

Chapter 3: Introduction and approach to the sustainability appraisal process

Background and principles

Sustainability appraisal (SA) considers the economic, social and environmental impacts of an emerging plan (the three dimensions of sustainable development). The aim in undertaking SA is to identify a plan's likely significant adverse effects and take steps to avoid and/or mitigate these as well as identify opportunities to maximise the plan's sustainability.

The requirement for SA in the marine plan process is outlined in the Marine and Coastal Access Act 2009, which stipulates that all marine plans are subject to SA, and that it is undertaken in line with the procedures prescribed by the EU Strategic Environmental Assessment (SEA) Directive¹. Published Government guidance on SEA² (referred to as the Practical Guide) has been followed in developing the approach to this SA in order to ensure compliance with the SEA Directive.

SA differs from SEA in that it gives greater consideration to socio-economic issues (although the SEA Directive refers to a possible need to consider issues such as "population" and "human health").

The purpose of SEA is:

"...to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to contributing to sustainable development".
(Article 1 of the SEA Directive)

The requirement to undertake SA reflects the fact that, although marine plans will be developed to reflect the principles of sustainable development, it is important that there is an independent check. The SA ensures that sustainability issues are considered in a clear and transparent manner.

In particular, the SA process ensures a structured and systematic consideration of sustainability issues through its focus on testing and comparing the merits of different plan alternatives as well as consultation with key stakeholders. An understanding of the environmental and socio-economic implications of different alternatives will be useful to the MMO as it prepares the plan and will also be useful to stakeholders engaging in the plan-making process.

Both through professional analysis underpinned by scientific understanding, and supporting more effective stakeholder engagement, the SA should lead to plan-making being scrutinised from a greater number of angles and perspectives than it might otherwise be. This helps to drive the development of a more holistic and ambitious plan.

¹ Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment

² ODPM et al. (2005) A Practical Guide to the Strategic Environmental Assessment Directive

The SA process

The stages in the SA process have been developed to take into account the five procedural stages (A to E) of SEA outlined in the Practical Guide³. These are presented in the flow chart below.

