

## Key differences: Environmental Impact Assessment (EIA), Strategic Environmental Assessment (SEA), Sustainability Appraisal (SA) and Appropriate Assessment (AA)

Note: This table is intended as a summary. The relevant legislation should be consulted for precise wording.

	EIA	SEA	SA	AA
<b>Legislation</b>	Directive 97/11/EC amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (“EIA Directive”) <sup>i</sup>	Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (“SEA Directive”) <sup>ii</sup>	Planning and Compulsory Purchase Act (2004) <sup>iii</sup>	Council Directive 79/409/EEC on the conservation of wild birds (“Birds Directive”) <sup>iv</sup>  Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (“Habitats Directive”) <sup>v</sup>
<b>Aim of the process</b>	To ensure that planning decisions are made with full knowledge of a <u>project’s</u> likely significant environmental effects, and that any negative effects are prevented, reduced or offset, while positive effects are enhanced.	To provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparations and adoption of <u>plans and programmes</u> with a view of promoting sustainable development.	To promote sustainable development through the integration of social, environmental, and economic consideration in <u>development plans</u> . SA incorporates the requirements of the SEA Directive.	To avoid adverse effects of plans, programmes and projects on Natura 2000 sites and thereby maintain the integrity of the Natura 2000 network and its features
<b>Screening</b>	Identify whether a project falls within Annex 1 or Annex 2 of the EIA Directive, and therefore requires EIA.	Identify whether a plan or programme is a ‘ <i>plan or programme</i> ’ as defined by the SEA Directive (Article 2(a)) and whether it is likely to have significant environmental effects (Article 3(4)). If the answer to both of the above is yes, then the plan or programme will require SEA.	Not required. The Planning and Compulsory Purchase Act (2004) defines those plans requiring SA. These are; revisions of Regional Spatial Strategies (RSS) and new or revised Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs).	Identify whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and therefore requires AA.
<b>Scoping</b>	Not mandatory, but accepted as good practice.	Mandatory requirement to consult designated statutory bodies on ‘ <i>the scope and level of detail of the information which must be included in the Environmental Report.</i> ’ (Article 5(4))	The CLG SA guidance <sup>vi</sup> states that Regional Planning Bodies (RPBs) should consult the statutory consultation bodies on the basis of a scoping report (scoping is also required by the SEA Directive).	Scoping is accepted as good practice and aims to precisely identify the potential impacts that the AA should cover, as well as the appropriate information to gather.

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<b>Focus of assessment</b>	Issues set out in Article 3 of the EIA Directive including the indirect and direct effects of a project on human beings, fauna and flora, soil, air, water, climate, landscape, material assets, cultural heritage and the interaction of the above factors.	Issues set out in Annex 1 of the SEA Directive including biodiversity, population, human health, flora, fauna, soil, water, air, climate, landscape, material assets, cultural heritage and the interaction of the above factors.	The significant sustainability effects of revised RSSs, and new/revised DPDs or SPDs (as well as the issues listed in Annex 1 of the SEA Directive).	The ecological features for which the site has been designated
<b>Alternatives</b>	Requires the Environmental Statement (ES) to include, where appropriate, an outline of the main alternatives studied by the developer and an indication of the reasons for choosing an alternative, taking into account their environmental effects.	Requires the ER to identify, describe and evaluate ' <i>reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme</i> ' (Article 5(1)).	The CLG SA guidance states that the SA must consider strategic and preferred options (consideration of alternatives is also required by the SEA Directive).	Considering alternative solutions is only technically necessary if the AA process cannot rule out an adverse effect. However, the search for alternatives is likely to be ongoing during the plan, programme and project preparation process and accompanying appropriate assessment process in order to <u>avoid</u> an adverse effect.
<b>Effect of the result of the assessment on the decision</b>	In determining the project application, the competent authority is required to have regard to the Environmental Statement, as well as to other material considerations. The authorities may also request the developer to provide further information where they consider that the ES is inadequate.	Provides information to be taken account of in the decision, but does not determine it. A post-adoption statement must be produced outlining changes made to the plan or programme as a result of the SEA, responses to consultations, and the reasons for choosing the plan in light of other reasonable alternatives dealt with.	Forms part of the test of soundness of the RSS, LDP and SPD (these must have been subjected to satisfactory SAs). Any representations made questioning whether the SA is satisfactory or not will have to be considered.	Constrains the decision: if the appropriate assessment concludes that adverse effects cannot be ruled out then there are very limited options: 1. Reject the plan; 2. Consider if there are alternative solutions. If there are, the plan cannot be adopted. 3. If there are no alternative solutions, the plan can only be adopted where there are imperative reasons of overriding public interest <sup>viii</sup> and compensation measures for damage have been secured.

