Lessons Learned from Undertaking the SEA to Inform the Review of Waste Strategy 2000

1 Introduction

The SEA to inform the review of Waste Strategy 2000 can be considered a 'first of its kind' study in terms of its scope, complexity and relationship to a process to develop Government policy. With this in mind, it is useful to apply hindsight and identify lessons learned that could be applied by Defra in future studies of this type.

This note looks at lessons learned in two particular areas:

1. from applying the individual stages in the SEA methodology, and
2. from a resources and contractual perspective.

2 Stages in the SEA

The SEA followed the methodology and guidance set out in the Government's Practical Guide[1]. As a structured approach to undertaking this study, the Practical Guide proved very helpful and its use is recommended in future studies. It should be remembered, however, that the recommendations contained in the Practical Guide do not have to be followed slavishly and there is flexibility to adapt the methodology to fit the particular circumstances of a study, so long as the requirements of the UK Regulations are met. This view was supported by Roger Smithson (ODPM). Similarly, sector specific guidance for SEA is being developed and, where available, should be used to supplement the Practical Guide.

Of particular note is Appendix 9 of the Practical Guide (the Quality Assurance checklist) which was used throughout the study to test whether the requirements of the SEA Directive were being met. This was a valuable system and helped ensure the study remained focussed. It is recommended that this checklist is used in future studies and referred to at regular intervals, rather than being used once at the end of the project when it may be too late to take corrective action.

The process was facilitated by Defra's willingness to do justice to the SEA process within the overall review. As SEA is a relatively new approach, there is an element of learning required by all parties and this was done with mutual support.

Stage A: Setting the context and objectives, establishing the baseline and deciding on the scope

In this case, the overall objectives of the study were set by Defra and used to set the specification for the contractor's scope of work. These were in line with Defra's overall objective of undertaking the review of Waste Strategy 2000 and caused no problems in the study.

An early stage in the process was to complete the Scoping Report for the statutory consultees. Considerable effort was expended on this (before the contractors were engaged) and this proved to be valuable to ensure that the consultees were in agreement with the proposed scope and objectives from an early stage. In general, the more information that can

[1] A Practical Guide to the Strategic Environmental Assessment Directive (2005) Office of the Deputy Prime Minister, Scottish Executive, Welsh Assembly Government, Department of the Environment Northern Ireland.

be provided in the Scoping Report, the less chance there will be of problems arising later in the process.

Another early task was to establish the SEA objectives and indicators. This was done in a rigorous manner jointly between Defra and the contractors, which set a strong foundation for the remainder of the project. It did, however, take several iterations to finalise the list of objectives and indicators, which meant that some revisions to the draft ER were needed to maintain internal consistency. It is recommended that similar effort is expended on this aspect of the work in future studies and that the list of objectives and indicators is agreed as early as possible in the process.

The establishment of the baseline proved to be a major part of the study, and the time and effort needed to complete it were greater than anticipated. In any SEA, the baseline has to be approached with an open mind and it is not always possible to know beforehand the extent of information that will need to be compiled and evaluated. This is somewhat easier to do when the scope of a study is limited in geographical extent and the nature of the environmental effects that could occur (e.g. to support a local transport plan).

In this case, however, it proved more difficult than anticipated first to identify the source of all relevant information, then to obtain and compile it. In some cases, data were not provided or arrived very late in the process – for example, there were some problems in receiving information requested from the Environment Agency in good time. In the event, this did not limit the study or the final ER but there was the potential risk that the delay in finalising the baseline could have meant that an issue arose late in the day that might have required the assessment to be revised. It is recommended that in future studies steps are taken to finalise the baseline as early as possible. This could, for example, be helped by making early contact with the statutory consultees and other ‘owners’ of information so that sources of data can be identified.

It is also recommended that the nature of the baseline (its content and presentation) be agreed at the outset of the project. In this case, a very comprehensive baseline document was produced that extended beyond the simple provision of information to include an element of interpretation. This was beyond that required to meet the minimum requirements of the UK Regulations but helped the reader to understand the issues addressed. In some other studies, the baseline is often only a listing of data (e.g. in a database or Excel format).

The review of other plans and programmes (‘context review’) was also very comprehensive, and should serve as a basis for any future study on waste issues.