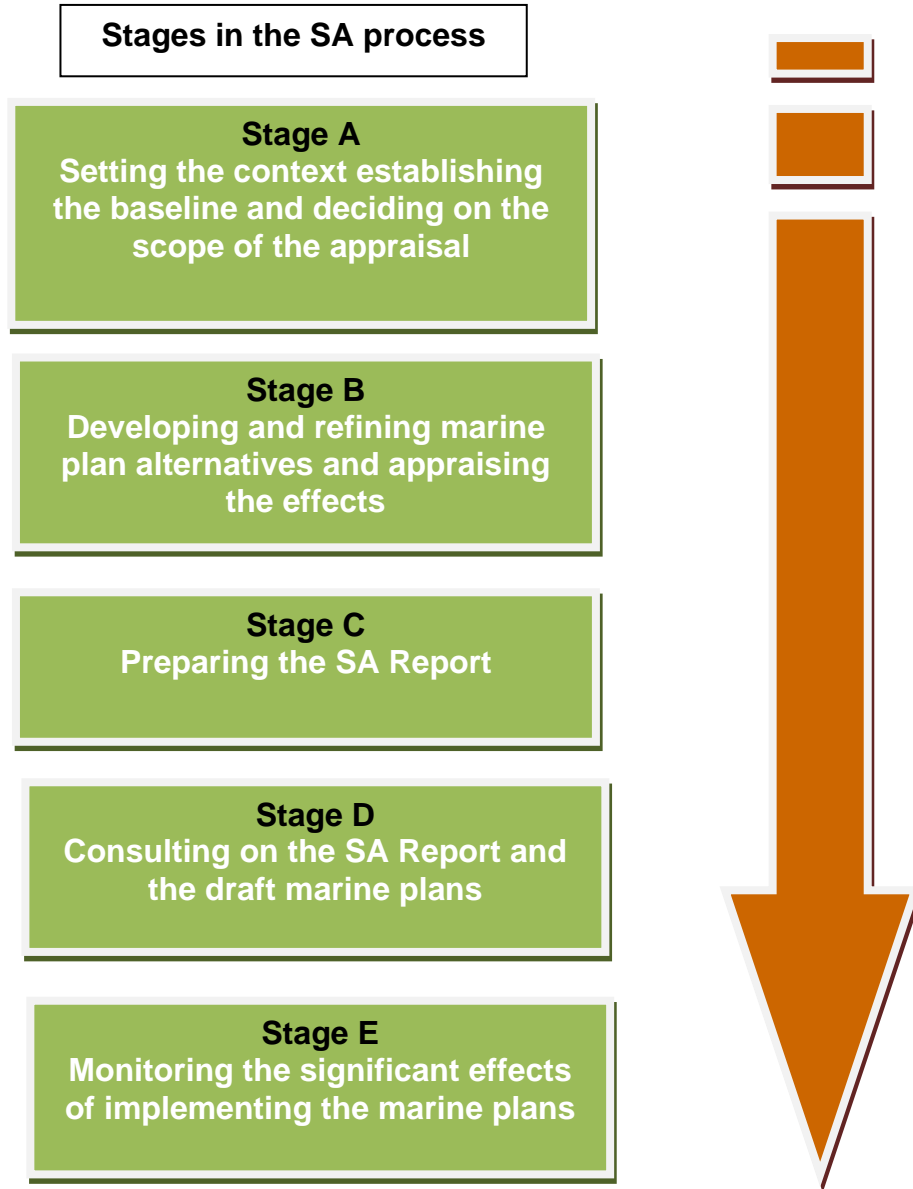


Figure 3.1: Stages in the SA process

³ ODPM et al. (2005) A Practical Guide to the Strategic Environmental Assessment Directive

In practice, the SA will be undertaken in parallel with the marine plans and will feed into their development at appropriate intervals – see Figure 3.2 below. SA will be particularly important at the options stage when its findings can inform the choice between competing alternatives.

