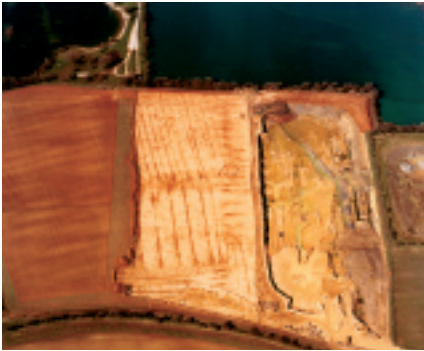


A NEW EUROPEAN DIRECTIVE ON STRATEGIC ENVIRONMENTAL IMPACT ASSESSMENTS



Shorncliffe Quarry, near Ashton Keynes, Wiltshire. Evaluation and excavations in advance of gravel extraction is a frequent requirement of environmental assessment. Copyright © English Heritage, NMR



A landscape of windmills. High tech, sustainability, and ecology – all terms apply to the new generation of windmills, reusing an old technology to produce energy. But they also change a landscape considerably, as this picture from Halland in South Sweden demonstrates. Photograph Gerhard Ermischer

Environmental impact assessments are set to become more widely required and will include analysis of the relevant ‘cultural heritage’ (including archaeology) under a Directive recently passed by the European Parliament.

The Directive is an extension of the provisions already in place under the 1985 Environmental Impact Assessment Directive, and will therefore have implications for practising archaeologists. It was carried on 27 June 2001, and its full title is *Directive 2001/42/EC of the European Parliament and Council on the assessment of the effects of certain plans and programmes on the environment* (the EU doesn’t specialise in catchy titles!) The full text can be found at <http://europa.eu.int/eur-lex/en/oj/index.html> then search for OJ L197 p30.

This new Directive does not replace the existing Environmental Impact Assessment Directive, but has a wider remit. It is due to be implemented in UK law at the latest by July 2004, and the government (ODPM) is consulting on implementation guidelines. The idea behind this is to enable a much more strategic approach to be taken to the environmental assessment of potential developments than that demanded by the Environmental Impact Assessment Directive, which only permitted a fairly narrow assessment of individual projects without taking into account their wider context.

The new Directive is expected to apply to local authority development plans under Town and Country Planning legislation and to regional planning guidance and related plans for land use or spatial planning. It is also expected to apply to plans which may be introduced as a result of the reforms proposed in the English Planning Green Paper: *Planning: Delivering a fundamental change* (DTLR 2002).

The provisions will apply to plans and programmes whose formal preparation begins after 21 July 2004.

It will also apply to those already in preparation before that date but which have not been adopted or submitted to a legislative procedure by 21 July 2006. It will be directly relevant to the following plans among others

- structure plans
- district local plans
- unitary development plans
- minerals local plans
- waste local plans
- regional planning guidance
- The Spatial Development Strategy for London.

The SEA Directive requires a formal assessment of plans and programmes which are likely to have significant effects on the environment. Authorities which prepare and/or adopt a plan or programme that is subject to this Directive will need to prepare a report on significant environmental effects, consult environmental authorities and the public and take the results into account. The exception at this stage is that the EU Structural Funds and rural development Regulation will be exempt from this process until the end of the 2000–06 programming period.

One of the interesting provisions of this directive is that it requires alternatives to be assessed, for the public to be consulted and for the assessment to be carried out during the development of a plan. This should be in advance of its adoption or submission to the legislative procedure.

Environmental assessment will be mandatory for

- plans and programmes which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning, or land use and which set the framework for future development consent for projects listed in the Directive on Environmental Impact

Assessment (85/337/EEC) amended by 97/11/EC); and

- plans and programmes requiring assessment under the Directive on Habitats (92/43/EEC).

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

The Directive will also require monitoring of the implementation of plans and programmes, to identify unforeseen effects and enable remedial action to be taken. This is a considerable advance on the past. Plans and programmes for national defence, civil emergencies, finance and budgets are excluded from the Directive, and policies are not covered.

As ever with these directives, the detail is in the Annexes. Cultural heritage is written into Annex II, therefore opening the door to archaeological assessment. The detail of how the Directive as a whole will be incorporated into UK law is still gestating at government level and expert input would be useful. There is provision for an assessment of the way the Directive is working, after seven years.

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