Stage B: Developing and refining alternatives and assessing effects

It was in this stage that the approach followed in the study necessarily diverged from the approach recommended in the Practical Guide. Because Defra intended for the consultation paper to ask a set of open questions and discuss strategy, rather than propose a particular course of action, it was not possible for the SEA to assess a specific proposed plan and its alternatives.

Whilst a very pragmatic approach from the point of view of developing Government policy in a consultative manner, this did cause some problems for the study in that it was left to the SEA team to identify the alternatives to be assessed. The approach taken was to identify and assess an enveloping range of alternatives that was considered to cover all of the likely policy scenarios. There was a risk, therefore, that the alternatives considered within the study could be inconsistent with those examined in the partial RIA and those discussed in the Consultation Document. In the event, these inconsistencies were minimised by close interaction between members of the teams, although the fact that the options assessed in the

study do not directly correlate with the content of the Consultation Document remains a weakness.

Future studies need to be aware of this issue as it is likely to arise again in studies associated with Government consultation papers. To ensure consistency, it is essential for there to be close working between the SEA study team and those developing policy and plans. In other cases, there has not been such close working which has led to a mismatch between SEA and consultation documents. It is not, however, obvious how this situation could be avoided completely in future given that Government is keen to engage in consultations that focus on open questions and issues, rather than present firm proposals.

The close working relationship between the SEA study team and those developing policy and plans had advantages in both directions. It is considered that the Consultation Document contains more strategic thinking derived from the study, than it might otherwise have done. This demonstrates that the iterative nature of the assessment and policy development, as anticipated in the Directive, worked well.

A significant hurdle in the process was obtaining appropriate output from the modelling teams (LAWRRD and REEIO) to use in the definition of the alternatives. There were a number of iterations required to get the output that was required, and the final dataset was obtained quite late in the process and in multiple formats. This introduced considerable project risk of delivering late and of introducing errors and inconsistencies. These risks were managed but future projects should always ensure a close link between modelling teams and the assessment team.

In the event, the assessment of the alternatives was reasonably straightforward with the modelling informed by expert opinion. Potential environmental effects were often judged on a qualitative basis in the absence of any specific metrics (e.g. of contaminant releases to the environment from particular plant and processes).

In a similar vein, many of the environmental indicators proved to be insensitive to the performance of the alternatives, which meant that only a small sub-set of indicators was actually used to evaluate their relative performance. This is a consequence of the level of detail to which the alternatives were described. Since the alternatives were only indicative of the different approaches to waste management that could be followed, it was not possible (nor appropriate) to describe them in more detail (e.g. of the exact nature of plant and processes that would be used or their location). This is not uncommon in a study at a high strategic level but can sometimes lead to an impression of lack of detail.

Certain environmental effects were, at the end of the day, not assessed – notably those that may be associated with the management of hazardous wastes. This was partly an issue of scope (which waste streams were included and which were not, and for which was there relevant input information). The time taken to fix the scope of the study made possible the introduction of weaknesses and inconsistencies between the ER and the Consultation Document, though this was avoided in the event.

Stage C: Preparing the Environmental Report

In the Practical Guide, it may be construed that the preparation of the ER is a separate task that follows on from the assessment. In this case (and in all practical situations), the ER was drafted in parallel to the compilation of the baseline and the undertaking of the assessment. This presented no real difficulties and, indeed, is to be recommended because work is recorded while it remains fresh in the mind.

In this case, numerous drafts of the ER were developed and edited. Careful management of the process avoided any confusion regarding which was the latest draft but this remained a risk when multiple authors are working on drafts in short time. The process was made more efficient by the provision of resources (meeting rooms and staff) by Scott Wilson. Ideally, it would be advantageous to have permanent secretarial support throughout the drafting process but it is recognised that this would increase costs and may not be practical.

Stage D: Consulting on the draft plan or programme and the Environmental Report

This stage of the SEA process is now underway. It is the responsibility of Defra and lies outside of the scope of the contractors. Nonetheless, it was important while undertaking the study to prepare materials in a form to facilitate this stage. There was some ambiguity over the form that materials should best be provided to support the consultation (e.g. Word files, pdf files etc.) and there were occasions when electronic files were not easily read or transferred from one format to another.

