking points**	**Supplementary detailed questions**	**Responses**
General experience of LDP SEA	• What worked well in the Plan? • What was less effective? • Was this easier / more difficult / about the same than SEAs for previous plans?		
LINK: *Moving on to some of the specific issues you encountered…*			
Plan-specific questions	*Explain that all the sample LDP SEAs have been reviewed, based on the published material – with specific issues drawn out of the correspondence* *Discuss why these issues were raised and why it was important they were addressed.*		
LINK: *The recommendation in the planning review relating to SEA – and LDP supporting studies – was aimed at securing a more proportionate approach…*			
Proportionality	SEA is intended to be a strategic, proportionate process – focussing on significant environmental effects. However, what 'proportionality' actually means can vary depending on who you ask! • What is your understanding of the term 'proportionality' as it applies to SEA?		
	• Do you think that the LA were able to deliver a proportionate SEA of the LDP?	• Why do you think this is? OR • What do you think were the	

		barriers to achieving a more proportionate approach?	
	• Do you think the SEA added value to the plan-making process?		

LINK: *Obviously, the Consultation Authorities play an important role in SEA – and have a major influence on the proportionality of approaches and outputs…*

Role of the consultation authorities	• In your experience, did your feedback help to achieve a proportionate SEA?		

LINK: *As you might be aware, we've undertaken an online survey of planning officers involved in SEA and Consultation Authority staff - gathering their experiences of SEA of LDPs…*

Recommendations emerging from the online surveys	We've had an excellent response, with lots of really useful information coming out of it. Now, I'd like to discuss with you some of the emerging recommendations that colleagues' from across Scotland's SEA community have suggested…		
	Preparing an appropriate baseline study, or State of the Environment Report, is a key part of SEA – but has been widely identified as being very time and resource-intensive.	A fairly strong recommendation is that there should be a central repository of up-to-date spatial data and other environmental information. • Is this something you would be interested in? • How best could it be delivered? • (*there is already a Scotland-level State of the Environment report and interactive data on SEWeb – but it would need to be much more detailed / downloadable*)	
	Similarly, gathering information on relevant plans, policies and programmes has been identified as being an intensive – but not necessarily helpful – process.	Should this information be held and updated centrally, to allow responsible authorities to simply download a relevant list / documents?	

	We appreciate that undertaking SEA of LDPs can be very complex. Respondents were interested in tools that could help manage this complexity and ensure compliance	• Do you think a checklist-type approach would be helpful to aid the management and assembly of SEAs? • Providing a 'gatecheck' at scoping and ER stage to make sure everything has been considered? • **What might the key topics be?**	
	Defining and assessing reasonable alternatives was widely identified as being challenging – particularly where few realistic options may be available.	• Would further guidance on understanding what is required to be 'reasonable' be helpful? • How might this be delivered? • (e.g. guidance / worked examples?)	
	Mitigation of effects and monitoring seem to cause a range of issues	• Was this an aspect of the SEA that you found lacking? • Why? • Do you feel that additional guidance would be helpful? (***Bear in mind SG guidance and PAN 1/2010...***) • What and why?	
END	Do you have any other thoughts or comments on SEA of LDPs that you'd like to add?		