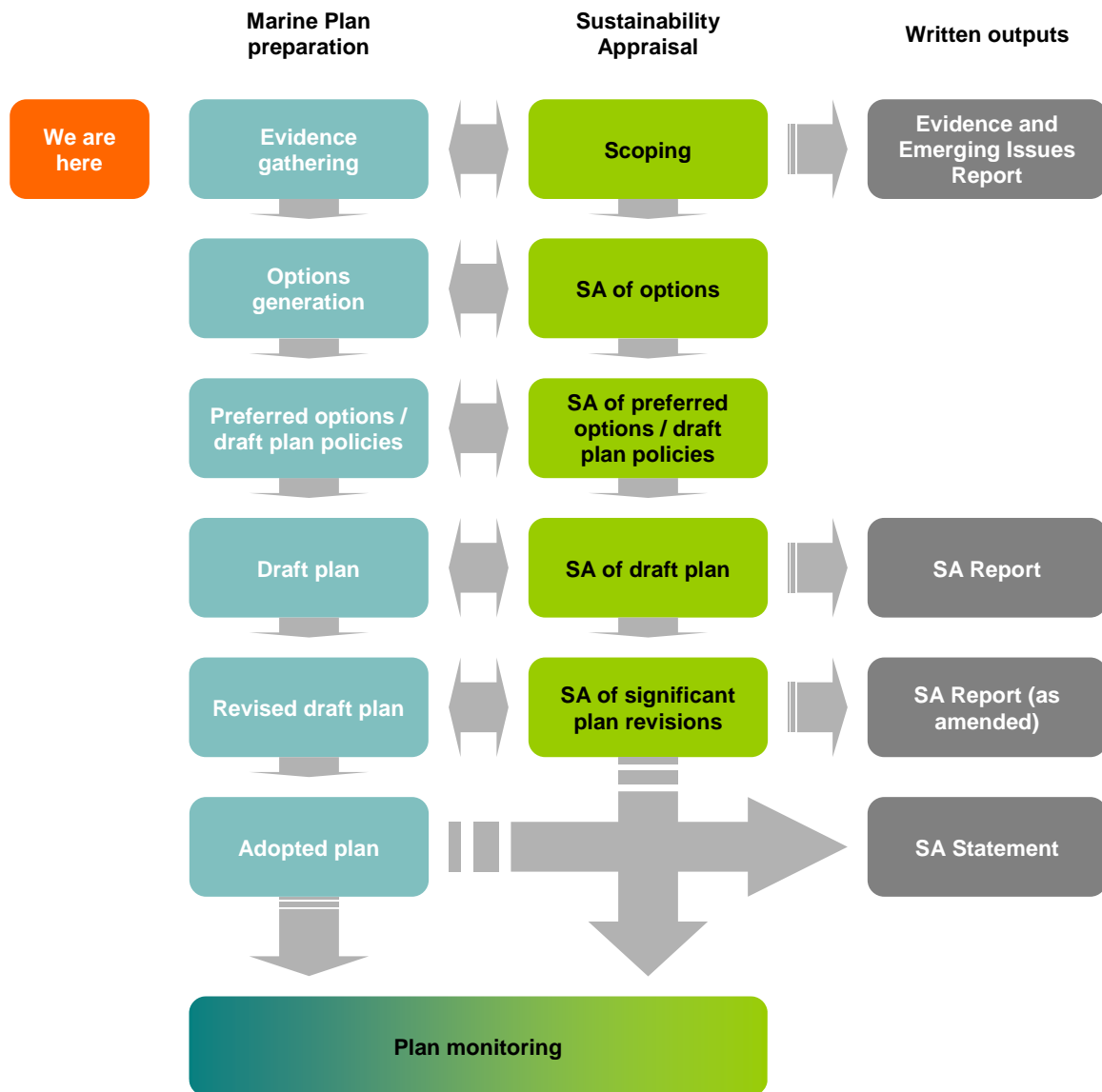


Figure 3.2: Stages in the SA process⁴

⁴ Note the 'SA Statement' is published once the plan has been adopted and sets out how the SA has influenced the content of the plan as well as the measures for monitoring its implementation.

The scope of the SA (Stage A)

Currently, plan-making is at the evidence gathering stage with a view to using this evidence to develop plan options in the near future. Similarly, at this stage there is a need to establish the scope of the SA. Scoping involves identifying those sustainability issues that will (and will not) be the focus of the forthcoming appraisal. As such, it is important that scoping is informed by the views of stakeholders. To facilitate this, the earlier draft of this report set out the proposed scope of the SA for stakeholder comment therefore allowing stakeholders to highlight further issues that should be within the remit of the SA (as well as perhaps highlight issues of lesser importance that might be excluded from consideration in order to ensure a concise and well focused appraisal).

It is anticipated that the SA will cover both marine plans (East Inshore and East Offshore) in tandem. There is a considerable overlap between the context, data collation and potential options for the two plans, and as outlined in the report introduction, it would be more practical to cover both in a single SA process while ensuring that any differences between them are clearly highlighted. The study area for the SA therefore corresponds with the boundaries of the two marine plans as identified in Chapter 1, Figure 1.1, together with a consideration of any transboundary and cumulative effects which may occur in neighbouring areas.

Topics to be covered in the SA

The 2005 UK Sustainable Development Strategy sets out a series of guiding principles for sustainable development (see Figure 3.3). The topics to be addressed in the SA have been developed with these principles in mind together with the requirements of the SEA Directive⁵.

⁵ The SEA Directive suggests that the following issues might be addressed as part of an assessment: biodiversity; population; human health; fauna; flora; soil; water; air; climatic factors; material assets; cultural heritage including architectural and archaeological heritage; landscape and the interrelationship between the above factors.

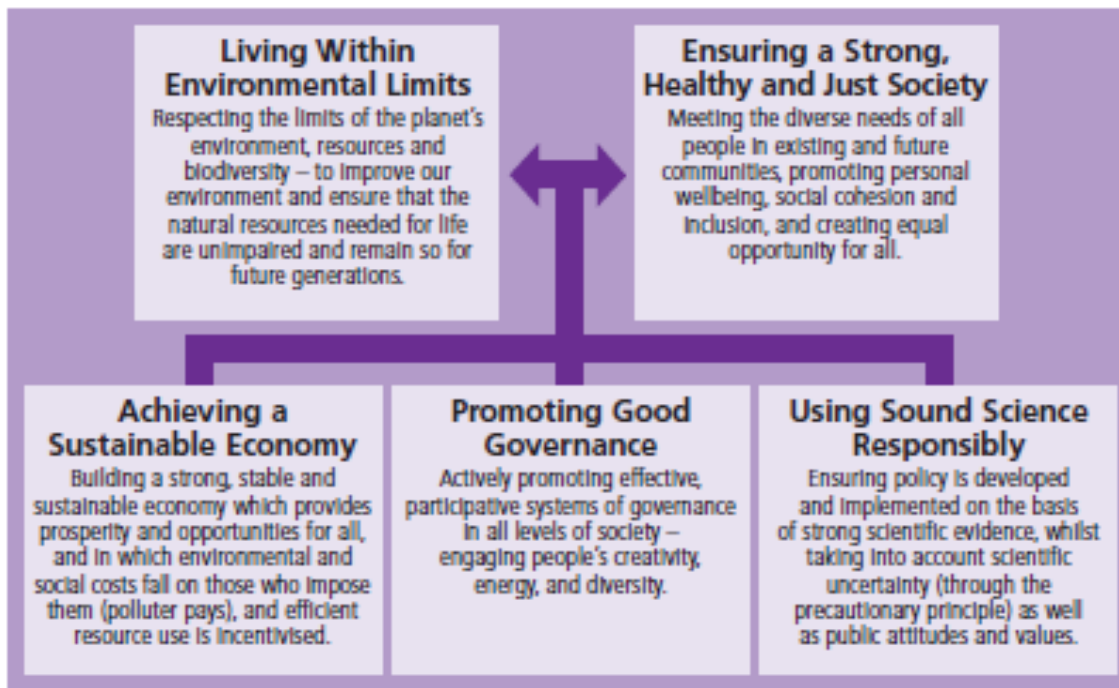


Figure 3.3: The five principles of sustainable development⁶

The topics to be considered in the SA are:

- air and climate
- communities and health (including equality issues)
- geology and geomorphology (coastal processes)
- cultural heritage
- ecology
- economy
- landscape and seascape
- water environment.