Given the very short time between completing the ER and the baseline document, and the consultation going live there was some risk of deadlines being missed. In the event, this did not happen but it is recommended in future studies to ensure there remains sufficient time at this stage for the review of documents before the consultation begins.

Stage E: Monitoring implementation of the plan or programme

This stage of the SEA process will take place at some future time. All that can be said prior to the adoption of the strategy is that the study needed to present appropriate monitoring and mitigation proposals for whatever plan is ultimately implemented. In this case, it was difficult to make definitive proposals for monitoring and mitigation because of the lack of definition of the alternatives (e.g. siting of facilities, their operational systems and characteristics).

Throughout the assessment a necessary distinction had to be drawn between environmental effects that would occur on a national scale (and therefore relevant to SEA) and those effects that would be local (and therefore relevant to the planning process and EIA). This distinction was held for the most part in the study but was uncomfortable and it would be misleading for this assessment not to make reference to local impacts where they are know to occur and where they would be considered significant to local stakeholders.

This remains an issue and is an artefact of the SEA process and how it is deemed to differ from EIA. It is recommended that in future studies it is made clear in the scope of the work how SEA and EIA interrelate and where stakeholders could go to learn about national and local impacts.

3 Resources and contractual issues

Fixed price contracting

It is understandable why Defra, for planning reasons, wish to adopt a fixed price contract process. As described above, however, the effort needed to complete an SEA cannot be defined accurately at the outset because of the uncertainty in the information available to complete the baseline and the extent to which alternatives would be provided by Defra or would need to be defined by the contractors. This places the majority of the financial risk on the contractors but also increases the project risk for Defra because contractors may not ultimately deliver as planned. It is recommended that Defra considers alternative flexible contracting methods for similar large-scale projects.

Tight timescales

It was clear and understood at the outset that this study would need to be completed to a tight schedule. Obviously this increases the project risk for Defra and, in future, any steps that can be taken to start the process earlier should be taken. This need not necessarily increase the costs of employing contractors.

In this case, the study was not unduly affected by being completed to such a tight timescale but pressures on Defra and contractor staff meant that project delivery and the process of document peer review was achieved at its limit.

Given the tight timescale, it was essential that Defra's planning was good and that all milestones and timescales were communicated at the beginning of the process, and were stuck to.

On another positive note, there was extremely good communication between the project team in spite of geographical separation. At every stage of the project all parties knew what everyone else was doing. In a complex project such as this, conducted to a challenging timescale, this was essential to the success. Communication took various forms, particularly face-to-face meetings and telecons. The latter are useful but only for focussed debate and should not be used for 'brainstorming' early in a project.

Ownership

It was not an issue in this study but potentially there could be a conflict between Defra and contractors with regard 'ownership' of a document when it is jointly developed. This may become an issue in terms of final editorial control in so far as a contractor may take the view that it is their responsibility to present their considered views, even if they differ to those of Defra. It is recommended that Defra make it clear with contractors at the outset of the process who has final editorial control and document ownership.

4 Key messages

In summary a number of key messages can be derived from the study that can be used to inform similar studies in future:

1. The Practical Guide on SEA and, in particular, the 'checklist' should be referred to frequently to ensure that a study remains consistent with the UK Regulations.
2. Effort should be expended on the Scoping Report to make it as complete as possible to enhance the chances of support from the statutory consultees.
3. The baseline report can take substantially longer and require more resources to produce than anticipated. This is partly outside of a project's control because it can be difficult to obtain data in short time from third party organisations who are the holders of environmental information. This is a key source of project risk.
4. It is essential that there is a close working relationship between the SEA team and those developing policy and plans. In particular, it needs to be clear which group is responsible for the identification of alternatives. If alternatives are identified late in the process, there is a risk of inconsistencies between the ER and the Consultation Document.
5. There is an uneasy distinction between national and local scale environmental effects. Although SEA is formally about large-scale effects most stakeholders are concerned with local impacts, and this may affect the public perception of the consultation process.
6. Many environmental indicators can be insensitive to the performance of the alternatives at the level of detail to which they can be described in a strategic study. This can sometimes lead to an impression of a lack of detail in the assessment.

7. Working to tight timescales increases the risk of errors in the ER and inconsistencies between the ER and the Consultation Document. Good project management and communications are essential to minimise this risk.

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