

Environmental Assessment (Scotland) Bill

Briefing for Stage 3 Debate – 9 November 2005

Scottish Environment LINK warmly welcomes this legislation on Strategic Environmental Assessment (SEA) and commends the work of the Environment and Rural Development Committee on their scrutiny of the bill.

An essential tool to ensure that the environment is considered at the beginning of the decision making process, the introduction and application of SEA should help us avoid many long-term costs by having to rectify environmental damage arising from inappropriate policy decisions

This legislation will deliver the **Partnership Agreement** commitment to:

... legislate to introduce strategic environmental assessment to ensure that the full environmental impacts of all new strategies, programmes and plans developed by the public sector are properly considered.

Key Aim: The SEA process should be transparent, accountable and adequately supported to ensure it works now, and continues to do so in the future.

Pre-screening: The work done by the Committee to consider the issues of pre-screening and ensure it is a transparent process has been important. **Amendment 7** tabled by the Executive to ensure that this is an open and accountable process is welcomed and supported by LINK.

The SEA Gateway: It is important that the 'Gateway' will form the central co-ordination and support point for the delivery of SEA across the public sector, as set out by the Scottish Executive from the beginning. It should be able to support the delivery of an efficient and effective SEA process. In order to do this, the Gateway must not only co-ordinate paperwork between bodies and update the website, but should be available to share best practice and provide support and advice.

At Stage 2, the Minister commented that *'the Gateway is here to stay'*. It is vital that such support remains in place, and does not falter soon after the passing of the Bill. Therefore, Scottish Environment LINK warmly welcomes the intention to provide Parliament with an **Annual Report** on progress and delivery and supports the amendments that would do this.

LINK would welcome confirmation that co-ordination, support, advice and guidance will be provided by the Gateway to assist responsible authorities as they begin to undertake SEA, to ensure maximum effectiveness and efficiency as well as to assist the development of best practice in the long term.

The Ministers assurances would be welcome, but LINK would support **Amendments 8A and 10A** which seek to secure the longevity of these functions in legislation. The support for these amendments is based on our awareness that there is a clear need for a co-ordinated provision of support, advice and guidance and it is critical to ensuring that this ground-breaking piece of legislation can actually be delivered. The

alternative could be much more costly to the public purse, depending entirely on advice and support from consultants.

LINK would also support **Section 2, Amendment 3** which seeks to close a loophole through which private companies undertaking public functions would be exempt from undertaking SEA. This would seem to be contrary to the intentions stated by the Executive and indeed seems counter to stated intentions of the Minister. It would also create a different regime between public and private bodies undertaking public functions, reducing the responsibility for the latter. For example, this could mean that infrastructure improvements by Scottish Water would be subject to SEA while proposals for modifications to the transmission system by energy companies would not.

Section 4, Amendment 5: The application of SEA to financial or budgetary plans was considered by the committee who recommended that Ministers consider whether the bill should allow for the exclusion of these plans on a more flexible or case-by-case basis. The provision of the screening and pre-screening processes mean that only those likely to have a significant effect on the environment will actually be subject to SEA, and that there should not just be an automatic exclusion. For example, a spending announcement about the increase or reduction of funding for energy efficiency support would have an environmental impact but would not be subject to SEA if not attached to a plan.

Scottish Environment LINK commends this bill to Parliament.

This is a hugely welcome and important piece of legislation. Scottish Environment LINK hopes to work closely with the Executive, the Consultation Authorities and the Responsible Authorities to ensure that the implementation of the legislation lives up to the promise of the intention.

For more information contact:

Anne McCall, LINK SEA TF Convener on 0131 311 6500 or 07734 717 019

anne.mccall@rspb.org.uk