Under each topic, consideration will be given to a range of sustainability issues. One important point to note is that under the communities and health topic it will be possible to give clear and explicit consideration to 'equality' issues, so there is no need to undertake a separate equalities impact assessment (EqIA).

Many of the SA topics identified overlap and are interrelated – an effect in relation to one topic may also result in a direct or indirect effect in relation to a number of other topics. Climate change, for example, is one particular cross-cutting issue that is relevant to all the topics identified. The marine environment is particularly sensitive in this respect and close attention will be paid to the inter-relationships between these topics throughout the SA.

Further information on the scope of each of the SA topics is presented in Chapter 6 of this report. Each topic includes information required by the SEA Directive and each is structured around the following questions:

⁶ Defra Sustainable Development Strategy 2005

- What is the plan seeking to achieve? (the likely links between the plan and the topic)
- What is the sustainability context?
- What is the situation now? (baseline data)
- What would the situation be without the plan? (projection of baseline)
- What are the key issues including any sustainability problems?
- Where are the data gaps?

Appraisal of the marine plans and their alternatives (Stage B)

The SEA Directive requires an identification of the likely significant effects of the plan or programme in question on the environment (and in this case also the economy and society). It is proposed that elements of the marine plans are assessed for their potential significant impacts in relation to each of the topics identified above. The detailed structure of the marine plans is still in development.

We propose that this will be a baseline-led appraisal, rather than an objectives-led appraisal as is sometimes used in SA. This means that the effects of the marine plans will be identified relative to the likely change in the current and predicted (that is without the plans) baseline situations for each of the topics identified. A series of SA objectives will not therefore be developed.

As identified above, this will be an evolving appraisal, undertaken on possible options as well as successive drafts of the marine plans. As part of the SA process we will identify and propose measures to prevent, reduce and as fully as possible offset any significant adverse effects and also to promote enhancements or improvements where appropriate.

Annex I of the SEA Directive requires an assessment of secondary, cumulative and synergistic effects. These effects will be identified in the SA together with an assessment of any transboundary effects on neighbouring countries.

Treatment of alternatives

Article 5.1 of the SEA Directive states:

"...an environmental report shall be prepared in which the likely significant effects on the environment of implementing the plan or programme, and **reasonable alternatives** taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated." [our emphasis]

The SEA Practical Guide⁷ advises that only realistic and relevant alternatives should be considered and they should be sufficiently distinct to enable a meaningful comparison of their different effects. The development of options will be a key part of the marine plan preparation process.

The SA Report (Stage C)

A key output of the SA process will be the production of an SA Report. This will document the SA process and its findings and together with a non-technical summary will be used as a consultation document alongside the draft marine plans.

⁷ ODPM et al. (2005) A Practical Guide to the Strategic Environmental Assessment Directive

Annex 1 of the SEA Directive prescribes the information that must be contained within the report (in this case broadened to also cover social and economic information as well as environmental). Providing this information involves being able to answer a series of questions. The questions that must be answered within the SA Report are shown in Table 3.1. Answering these questions will be a key thread throughout the entire SA process starting at the scoping stage.

Table 3.1: Questions to be answered within the SA Report

Questions (that will be used to structure the SA)		Corresponding requirement of the SEA Directive Annex 1 (the report must include...)	Explanation of information to be provided under each heading
1	What is the plan seeking to achieve?	" an outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes" (Annex I(a))	This is a useful opportunity to explain, up front what the plan is seeking to achieve (and not trying to achieve, bearing in mind the plan's 'strategicness') and how it relates to the topic in question.
2	What's the sustainability context?	"an outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes " (Annex I(a)) " the environmental protection objectives, established at international, Community or member state level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation" (Annex I(e))	In order to understand what is meant by 'sustainable development' in the context of the plan, there is a need to review other relevant plans and programmes and the opportunities and constraints these present in relation to the marine plans.
3	What's the situation now ?	" the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme" (Annex I(b)) " the environmental characteristics of areas likely to be significantly affected " (Annex I(c))	Drawing on the evidence available this question involves establishing a snapshot of the current state of play in relation to the topic in question.
4	What would the situation be without	"the relevant aspects of the current state of the environment and the likely evolution thereof	There is also a need to consider how baseline conditions would evolve in the future, assuming a