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<b>Monitoring</b>	While the EIA Directive contains no explicit monitoring requirements, these are implicit in the identification of 'measures to prevent, reduce and where possible offset any significant adverse effects on the environment' (Article 5(3)). Predicted effects should be monitored, as well as delivery of commitments in the ES. Competent authorities can also attach monitoring conditions to consents.	The SEA Directive places a duty on Member States to 'monitor the significant environmental effects of the implementation of plans and programmes in order, inter alia, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate action.' (Article 10(1))	The CLG SA guidance states that proposals for monitoring must be included in the SA Report. The Act requires the RPBs to produce Annual Monitoring Reports to report on the progress of implementing the RSS revision or new/revised LDDs.	Considered good practice. The Annual Monitoring report provides the best opportunity to present information how the plan is meeting its biodiversity targets with respect to European sites. Monitoring the timing and effectiveness of mitigation measures set out in the plan policies will be important to ensure the AA's conclusion of no adverse effects are realised.
<b>Guidance</b>	Environmental Impact Assessment: A guide to good practice and procedures (forthcoming) <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/151087">http://www.communities.gov.uk/documents/planningandbuilding/pdf/151087</a>	A Practical Guide to the Strategic Environmental Assessment Directive <a href="http://www.communities.gov.uk/publications/planningandbuilding/practicalguides/sea">http://www.communities.gov.uk/publications/planningandbuilding/practicalguides/sea</a>  Strategic Environmental Assessment - Learning from practice <a href="http://www.rspb.org.uk/Images/seareport_tcm9-153343.pdf">http://www.rspb.org.uk/Images/seareport_tcm9-153343.pdf</a>	Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents <a href="http://www.communities.gov.uk/publications/planningandbuilding/sustainabilityappraisal">http://www.communities.gov.uk/publications/planningandbuilding/sustainabilityappraisal</a>	Planning for the Protection of European Sites: Appropriate Assessment - Guidance For Regional Spatial Strategies and Local Development Documents <a href="http://www.communities.gov.uk/archived/publications/planningandbuilding/planning2">http://www.communities.gov.uk/archived/publications/planningandbuilding/planning2</a>  The Appropriate Assessment of Spatial Plans in England (RSPB) <a href="http://www.rspb.org.uk/Images/spatialplansengland_tcm9-168180.pdf">http://www.rspb.org.uk/Images/spatialplansengland_tcm9-168180.pdf</a>

<sup>i</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001L0042:EN:NOT>

<sup>ii</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31997L0011:EN:NOT>

<sup>iii</sup> [http://www.opsi.gov.uk/ACTS/acts2004/ukpga\\_20040005\\_en\\_1](http://www.opsi.gov.uk/ACTS/acts2004/ukpga_20040005_en_1)

<sup>iv</sup> <http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1979/L/01979L0409-20070101-en.pdf>

<sup>v</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31992L0043:EN:HTML>

<sup>vi</sup> Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents

<http://www.communities.gov.uk/publications/planningandbuilding/sustainabilityappraisal>

<sup>vii</sup> There are detailed requirements in respect of demonstrating imperative requirements of overriding public interest. It is recommended that the wording of the Habitats

Directive is consulted as well as the European Commission's guidance to Article 6 of the Directive – *Managing Natura 2000*

[http://ec.europa.eu/environment/nature/nature\\_conservation/eu\\_nature\\_legislation/specific\\_articles/art6/pdf/art6\\_en.pdf](http://ec.europa.eu/environment/nature/nature_conservation/eu_nature_legislation/specific_articles/art6/pdf/art6_en.pdf)