Questions (that will be used to structure the SA)	Corresponding requirement of the SEA Directive Annex 1 (the report must include...)	Explanation of information to be provided under each heading	
	the plan?	without implementation of the plan or programme " (Annex I(b))	business as usual scenario.
5	What are the key issues that should be a focus of the appraisal?	<p>"any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC [special protection areas under the Birds Directive] and 92/43/EEC" (Annex I(d))</p> <p>(Note impacts on European sites will be specifically addressed through Habitats Regulations assessment.)</p>	SA needs to be focused, and so this is an opportunity to identify particular issues (problems and opportunities highlighted through the review of the sustainability context and baseline/future baseline) that should be a particular focus of the appraisal.
6	Where are the gaps in the evidence-base?	"an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know how) encountered in compiling the required information" (Annex I(h))	This provides an opportunity to highlight any gaps in the evidence base and any implications for the SA process
7	How has the plan developed up to this point (including the influence of SA)?	<p>"an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know how) encountered in compiling the required information" (Annex I(h))</p> <p>"the environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any</p>	Answering this question is an opportunity to explain the iterative nature of the plan-making / SA process and how options have been appraised.

Questions (that will be used to structure the SA)	Corresponding requirement of the SEA Directive Annex 1 (the report must include...)	Explanation of information to be provided under each heading
	environmental considerations have been taken into account during its preparation " (Annex I(e))	
8	How has the appraisal been undertaken? "an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know how) encountered in compiling the required information" (Annex I(h))	This provides an opportunity to set out the methodology used to undertake the SA
9	What are the appraisal findings and recommendations at this current stage? " the likely significant effects on the environment , including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors" (Annex I(f)) " the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme " (Annex I(g))	Depending on the stage of plan-making, the appraisal focuses on alternatives (options) or preferred options or draft plan policies. Significant effects are identified for key issues, drawing on the understanding generated through the review of the sustainability context and baseline/future baseline. Explicit recommendations for improving the plan are made (e.g. regarding more sustainable alternatives or a modification to a proposed approach). The response of the plan-makers to these recommendations at each stage forms the basis for answering Question 7 at the subsequent stage.
10	How can we best monitor the plan's impacts? " a description of the measures envisaged concerning monitoring... " (Annex I(i))	Where the plan is anticipated to have significant effects, there is a need to consider how baseline conditions will be monitored going forwards.

Consulting upon the draft marine plans and the SA Report (Stage D)

The penultimate step in the SA process will involve finalising the plan following consultation on a draft version. It is at this stage that a key procedural requirement of the SEA Directive must be met. In particular, the SA Report must be published for

consultation alongside the draft plan, and taken into account by plan-makers in finalising the plan.

Monitoring (Stage E)

As part of the SA the significant effects of the plan will be identified and these should be monitored during the plan's implementation. In practice, this involves identifying suitable indicators for particular issues and including these within the overall monitoring framework for the plan.

Habitats Directive (92/43/EEC)

Under Article 6(3) of the EU Habitats Directive⁸ as transposed in the UK by the Habitats Regulations⁹, an appropriate assessment, known as **Habitats Regulations assessment (HRA)**¹⁰ needs to be undertaken in respect of any plan or project which:

- either alone or in combination with other plans or projects would be likely to have a significant effect on a site designated within the Natura 2000 network – these are SACs and SPAs (Natura 2000 network sites are also known as European sites)
- is not directly connected with the management of the site for nature conservation, such as a conservation plan.

A screening exercise will be undertaken to determine whether the marine plans could have a significant effect on sites within the Natura 2000 network. This process will run alongside, but be separate to, the SA process. Data has already been gathered relating to the Natura 2000 network sites that are proposed to be considered. If the screening report concludes that significant effects on sites within the Natura 2000 network could occur, an appropriate assessment will be undertaken at an appropriate scale agreed for these plans.

⁸ European Commission (1992) Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora

⁹ The Conservation (Natural Habitats, &c.) Regulations 1994 (Statutory Instrument No. 2176) (as amended) Statutory Rule 1995 No. 380, The Conservation (Nature Habitats, etc) Regulations (Northern Ireland) 1995 (as amended).

¹⁰ www.legislation.gov.uk/ukxi/2010/490/pdfs/ukxi_20100490_en.pdf